

SUPPLEMENTAL EDUCATIONAL SERVICES
Procedures Manual for 2008-2009 School Year

Florida Department of Education
Bureau of Student Assistance
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SECTION A: INTRODUCTION

Legal Authority

No Child Left Behind (NCLB)

The No Child Left Behind (NCLB) Act (www.nclb.gov or <http://www.ed.gov/policy/elsec/leg/esea02/index.html>), signed into law in January 2002, amended the Elementary and Secondary Education Act of 1965 (ESEA) and included the vast majority of federal programs and funding that affect K-12 education. NCLB contained many new provisions and requirements, and placed the responsibility for implementation at the federal, state, and local levels.



The key mission of NCLB is to close the achievement gap in America's public schools. The legislation aims to accomplish this through high standards and accountability. Title I and other titles of NCLB address key federal programs and requirements related to issues such as reading, teacher quality, programs for English language learners, school safety, and technology.

The most significant changes contained in NCLB appear in Title I of the Act, which governs federal support for high-poverty students and schools. Title I, Part A, requires that every state, as a condition of receiving federal funds, establish standards and assessments in language arts, mathematics, and science, and test students for purposes of school accountability.

The law raises the stakes for school accountability by requiring all schools to make "Adequate Yearly Progress" (AYP). Schools are held accountable for the success of all groups of students so that high average test scores will not mask serious achievement gaps. Schools, LEAs, and states that fail to demonstrate AYP in improving student proficiency and closing achievement gaps face a series of escalating consequences. LEAs and the state must provide technical assistance to schools that fail to demonstrate AYP.

Section 1116, NCLB

According to Section 1116, NCLB (<http://www.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1116>), consequences for failing to demonstrate AYP in improving student proficiency include the following:

Level 1. Title I schools that fail to achieve AYP for *two consecutive years* are identified as *in need of improvement* and must develop a school improvement plan. The LEA must provide technical assistance and offer students the option to transfer to another public school with district-provided transportation.

Level 2. Title I schools that fail to achieve AYP for *three consecutive years* remain in need of improvement, and must offer students two options: 1) to transfer to another public school, including charter schools, with transportation provided, or 2) supplemental educational services from state approved providers. Eligible students are all students from low-income families who attend Title I schools that are in their second year of school improvement, corrective action, or restructuring.

Level 3. Title I schools that fail to achieve AYP for *four consecutive years* are placed in *corrective action*. Students attending these schools must continue to be provided with public school choice with transportation or supplemental educational services. The LEA must implement at least one fundamental change from a list of options, such as replacing staff or implementing a new curriculum.

Level 4. Title I schools that fail to achieve AYP for *five consecutive years* are identified as *restructuring*. The LEA must continue providing students with public school choice or supplemental educational services. The LEA must also plan for alternative governance at the school and, after *six consecutive years* of not making AYP, place the school under alternative governance.

NCLB seeks to empower parents with information and options if their child's academic needs are not being met. Parents are provided with many options for their children who attend low-performing schools, including the opportunities to transfer to a higher-performing public school or receive supplemental educational services.

The choice provisions in NCLB benefit parents and students by allowing them to choose to attend another school while their home school implements improvement efforts. This allows parents to determine if their child's needs are being effectively met and if their child has access to the highest quality educational program. Low-income parents have the opportunity to access supplemental educational services, or free tutoring, for their children. This tutoring, if delivered effectively, provides students an opportunity to improve academic skills, make academic gains, and reach state goals. Each state has the responsibility to implement the choice provisions of NCLB, including monitoring LEAs to ensure compliance with the law.

Public school choice is a critical component of NCLB. School improvement activities under Title I and public school choice can provide all students in low-performing Title I schools with the opportunity to obtain a high-quality education. When students are provided high-quality educational options, and when parents receive information to make intelligent choices among those options, public school choice can increase both equity and quality in education.


Purpose of SES


Florida has always been committed to ensuring highest student achievement for all the state's students. The goal of supplemental educational services is to ensure that students increase proficiency in meeting the state's academic achievement standards in reading and math. Services may include such assistance as tutoring, remediation, and academic intervention, and must take place outside the regular school day.

In addition, the number of providers offering services to students has increased over time. This has helped to ensure that Florida families have more options available for their children and easier access to services. The effectiveness of Florida's supplemental educational services can be seen in the increasing numbers of students attaining proficiency in the state standards. The purpose of this manual is to provide guidance to LEAs and providers in the management and administration of the Supplemental Educational Services (SES) program in the state of Florida. Key ideas are in bold and noted throughout the manual with a key symbol:



Annual Timeline

Month(s)	Major Activity
January	<ul style="list-style-type: none"> Applicants participate in an Request for Applications (RFA) technical assistance workshop with date and location to be announced at http://www.fldoe.org/flbpso
February 1	<ul style="list-style-type: none"> FDOE releases RFA via Paperless Communication System and posts the RFA at http://www.fldoe.org/flbpso This is also where applicants may access the on-line application.
February - March 	<ul style="list-style-type: none"> Mail or hand deliver to the Bureau of Student Assistance the Hard-copy Documentation Requirements: <ul style="list-style-type: none"> Cover Page Checklist of Hard-Copy Documentation Requirements Financial Soundness Documentation Original signed and properly executed assurances on Attachment A: General Assurances and Attachment B: Internet Statement of Assurances Final Submit on-line portion of application
May	<ul style="list-style-type: none"> Applicants notified regarding approval or non-approval of application State-approved providers posted on the Directory at: http://data.fldoe.org/ses/search/ LEAs initiate the contractual process by notifying each state-approved provider designated for the specific LEA

<p>June - July</p>	<ul style="list-style-type: none"> • FDOE releases AYP results and identifies Title I schools whom failed to achieve AYP for three or more consecutive years and are required to offer SES to eligible students • Approved SES providers attend a mandatory NCLB School Choice Leadership Summit. • LEAs and state-approved providers finalize contracts
<p>July - September</p>	<ul style="list-style-type: none"> • Providers coordinate with school districts to develop parent outreach, Student Learning Plans, background checks, and assignment of students • Implement plan to hire and train employees • Develop infrastructure to serve students • Participate in provider fairs, if applicable • Collaborate with parents for the development of the Student Learning Plans
<p>August-October</p> 	<ul style="list-style-type: none"> • Begin providing supplemental educational services to students no later than October 15
<p>Ongoing</p>	<ul style="list-style-type: none"> • Submit invoices and attendance records for payment • Progress Monitoring – Provide student’s academic progress at regularly scheduled intervals in an understandable format for each student’s parents, school, and school district in accordance with the Student Learning Plan • Participate in scheduled FDOE conference calls: <ul style="list-style-type: none"> • Districts – 1st Wednesday of the month • Providers – 3rd Wednesday of the month • Participate in monitoring and evaluation reporting

SECTION B: LEGAL OBLIGATIONS

Legal Obligations of SES Providers

In the State of Florida, SES is predominantly regulated and guided by federal law, state law, and rules established by the Florida State Board of Education. The No Child Left Behind (NCLB) Act requires LEAs to notify parents of eligible students enrolled in Title I schools identified as in need of improvement, corrective action, or restructuring regarding the opportunity to participate in supplemental educational services (SES) or free tutoring. Florida law (Section 1008.331, Florida Statutes [Supplemental educational services in Title I schools; school district and provider responsibilities.--]) authorizes the Florida State Board of Education (FSOBE) to adopt rules pursuant to Sections 120.536(1) and 120.54, Florida Statutes, to implement and enforce the provisions of the state law. FSBOE Rule explains the process for applying to be a SES provider and includes provisions for monitoring, evaluating, and reporting and the complaint process.

Florida State Board of Education Rule 6A-1.039, Florida Administrative Code (FAC)

According to Florida State Board of Education Rule 6A-1.039, state-approved supplemental educational services providers shall:

- Be capable of delivering supplemental educational services in the school districts where approved by the Department.
- Provide services that are secular, neutral, and non-ideological.
- Provide services outside of the regular school day, such as before or after school, on weekends, or in the summer.
- Unless provided by the school district, conduct diagnostic assessments to determine student's gaps in knowledge and skills prior to beginning services.
- Use the results of the diagnostic assessments, student academic performance information provided by the district, and input from the parents to develop the student learning plan.
- Provide educational services designed to enable the student to attain achievement goals specified on the student learning plan.
- Measure the student's progress and regularly report progress to the student's parents and teachers.
- Adhere to the timetable in the student learning plan for improving the student's achievement.
- Provide services consistent with health, safety, and civil rights laws.
- Abide by school district policies and procedures on criminal background checks and the provisions of Section 1012.465, Florida Statutes.

- Refrain from altering, completing, or submitting enrollment forms on behalf of a parent.
- Provide services to eligible students no later than October 15 of each school year contingent upon receipt of the district-approved student enrollment lists at least 20 days prior to the start date. In the event that a contract with a state-approved provider is signed fewer than 20 days prior to October 15, the provider shall have no fewer than 20 days from the date the contract is executed to begin delivering services.

Section 1116(e), NCLB

In order for a provider to be included on the state-approved list under paragraph (4)(C), a provider shall agree to carry out the following:

- Provide parents of children receiving supplemental educational services and the appropriate local education agency with information on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that such parents can understand.
- Ensure that instruction provided and content used by the provider are consistent with the instruction provided and content used by the local education agency and State, and are aligned with State student academic achievement standards.
- Meet all applicable Federal, State, and local health, safety, and civil rights laws.
- Ensure that all instruction and content are secular, neutral, and non-ideological.

Section 1008.331, Florida Statutes

Section 1008.331, Florida Statutes

(http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=Section+1008.331&URL=CH1008/Sec331.HTM), provides policy and requirements to the state, school districts, and supplemental educational providers regarding the implementation of provisions related to supplemental educational services in the No Child Left Behind Act. Further, this law provides responsibilities of FDOE, LEAs, SES providers, and parents.

- A provider or school district may not provide incentives to entice a student or a student's parents to choose a provider. After a provider has been chosen, the student may be awarded incentives for performance or attendance, the total value of which may not exceed \$50 per student per year.
- State-approved supplemental educational services providers must be able to provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date.

- In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.
- A provider must be able to deliver supplemental educational services to the school districts in which the provider is approved by the state. If a state-approved provider withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent and the minimum per site set by the provider have been met, the school district must report the provider to the Department. The provider shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year.

Legal Obligations of LEAs

Florida State Board of Education Rule 6A-1.039, FAC

LEAs providing supplemental educational services shall:

- Identify eligible students and develop equitable procedures for prioritizing services if demand exceeds available funding.
- Notify eligible families prior to and after the start of the school year regarding the availability of services and the process for obtaining supplemental educational services in an understandable and uniform format. This notice shall include:
 - Contact information for state-approved providers serving the school district, including providers accessible through technology, such as distance learning,
 - A description of services, tutor qualifications, and evidence of effectiveness as determined by the Department's evaluation of academic proficiency of each provider,
 - A description of the procedures and timelines for selecting a provider and the commencement of services, the enrollment form with clear instructions, and an offer to assist parents in choosing a provider.
- Make available the supplemental educational services enrollment forms to the parents of eligible students and providers prior to and after the start of the school year.
- Provide enrollment lists, parent contact information, and available student diagnostic data to supplemental educational services providers sufficiently in advance of October 15 so that eligible students may begin receiving supplemental educational services no later than October 15.
- Enter into a district/provider contract with each approved supplemental educational services provider approved to serve the school district; the school district is responsible for ensuring services are consistent with the district/provider contract.
- Enter into a student learning plan. The plan shall be consistent with the student's individual education plan, English language learner plan, or the plan developed under Section 504 of the Rehabilitation Act. The plan shall include the following:
 - A statement of specific achievement goals for the student; these goals shall be aligned with the Sunshine State Standards as approved by the State Board of Education
 - An explanation of how the student's progress will be measured
 - A timetable for improving achievement, and
 - An explanation describing how the student's parents and teacher(s) will be regularly informed of the student's progress.

- Reassign students to another provider for the remainder of the student's funding allocation if the provider's services do not begin by the timelines established in this rule, or if the provider's district/provider contract is terminated, or if the provider is removed from the state-approved list.

Section 1116(e), NCLB

According to No Child Left Behind, U.S.C., Section 1116 (e)(2), each local education agency required to provide supplemental educational services shall provide the following services.

- Each LEA shall provide, at a minimum, annual notice to parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of the following:
 - Each LEA shall provide, at a minimum, annual notice to parents of the availability of services to eligible students.
 - Each LEA shall provide, at a minimum, annual notice to parents of the identity of approved providers of those services that are within the local educational agency or whose services are reasonably available in neighboring local educational agencies.
 - Each LEA shall provide, at a minimum, annual notice to parents of a brief description of the services, qualifications, and demonstrated effectiveness of each provider.
- If requested, LEAs shall assist parents in choosing a provider from the list of approved providers maintained by the State.
- LEAs shall apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all students.
- LEAs shall not disclose to the public the identity of any student who is eligible for, or receiving, supplemental educational services without the written permission of the parents of the student.
- In the case of the selection of an approved provider by a parent, the LEA shall enter into an agreement with such provider.

SECTION C: APPLICATION PROCESS

Roles and Responsibilities of the Florida Department of Education

Florida State Board of Education Rule 6A-1.039, FAC

The Florida Department of Education shall:

- Provide annual notice of the process for obtaining approval to provide supplemental educational services.
- Approve supplemental educational services providers based upon the requirements set forth in Form SES 100, Supplemental Educational Services Provider Application, which is incorporated in State Board of Education Rule 6A-1.039, FAC.
- Maintain a list of state-approved providers.

Section 1116(e)(4) and Section 1111(b)(1), NCLB

A state educational agency shall:

- Define Adequate Yearly Progress (AYP), which is the minimum performance that school districts and schools must reach each year on state assessments and other measures, and identify schools that do not make AYP.

YEAR	SINI STATUS	CONSEQUENCES
Year 1 Not Making AYP	SINI 0	No Consequences for Year 2
Year 2 Not Making AYP	SINI 1	Must offer all students choice with transportation choice option in Year 3
Year 3 Not Making AYP	SINI 2	Must offer choice with transportation and state-approved supplemental educational services to eligible students in Year 4
Year 4 Not Making AYP	SINI 3	Must offer choice with transportation, state-approved supplemental educational services to eligible students, and implement corrective action in Year 5
Year 5 Not Making AYP	SINI 4	Must offer choice with transportation, state-approved supplemental educational services to eligible students, and plan for restructuring in Year 6

- Florida's guide to calculating AYP can be found on-line at: <http://schoolgrades.fldoe.org/pdf/0607/2007AYPTAP.pdf>. A Florida public school or public school district makes AYP if the following criteria are met:
 - At least 95% of all students enrolled in a public school participate in the state assessment program. This requirement applies to all students and each subgroup for reading and mathematics.
 - The state has set annual objectives for reading proficiency based on the ultimate goal to have 100% of all students proficient in reading by 2013-14. For purposes of AYP determination, students scoring 3 and above are considered proficient.
 - The state has also set annual objectives for math proficiency based on the ultimate goal to have 100% of all students proficient in math by 2013-14. For purposes of AYP determination, students scoring 3 and above are considered proficient.
 - NCLB requires the state definition of AYP to include graduation rate and at least one additional academic indicator as determined by the state. In Florida, the writing assessment is used as the additional indicator and school grades are used as an additional condition. Thus, in addition to the three criteria listed above, schools must meet three additional criteria:
 - Improve performance in Writing by 1%: All schools must demonstrate a 1% improvement in the percentage of students meeting state standards in writing. For purposes of AYP determination, students scoring 3 and above are meeting state standards. The writing target is also met if the school has a writing performance rate of 90% or better.
 - Improve the graduation rate by 1%: High schools must demonstrate a 1% improvement in its graduation rate. The target is also met if a school attains a rate of 85% or better in the current year.
 - The school has not received a D or an F school grade: The A+ School Grades are calculated prior to AYP. If a school receives a D or an F, that school does not make AYP.
 - The list of schools eligible for SES may be accessed at: http://www.fldoe.org/bsa/title1/pubs_data.asp
- Provide annual notice to potential providers of SES of the opportunity to provide services and of the procedures for obtaining approval to become an approved provider. The annual Request for Applications (RFA) from SES providers is disseminated early each calendar year via the FDOE Paperless Communications System. Registration for the Paperless Communications System can be found on-line at: <http://www.fldoe.org/Paperless/>.

- Develop and apply objective criteria in the application process for selecting providers. The review criteria used for selecting providers are disseminated as part of the RFA application packet. These can be found on-line at: <http://www.fldoe.org/flbpso>
- Promote maximum participation by providers to ensure that parents have as many qualified choices as possible
- Identify providers that offer high quality, research based tutoring services that are aligned with the state standards
- Maintain an updated list of state-approved providers, sorted by school districts, from which parents may select
 - A searchable on-line directory of providers can be found at: <http://data.fldoe.org/ses/publicsearch/default.cfm>. This directory includes options for parents to select the school district, grade level for which services are needed, instructional area(s), and transportation needs. From the list of providers, parents can access the provider's state application, which includes, but is not limited to, information about the services provided, qualifications, and demonstrated record of effectiveness.

Request for Applications

Submission and Deadline Requirements

The application process is for Supplemental Educational Services providers to become approved for one academic school year and is for services provided to students by October 15. By the deadline stated in the Request for Applications (RFA), each applicant must:

Submit the on-line application. Interested applicants must submit an on-line application by the stated deadline in the RFA. Applications received after this deadline will not be accepted. The on-line application for potential and returning SES providers can be found at <http://www.fldoe.org/flbpso/nclbchoice/ses/ses-rfa.asp>.

Submit hard-copy documentation. Interested applicants must mail or hand-deliver required hard-copy documentation to the address listed in the RFA. It is the responsibility of the sender to ensure that all hard-copy documentation is received by the stated deadline. Hard-copy documentation should include the following:

- Cover Page
- Checklist of Hard-Copy Documentation Requirements
- Financial Soundness Documentation
- Original signed and properly executed assurances on Attachment A: General Assurances and Attachment B: Internet Statement of Assurances

The Florida Department of Education must receive all parts of the application by the stated deadline in order to be considered for review and approval. Failure to submit all parts by the deadline will result in the denial of approval of the application.

Technical Assistance

Technical assistance regarding the RFA and the procedures for submitting a complete application will be posted on the FDOE website for SES at <http://www.fldoe.org/flbpso>.

Method of Review and Scoring Requirements

Each application is reviewed to ensure accurate completion of requested information and data, compliance with all provider eligibility requirements, and agreement with assurances set forth in the document. A minimum of five reviewers will review the scored portion of the application narrative as follows: the highest and lowest scores will be dropped and the remaining three scores will be averaged.

Required components. After averaging the remaining three scores, successful applications require the following:

- A score of at least 70 points out of 100 points
- A score of at least two points for each question
- Submission of sufficient documentation of financial soundness
- Submission of all properly executed assurance pages.

Method of Announcement

All applicants will be notified by mail whether the application is approved or not approved. Additionally, the list of state-approved SES providers will be posted on the FDOE website for SES at <http://www.fldoe.org/flbpso>. Information regarding approval or non-approval will not be provided via email or telephone.

SECTION D: FUNDING

Title I, Part A

Requirements

Local Educational Agency Plan



The Elementary and Secondary Education Act of 1965, as reauthorized by the “No Child Left Behind (NCLB) Act of 2001,” requires that each LEA must have on file at the State educational agency (SEA) a State Approved Local Educational Agency Plan. **This plan must be completed every five years for the school district to receive funds** under Title I, Part A, Education of Disadvantaged Children and Youth. The LEA Title I, Part A Plan may be accessed at <http://data.fldoe.org/bsa/title1PartALEAPlan/default.cfm>.

Submission. Completed plans must be submitted via the on-line system. The certification page with the original signature (blue ink) of the Superintendent must be received by FDOE on or before the published due date, and should not precede the plan submitted on-line in order for the application to be considered official.

Twenty Percent Set Aside



School districts must set aside an amount equal to 20 percent of their Title I, Part A, allocation to provide the two school choice options set forth in Section 1116 of the No Child Left Behind Act. Title I schools identified as not making AYP for two consecutive years (Year One of in need of improvement) are required to provide choice with transportation, and schools identified as not making AYP for three or more consecutive years (Year Two+ of in need of improvement) are required to offer choice with transportation **and** SES.

Schools In Need of Improvement

Year One Schools in Need of Improvement

Title I schools in Year One of needs-improvement status (those schools that did not make AYP for two consecutive years) must offer choice with transportation to all students. If demand for choice with transportation exceeds the amount of available funds, priority must be given to the lowest achieving students that qualify for Free or Reduced Price Lunch (FRPL). The district must ensure that students are offered quality choice options. “Quality choice options” are defined as follows:

- If the district has more than one school eligible to receive students because the schools are not in need of improvement status, students must be offered more than one choice option. The district may not use capacity as a factor when identifying eligible schools.
- If there are no eligible schools in the district, to the extent practicable, cooperative agreements should be established with the neighboring district.

- If there are no eligible schools and a cooperative agreement is not practicable, the district may elect to offer SES. However, the 20 percent set-aside may be used only if the delivery of SES meets the requirements set forth in Section 1116 and the provider is state approved.

Year Two+ Schools in Need of Improvement

Title I schools in Year Two or more of needs-improvement status, corrective action, or restructuring must offer eligible students the option of selecting choice with transportation or state approved SES. If the demand for choice with transportation exceeds the amount available, priority must be given to the lowest-achieving students receiving free or reduced price lunch (FRPL). SES may only be offered to students who qualify for FRPL. If demand exceeds available funds, priority must be given to the lowest-achieving students based on the most recent FCAT scores.

Districts with schools in Year One and Year Two+ of in need of improvement must spend five percent of the 20 percent for choice with transportation and five percent of the 20 percent for state approved SES. **School districts must spend the per-pupil cost for SES for each**



student or the actual cost of the service, whichever is less. The set-aside funds may not be used for administrative costs associated with either choice with transportation or SES, and may not be used for transportation for SES. The remaining funds are required to be spent for choice with transportation and/or state approved SES, based on demand. However, if a lesser amount is needed and the school district can document it has fully met the demand for one or both options, the remaining funds from the 20 percent set-aside may be reallocated for other allowable activities that will increase student achievement of the lowest performing students in Title I schools.

Documentation. Before determining that an amount less than 20 percent of its allocation is needed for choice related transportation and SES, a school district must be able to document that it has fully met demands for these services. A school district must be able to document that:

- all eligible parents have been appropriately notified of the availability of public school choice and SES;
- options to parents have been adequately publicized in understandable formats and multiple forums; and
- parents have been offered a reasonable period of time to investigate their options and submit their requests for either public school choice or supplemental educational services. The United States Department of Education, SES Non-Regulatory Guidance document states, “Before making the decision that funds can be reallocated from choice-related transportation and supplemental educational services, LEAs should ensure that eligible students and their families have had adequate time to avail themselves of the opportunity to transfer schools or to receive supplemental educational services” (p. 48).

Only after these have occurred can a district then use the remaining portion of the 20% set aside for other services, such as school within a school or district approved SES. Prior to the FDOE's release of these funds for reallocation, the district must document that the demand for choice with transportation and state approved SES have been fully met. This documentation must be maintained at the district office and presented to the FDOE upon request.

Prioritizing Funds

If sufficient funds are not available to provide state approved SES to all interested and eligible students, **LEAs must give priority in providing NCLB school choice to the lowest performing students receiving free or reduced price lunch (FRPL).** SES may only be offered to students who qualify for FRPL attending Title I schools in need of improvement, corrective action, or restructuring. LEAs are to prioritize on the basis of the academic achievement of individual students using their most recent FCAT scores rather than the specific Title I school that they attend. The LEA must use fair and equitable criteria in determining which students are the lowest achieving and should use professional judgment in applying those criteria.



Examples. Examples of possible approaches to prioritization include, but are not limited to, the following:

- low-income students whose FCAT scores fall below an established cut-off level
- low-income students in grade levels with the highest percentage of low performing students based on an established cut off level
- low-income and lowest-performing students in the subjects with the greatest need
- low-income and lowest-performing students in reading/language arts **and** mathematics
- low-income and lowest-performing students in reading/language arts **or** mathematics
- low-income students scoring a level 1 on the most recent FCAT in reading **and** mathematics
- low-income students scoring a level 1 on the most recent FCAT in reading **or** mathematics
- low-income students scoring a level 1 on FCAT for consecutive years by subject

Reallocation of Unspent Funds

The No Child Left Behind (NCLB) Act requires LEAs with Title I schools identified as in need of improvement, corrective action, or restructuring to set aside an amount equal to 20 percent of the district's Title I, Part A, funding to provide choice options including supplemental educational services. If a lesser amount is needed to comply with these responsibilities and the LEA can document it has fully met the demand for one or both options, the remaining funds from the 20 percent set-aside funding may be reallocated for other allowable activities that will increase student achievement of the lowest performing students in Title I schools.

According to Florida law, [Section 1008.331, Florida Statutes (Supplemental educational services in Title I schools; school district and provider responsibilities.--)], **a school district that has not spent the required supplemental educational services set-aside funding may apply to FDOE after January 1 for authorization to reallocate the funds.** If the Commissioner of Education does not approve the reallocation of funds, the district may appeal to the State Board of Education. The State Board of Education must consider the appeal within 60 days of its receipt and the decision of the State Board shall be final. Additionally, a school district has met compliance when evidence of reception or rejection of services from the parents of at least a majority of the eligible students in Title I schools who are eligible for SES has been obtained, unless a waiver is granted by the State Board of Education.



Districts that request authorization to reallocate the unused portion of the 20 percent set-aside must complete and submit a form to the FDOE documenting that the LEA has fully met the demand for one or both options and complied with both federal and state requirements for reallocation. The Superintendent must sign and submit the assurances form that certifies that the district has:

- appropriately notified parents of the available options in understandable formats and multiple forums
- offered parents a reasonable amount of time to investigate their options before submitting their request
- used various measures to ensure that parents and students are provided the opportunity to use the option of their choice, including holding open enrollment for SES until the district received written evidence of accepting or rejecting services from the parents of at least a majority of the students receiving free or reduced-price lunch in Title I schools that are eligible for SES.

Upon the Department's approval of the reallocation of the 20 percent set-aside, the district may choose to use the funds for any Title I allowable activity including, but not limited to, extended day instructional services, high-quality professional development, or parental involvement activities. However, if the district originally reserved any portion of the 20 percent set-aside by reducing allocations to Title I schools, the funds must be allocated back to those schools. Also, once the funds have been released, they become subject to the equitable participation requirements for private school students. Please note that districts may only use the 20 percent set-aside for other appropriate activities after the funds have been approved by the Department for reallocation. After such approval, the district will be authorized to submit an amendment transferring the balance of the set-aside from the grant award issued for this purpose to the Title I, Part A, Basic grant.

Department staff will review each district's documentation and make recommendations regarding approval of the district's request. Superintendents will receive notification as to whether the Department has approved or has not approved the reallocation of funds. If a district does not receive approval to reallocate funds, the letter of notification will describe the procedures and timelines in which the district may appeal to the State Board of Education. The State Board of Education will consider an appeal within 60 days of receipt of the appeal and its decision will be final.

Districts may request, once every three years, to carry forward more than 15 percent of the total Title I, Part A, allocation. Guidance regarding the requirements and limitations by which a district may carry over unexpended funds are explained in the Technical Assistance Paper disseminated by the Bureau of Contracts, Grants, and Procurement, dated September 2006 and may be accessed at http://info.fldoe.org/docushare/dsweb/Get/Document-3988/tap_carryoveratt.pdf.

SECTION E: BEGINNING SERVICES

Key Steps

Identifying Eligible Students

Students enrolled in Title I schools identified for school improvement, corrective action, or restructuring are eligible to transfer to another public school with district-provided transportation. Students participating in free or reduced-priced lunches who are attending Title I schools identified as in need of improvement for two or more years are eligible to receive free tutoring or SES from state-approved providers.

Federal law requires that choice be made available to all students enrolled in schools identified for improvement, corrective action, or restructuring. According to United States Department of Education (US ED) Non-Regulatory Guidance, districts should offer students planning to enter a school for the first time the same opportunity to exercise choice as students previously enrolled in the school. Therefore, the LEA should notify the parents of the students whom they anticipate will enroll in an eligible school of their options to transfer or participate in SES. For example, the LEA should notify parents of students planning to enroll in kindergarten the opportunity to participate in public school choice options. The LEA should notify, parents of students currently enrolled in the fifth grade and are zoned for attendance in a Title I middle school of their options. SES is only available for eligible students enrolled in grades K-12 in Title I schools identified for improvement, corrective action, or restructuring for two or more consecutive years.

Contracts

General Information

The No Child Left Behind (NCLB) Act, requires LEAs to enter into an agreement with any state-approved provider selected by the parent or legal guardian of eligible students. The purpose of this section is to provide guidance for preparing and executing a written agreement between the LEAs and state-approved SES providers to ensure compliance with federal and state laws. This information can be found at: <http://info.fldoe.org/docushare/dsweb/Get/Document-4959/k12-2008-46-tap.pdf>.

Legal authority. According to Section 1116 of No Child Left Behind Act (NCLB), a Title I school identified as failing to make adequate yearly progress (AYP) for three or more consecutive years must provide all students enrolled in the school with the option to transfer to another public school in the district and must offer parents of all eligible students an opportunity for their child to participate in supplemental educational services (SES) or free tutoring.

Each school district must provide annual notice to parents of the availability of SES, the identity of approved providers within the school district, a brief description of the services and qualifications of staff, and demonstrated effectiveness of each provider. The district must enter into an agreement with each provider chosen by their parents that:

- requires the district to develop, in consultation with the parents and the provider, a plan that includes the specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving the student's achievement

- describes how the provider will regularly inform the student's parents and teachers regarding the student's progress
- provides for terminating such agreement if the provider is unable to meet the goals and timetables
- contains provisions relating to the district making payments to the providers, and
- prohibits the provider from disclosing to the public the identity of any student eligible for or receiving SES without written permission of the parents.

Purpose. The purpose of the contractual agreement between a LEA and state-approved SES provider is to outline the responsibilities of LEAs and state-approved SES providers. Additionally, each agreement should provide a framework for an efficient and effective collaborative partnership for implementing NCLB school choice.

Responsibilities

Contractual responsibilities of the LEA. NCLB and Florida law [Section 1008.331, Florida Statutes (Supplemental educational services in Title I schools; school district and provider responsibilities)] outline the responsibilities of school districts related to the implementation of NCLB school choice and supplemental educational services. The school district must:

- enter into a district/provider contract with each approved supplemental educational services provider approved to serve the school district; the school district is responsible for ensuring services are consistent with the district/provider contract
- create a streamlined parent enrollment and provider selection process for supplemental educational services and ensure that the process enables eligible students to begin receiving supplemental educational services no later than October 15 of each school year. In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.
- reassign students to another provider for the remainder of the student's funding allocation if the provider's services do not begin by the timelines, or if the provider's district/provider contract is terminated, or if the provider is removed from the state-approved list
- pay for the tutoring services from Title I funds, or other funds, reserved for this purpose, once a parent chooses a provider
- use the same policies regarding access to school facilities for providers that the district applies to other organizations that have access to school sites
- provide parents with a list of providers approved by the state to serve students in the school district with a brief description of the services of each provider
- provide each provider approved by the state to serve students in the district with students' names, school, address, and telephone number of record and allow the providers to contact the students' parents to schedule a meeting to discuss or conduct an assessment and develop the Student Learning Plan (SLP) once parents have selected providers and after the contract between the district and the provider has been signed. The district will only provide information for those students whose parents signed consent forms allowing the district to share the information with providers.
- terminate the contract if the provider fails to meet the goals and timelines as noted in the contract.

Contractual responsibilities of SES providers. NCLB and Florida law [Section 1008.331, Florida Statutes (Supplemental educational services in Title I schools; school district and provider responsibilities)] charges the following responsibilities to state-approved SES providers related to the implementation of NCLB school choice and supplemental educational services. The provider must:

- enter into an agreement with the school district designed to enable the student to attain his or her specific achievement goals as established by the school district, in consultation with the student's parents and the provider
- ensure that eligible students to begin receiving supplemental educational services no later than October 15 of each school year. In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.
- provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date. In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services
- develop, in consultation with the school district and parents who selected the provider, the SLP that includes specific student achievement goals, how each student's progress will be measured, timetable for improving achievement, and for students with disabilities, a plan that is consistent with the student's individualized education program
- adhere to the timetable for improving the student's achievement that is developed by the school district in consultation with the student's parents and the provider
- ensure that it does not disclose to the public the identify of any student eligible for or receiving supplemental educational services without the written consent of the student's parents
- provide supplemental educational services consistent with applicable health, safety, and civil rights laws
- ensure that the supplemental educational services comply with all federal and state laws and regulations and with school board policy related to health, safety, and civil rights, including but not limited to the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and Individuals with Disabilities Act (IDEA)
- provide supplemental educational services that are secular, neutral, and non-ideological
- ensure that instruction and content are consistent with the instruction used by the school district and aligned with the Sunshine State Standards
- ensure that the curriculum and instruction is designed to help students attain proficiency in meeting the state's academic achievement standards.

Contract Components

Essential components. NCLB requires that each school district enters into an agreement or contract with each state-approved provider that parents select. The agreement must include all of the essential components identified in NCLB as follows:

- development and implementation of the Student Learning Plan (SLP) that includes specific student achievement goals, how each student's progress will be measured, timetable for improving achievements, and for students with disabilities, consistency with individualized education program
- a description of how the provider will regularly inform each student's parents and teachers of student's progress
- provisions for termination of agreement if provider is unable to meet goals and timetables
- provisions for payments to the provider by the district, and
- prohibitions for provider from disclosing any identifiable student information.

Contracts should include, at a minimum, the required components listed above and may include additional components to facilitate collaborating partnerships for implementing SES.

General provisions or terms. The following general provisions or terms of the contractual agreement must be included:

- The date the contract takes effect and how long it is in effect
- A notice provision outlining the process by which either party may cancel the contract
- Mutually agreed-upon procedures for implementing the contract
- The renegotiation and notification process
- An indemnification clause, if applicable, to detail each party's responsibility for acts of negligence
- Authority (Example: Each party signing this contract on behalf of either party individually warrants that he or she has full legal power to execute the contract on behalf of the party for whom he or she is signing and to bind and obligate such party with respect to all provisions contained in the contract).

Contract definitions which must be included: Any necessary terms that are included in the contract must be defined, such as:

- Eligible Students – Students are eligible to receive SES if they are eligible for free or reduced price lunch and the school in which they are enrolled has been identified as in need of improvement for three or more consecutive years according to NCLB.
- Student Learning Plan (SLP) - NCLB requires each school district to enter into an agreement with the state-approved provider selected by a parent. This agreement is recognized in Florida as the SLP and must be developed in consultation with the student's parents and the provider. The plan must include a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement that. In the case of a student with disabilities, the achievement goals, method of student progress measurement, and timetable for improving achievement must be consistent with the student's IEP under IDEA or the student's section 504 plan. The SLP must also describe how the student's parents and teacher will be regularly informed of the student's progress.

- Parents/Guardianship – For the purpose of this contract, a parent is the natural or adoptive parent, legal guardian, or surrogate parent as indicated by the judicial system or appointed by IDEA.

Contractual Obligations

Obligations of LEAs. The contract should address the following obligations of the LEA relating to the implementation of NCLB school choice and supplemental educational services:

- Annually notify parents of all eligible students of the opportunity to obtain supplemental educational services
- Provide parents with a list of providers approved by the state to serve students in the school district with a brief description of the services of each provider
- Assist parents, if requested, in obtaining additional information regarding the state-approved providers available to serve their children
- Provide each provider approved by the state to serve students in the district with students' names, school, address, and telephone number of record and allow the providers to contact the students' parents to schedule a meeting to discuss or conduct an assessment and develop the SLP once parents have selected providers and after the contract between the district and the provider has been signed. The district will only provide students information of those students whose parents signed consent forms allowing the district to share the information with providers.
- Terminate the contract if the provider fails to meet the goals and timelines required
- Agree to pay the provider for supplemental educational services. Services beyond the supplemental educational services consistent with the state-approved application, including assessing students, assistance with homework, supervision of students, transportation, and development of the SLP are the responsibility of the provider
- Prioritize students if it is determined that current funds are insufficient to serve all eligible students whose parents requested the services. The district must develop a process to prioritize the provision of supplemental educational services to the lowest-achieving students.

Obligations of state-approved SES providers. The contract should address the following responsibilities of the provider for implementing supplemental educational services:

- Deliver services consistent with the state-approved application. Districts may want to attach a copy of the approved application to the contract for review and monitoring purposes.
- Be able to provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date. In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.
- Ensure that the supplemental educational services comply with all federal and state laws and regulations and with school board policy related to health, safety, and civil rights, including but not limited to the Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, and Individuals with Disabilities Act (IDEA).

- Provide a description of how the provider will regularly inform each student's parents and the student's teacher(s) regarding the progress of the student in improving academic achievement as outlined in the SLP.
- Track and report students' attendance and implement interventions for students who are habitually absent
- Agree to not disclose to the public the identity of any student eligible for or receiving supplemental educational services without the written permission of the parent of such student.

Specific Provisions

Staffing. The provider must have the capacity and resources to provide SES services to students. LEAs may wish to incorporate the process the provider will use for determining those instructors who are qualified to effectively work with students who are performing below grade level, such as recruiting, hiring and training. Provisions should be included that reflect the procedures that will be used to maintain, monitor, and notify the school district regarding personnel updates related to any staff changes.

It is recommended that district employees working for providers sign a dual employment form to ensure no conflict of interest and compliance with district school board policies. LEA employees hired by providers are prohibited from conducting provider business during school time or using LEA resources such as the LEA email system. A LEA employee hired by a provider should not be the "face" of a company at his or her own school as this practice clearly endorses one provider over another.

LEAs should ensure that employment incentives considered by a company do not encourage tutors to conduct any provider-related business during school hours, promote their company with parents, or provide information that favors one provider. A provider cannot pay bonuses to LEA employees hired by a provider for recruiting students.

Fingerprint/background check. This section should outline the LEA's requirements and procedures for fingerprinting and background checks for all employees who have access to students and school grounds including online tutors. The LEA may wish to include the statutory authority that requires all employees of providers who work with students or with student information to obtain clearance from a Level 2 background screening (see section 1012.32, Florida Statutes). This section may include the LEA's policy related to the processing and monitoring of background checks for district employees hired by the provider and any fees charged by the LEA for these services. It is important to identify who is responsible for ensuring background checks for all provider staff, who is responsible for paying for the checks, and who is responsible for monitoring the process. Providers are responsible for expenses incurred in the provision of SES, including employee background checks and administrative expenses.

Insurance. This section should describe the LEA's policy related to liability insurance, including coverage for the providers' employees who may transport students. Include the amount of the liability insurance, personal injury protection and property damage liability, workmen's compensation insurance, professional liability and abuse coverage, and the amount of the deductible. Address LEA requirements related to naming the district as an additional insured and a provision to provide written notice to the LEA prior to any cancellation or material change to the policy.

Transportation. This section should describe any special terms or conditions related to transportation such as insurance, district-provided transportation, provider-provided transportation, or provider-contracted transportation. Transportation arrangements and costs for students receiving services under the contract are between the provider and the eligible student's parents. The LEA has no obligation to provide transportation in connection with the provider's responsibility to provide services under the contract. LEAs may wish to include a statement referring to student supervision at sites for which the provider does not offer transportation to assigned students.

Accident/incident report. This section should describe any policies which require a provider to submit a written procedure for accidents or incidents wherein a student suffers an injury, injured another individual, or was involved in an activity requiring notification of law enforcement or emergency personnel.

Child abuse reporting. This section should describe the requirement for the provider to ensure that all employees, including volunteers and substitutes, are familiar with and agree to the child abuse and/or missing children reporting obligations and procedures under Florida law. Address any requirements for the provider to provide training to the employees regarding the mandated reporting of child abuse or missing children. See Section 1006.061, Florida Statutes.

Conflict of interest. This section should include any LEA policies related to provider's partnership agreement or bylaws of a corporation to include the list of members of the governing body of the legal entity. Include language to avoid actual or potential conflict of interest on behalf of the provider or its employees.

Control of students. This section should describe responsibilities of the provider for the control and safety of all students beginning with the time students arrive for services until the students are placed under the control of the parent/guardian or other approved caregiver. Include any requirements related to signing in and signing out of students by person(s) responsible for the students' care after the tutoring session. The contract should address consequences for verified reports of lack of supervision of students.

Marketing and incentives. This section should outline any specific guidelines and restrictions regarding marketing of services, including the duties of the LEA to provide information to parents, as well as advertising and marketing by providers. Marketing includes sharing information related to the services, resources, materials, or other relevant information regarding the provider. LEAs are responsible for enrolling students into the program. Florida law also requires that LEAs provide a streamlined process for parents to receive information regarding eligibility and approved service providers. Providers must not be prohibited from marketing their services directly to members of the community or from providing information to the public about the availability of educational services. The contract should address whether the provider is required to submit marketing materials to the district for review prior to distribution.

State law prohibits monetary incentives for enrolling students; however, incentives are allowed for student performance or attendance not to exceed a value of \$50.00 per student per year. See Section 1008.331(1), Florida Statutes. Providers shall not offer a student, parent, or teacher any form of incentive for enrolling a student with a provider. According to the 2008-2009 Request of Application and General Assurances, applicants must agree to abide by ethical business practices as adopted by Education Industry Association Code of Professional Conduct and Business Ethics for SES Providers as amended on January 8, 2008.

This Code of Professional Conduct and Business Ethics restricts the promotion of any allowable attendance or performance incentives to the period following student enrollment. "See *EIA Code of Professional Conduct and Business Ethics for SES Providers (1/8/2008)* (<http://www.educationindustry.org/EIA/files/ccLibraryFiles/Filename/00000000220/EIA%20SES%20Code%20of%20Standards%20and%20Ethics%20final%20rev%201-08-08.pdf>).

The enrollment period ends when the district officially closes the enrollment or after the Student Learning Plans have been final approved by the district. LEAs should address any LEA policy prohibiting providers from offering and school staff from accepting gifts that could be perceived as incentives for a particular provider. You may obtain additional information in the Department's *Technical Assistance Paper related to Public School Choice Parent Outreach and Notification (K12 Memo 2007-58)* dated June 5, 2008.

Required documents. This section should list any documents required by the LEA and the deadline for submitting them to the LEA, such as:

- Insurance certificates,
- Partnership agreements and bylaws,
- Invoicing,
- Accident/incident procedures,
- Sign in and sign out procedures,
- Remedies for breach, sanctions, penalties,
- Termination for cause and convenience,
- Compliance with federal statutes and executive orders,
- Reporting requirements,
- Patent rights and copyrights,
- Access by federal agency, comptroller general of US to records,
- Retention of records.

Schedule for tutoring. This section should outline the expected timelines for providers to commence tutoring students and any consequences for noncompliance. LEAs may wish to include language that LEAs have the authority to specify a date certain by which providers are required to serve students or students will be reassigned to their parents' second or third choice of providers. Tutoring sessions must be consistent with the approved application, the contract, and students' learning plans.

District access. This section should specify any LEA policy requiring provider notification to the district of any change in location at which services are provided to students. Include any policies requiring the provider to allow access by the LEA to any facilities for periodic monitoring of students' instructional programs and for review of students' progress. Address whether LEA staff have access to observe tutoring sessions, interview provider, and interview instructors.

Notice of intent for enrollment. This section should address the LEA policy related to parents' rights to enroll or apply for enrollment for their children to participate in supplemental educational services. Specify the authority for enrolling eligible students into the SES program and identify specific prohibited actions such as providers duplicating, altering, completing, distributing, or submitting enrollment forms on behalf of parents. Include consequences for noncompliance of LEA enrollment procedures.

Student learning plan (SLP). The SLP must be developed in consultation between the LEA, the parents, and the provider and must include a process for measuring a student's progress, as well as a timetable that focuses on steps for improving the student's achievement, a timeline for provision of services and achievement of goals, and the process for informing teachers and parents regarding the student's progress. The agreement must be signed by all parties before services can begin. LEAs must address alternative means by which providers can document consultation with parents for instances when all three parties are unable to meet together.

LEAs should identify in the contract who has the final authority on selection of the subject area should the parent, school, and SES provider disagree. A provision should be included in the written contract that allows for termination if the provider fails to meet the student progress goals and timetables. Provisions governing payment for the services and those addressing missed tutoring sessions should be outlined.



The contract should address district policy related to revising or amending a student's

SLP. Include the provisions pursuant to the Request for Application that prohibit providers from directly billing the district for conducting pre- and post-assessments of students and developing the SLP. You may obtain

additional information related to students' SLPs in the Department's *Technical Assistance Paper Related to the Development, Implementation, and Evaluation of*

Parent District Provider Agreements, TAP #2006-002, dated July 2006

(http://info.fldoe.org/docushare/dsweb/Get/Document-3818/july06_tap.pdf) and *Technical Assistance Paper (TAP) Related to Parent District Provider Agreement (PDPA)*, TAP # 2006-008, dated October 2006 (http://info.fldoe.org/docushare/dsweb/Get/Document-4046/k12_06_151att.pdf)

Student progress reports. Providers are responsible for regularly reporting students' progress toward achieving the goals stated in the SLP including the benchmarks to parents and teachers. The contract should provide a description of how frequently the students' parents and teacher(s) will be informed of the students' progress including consequences for failure of timely submitting the report. FDOE recommends a monthly dissemination of the student progress report. The contract should address LEA policy regarding student attendance such as documenting attempts to contact parents and unexcused absences. The opportunity to allow students to make up sessions should be included in SLP and contract if LEA policy permits this option.

Student records. Federal and state laws protect the rights of students and their parents regarding student records and reports as created, maintained, and used by public educational institutions in the state. See Section 1002.22, Florida Statutes, 20 USC 81232(g)-(h). Personally identifiable records or reports regarding a student and any personal information contained therein are confidential. A state or school district may not permit the release of such records, reports, or information without the prior written consent of the student's parent.

Supplemental educational services providers must also adhere to these federal and state laws and regulations. It is not a violation of the Family Educational Rights and Privacy Act (FERPA) for SES providers to contact parents and guardians of students served in the SES program in previous years. The contract should describe the requirements for securing all student records and preventing access by unauthorized individuals.

Include provisions related to the prohibition of sharing any student information with third parties without prior written consent of students' parents. Include procedures related to monitoring and auditing by the LEA, as appropriate. The following policies related to attendance should be addressed:

- responsible party if a student fails to attend
- accurate recordkeeping
- party responsible for withdrawing a student for lack of attendance.

Inspection and audit. This section should describe LEA policies related to access to records or reports or other relevant information upon request by the LEA and the requirements for maintaining records for five years from the end of a fiscal period of the source of funding.

Supplies, equipment, and facilities. The contract should outline responsibilities related to the provision of appropriate supplies, equipment, and facilities relative to the provision of services as required by each student's SLP. Include all policies related to the use of school facilities by providers and access to computers, supplies, and equipment on school campuses, including terms and agreements if school facilities are used. LEAs, using the same policies applied to other organizations that have access to school sites, shall provide access to school facilities to providers that wish to use these sites for SES. However, if many providers are approved to offer services in a LEA or if other after school programs are housed in the schools, it may not be possible for all providers to use school buildings. Therefore, LEAs should select providers to operate onsite in a manner that is fair, transparent, and objective. Clarify consequences for not paying for facility usage within a given deadline or specific number of days.

Specify the requirement for providers to notify the LEA regarding the location (other than school facilities) in which services will be rendered and the requirement that all sites must be maintained in a clean and safe condition and be located in an area that is safe and secure for students. LEAs may request copies of facility agreements related to the delivery of SES services on sites other than school ground.

Invoices, billing, and payment. In order to streamline the process for receiving and paying invoices for services rendered, specific requirements for payment should be addressed in the contract. Attention should be given to any provisions for nonpayment or withholding payment. Outline the process for submitting invoices, including timelines for submitting invoices and payment to the provider. Providers are responsible for payment of all taxes and fees resulting from payment from LEAs for services.

This portion of the contract should also state the basic requirements for information to be included on the invoices such as name and address of student, name of parent or guardian, and name of service provider. Include any required additional information such as the type of information required for payment to be issued, itemized invoice, definition of services, proof of services rendered, rate consistent with stated rate in approved application, number of hours or session, and total amount due. LEAs may also wish to indicate the per pupil allocation and total allowable contact hours and any prohibition for exceeding that amount.

LEAs are encouraged to provide training for state-approved SES providers regarding fiscal business practice established by the LEA to avoid delay in invoicing procedures. If the LEA uses specific SES software, the contract should outline the requirement to use the software for attendance rosters, documentation of tutoring locations, SLP, progress reports, attendance, etc.

Termination. This section is important to ensure that all interests are clarified and an understanding is reached for acceptable performance. The LEA may wish to state the process for making modifications and or amending the contract, as well as providing notice by either party. This section should identify all reasons and conditions for which a contract could be terminated. Any prohibitions such as lobbying or intimidation; misrepresentation of services; discrimination against providers, schools or students; defamation of the LEA or providers, or exclusivity, should be clearly stated. Provisions should also be included for indemnification and compliance with local and state laws. LEAs are required to contract with each provider approved by the state to serve the LEAs.

Contracts should include a statement pertaining to independent contractor status and allow for a dispute resolution process. LEAs should specify formal complaint procedures including timelines, written notice, procedures for tutors to complain against providers, progressive consequences and appropriate due process.

Code of ethics. This section should include the LEA policy related to document noncompliance with the Education Industry Association's Code of Professional Conduct and Business Ethics and consequences for noncompliance. The contract should address the expected behaviors and business practices related to student enrollment and marketing and consequences for noncompliance. LEAs should outline specific consequences for documented unethical behavior by any provider staff.

Conduct of provider employees. The contract should describe any policy related to conduct, dress, or behavior required by the LEA or provider employees. May include requirement for provider employees to agree and adhere to the Education Industry Association's (EIA) Code of Professional Conduct and Business Ethics for SES Providers. LEAs may wish to include a summary of procedures that providers and provider employees are required to follow.

Prohibition of defaming the LEA. LEAs should specify any policy that prohibits providers or provider's employees from defaming the LEA and include a list of venues where this is prohibited. Consequences for violations of such policies should also be included in this section.

Prohibition of lobbying. This section should include any prohibition of the use of funds provided through the contract to be used for the purpose of lobbying.

Discrimination. LEAs should specify the federal law that prohibits any provider from discriminating on the basis of race, religion, sex, age, handicap, or sexual orientation in employment or operation of the program. The contract should describe consequences for discrimination by provider or provider employees.

Indemnification. This section should specify all requirements related to liabilities and claims for damages or damage to any property from any cause arising from the services contracted through the agreement. LEAs should provide provisions for termination of the contract for noncompliance.

Subcontract and assignment. This section should include any prohibitions for the contracted provider to subcontract or assign any portion of the services covered under the contract to another party without prior written consent of the LEA.

Required technical assistance meetings. LEAs should specify any mandatory meetings or attendance at provider fairs. The contract must specify that all employees who have direct contact with students or have access to school grounds must comply with fingerprint based background checks. Procedural terms and conditions of provider fairs should be specified as well.

Compliance with laws. This section should specify the requirement for the provider under the terms of the contract to comply with all applicable federal, state, State Board of Education, and local laws, rules, and regulations relating to the provision of supplemental educational services.

Governing law. The contract should specify that the terms and conditions of the agreement are governed by the laws of the state of Florida and the local school boards.

Disputes. LEAs should describe the process and procedures by which any dispute between the LEA and the provider is submitted and resolved.

Modifications and amendments. This section should describe process for modifying or amending the contract after it has been signed by authorized representatives of the LEA and provider.

Severability clause. This section should detail language related to whether provisions are included to sever any portion of the contract if any provisions are deemed to be unenforceable.

Contract/Agreement. The contract should outline all documents that constituted the entire agreement or contract between the LEA and provider.

Contract Management

All LEA school boards that contract with state-approved SES providers must assign LEA personnel to be responsible for the management of such contracts. Superintendents may wish to designate a team of staff to oversee the implementation of NCLB school choice and supplemental educational services. Generally, the LEA Title I coordinator or SES coordinator will take the lead. Curriculum coordinators and ESE specialists may possess expertise in unique areas and may be able to assist in the implementation of the contract between the LEA and a state-approved SES provider.

Timeline for contract process. LEAs have the authority to set timelines that providers are required to meet such as signing contracts, completing background checks, and submitting invoices and other reports. Timelines must be reasonable. If a provider is unable to meet the timelines, the LEA has the authority to reassign students to a parent's subsequent choice. LEAs also have the authority to require providers to begin providing services to students within a specified reasonable time following the signed contract or the students assigned to the provider will be reassigned to another provider. LEA staff should contact providers approved to provide services in their district as soon as the state-approved provider list is released. Generally, FDOE notifies all school districts regarding the AYP designation for all schools by mid-June of each year. This notification will identify the Title I schools identified as in need of improvement, corrective action, or restructuring.

LEA staff may wish to contact providers approved to provide supplemental educational services in their district as soon as possible following the release of the approved provider list and the adequate yearly progress status of Title I schools to begin the contract process between the LEA and providers. It is recommended that contracts are effective from July 1 to June 30 of each year. This will provide opportunities for LEAs to implement summer SES programs for students.

Start date. Florida law requires that services to students begin by October 15 or within 20 days of the date the contract is signed. LEAs should not impose a start date earlier than October 15 in their contracts. Providers must be prepared with the necessary infrastructure to begin services to students as soon as possible following the execution of the contract with the school district. Contracts between providers and LEAs should indicate the date the contract takes effect and how long it is in effect.

Option to refuse contract. According to US ED, a LEA cannot refuse to contract with an SES provider on the state-approved list for that LEA. FDOE recommends that LEAs require any providers that had systemic problems during the school year to sign the district's basic SES contract and include an addendum that was specific to the problem areas. This addendum could include consequences and shorter timelines for corrective action and termination or contract. According to US ED Non-Regulatory Guidance related to SES, a LEA may not impose requirements that relate to whether a provider has an effective program. Doing so would undermine the state's authority to establish standards for the approval of providers as having effective programs and to determine which providers meet these standards.

Student learning plan. The Student Learning Plan (SLP) must be signed by all parties before services can begin. The SLP must be developed in consultation between the LEA, the parents, and the provider. Additionally, the SLP must include a process for measuring a student's progress, a timetable that focuses on steps for improving the student's achievement, a timeline for provision of services and achievement of goals, and the process for informing teachers and parents regarding the student's progress.

NCLB requires LEAs to offer parents a genuine opportunity to consult on the development of their child's SLP. In some cases, it is difficult for some parents to meet with school or provider staff. Therefore, the requirement for consultation should not deny services to a student whose parents are unable to directly participate in the development of the SLP. FDOE recommends that LEAs design a process which allows some flexibility for parents who are unable to meet face-to-face with provider and school staff to approve the SLP. The flexible alternative should be the exception rather than for the majority of students and parents. LEAs may consider:

- Home visit
- Provider meeting with parents off site
- Conference call with school and provider staff with parent that can be documented by both parties
- Electronic signatures
- Specified documented number of attempts to reach parents

Length of services. The LEA must provide supplemental educational services to a student receiving such services until the end of the school year in which such services were first received or until the per-pupil allocation is expended for that student.

The LEA is required to make supplemental educational services available to eligible students on an annual basis until the Title I school in which the student is enrolled makes adequate yearly progress for two consecutive years. Depending on the amount of available funds, LEAs may offer SES to eligible students during the summer. A provider may offer free tutoring to ensure that students have access to their entire curriculum program. Providers may wish to reduce their rate in order to provide their comprehensive program within the LEA's per pupil allocation to ensure maximum student learning gains.

Facilities. According to Section 1008.331, Florida Statutes, LEAs, using the same policies applied to other organizations that have access to school sites, shall provide access to school facilities to providers that wish to use these sites for supplemental educational services. A provider may contract with the district or school for on-site facility use; however, an additional fee may be required and availability may be limited. The LEA policies related to the use of school facilities by SES providers must be consistent with fees charged to other community groups.

Invoices. The contract is intended to outline requirements relating to the expectation of payment. The exact procedures for submitting invoices or other paperwork to receive payment for services is determined by each LEA's policies and procedures as established by said LEA's business office. It is recommended that LEAs provide training to providers related to attendance, invoices, and payment. If the LEA uses specific SES software, contracts should outline the requirement to use the software for attendance roster, etc.

A provider can not directly bill the LEA for conducting a diagnostic assessment or a post assessment of a student. A provider may only invoice for the actual time spent tutoring the student. It is recommended that providers calculate the costs for conducting the assessments of students and the development of the SLP in their stated rates. LEAs are encouraged to provide pre-assessment data for SLP development such as FCAT or other district diagnostic assessment data. LEAs may require providers to provide evidence that the student has met the goals of the SLP.

Student assessments. LEAs may wish to address student assessments in their contract. Providers must schedule time with parents and students to conduct the assessments and develop the SLPs. Addressing this issue in the contract will ensure mutually agreed upon timelines and expectations for the development of SLPs and the commencement of services to students. It is also recommended that providers calculate the costs for conducting the assessments of students and the development of the SLP in their stated rates and, therefore, will not be allowed to bill the LEA for these services.

Confidentiality. NCLB prohibits an SES provider from disclosing the identity of any student eligible for or receiving SES without written permission of the student's parents. Furthermore, federal law (Family Educational Rights and Privacy Act codified as 20 USC 1232g) addresses specific protection for students' and their parents related to the information contained in students' records and reports. Personally identifiable information cannot be shared without written consent of a student's parents. It is critical to ensure that the contract specify the process for securing student records and the consequences for non-compliance.

Start of services. Pursuant to section 1008.331(3), Florida Statutes, providers must be able to deliver supplemental educational services to school districts in which the provider is approved by the state. Providers must be able to provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date. In the event that the contract with a provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.

Collecting and reporting student data. NCLB provides for parent choice and requires that LEAs report those school choices via the FDOE's Automated Student Database. Accurate recordkeeping is essential to document LEA compliance with NCLB and to monitor students' progress as impacted by parental choice. The data will also be used to monitor compliance by state-approved SES providers and to evaluate the quality of their services for students. NCLB requires FDOE to develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by state-approved providers and for withdrawing approval from providers that fail for two consecutive years to contribute to increasing the academic proficiency of students receiving supplemental educational services.

In addition to monitoring efforts by FDOE and LEA staff, SES providers are encouraged to frequently and regularly monitor programs for compliance and quality of instruction and fidelity of implementation. Although all state-approved SES providers are required to conduct the NCLB self-evaluation study and submit a report of compliance and any necessary system improvement plans to the FDOE on an annual basis, it may be productive for providers to conduct more frequent monitoring reviews in order to ensure that services provided to students are consistent with the state-approved application. This may be especially critical for large provider organizations that provide services at multiple sites. It is important to note that the "state or corporate office" is responsible for ensuring that services are consistent with the state-approved application and is held accountable for services provided at the local level. This accountability model ensures the quality and effectiveness of the services offered by state-approved SES providers.

It is also important to note that data related to NCLB school choice is used to make federal and state policy and may be shared with the media upon request. Therefore, it is critical for the LEA and the providers to ensure that all data are accurately collected and reported to the state. Providers must report to the LEA specified student information including subject areas, hours of contact, and attendance. LEAs must be able to track and monitor student enrollment with specific providers and report that data.

Additional criteria. A LEA may not alter or add to the objective criteria developed by the state for approved providers. However, a LEA may impose reasonable administrative and operational requirements through its contract with providers that are consistent with requirements imposed generally on the LEA's contractors and are not more stringent than requirements applied to other contractors or do not limit educational options for parents. LEAs may add an addendum to an existing contract that specifies corrective action procedures specific to a provider. LEAs may require providers to sign a letter of intent to serve students in the district prior to signing the actual contract. This is an opportunity for providers to provide district-specific information that the LEA could include on the LEA's provider directory. This is especially useful when providers use different delivery models or locations in different LEAs. Please note that applicants complete and submit their applications for the state; however, their services may differ among LEAs.

Example: Providers that are approved to serve students on school campuses. If a district's facility policy does not allow providers to use school facilities, the provider may be willing (and approved) to serve students in a community center or faith-based facility. In most districts, the provider would serve students using school facilities; in specific districts, they would serve students at an alternate location. Districts should want their provider directory to reflect the information relevant to their district. This can be collected and used for the district directory using the letter of intent.

Monitoring. Pursuant to NCLB, LEAs are required to monitor the implementation of the program based upon the approved application and in accordance with the contract. SES providers are required to monitor the fidelity of the implementation of their program with its approved application, signed assurances, its agreement with the LEA, meeting the goals and objectives of the Student Learning Plan, and compliance with federal and state laws. LEAs must monitor providers to ensure they meet the terms of the contract and the state-approved application. The following items should be included in the monitoring process of providers:

- compliance with application (location, rates, qualification, transportation, etc.)
- quality of instruction
- fidelity of implementation
- implementation of SLP
- frequency and relevance of reporting student progress to parents and teachers, and
- collect and report of student data.

The FDOE has a responsibility, through the approval and monitoring processes, to ensure that high-quality services are delivered. Furthermore, it is the responsibility of the FDOE to develop and implement standards and techniques for monitoring the quality, performance, and effectiveness of the services offered by approved SES providers. Such standards and techniques, as well as any findings resulting from such monitoring, must be publicly reported. These quality control standards and techniques must be consistent with the initial criteria or Request for Applications developed for identifying potential providers. The FDOE has developed an NCLB monitoring process that includes three tiers: self-evaluation study, desktop verification process, and an onsite monitoring process. The FDOE staff incorporated a section regarding NCLB school choice in the Department's Title I, Part A, work papers. These work papers monitor the compliance by LEAs and SES providers in implementing SES and the fidelity with which a provider's program is implemented consistently with the approved application. All LEAs and state-approved SES providers must participate in the FDOE's NCLB monitoring process.

Through the application process and the contractual agreement with the LEA, providers are obligated to adhere to the strict requirements of NCLB in providing tutoring services structured to improve student achievement. In addition to the state monitoring system, LEA contract managers and other LEA personnel may wish to periodically monitor an SES provider using the FDOE's NCLB monitoring work papers for Title I, Part A, NCLB School Choice section and the provider's application as approved by the FDOE. The program's curriculum and instruction may be monitored through a review of lesson plans, curriculum documents, and instructional materials to determine if the program is implemented consistent with the approved application. Periodic reviews of students' SLPs will indicate students' progress toward meeting the stated goals and if services are provided that reflect and support the students' SLPs.

It is also important to monitor the frequency and procedures for the provider informing each student's parents and the student's teachers regarding the progress of the student in improving academic achievement as outlined in the student's SLP.

The contract is an effective mechanism for clarifying responsibilities and accountability for LEAs and providers. Throughout the year, LEAs may also be asked by the FDOE to provide data and information regarding provider performance and compliance with NCLB and Florida law. LEAs are encouraged to conduct onsite visits to the tutoring sites throughout the year and observe the services in progress. The contract should include any policies relating to access to the SES program for periodic monitoring of students' instructional program and review of students' progress.

Termination clauses. LEAs cannot include language that would allow them to deny a contract with a state-approved SES provider the following year. The FDOE is the only entity authorized to determine whether the state-approved SES provider retains approval status. If the provider's behavior is egregious, the LEA must report the matter to the FDOE.

Contract Termination



Failure to meet achievement goals. LEAs may, with notification to FDOE, terminate the services of an SES provider to an individual student if the SES provider fails to meet student achievement goals within the specified timeframe outlined in the SLP. Subsequently, the student must be immediately reassigned to a different SES provider.

Procedures for contract termination. For any other termination of services by a LEA, the LEA shall provide prior written notification to the FDOE if the LEA intends to terminate the services of a provider throughout the district or at a particular school. The FDOE shall require information from both the SES provider and the LEA to determine the validity of the complaint and determine whether a corrective action plan should be implemented to address the complaint. Upon receipt and review of information from both the LEA and SES provider, the FDOE shall determine whether the LEA should be allowed to proceed with the termination.

***NOTE*:** Restrictions regarding the termination of a district/provider contract or agreement should be referred to in SECTION B: LEGAL OBLIGATIONS. If termination of an SES provider occurs in two LEAs in a single year or two consecutive years in any LEA, the SES provider and its affiliates will not be allowed to re-apply as an SES provider for five calendar years.

Parent Notification

General Information

Enrollment in school choice options for CWT or SES is the responsibility of the LEA. A LEA must ensure that its policies and procedures for receiving choice-related communications from parents do not impede parents' opportunities to exercise choice options. For example, parents should not have to appear in person to state their choices or visit a school prior to making a choice. Contrarily, parents should be able to communicate their choices in a variety of ways. Means of communication, respective to parental choice may include standard mail, email, or fax. The LEA should confirm that it has received their communication regarding choice with parents.

A LEA may set timelines for parents to make their decisions regarding choice, depending on the circumstances in the district and its schools. For example, the LEA may establish a window during which parents must exercise their choice option, or the LEA may hold open enrollment periods throughout the year. The LEA must work with parents to ensure that they have ample information and time to take advantage of the opportunity to choose a different public school or SES for their child. At a minimum, parents should have at least two weeks from the time all of the information is received to notify the district of their choices.

Prior to contacting parents, a LEA cannot assume that it will have limited resources for CWT or SES. Rather, the LEA must notify all eligible families of their children's eligibility for services and public school options. Parent notification letters should inform parents that, if demand for services exceeds available funds, services will be prioritized to the lowest achieving of the low income students. The LEA must set priorities or criteria to determine which eligible students can get services. The LEA should be able to provide parents with the district policy for prioritization upon parents' request.

Methods of parent notification. The LEA must provide the parents of each student enrolled in a Title I school identified as in need of improvement, corrective action, or restructuring with the following information:

- The school's status and what the status means
- The reason(s) for the identification
- How the school's academic achievement compares to other public schools in the district
- What the school and district are doing to address the problem of low achievement
- How parents can become involved
- Options for public school choice, including transferring to another public school through choice with transportation (CWT) and supplemental educational services (SES), as applicable

The communication must be easy to understand, objective, and explain parents' options to participate in CWT or SES. The LEA may wish to inform parents that these services may be prioritized to serve the lowest-achieving low-income students, if demand for services exceeds available funds. Since eligibility for SES is based on the income of the family, notification of eligibility must remain confidential.

The Office of Family Policy Compliance has ruled that the release of confidential information via a postcard is a violation of Family Educational Rights and Privacy Act.

Timeline for notification. A LEA must notify parents of all eligible students regarding their public school choice options no later than the first day of the school year following the school year in which the district administered the assessments that resulted in the school being identified as in need of school improvement, corrective action, or restructuring. If possible, a LEA should notify parents regarding their available choices before the beginning of the school year in which those choices will be available. The LEA must notify all parents of eligible students regarding SES prior to, and after, the start of the school year.

The LEA may send information to parents regarding the possibility of the options to transfer or participate in SES prior to the determination of the Adequate Yearly Progress (AYP) status of Title I schools. However, it is not possible for this notification to contain all essential components since the required notification must include the current AYP information and status of the school. If the LEA notifies parents pre-AYP, the LEA must also send a post-AYP notification to ensure that all parents are notified of each of the items listed in A-3. Issues to consider before deciding to send two notices include:

- How will the LEA ensure that parents receive the second notice?
- How will the LEA notify parents they have been approved to transfer to a different school?
- Will parents have another opportunity to apply for choice with transportation after the second notification?

Section 1008.331, Florida Statutes, requires LEAs to notify parents about the availability of SES prior to, and after, the start of school so that services can begin by October 15th of each school year. As long as the school continues to hold open enrollment, SES enrollment forms must be made freely available to parents.

Required Information

Comparison information. LEAs may wish to exercise various options to meet the requirement of providing comparison information to parents. The LEA may provide parents a chart of all schools in the district and their corresponding AYP status. A LEA may wish to include information in the letters such as: X% of all elementary schools made 100% of AYP requirements and X% of all elementary schools in the LEA have been designated with a school grade of 'A'. If the letter does not contain specific information regarding the potential receiving schools, the LEA must include either a district-wide school comparison chart or information on district-wide academic achievement percentages.

NCLB requires written notification for all parents. The parent notification may refer parents to the LEA or state's website for additional information regarding the reasons for the identification or the comparison to other schools in the district. However, the parent notice must contain all required elements so parents have all the information necessary. Therefore, the LEA may provide general information in the letter (i.e., some groups failed to meet proficiency standards in reading) and also provide a reference to the internet site to access more detailed information.

Parents of all eligible students in Title I schools identified as in need of improvement for two or more consecutive years, must be sent an annual notice the availability of Supplemental Educational Services (SES). The notification must:

- include contact information for each approved provider within the district, or in its general geographic location. The notice should also identify providers that are accessible through technology, such as distance learning.
- describe the services and tutor qualifications for each provider
- describe the timelines that parents must follow in selecting a provider and commencement of services
- include an enrollment form that allows parents to select providers in order of preference, or to decline SES services
- be easily understandable, in a uniform format, including alternate formats upon request, and to the extent practicable, in a language the parents can understand.

Description of methods for addressing academic concerns. The LEA must describe the activities and information the school and LEA are implementing to address the academic concerns specific to the reasons why the school failed to make AYP. For example, the LEA may wish to include information regarding new curriculum for third grade reading. In addition, the LEA should include information of how parents may help address these areas.

Prioritization of services. The LEA must use fair and equitable criteria in determining which students are the lowest achieving and should use professional judgment in applying those criteria. Following the end of an enrollment period, if the LEA determines that more parents requested services than available funds, the LEA should prioritize services to the lowest achieving of the low income students. Examples of possible approaches to prioritization include, but are not limited to the following:

- Low-income students whose FCAT scores fall below an established cut-off level
- Low-income students in grade levels with the highest percentage of low performing students based on an established cut off level
- Low-income and lowest performing students in the subjects with the greatest need
- Low-income and lowest performing students in reading/language arts and mathematics
- Low-income and lowest performing students in reading/language art or mathematics
- Low-income students scoring a level 1 in reading and mathematics on the most recent FCAT
- Low-income students scoring a level 1 in reading or mathematics on the most recent FCAT
- Low-income students scoring a level 1 for consecutive years by subject on FCAT

Enrollment. A LEA must hold open student enrollment for SES unless, or until, it has obtained a written election to receive or reject services from parents of at least a majority of the students receiving free or reduced-price lunch, or until the district has expended all available funds.

Roles and Responsibilities of LEA Personnel

School staff. It is very important that school staff know about CWT and SES. Some LEAs have hosted a principals' meeting to inform school administration regarding these programs and how they should be implemented. Schools that must offer SES should ensure that all teachers understand what SES is, who is eligible, the role of providers, how parents can apply, and opportunities for teacher and paraprofessional employment with providers. School secretaries and guidance counselors may receive phone calls with questions from parents. School staff should be given an orientation to SES and may find a script useful in promoting SES to parents of eligible students, especially during parent-teacher conferences.

Principals. Principals play an important role in ensuring that all eligible students are notified of their opportunity to participate in free tutoring as well as encouraging that services begin quickly and smoothly. Principals should take a proactive approach to communicating with providers. Principals can encourage providers to speak with teachers and staff about SES, and their opportunities to work as a tutor for providers. It is important that school staff understand how school choice options impact school improvement efforts. Enhancing teachers' understanding, and encouraging teachers to share this information with parents at parent-teacher meetings, can help ensure that parents understand their options. Additionally, principals can inform providers of necessary information and specific rules that pertain to their school. Some essential information that providers will need to ensure services begin in a timely manner include: school hours, teacher and paraprofessional contract hours, regulations, and fee schedule for facility space usage. Principals may wish to regularly monitor classrooms during SES tutoring sessions and talk to tutors and site facilitators to better understand SES at their school.

Site facilitator. Many LEAs have hired school site facilitators to work with parents and providers to ensure that parents are well informed of their options and to assist providers in contacting parents for appointments and attendance issues. Responsibilities of a site facilitator may include the following:

- Coordinate Student Learning Plan (SLP) conferences
- Collection and tracking data of student eligibility, parent selection, student assessment, academic progress, hours of services, and attendance
- Communicate student assessment data to providers to facilitate creation of the SLP
- Coordinate SES schedule of time of service, use of space, provider fairs for parents, and provider job fairs for teachers
- Monitor SES provider program
- Maintain regular contact with district SES program office
- Serve as a liaison for the school, SES providers, parents, and the district

Choosing a Provider

Legal Obligation

Florida State Board of Education Rule 6A-1.039, FAC. FSBOE Rule mandates that LEAs provide a description of the procedures and timelines for selecting a provider and the commencement of services, the enrollment form with clear instructions, and an offer to assist parents in choosing a provider.

Provider Fairs

To acquaint parents with approved providers, LEAs may wish to consider hosting one or more provider fairs, depending on the size of the LEA and the location of eligible schools and students. For general information, holding meetings or town hall meetings for parents at the school, or with a group of schools in one convenient location, is a good method for communicating with parents and answering their specific questions. Many LEAs find that hosting these types of meetings after school or on weekends allows more parents to participate. LEAs may wish to include transportation to the meeting or offer childcare in an effort to increase parental involvement. SES information could also be incorporated into other school events, such as open house events, sporting events, school performances, or annual fairs.

NCLB requires that LEAs provide assistance to parents in selecting an approved SES provider if requested. LEA officials must use caution and ensure that information is unbiased and does not unduly encourage a parent to select one provider over another. LEAs should encourage parents to choose a provider that best meets the academic needs of their child. LEAs can assist parents in selecting a provider that best meets their needs by distributing a provider directory, information for accessing providers' applications, and a list of questions for parents to ask providers. The LEA should also work to ensure that parents who do not speak English understand their options. For example, schools may request bilingual staff to be present at informational events such as provider fairs.

Parent Outreach

Types of print media. Many LEAs have had success in informing parents regarding SES through advertisements in newspapers and magazines with wide circulation. Flyers and attractive brochures can be distributed through "backpack" mailings for children take home from school. Community organizations are also effective partners to acquaint parents with NCLB and the services provided. Many LEAs have found that partnering with faith-based organizations and other community centers like Big Brothers Big Sisters or the United Way presents further opportunities for LEAs to reach parents. These organizations can include information regarding the services provided through NCLB in newsletters or weekly bulletins. The business community may be able to post flyers at their business or incorporate SES information in employee newsletters. To assist LEAs in their outreach efforts, the FDOE has created sample flyers, newsletters, and posters. These materials can be found on the FDOE's web site at: <http://www.fldoe.org/flbpso/nclbchoice/ses/parentoutreach.asp>.

Advertisement locations. LEAs are encouraged to be creative in their outreach to parents about SES. Offsite venues can offer several advantages for parents. Transportation to provider fairs and meetings is an obstacle for many families. Many times, these off site venues are more accessible to parents.

Some innovative locations where LEAs have offered informational booths about SES include churches, neighborhood recreational parks, and local grocery stores.

Business partners. LEAs may be able to collaborate with community business partners, such as banks, stores, and professional firms, for outreach to parents. Community businesses may be willing to sponsor broadcast messages on radio, television, billboards, or print advertising in local newspapers. Many radio and television stations will publish schools news without cost to the LEA. These Public Service Announcements (PSAs) are one of the many opportunities LEAs have in promoting their programs. Creative ideas such as recruiting a local celebrity or sports figure to record a message to be used in broadcast spots may reach more parents. The following is a sample PSA:

Free tutoring is available to help eligible students improve their reading and mathematics skills. Contact *****add name and number***** for more information.

Incentives

Parents of eligible students are to be active participants in the SES program by choosing a provider approved by the state and available in the LEA that best meets the needs of their children. LEAs may provide assistance to parents in selecting a provider. The LEAs must offer unbiased assistance focused on the specific academic needs of the student and the preferences of the parents.



The law prohibits providers or LEAs from offering incentives to entice parents or students to choose one provider over another. However, after a parent has selected a provider and participated in the development of a SLP, a student may be awarded an incentive for performance or attendance. The value of this incentive may not exceed \$50 per student per year.

Desktop and laptop computers are viewed as an enticement or incentive for parents to choose a specific provider. However, providers may provide desktop or laptop computers to students if they are necessary for participation in the program. Providers must ensure that all computer equipment provided to a student by the provider is returned to the provider upon completion of SES. If students will be using a school computer to access information from a provider, the provider must abide by all school and school district policies and procedures regarding computer/Internet use. Providers may not advertise “free computers” to be given with enrollment. Computers loaned to students must be fitted in such a way that students only have access to the approved SES program.

Fingerprinting/Background Screening of SES Providers

General Information

Legal authority. The 2005 Legislature passed the Jessica Lunsford Act, creating Section 1012.465, Florida Statutes (Background screening requirements for certain non-instructional school district employees and contractors.--

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=Section+1012.465&URL=CH1012/Sec465.HTM), **requiring**



school districts to conduct state and national background screenings of non-instructional personnel and contractors. This law defines contractual personnel

as any vendor, individual, or entity under contract with the district school board.

Subcontractors are also considered contractors with the school district, for the purposes of state and national background screenings. State approved providers who contract with school districts to provide SES and their employees who have access to school grounds when students are present, have direct contact with students, or have access to or control of school funds are considered contractors.

A state and national background screening is a fingerprint-based criminal history records check of individuals for the consideration of disqualifying offenses. State legislation applies to those persons employed by or contracted with any Florida public school district, which include traditional public schools, university lab schools, charter schools, and alternative schools. A level 2 state and national fingerprint-based criminal history background check means a national and state fingerprint-based criminal history check of a contractor/subcontractor, such as an SES provider and its employees, to determine if a person has a criminal history (Section 1012.465, Florida Statutes). Criminal history background checks are conducted through statewide criminal and juvenile records maintained by the Florida Department of Law Enforcement (FDLE) and federal criminal records maintained by the Federal Bureau of Investigation (FBI). A school district may also require a local criminal records check through local law enforcement agencies. A search for criminal records is conducted with the following databases:

- Florida Computerized Criminal History Central Repository for Florida criminal and juvenile records
- Florida Crime Information Center for warrants and domestic violence injunctions
- The FBI's national fingerprint and criminal history database for federal records
- Criminal records from other states
- Criminal records checks through local law enforcement agencies

Implementation

Each LEA must ensure that all state approved SES providers and their employees have undergone a fingerprint-based criminal history screening and are cleared of offenses that the LEA considers "crimes of moral turpitude." Rule 6B-4.009 (FAC), defines moral turpitude as, "...a crime that is evidenced by an act of baseness, vileness, or depravity in the private and social duties, which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude." Policies for the screening and approval of the individual, based upon the results, vary from LEA to LEA.

Florida law provides LEAs with the authority to determine whether the costs associated with the background screenings are to be borne by the LEA, the SES provider (as contractor), or the individuals (owners, agency heads, representatives, employees, or subcontracted personnel). Additionally, each LEA must determine the state and national background screening process and the fees, which may vary from LEA to LEA.

The FDLE implemented an automated database called the Florida Shared School Results System (FSSR), in which LEAs may share criminal history information with other LEAs. Records in this system became available to LEAs on September 21, 2005. LEAs may use this system or share information with other LEAs. However, many LEAs may require SES providers to undergo a state and national fingerprint-based background screening specifically for their LEA.

A state and national criminal history background check includes fingerprinting an individual and submitting the prints to the FDLE to compare those records against the statewide criminal and juvenile records maintained by the FDLE and federal criminal records maintained by the FBI. It may also include a local criminal records check through local law enforcement agencies. A SES provider that is contracted or subcontracted with a LEA, and the individuals who are employed by the contracted or subcontracted SES provider, who meet at least one of the criteria, must submit to a fingerprint and criminal history background check. These criteria include personnel who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds.

On-line providers. The law does not define what constitutes direct access with students who use distance learning and on-line computer instruction provided by state approved SES tutors. However, state law does grant authority to each LEA to determine whether on-line or distance learning SES providers and their employees must submit to a state and national background screening. Persons or organizations must go through their state repository (FDLE) in order to obtain the FBI information.

State and national fingerprint-based background screening. School board contracts may impose that the award of contractual services is contingent upon all employees who meet at least one of the criteria specified in Section 1012.465 Florida Statutes, passing a state and national fingerprint-based background screening to the standards of that LEA.

Post-screening provider approval. The employing or contracting LEA makes the final determination of approving or denying SES providers and employees that contract with the LEA on the basis of the screening results. The results of the criminal history check may not be released to the employer or the contractor but only to the individual (or the individual's attorney) that has been fingerprinted and screened.

Moral turpitude. The employing LEA must determine whether the information revealed in the background check renders an individual fit to serve in that LEA. However, LEAs may consult and agree on disqualifying offenses. The crime distinguishes the disqualifier and not when or where the criminal act or conviction occurred.

Provision to dispute results of background check. Individuals are entitled to request a copy of relevant information if they dispute the accuracy of the results. Those who wish to dispute the results of a criminal history record should contact FDLE Quality Control Section for Florida records and the FBI for out-of-state records.

Monitoring provider access to school grounds. LEAs are held responsible for ensuring that only properly screened and approved individuals are allowed access on school grounds when students are present, have direct contact with students, and/or have access or control over school funds. Each LEA must implement processes that are effective for each school's unique situation. LEAs may establish methods such as issuance of photo ID badges, sign-in logs, check-in points, or biometric technology to verify a positive match to the identification presented. Additionally, LEAs that have contracted with SES providers who provide instruction through the use of a computer or at an off-school site location should closely monitor the contracted personnel and subcontracted personnel with access to students.

Presumption against negligent hiring. According to Florida law [Section 768.096, Florida Statutes (Employer presumption against negligent hiring.--)] http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=Section+768.096&URL=CH0768/Sec096.HTM in the case of an intentional tort, an employer is presumed not to have been negligent in hiring an employee if before hiring the employee, the employer conducted a criminal background investigation of the prospective employee, and the information did not reveal any information that reasonably demonstrated unsuitability of the prospective employee for the work to be performed or for general employment. The statute specifically provides that if an employer requests and obtains from FDLE a state criminal history check, as reported and reflected in the Florida Crime Information Center System, the employer has satisfied the criminal background investigation requirement for the presumption.

Sharing fingerprints and background check results. State and national criminal history information may be shared between LEAs only. Sharing criminal history information is not allowed when it has been obtained for different purposes, even if the results received are the same. For example, criminal history information received by the Department of Financial Services for licensing insurance agents may not be shared with the Department of Agriculture and Consumer Affairs for licensing of security guards. Non-governmental entities are not authorized to receive state and national criminal history information under statutory licensing and employment provisions.

Developing the Student Learning Plans (SLP)

General Information

Purpose. The purpose of the Student Learning Plan (SLP) is to assist low-performing students in meeting state and LEA expectations for academic proficiency in reading, language arts, and mathematics. The SLP should reflect each student's program with instruction that is focused, intensive, and tailored to meet the individual needs of the student. The SLP is the primary vehicle for communicating the parent, LEA, and provider commitments to addressing the unique educational needs of a student.



Required elements. In order to maximize the student's opportunity for success and support, clear communication among the school, parent, and provider, several elements are required in the SLP. The SLP must:

- be based on academic performance data and a diagnostic assessment conducted by the state-approved SES provider to identify student's academic deficiencies and skill gaps. Academic performance data might include FCAT scores, scores from other standardized tests, and report card grades. In addition, diagnostic assessments should be used to pinpoint specific academic deficiencies and identify priority educational needs.
- identify specific and measurable achievement goals for the student in reading, language arts and/or mathematics. Academic goals and FCAT tested benchmarks should be stated specifically for each deficiency and prioritize educational need in the content area based on appropriate diagnostic assessments. The measurable goal should focus on the knowledge or skills that will enhance the student's performance and assist in achieving the desired outcome.
- include individualized instructional program and academic intervention strategies designed to meet students' individual needs. Intervention strategies and tutoring should be proven effective by scientific research and focused on specifically diagnosed deficiencies. If the student has been identified as having a deficiency in reading, the SLP must address the student's specific deficiencies in phonemic awareness, phonics, fluency, comprehension, and vocabulary. If the student has been identified as having a deficiency in mathematics, the SLP must address the student's specific deficiencies in the identified standards of the Sunshine State Standards (number sense, measurement, geometry and spatial sense, algebraic thinking, and data analysis and probability). For information regarding Florida's Sunshine State Standards, see <http://www.fldoe.org/bii/curriculum/sss/>.

- provide the process and schedule for frequent monitoring of student's progress. Continuous progress monitoring of academic performance is necessary for many reasons. Continuous progress monitoring enables teachers to detect a student's academic difficulties early and modify or accommodate the curriculum and instruction. Students should be aware of their progress and can use the information for goal-setting and motivation. Information from progress monitoring will reinforce the efforts of teachers and parents who are supplying the supplemental instruction and increase the probability that such services will be effective. Frequent progress monitoring will help inform tutors, teachers, and parents of the student's progress toward meeting the annual goals. It is recommended that a student's progress be monitored at a minimum of once each month. This will enable the tutor, parent, and teacher to determine if the academic intervention and support is effective and if not, to revise or make accommodations to the instruction to reflect a more effective intervention.
- provide a timetable for improving the student's achievement that ensures that services are provided to students as soon as possible in the school year, but no later than October 15 of each school year. The timetable should include the length of each tutoring session, the frequency of the sessions, and the duration (i.e. end of the school year).
- describe how the provider will regularly inform the student's parents and teachers regarding the student's progress. Progress reports to parents and teachers must be regularly scheduled, and the format should provide information in a way that is easy to understand.

Current level of academic performance. Gathering information related to a student's current level of academic performance is the first step in developing a SLP. The SLP team members must use the information to establish a baseline of the student's current functioning level in order to develop measurable annual goals and determine what services are needed to meet the needs of the student. It is important that the current level of performance statement is written in a way that is clear to all participants and measurable so that student progress during the tutoring sessions can be easily monitored and reported. The current level of academic performance should contain information on the following:

- specific information about the student's achievement and performance on a variety of assessments and observations
- strengths and/or weaknesses of the student based on the diagnostic assessments
- informal data and observations

Goals

Goals for the student must be established in reading, language arts and/or mathematics. Academic goals and FCAT tested benchmarks should be stated specifically for each deficiency and prioritize educational need in the content area based on appropriate diagnostic assessments. The measurable goal should focus on the knowledge or skills that will enhance the student's performance and assist in achieving the desired outcome.

A measurable goal is an individualized, specific statement of what the student needs to learn and how well it must be accomplished. **The measurable goals must clearly communicate**



what the student is expected to accomplish and specify the criterion or measure that will be used to determine whether or not the student has achieved the goal. Measurable goals should reflect the student's most critical academic needs that are to be addressed during the tutoring sessions. The measurable annual goals set up the process for how progress can be measured and reported to meet the requirements of the SLP.

Measurable goals should reflect the student's most critical academic needs that are to be addressed during the tutoring sessions. The measurable annual goals set up the process for how progress can be measured and reported to meet the requirements of the SLP.

To be measurable, each goal must include a clear description of what the student is expected to learn, and the criterion or measure that will be used to show if the goal has been achieved. Project SMART (2000) suggests the acronym SMART for writing measurable goals. The acronym SMART has a number of slightly different variations, which can be used to provide a more comprehensive definition for goal setting:

S - specific, significant, stretching

M - measurable, meaningful

A - agreed upon, attainable, achievable, acceptable, action-oriented

R - relevant, realistic, reasonable, rewarding, results-oriented

T - time-based, timely, tangible, trackable

Specific goals. Specific goals should be straightforward and emphasize outcomes for the student. A specific goal outlines the what, why, and how of the SMART model.

WHAT is the student going to do? Use action words such as direct, organize, coordinate, lead, develop, plan, build etc.

WHY is this important to do at this time? What do you want the student to ultimately accomplish?

HOW is the student going to do it? (By...)

Measurable goals. All measurable goals should show a change in student performance. A measurable goal addresses how the team will know when the student has reached his or her goal. For example: the student will show a 25 percent increase in the correct number of words read in one minute on grade level probes. A measurable goal shows the specific target to measure (25 percent increase in the correct number of words read in one minute) and the instrument used to measure it (on grade level probes). "The student will improve his or her reading skills" is not a measurable goal. A measurable goal has the following benefits:

- keeps students and teachers on track
- helps students and tutors reach the target dates

- allows parents and students to monitor the progress toward reaching the goal

Agreed upon goals. Support the collaborative effort involving a student’s parents, a representative from the student’s school, or the LEA, and the provider selected by the parent. These individuals should function as a team to develop the SLP and agree upon the goals. Each team member is responsible for bringing information to the process, including but not limited to the most recent results of each student’s performance on state and/or district-wide assessments, the student’s classroom performance, provider assessments, observations by the teacher or parent, and other existing and relevant student plans such as an academic improvement plan (AIP), individual educational plan (IEP), or English language learner (ELL) plan. It is the responsibility of the school district to develop procedures consistent with the requirements of NCLB related to the development, implementation, and evaluation of students’ SLPs.

Relevant goals. Relevant goals are goals that are tied to the Sunshine State Standards and help students reach and/or exceed grade level achievement. The benchmarks for the Sunshine State Standards refer to a description of the content or skill that must be learned to achieve the standard. The Sunshine State Standards, benchmarks, and grade level expectations provide the framework for the curriculum used in Florida schools. It is not necessary to duplicate this information on the SLP.

Realistic goals. Realistic goals are written to bring the student closer to achievement at or above grade level. Realistic goals are not written to be easy to ensure student success. The goal must be based on the current academic performance of the student. For example, a goal of learning to use every Latin prefix and suffix with 100 percent proficiency in two days is not realistic for an elementary student. It is more realistic to set a goal of learning the Latin prefixes of pre-, post-, and non- in context. The student can then work toward mastery of these prefixes gradually and build upon these successes.

Timely goals. Timely goals should specify a clear timeframe such as “by the end of the tutoring sessions”, “in twelve weeks”, “by the end of the year”, etc. Putting an end point on the goal provides a clear target to work toward. If a timeframe is not established, there is no urgency to take action.

To be measurable, a goal must include a clear description of what the student is expected to learn and the criterion or measure that will be used to show if the goal has been achieved. Bateman and Herr (2003) suggest four indicators to test whether or not a goal is measurable. A measurable goal must:

- reveal what to do to measure whether the goal has been accomplished
- yield the same conclusion if measured by several people
- allow a calculation of how much progress it represents
- be understood without additional information.

Measurable goals are derived directly from the data about the student in the current levels of academic performance statement. All members of the SLP team are involved in developing the goals, which will be used by tutors to focus instruction and measure progress. The measurable goals may be written as either an overall goal based on end of the year assessments, or short-term goals based on the specific diagnostic and/or progress monitoring data. There may be several short-term goals that are all tied to the one overall goal.

The SLP team may elect to use short-term objectives, benchmarks, or a combination of the two. The difference between the overall goal and short-term goals is subtle. Short-term goals describe sub-skills or intermediate steps toward reaching the overall goal and are generally written using the same format as a measurable goal. Regardless of whether overall goals or short-term goals are used, the SLP team must be able to monitor the progress the student is making toward the goal and to report that progress to parents.

Examples:

Type of Goal	Measurable Goals	Assessment Tool
Overall Goal	By the end of 2007, Johnny Jones will make one year's growth in math as measured by a change in the Developmental Scale Score (DSS) on the FCAT.	FCAT
Short-term Goal	By the end of the first semester, Johnny Jones' oral reading fluency will increase from 60 correct words per minute to 90 correct words per minute as measured by DIBELS progress monitoring assessments.	DIBELS progress monitoring assessments

Specific examples of measurable and non-measurable goals:

Samples from Student Learning Plans	
Non-Examples (from SLPs submitted)	Make them measurable
Identifies words and constructs meaning from text, illustrations, graphics, and charts using the strategies of phonics, word structure, and context clues.	Sally will be able to verbally identify the meaning of words in context when reading grade level texts with 80 percent accuracy.
The students will increase their knowledge of grade appropriate vocabulary.	By the end of the tutoring sessions, Bobby's knowledge of grade appropriate vocabulary will improve by 50 percent when assessed orally using vocabulary cards.
Increases comprehension by rereading, retelling, and discussion.	By the end of the tutoring sessions, Desiree will actively use rereading, retelling, and discussion, and be able to answer specific questions in writing recalling details from grade level passages with 80 percent accuracy.
Student will use basic elements of phonetic analysis including hearing, segmenting, substituting, and blending sounds in words.	By the end of the tutoring sessions, Jamal will be able to orally segment words of five phonemes with 80 percent accuracy.
Student will be able to communicate ideas and information, be able to write stories, informative pieces, and contribute ideas during group writing activities.	By the end of the tutoring sessions, Ramon will be able to write an expository passage of at least three paragraphs on a given topic. The passage will include at least three supporting details and have a clear beginning, middle, and end.
The student will improve grade level math skills.	By the end of the school year, Johnny will make at least one year's growth as measured by an FCAT Developmental Scale Score (DSS) increase of at least 231 points.
The student will read better by the end of the tutoring sessions.	By the end of the tutoring sessions, Sylvia's oral reading rate will improve by at least 25 percent as measured by correct words read per minute on grade level DIBELS passages.

Monitoring SLPs

Process and schedule. The SLP must include both the process and schedule for frequent monitoring. Continuous progress monitoring of academic performance is necessary for many reasons. **Continuous progress monitoring enables teachers to detect a student's academic difficulties early and modify or accommodate the curriculum and instruction.**



Students should be aware of their progress and can use the information for goal-setting and motivation. Information from progress monitoring will reinforce the efforts of teachers and parents who are supplying the supplemental instruction and increase the probability that such services will be effective. Frequent progress monitoring will help inform tutors, teachers, and parents of the student's progress toward meeting the annual goals. It is recommended that a student's progress be monitored at a minimum of once each month. This will enable the tutor, parent, and teacher to determine if the academic intervention and support are effective, and if not, to revise or make accommodations to the instruction to reflect a more effective intervention.

Timetable. The SLP must include a timetable for improving the student's achievement that ensures that services are provided to students as soon as possible in the school year, but



no later than October 15 of each school year. The timetable should include the length of each tutoring session, the frequency of the sessions, and the duration (i.e. to the end of the school year).

Monitoring and Reporting Student Progress on Student Learning Plans

Progress monitoring is a scientifically based practice used to assess students' academic performance and evaluate the effectiveness of instruction. The student's academic performance is measured regularly (i.e., weekly or monthly) by comparing expected and actual rates of learning. Based on these measurements, instruction adjusted as needed. Through this process, student's progression of achievement is monitored, and instructional techniques are adjusted to meet the student's learning needs.

Purpose. Progress monitoring is used to:

- determine whether students are benefiting from the instructional program
- communicate effectively with the student, parents, and district/classroom teacher regarding the student's progress
- provide opportunities to develop and enhance the communication between the parent and the tutor
- make necessary program or curriculum adjustments to meet the individual needs of students.

Progress monitoring results in more targeted instructional techniques and goals, which help all students attain their academic goals and improve academic performance. Effectively monitoring students' progress:

- accelerates learning because students are receiving more appropriate instruction
- allows tutors and teachers to make more informed instructional decisions to meet the individual needs of the student
- provides a means of documenting student progress for accountability purposes
- facilitates efficient communication with parents and other professionals about students' progress.

NCLB requires each LEA to develop an agreement in consultation with parents of students participating in SES and the provider. This agreement must be developed in consultation with the parents, LEA, and SES provider as part of the student learning plan (SLP). Progress monitoring is the tool to ensure the student's progress toward meeting his or her academic goals, and the results are shared with his or her parents and teachers. This enables the tutors to also adjust curriculum and instruction to more effectively meet the needs of the student. In addition, many LEAs include progress monitoring and reporting requirements in the contract between the SES provider and the LEA.

Timetable. It is recommended that a student's progress be monitored at a minimum of once each month. This will enable the tutor, parent, and teacher to determine if the academic intervention and support are effective, and if not, to revise or make accommodations to the instruction to reflect a more effective intervention.

Reporting student progress. Student progress should be measured and reported monthly based on each of the measurable goals of the SLP. Since the measurable goals of the SLP include a clear description of what the student is expected to learn and the criterion or measure that will be used to show if the goal has been achieved, reporting student progress provides a clear indicator of how far the student has come in reaching the goals of the SLP.

Progress reports. The progress report must, at a minimum, inform parents of the progress the student is making toward meeting the goals of the SLP and whether this progress is sufficient in order for the student to achieve the goals by the end of the tutoring sessions. The tutor must gather evidence to support what each student has accomplished with regard to the goals of the SLP.

Examples:

SLP Goal			
By the end of the tutoring sessions, Bobby will be able to recognize by sight 75% of the 220 Dolch sight words when assessed orally using flashcards.			
Initial Results October	1 st period ending November	2 nd period ending December	Final Results January
Bobby can correctly identify 20 of the 220 sight words on the Dolch sight word list.	Bobby can correctly identify 55 of the 220 sight words on the Dolch sight word list. This is an improvement of 35 words from the beginning of tutoring sessions. Goal not met.	Bobby can correctly identify 125 of the 220 sight words on the Dolch sight word list. This is an improvement of 105 words from the beginning of tutoring sessions. Goal not met.	Bobby can correctly identify 175 of the 220 sight words on the Dolch sight word list. Goal met.
Parents may provide additional help at home by:			
Practicing with the flashcards each night.	Thank you for your help at home. Bobby is doing better. Enclosed with this report is the next set of flashcards to use at home.	Bobby is progressing nicely with sight words. Please continue to practice with the flashcards. It will also help Bobby if you listen to him read aloud each night.	Thank you for the support you provided during the tutoring process. Please continue to practice during the summer. Enclosed are flashcards for the words Bobby will need to know next year. Keep listening to Bobby read aloud each night. Attached to this report is a flyer for the summer programs at the public library. I believe Bobby will enjoy these programs. They will also help him with his reading.

The following statements demonstrate effective and ineffective methods for reporting student progress:

Progress Report Statements	
Ineffective	Effective
Juan is reading better.	Juan's ability to orally segment words is improving. He is now able to break words with four sounds into the individual parts. For example, he is able to break the word <i>cards</i> into the four sounds: /c/, /ar/, /d/, and /s/. Please continue to read with Juan and practice rhyming words and words with the same beginning and ending sounds.
Desiree is getting better with adding and subtracting 2 digit numbers.	Desiree is able to add two digit numbers with carrying with 80% accuracy. She is also able to subtract two digit numbers without borrowing with 70% accuracy. We will continue to work on subtraction with and without borrowing. Please continue to practice the basic subtraction facts with Desiree.
Ramon's writing is much better.	Ramon's writing is improving. He is now able to write a main idea and three supporting sentences on a given topic. We will continue to work on his ability to write the concluding sentence and then expand these to supporting paragraphs. Please help him develop the ideas and supporting details in his writing.

Effective Progress Reports

Staff may wish to develop SMART progress reports including the following components:

- **Support** for the student's learning at home and at school
- **Monitor** student progress in meeting the goals identified on the SLP. The comments should describe in observable terms the student's improvements, growth, and successes.
- **Affirm** what the student can do by indicating the student's strengths
- **Relate** current and past instructional growth with future plans. The progress reports should identify the progress the student has made and what the tutor will focus on next.
- **Timely and frequent reports** to parents, tutors, and/or teachers are necessary so adjustments in the instructional program may be made, if necessary.

SECTION F: MONITORING

Monitoring SES Providers

General Information

FDOE monitors federally funded programs operated by Supplemental Educational Service Providers to fulfill its obligations under federal and state law. The purpose of monitoring is to ensure that all the legally prescribed components are in place to ensure student achievement.

Legal Authority

Education Department General Administrative Regulations (EDGAR) at 34 CFR 80.40(a) and Office of Management and Budget Circular (OMB) Circular A-133, require the FDOE to monitor sub-grant activities “to assure compliance with applicable Federal requirements and that performance goals are being achieved.” Section 1008.32, Florida Statutes, addresses the responsibility of the State Board of Education for oversight and enforcement relative to compliance.

Compliance Monitoring

While compliance monitoring takes many forms each year, SES providers will be monitored intensively using a comprehensive set of compliance items established by the FDOE. This is accomplished in one of two ways. For some SES providers to be monitored this year, a team of FDOE reviewers will conduct a thorough remote (desktop) monitoring process with limited, or no, on-site visits. For a select group of SES providers, a team of FDOE reviewers will conduct a thorough process while on-site.

The SES provider is expected to determine, for each compliance item, whether it is in full compliance, partial compliance (System Improvement Plan required), or non-compliance (System Improvement Plan required). By submitting the certification, the SES provider is certifying that it is either fully compliant in all areas or will take action to correct those areas in which it is not fully compliant during the current school year. During On-site and Desktop monitoring activities, the FDOE staff will check the appropriate box for each compliance item. The initials of the staff member completing the work paper and the completion date will also be included.

Monitoring Discretionary Programs

The FDOE monitors discretionary programs through a variety of different monitoring activities including, but not limited to, review of deliverables and regular reports, as well as frequent contact with program staff, depending on the type of program.

Technical Assistance vs. Monitoring

The FDOE makes monitoring visits for a variety of purposes. A technical assistance visit is designed to provide support to an SES provider. A monitoring visit is designed primarily to assist SES providers in avoiding monitoring findings relative to compliance of federal programs. The purposes of monitoring include:

- review information from an SES provider,
- determination of the need for system improvements, and
- provision of technical assistance.

Auditing vs. Monitoring

Compliance monitoring and audits are closely related, but are conducted by different entities. FDOE program and fiscal staff conduct compliance monitoring, while the Auditor General's Office (or independent auditors) conducts audits. Audits are typically focused on fiscal aspects of a project and the programmatic issues closely linked to fiscal requirements; monitoring activities are focused on program requirements. There is some overlap between the two activities; however, the FDOE makes every effort to reduce as much redundancy as possible. It should also be noted that FDOE is responsible for resolving any findings made by the Auditor General or independent auditors (OMB Circular A-133). Results of such audits are taken into consideration as part of the monitoring activities of the DOE.

Work Papers

Purpose

The work papers are a set of compliance items for each of the programs which receive federal funding monitored by the FDOE. The use of the work papers provides an opportunity for each SES provider to review its own compliance. The work papers give SES providers an opportunity to align their practices and policies with federal and state requirements. The Work Papers Common Elements document is found in Appendix B. The FDOE uses the work papers for a variety of purposes. First, they are an assurance that SES providers, as the FDOE's sub-grantees, are in compliance with federal and state law. Where SES providers identify areas in which they are not in compliance, the work papers help the FDOE to pinpoint areas where technical assistance is needed. Work papers also allow FDOE to identify SES providers' best practices. For SES providers that will be monitored with the FDOE on-site or desktop monitoring processes, the monitoring team reviews the work papers to help them prepare and to minimize SES provider's workload at the time of those reviews.

Organization

Work papers are comprised of the following sections:

Common Elements. FDOE staff, in conjunction with LEA representatives, identified the common elements associated with specific requirements related to each program. The first box on each page specifies the common element being addressed. A complete list of the common elements is included as Appendix B.

Compliance Item. The specific requirement related to the program being monitored is identified and the relevant NCLB or Florida Statutes citation is provided.

Compliance Status (SES provider). For each compliance item, the SES provider must select one of the levels of compliance and include the initials of the staff member completing the work papers and the completion date.

Review Questions. The left-hand column specifies the types of questions or information DOE staff will be looking for during the monitoring review. This column also lists documents required for verification activities.

Documents Required. This section should be set aside during the self evaluation, but must be submitted during on-site and desktop monitoring.

Provider Comments. This space is provided for the SES provider to communicate additional information or comments regarding a compliance item to FDOE staff.

DOE Verification Notes. This space is used by FDOE staff to record comments during desktop or on-site monitoring.

Compliance Status

The SES provider is expected to determine, for each compliance item, whether it is in full compliance, partial compliance (System Improvement Plan required), or non-compliance (System Improvement Plan required). By submitting the certification, the SES provider or other funded entity is certifying that it is either fully compliant in all areas or will take action to correct those areas in which it is not fully compliant during the current school year. The various levels of compliance and their definitions include:

In Compliance. The SES provider provided satisfactory documentation of full compliance with the requirement.

Partial Compliance. The SES provider satisfied a portion of the requirement. If this box is checked, the SES provider will be required to prepare a System Improvement Plan to address the non-compliant portion of the requirement (see Appendix E).

Not in Compliance. The complete requirement is not satisfactorily met. If this box is checked, the SES provider will be required to prepare a System Improvement Plan to address the non-compliant portion of the requirement (see Appendix E).

Not Applicable. The requirement is not applicable to the SES provider being monitored. If "Not Applicable" is checked, the comments/notes sections should explain why the requirement is not applicable.

Submission of Work Papers

All SES providers must complete work papers. However, only those scheduled for desktop or on-site review must submit the work papers and supporting documentation to the FDOE. The completed work papers, certification, and System Improvement Plans are normally due to FDOE 30 calendar days from their receipt; however, deadlines are subject to change.

Tiers of Monitoring

The FDOE uses many activities to monitor compliance, including the review and approval of RFAs. In addition to these routine monitoring activities, the FDOE uses two types of focused monitoring activities: self-evaluation and FDOE on-site/desktop monitoring. Self-evaluations are conducted by each SES provider using a set of documents, called work papers, to assess the SES provider's level of compliance. All state-approved SES providers complete a self-evaluation annually. FDOE on-site and desktop monitoring activities are conducted annually for a subset of SES providers, either by a full, on-site visit or a remote (desktop) data review with limited, or no time spent on site.

Self Evaluation

Signature. The agency head must sign the Self-Evaluation Certificate. A signature on the certification represents that all the answers submitted are accurate. Although the certification must include an original signature, the work papers do not.

Required documentation. All state-approved SES providers must submit the Self-Evaluation Certificate in hard copy, with an original signature to Bureau of Student Assistance, 325 W. Gaines Street, Suite 316, Tallahassee, Florida 32399. By signing this form, the agency head certifies that the work papers are complete and accurate (see Appendix C). The work papers are available for download at:
http://www.fldoe.org/flbpso/nclbchoice/ses/nclb_monitoring0708.asp.

On-Site and Desktop Monitoring

The US Department of Education (USED) has determined that having SES providers report their own levels of compliance, while a valuable part of the monitoring process, is not sufficient. The FDOE is audited by the Auditor General's Office annually and monitored by USED every three years; like SES providers, the FDOE provides a variety of data to the USED every year. SES providers that are scheduled for desktop and on-site monitoring must send a copy of all required documents that serve as evidence to support compliance items in the work papers. SES providers scheduled for desktop monitoring should submit their required documentation at the same time as work papers. All deadlines are established yearly. Required documentation may be submitted to the Department electronically, in the form of a CD-ROM, printed copy by certified mail, or via email to Anna.Moore@fldoe.org.

Selection and notification. The FDOE selects SES providers for desktop monitoring or on-site visits based on the FDOE's review of data, including student achievement, the previous year's work papers, and other sources of data on SES providers performance. LEAs participate in the FDOE's on-site or desktop monitoring activities every five years, on a regular cycle. The Department will select a minimum of five providers to participate in the on-site or desktop monitoring process from each district selected for an on-site or desktop review.

Desktop Monitoring

During the desktop monitoring process, a team from the FDOE will review the work papers and documentation provided to FDOE.

Monitoring begins with an entrance conference call between the FDOE and SES provider personnel during which the scope of the desktop monitoring will be explained. During the monitoring activity, FDOE may request phone conference calls with a range of SES provider personnel, as well as additional documentation.

Members of the FDOE team will work with the SES provider before the activity to establish a schedule that covers all necessary activities. Every effort will be made to coordinate phone interviews to accommodate the schedule of SES provider personnel. The process ends with an exit interview to discuss preliminary findings and timelines for reports. In some cases, the FDOE may wish to follow-up with a site visit to interview additional SES provider personnel or review additional documents. Desktop monitoring is designed to take place within one continuous work week and is planned in cooperation with SES provider personnel. Often desktop monitoring does not require a full week.

Preparation. The FDOE requests that each SES provider select a single point-of-contact to coordinate the monitoring components. The SES provider must submit the self-evaluation certification and provide a copy of all evidence that support the work papers to Bureau of Student Assistance, 325 W. Gaines Street, Suite 316, Tallahassee, Florida 32399. Each SES provider should also carefully read and answer the review questions in the work papers and make personnel available who can address these questions. Each SES provider to be monitored will receive specific correspondence from FDOE regarding monitoring requirements.

On-site Monitoring

Prior to an on-site monitoring visit, a representative of the FDOE will contact supplemental education service providers directly. During an on-site monitoring visit, personnel from the FDOE will visit the SES provider. The visit begins with a meeting between members of the FDOE team and SES provider personnel during which the scope of the visit will be explained. While on-site, the FDOE team will interview a range of SES provider personnel, parents, and school district personnel. The team will request and review documents. In addition, they will visit schools, observe tutoring sessions, and project activities. The visit ends with an exit interview to discuss preliminary findings and timelines for reports. On-site monitoring visits are designed to take place within one continuous work week whenever possible, and are planned in cooperation with LEA personnel. Often these visits do not require a full week.

Preparation. The FDOE requests that each SES provider select a single point-of-contact to coordinate the visit. The SES provider is expected to provide a copy of all evidence to support the work papers either electronically, on a CD-ROM, or by printed copy by certified mail. Before the visit, the SES provider should consult the document lists in the work papers to prepare the required documentation for review; paper copies of documents must also be readily available in a central location during the on-site visit. The SES provider should also carefully read the review questions in the work papers and make personnel available who can address these questions. SES providers to be monitored will receive specific correspondence from FDOE regarding the visit and requirements.

Follow-Up and Reporting

Preliminary Report

After the end of a desktop monitoring or on-site visit, the FDOE team will assemble a preliminary monitoring report. The preliminary report, which must undergo several levels of FDOE review, should be sent to the agency head within 30 workdays of the monitoring review. The preliminary report will identify areas of compliance, partial compliance, and non-compliance, as well as any recommendations. Additionally, a Sip template will be included for each finding of non-compliance. The preliminary report will also indicate the items for which System Improvement Plans must be developed and any required fiscal adjustments. The SES provider must develop and provide a System Improvement Plan to FDOE within ten working days after the receipt of the report, acknowledging that the findings of partial or non-compliance are correct and agreeing to correct these findings. A System Improvement Plan template, instructions, and a completed sample are found in Appendix D. The Reporting and Follow-up Section (Section E) provides detail on requirements that follow the preliminary report.

Requests for reconsideration of findings. An SES provider may request reconsideration of any findings within ten work days of receiving the preliminary report. Requests for reconsideration should be submitted, in writing, to the Chief of the Bureau of Student Assistance, 325 W. Gaines Street, Suite 316, Tallahassee, Florida 32399.

Final Report

If the SES provider does not request reconsideration of findings, the report becomes final. Final reports will include any changes made in response to the request for reconsideration and any additional evidence provided to FDOE. All reports are public record and available for public review consistent with Florida's *Government in the Sunshine* laws and rules.

System Improvement Plans

System Improvement Plans should provide the specific steps the SES providers will take to come into compliance, including anticipated timelines. These should serve as a comprehensive "plan of action," outlining the key components of the necessary system improvements that will ensure compliance with federal requirements. A sample System Improvement Plan is in Appendix D. System Improvement Plans are due ten work days after receipt of preliminary report.

Evidence that each System Improvement Plan from the previous year has been implemented must be sent on to the FDOE. Based on the gravity of the findings, the FDOE may establish additional reporting schedules that may, at FDOE discretion, involve follow-up visits to the SES provider to verify that the findings have been corrected.

Evidence. All evidence that the plan was implemented as described must be submitted either electronically, on a CD-ROM, or printed copy by certified mail to the Bureau of Student Assistance, 325 W. Gaines Street, Suite 316, Tallahassee, Florida 32399.

**Appendix A:
LEA Compliance Monitoring Schedule**

Five Year Monitoring Schedule for 2007-2011

2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Wakulla	UF Lab School	Bay	Escambia	Columbia
Dozier II	Dade	Washington	Santa Rosa	Baker
Dozier School	Pasco	Putnam	Gadsden	Lake
Hillsborough	Union	Jefferson	Nassau	Orange
Pinellas	Bradford	Hamilton	Duval	Sarasota
Gilchrist	Holmes	Manatee	Volusia	Desoto
Charlotte	Calhoun	Hardee	Seminole	St. Johns
Liberty	Citrus	Highlands	Martin	FSDB
Franklin	Hernando	Polk	St. Lucie	FSU Lab
FAU Lab	Monroe	Gulf	Palm Beach	FAMU Lab
Levy	Collier	Jackson	Hendry	Broward
Marion	Lee	Okeechobee/Dozier	Osceola	Glades
Clay	Alachua	Taylor	Okeechobee	DOC
Indian River	Lafayette	Brevard	Madison	Okaloosa
Flagler	Dixie	Leon	Suwannee	Walton
	Sumter			

**Appendix B
Work Papers – Common Elements**

(A) Needs Assessments and Program Planning
(B) Activities
(C) Coordination of Programs
(D) Private School Consultation
(E) Support for Reading/Strategic Imperatives
(F) School Improvement
(G) Dissemination/Marketing
(H) Reporting Outcomes
(I) Programmatic Use of Funds
(J) Budget
(L) Highly Qualified Staff
(H) Others are necessary

Appendix C

Self-Evaluation Certification
2007-2008 No Child Left Behind
Supplemental Educational Service Provider
Self-Evaluation Certification
Due November 9, 2007

Supplemental Educational Service Provider: _____

Serving District: _____

Compliance Items Self-Evaluated and Compliance Status

For each compliance item listed below, indicate with a check (✓) the appropriate compliance status: In Compliance, Partial or Non-Compliance, and System Improvement Required. For any compliance item where system improvements are required, a System Improvement Plan must be attached.

Indicator	Compliance Status		System Improvement Plan Required
	In Compliance?	Partial or Non-Compliance?	
FIAc-4			
FIAc-5			
FIAc-5a			
FIAc-5b			
FIAc-6			
FIAc-7			
FIAc-8			
FIAc-9			
FIAc-10			

I, _____ (Type or Print Name of Agency Head) do hereby certify that all facts, figures, and representations reported herein are true, correct, and consistent with the requirements set forth in the No Child Left Behind Act and cited sections of the Florida Statutes. Furthermore, all applicable statutes, regulations, procedures, and administrative requirements have been implemented to ensure proper accountability for the expenditures of funds. All records necessary to substantiate these requirements will be available for review by appropriate federal and state personnel.

Signature of Agency Head

Date

Submit this form with original signature and any required System Improvement Plan to:

Florida Department of Education
Bureau of Student Assistance
ATTN: Bureau of Student Assistance
325 West Gaines Street Suite 316
Tallahassee, FL 32399-0400

Appendix D

Improvement Plan Template, Instructions, and Sample Preliminary System Improvement Plans

**No Child Left Behind (NCLB) Monitoring of
Supplemental Educational Service (SES) Providers
System Improvement Plan for 2007-2008**

Desktop Self Evaluation On-site Verification

SES provider: Date Prepared: Criterion: Finding: Objective: Evidence of Improvement: Anticipated Date of Completion: Person Responsible for Implementation of Plan:		
Actions to be Taken	Person(s) Responsible	Timelines

Instructions

General: This table is created as a Word document and cells expand to provide as much information as necessary.

SES provider and Date Prepared: Enter the name of the SES provider and the date the plan was prepared.

Criterion: Identify, using the numbers and text from the work papers, the criterion being addressed by this plan.

Finding: Describe the SES provider's finding which requires the System Improvement Plan. For example, "The contracts between the LEA and the provider were not signed by all parties.."

Evidence of Improvement: Specify how the SES provider will measure the improvement resulting from implementation of the plan, including the documentation that will be on-site and the data that will support successful implementation.

Anticipated Date of Completion: Specify the date by which the SES provider is committed to successfully achieving the objective.

Person Responsible: Specify by name and title of the SES provider representative who is responsible for implementation of the Plan. Provide a telephone number and e-mail address for that individual.

Actions to be Taken, Person(s) Responsible, Timelines: In the appropriate columns, delineate the actions to be taken, the person(s) responsible (by title only), and the timelines for implementation of these actions. The actions need to be specific and directly related to achievement of the objective. Timelines should be specified as a beginning date and a completion date (month and year).

**Sample
No Child Left Behind (NCLB) Monitoring
System Improvement Plan for 2007-2008**

SES provider: Butler's Academy of Excellence

Criterion: FIAc-5 The state-approved provider entered into agreements (contracts) with the LEA(s) in which it served students.

Finding: The contracts between the LEA and the provider were not signed by all parties.

Evidence of Improvement: 2008-2009 Contracts

Anticipated Date of Completion: November 31, 2007

Person Responsible for Implementation of Plan: John Q. Public, (111) 222-3333;
john.public@sunshine.edu

Actions to be Taken	Person(s)Responsible	Timelines
Create a team to oversee the contract process and to consult the district regarding the contract development process.	Director of Programs	January 2008
Ensure all contracts are signed and dated by a company representative.	Director of Programs	January 2008
Create a streamline process to contact families, assess student, develop goals, consult parents, and communicate effectively with school district staff.	Director of Programs	January 2008

**Sample
No Child Left Behind (NCLB) Monitoring
System Improvement Plan for 2007-2008**

SES provider: Mary Jo's Tutoring Company

Criterion: FIAC-10: The provider measured students' progress or regularly informed each student's parent(s) and the LEA (teachers) regarding the progress of the student in improving academic achievement as outlined in the student learning plan (SLP).

Finding: The provider did not provide regular feedback to parents in an understandable format.

Evidence of Improvement: Progress reporting procedure for the 2007-08 school year and actual progress reports provided to parents.

Anticipated Date of Completion: March 2008

Person Responsible for Implementation of the Plan: John Q. Public, (111) 222-3333;
john.public@sunshine.edu

Actions to be Taken	Persons(s) Responsible	Timelines
1. SES provider will become familiar with the dialects of the families in the region.	Program Director	March 2008
2. SES provider will establish a parent outreach committee.	Program Director	March 2008
3. Parent outreach committee will meet with parents of students of other languages to aid in progress reporting to parents.	Program Director	March 2008
4. SES provider will hire additional staff to translate parent communication.	Program Director	March 2008
5. SES provider will hire additional staff member to oversee progress reporting to parents.	Program Director	March 2008

Monitoring Local Education Agencies

General Information

The Florida Department of Education (FDOE) monitors federally funded programs operated by local educational agencies to fulfill its obligations under federal and state law. The purpose of monitoring is to ensure that all the legally prescribed components are in place to ensure student achievement.

Legal Authority

Education Department General Administrative Regulations (EDGAR). EDGAR, at 34 CFR 80.40(a), and Office of Management and Budget (OMB) Circular A-133, require the FDOE to monitor sub-grant activities “to assure compliance with applicable Federal requirements and that performance goals are being achieved.” Section 1008.32, Florida Statutes, addresses the responsibility of the State Board of Education for oversight and enforcement relative to compliance.

Compliance Monitoring

While compliance monitoring takes many forms each year, approximately one-fifth of Florida’s LEAs and other funded entities will be monitored intensively using a comprehensive set of compliance items established by the FDOE. This is accomplished in one of two ways. For approximately half of the LEAs to be monitored each year, a team of FDOE reviewers will conduct a thorough remote (desktop) monitoring process with limited, or no, on-site visits. For the remaining LEAs, a team of FDOE reviewers will conduct a thorough process while on-site.

The FDOE uses many activities to monitor compliance, including the review and approval of annual project applications and LEA Plans. In addition to these routine monitoring activities, the FDOE uses two types of focused monitoring activities: self-evaluation and FDOE on-site/desktop monitoring. Self-evaluations are conducted by each LEA using a set of documents, called work papers, to assess the LEA’s level of compliance. Each year, approximately one-fifth of Florida’s LEAs and other funded entities will be monitored intensively using a comprehensive set of compliance items established by the FDOE. This subset of LEAs will be monitored by a full, on-site visit or a remote (desktop) data review with limited, or no time spent on site. All LEAs and funded entities annually complete the work papers for each program in which they participate (See Appendix A for a list of LEAs scheduled for on-site and desktop monitoring in 2007-2008.)

Frequency. LEAs and other funded entities complete a self-evaluation annually. LEAs and funded entities participate in the FDOE’s on-site or desktop monitoring activities every five years, on a regular cycle, unless circumstances warrant more frequent monitoring. The FDOE may monitor any LEAs or other funded entities more frequently as necessary to ensure compliance with federal and state law. For LEAs that will be selected to participate in both FDOE compliance monitoring and English for Speakers of Other Languages (ESOL) monitoring, the FDOE will make every effort to coordinate monitoring visits for the convenience of the LEAs.

Monitoring Discretionary Programs

The FDOE monitors discretionary programs through a variety of different monitoring activities including, but not limited to, review of deliverables and regular reports, as well as frequent contact with program staff, depending on the type of program.

Technical Assistance vs. Monitoring

The FDOE visits LEAs and schools for a variety of purposes. A technical assistance visit is designed to provide support to an LEA. A monitoring visit is designed primarily to assist LEAs in avoiding audit findings relative to compliance of federal programs. The purposes of monitoring include: (1) review information from an LEA, (2) determination of the need for system improvements, and (3) provision of technical assistance.

Auditing vs. Monitoring

Compliance monitoring and audits are closely related, but are conducted by different entities. FDOE program and fiscal staff conduct compliance monitoring, while the Auditor General's Office (or independent auditors engaged by the LEA) conducts audits. Audits are typically focused on fiscal aspects of a project and the programmatic issues closely linked to fiscal requirements; monitoring activities are focused on program requirements. There is some overlap between the two activities; however, the FDOE makes every effort to reduce as much redundancy as possible. It should also be noted that FDOE is responsible for resolving any findings made by the Auditor General or independent auditors (OMB Circular A-133). Results of such audits are taken into consideration as part of the monitoring activities of the FDOE.

Work Papers

Purpose

The work papers are a set of compliance items for each of the programs named in A-2 above. The use of the work papers provides an opportunity for each LEA to review its own compliance. The work papers give LEAs an opportunity to align their practices and policies with federal and state requirements. The Work Papers Common Elements document is found in Appendix B. The FDOE uses the work papers for a variety of purposes. First, they are an assurance that LEAs, as the FDOE's sub-grantees, are in compliance with federal and state law. Where LEAs identify areas in which they are not in compliance, the work papers help the FDOE to pinpoint areas where technical assistance is needed. Work papers also allow FDOE to identify LEAs' best practices. For LEAs that will be monitored with the FDOE on-site or desktop monitoring processes, the monitoring team reviews the work papers to help them prepare and to minimize LEAs' workload at the time of those reviews.

Organization

The work papers are comprised of the following sections:

Common Elements. FDOE staff, in conjunction with LEA representatives, identified the common elements associated with specific requirements related to each program. This list is significantly reduced from recent years. The first box on each page specifies the common element being addressed. A complete list of the common elements is included as Appendix B.

Compliance Item. The specific requirement related to the program being monitored is identified and the relevant NCLB or Florida Statutes citation is provided.

Compliance Status (LEA). For each compliance item, the LEA must select one of the levels of compliance and include the initials of the staff member completing the work papers and the completion date.

Review Questions. The left-hand column specifies the types of questions or information FDOE staff will be looking for during the monitoring review. This column also lists documents required for verification activities.

LEA Comments. This space is provided for the LEA to communicate additional information or comments regarding a compliance item to FDOE staff.

DOE Verification Notes. This space is used by FDOE staff to record comments during desktop or on-site monitoring.

Compliance Status

The LEA is expected to determine, for each compliance item, whether it is in full compliance, partial compliance (System Improvement Plan required), or non-compliance (System Improvement Plan required). By submitting the certification, the LEA or other funded entity is certifying that it is either fully compliant in all areas or will take action to correct those areas in which it is not fully compliant during the current school year. The various levels of compliance and their definitions include:

In Compliance. The LEA has evidence to document full compliance with the requirement.

System Improvement Plan Required. All or part of the requirement is not documented as in compliance.

Not Applicable. The requirement is not applicable to the LEA being monitored. If “Not Applicable” is checked, the LEA should explain in the LEA comment box why the requirement is not applicable. (For example, an LEA with only Title I, Part A, school-wide programs would indicate that the items regarding targeted assistance programs are not applicable.) This category is not widely used with on-site monitoring, as the majority of compliance items are applicable to all LEAs.

Submission of Work Papers

All LEAs and other entities that receive formula funds under any of the programs named in A-2 must complete work papers. However, only those scheduled for desktop or on-site review must submit the work papers and supporting documentation on the CD-ROM provided to districts by FDOE. The completed work papers, certification and System Improvement Plans are normally due to FDOE 30 calendar days from their receipt. Submission requirements vary depending on the LEA. LEAs scheduled for on-site or desktop monitoring should submit their work papers electronically to the Office of Federal Programs in the FDOE.

Tiers of Monitoring

Self Evaluation

Signature. LEAs must also submit the Self-Evaluation Certificate in hard copy, with an original signature. By signing this form, the Superintendent assures that the work papers are complete and accurate (see Appendix C).

Required documentation. LEAs not scheduled for on-site or desktop monitoring must submit the Self-Evaluation Certificate in hard copy, with an original signature to the Director of Federal Programs, 325 W. Gaines Street, Suite 514, Tallahassee, Florida 32399. By signing this form, the Superintendent certifies that the work papers are complete and accurate (see Appendix C). (Any LEA with a System Improvement Plan from prior years should see Section E for information.)

On-site and Desktop Monitoring

The US Department of Education (US ED) has determined that having LEAs report their own levels of compliance, while a valuable part of the monitoring process, is not sufficient. The FDOE is audited by the Auditor General's Office annually and monitored by USED every three years; like LEAs, the FDOE provides a variety of data to the USED every year. LEAs that are scheduled for desktop and on-site monitoring must send a copy of a CD-ROM containing documents that serve as evidence to support compliance items in the work papers. LEAs scheduled for desktop monitoring should submit their CD-ROM at the same time as work papers. LEAs scheduled for on-site monitoring must submit their CD-ROM by the established deadline.

Selection and notification. The FDOE selects LEAs for desktop monitoring or on-site visits from the list of LEAs and other funded entities to be monitored, based on the FDOE's review of data, including student achievement, highly qualified teacher status, School Environmental Safety Incident Report (SESIR), the previous year's work papers, and other sources of data on LEAs performance. This selection process is called "risk-based" monitoring. A list of LEAs and other funded entities to be monitored via on-site and desktop is available in Appendix A. This list was developed to ensure that each LEA or funded entity is monitored via on-site or desktop procedures at least once every five years. However, the FDOE may monitor more frequently as necessary to ensure compliance.

Compliance Levels

The work papers provide a starting place for the on-site and desktop monitoring processes by allowing the FDOE to review an LEA's own assessment, as well as data and other reports, in preparation for a more intensive, DOE-directed, examination. During FDOE on-site and desktop monitoring, FDOE staff will check one of the following boxes for each compliance item. The initials of the staff member completing the work paper and the completion date will be included as well.

In Compliance. The LEA provided satisfactory documentation of full compliance with the requirement.

Partial Compliance. The LEA satisfied a portion of the requirement. If this box is checked, the LEA will be required to prepare a System Improvement Plan to address the non-compliant portion of the requirement (see Appendix E).

Not In Compliance. The complete requirement is not satisfactorily met. If this box is checked, the LEA will be required to prepare a System Improvement Plan to address the non-compliant portion of the requirement (see Appendix E).

Not Applicable. The requirement is not applicable to the LEA being monitored. If “Not Applicable” is checked, the comments/notes sections should explain why the requirement is not applicable.

Desktop Monitoring

Preparation for desktop monitoring. The FDOE requests that each LEA select a single point-of-contact to coordinate the monitoring components. The LEA must provide a copy of all evidence that support the work papers on CD-ROM to the Director of Federal Programs, 325 W. Gaines Street, Suite 514, Tallahassee, Florida 32399. Each LEA should also carefully read the review questions in the work papers and make personnel available who can address these questions. Each LEA to be monitored will receive specific correspondence from FDOE regarding monitoring requirements.

Participants for desktop monitoring. The FDOE team will coordinate each interview with the LEA point person. In general, the following individuals should plan on being available during desktop monitoring.

- Superintendent (or designee)
- NCLB/Federal Programs Coordinator
- Finance Officer
- Assessment Coordinator
- MIS Coordinator
- Curriculum Coordinator
- Exceptional Student Education Coordinator
- Certification Coordinator
- Staff Development Coordinator
- Student Services Director
- Other staff as needed

Process for desktop monitoring. During the desktop monitoring process, a team from the FDOE representing the range of federal programs that are funded in the LEA will review the work papers and documentation provided to FDOE. Monitoring begins with an entrance conference call between the FDOE and LEA personnel during which the scope of the desktop monitoring will be explained. During the monitoring activity, FDOE may request phone conference calls with a range of LEA personnel, as well as additional documentation. Members of the FDOE team will work with the LEA before the activity to establish a schedule that covers all necessary activities. Every effort will be made to coordinate phone interviews to accommodate the schedule of LEA personnel. Desktop monitoring is designed to take place within one continuous work week and is planned in cooperation with LEA personnel. Often desktop monitoring does not require a full week.

The process ends with an exit interview to discuss preliminary findings and timelines for reports. In some cases, the FDOE may wish to follow-up with a site visit to interview additional LEA personnel or review additional documents.

On-site Monitoring

Preparation for on-site monitoring. The FDOE requests that each LEA select a single point-of-contact to coordinate the visit. LEAs are not expected to make arrangements with SES providers; the FDOE will contact them directly. The LEA is expected to provide a copy of all evidence to support the work papers on CD-ROM. Before the visit, the LEA should consult the document lists in the work papers to prepare the CD-ROM; paper copies of documents must also be readily available in a central location during the site visit. The LEA should also carefully read the review questions in the work papers and make personnel available who can address these questions. LEAs to be monitored will receive specific correspondence from FDOE regarding the visit and requirements.

Participants for on-site monitoring. As is the case during desktop monitoring, the FDOE team will coordinate each interview with the LEA point person. Occasionally, non-FDOE staff will be present; the Department plans to continue to train and use LEA staff as peer monitors. In general, the following individuals should plan on being available during an on-site monitoring visit.

- District Personnel
 - Superintendent (or designee)
 - NCLB/Federal Programs Coordinator
 - Finance Officer
 - Assessment Coordinator
 - MIS Coordinator
 - Curriculum Coordinator
 - Exceptional Student Education Coordinator
 - Certification Coordinator
 - Staff Development Coordinator
 - Student Services Director
 - Other staff as needed

- School Personnel
 - Principal (or designee)
 - Instructional Staff
 - Guidance Personnel
 - Paraprofessionals

- Others
 - Parents
 - SES Providers
 - Representatives from private schools receiving services through NCLB programs

Process for on-site monitoring. During an on-site monitoring visit, a team from the FDOE will visit the LEA. Members of the team represent the range of federal programs that are funded in the LEA. The visit begins with a meeting between members of the FDOE team and LEA personnel during which the scope of the visit will be explained. While on-site, the FDOE team will interview a range of LEA personnel, parents, private school personnel, and vendors.

The team will request and review documents. In addition, they will visit schools, observe classrooms, and project activities. On-site monitoring visits are designed to take place within one continuous work week whenever possible, and are planned in cooperation with LEA personnel. Often these visits do not require a full week. The visit ends with an exit interview to discuss preliminary findings and timelines for reports.

Follow-Up and Reporting

Preliminary Report

After the end of a desktop monitoring or on-site visit, the FDOE team will assemble a preliminary monitoring report. The preliminary report, which must undergo several levels of FDOE review, should be sent to the Superintendent within 30 workdays. The preliminary report will identify areas of compliance, partial compliance, and non-compliance, as well as any recommendations. The preliminary report will also indicate the items for which System Improvement Plans must be developed and any required fiscal adjustments. The Reporting and Follow-up Section (Section E) provides detail on requirements that follow the preliminary report.

Reconsideration of findings. An LEA may request reconsideration of any findings within 10 work days of receiving the preliminary report. Requests for reconsideration should be submitted, in writing, to the Director of Federal Programs, 325 W. Gaines Street, Suite 514, Tallahassee, Florida 32399. If the LEA does not request reconsideration of findings, the report becomes final; the LEA must develop and provide a System Improvement Plan to FDOE within 10 working days after the receipt of the report, acknowledging that the findings of partial or non-compliance are correct and agreeing to correct these findings. A System Improvement Plan template, instructions, and a completed sample are found in Appendix E.

Final Report

After the FDOE has resolved any requests for reconsideration, it will issue a final report. Final reports will include any changes made in response to the request for reconsideration and any additional evidence provided to FDOE. The LEA must submit a System Improvement Plan to FDOE within 10 working days after the receipt of the preliminary report. All reports are public record and available for public review consistent with Florida's *Government in the Sunshine* laws and rules.

System improvement plans. System Improvement Plans should provide the specific steps the LEA will take to come into compliance, including anticipated timelines. These should serve as a comprehensive "plan of action," outlining the key components of the necessary system improvements that will ensure compliance with federal requirements. A sample System Improvement Plan is provided for the Title I, Part A compliance item pertaining to the annual evaluation of the LEA parent involvement policy in Appendix E. Evidence that each System Improvement Plan from the previous year has been implemented must be sent as well. Based on the gravity of the findings, the FDOE may establish additional reporting schedules that may, at FDOE discretion, involve follow-up visits to the LEA to verify that the findings have been corrected. Evidence that the plan was implemented as described should be submitted electronically on a CD-ROM and should be mailed to the Director of Federal Programs, 325 W. Gaines Street, Suite 514, Tallahassee, Florida 32399. The CD-ROM facilitates the review and response process.

Appendix A:

LEA Compliance Monitoring Schedule

Five Year Monitoring Schedule for 2007-2011

2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Wakulla	UF Lab School	Bay	Escambia	Columbia
Dozier II	Dade	Washington	Santa Rosa	Baker
Dozier School	Pasco	Putnam	Gadsden	Lake
Hillsborough	Union	Jefferson	Nassau	Orange
Pinellas	Bradford	Hamilton	Duval	Sarasota
Gilchrist	Holmes	Manatee	Volusia	Desoto
Charlotte	Calhoun	Hardee	Seminole	St. Johns
Liberty	Citrus	Highlands	Martin	FSDB
Franklin	Hernando	Polk	St. Lucie	FSU Lab
FAU Lab	Monroe	Gulf	Palm Beach	FAMU Lab
Levy	Collier	Jackson	Hendry	Broward
Marion	Lee	Okeechobee/Dozier	Osceola	Glades
Clay	Alachua	Taylor	Okeechobee	DOC
Indian River	Lafayette	Brevard	Madison	Okaloosa
Flagler	Dixie	Leon	Suwannee	Walton
Sumter				

Appendix B
Work Papers – Common Elements

(A) Needs Assessments and Program Planning
(B) Activities
(C) Coordination of Programs
(D) Private School Consultation
(E) Support for Reading/Strategic Imperatives
(F) School Improvement
(G) Dissemination/Marketing
(H) Reporting Outcomes
(I) Programmatic Use of Funds
(J) Budget
(K) Highly Qualified Staff
(L) Others as necessary

Appendix C

Self-Evaluation Certification

**2007-08 No Child Left Behind and Selected Florida Statutes Monitoring
Self-Evaluation Certification**

Local Education Agency: _____

Programs Self-Evaluated, Contact Information, and Outcomes

For each of the programs listed below, indicate with a check () the appropriate compliance status: In Compliance, System Improvement Required, or Not Applicable. For any program area where system improvements are required, a System Improvement Plan must be attached. In the column headed, "Contact Information," please provide the name, title, mailing address (including room/office number if applicable), telephone and fax numbers (including area code), and e-mail address the person responsible for the action/system improvement plan...

Program	Compliance Status		Contact Information
	In Compliance	System Improvement Required	Not Applicable*
Title I, Part A (Basic)			
Title I, Part A (Choice)			
Title I, Part C (Migrant)			
Title I, Part D (N&D)			
Title II, Part A (Teacher & Principal Training)			
Title II, Part D (Enhancing Education Through Technology)			
Title IV, Part A (Safe & Drug-Free)			
Title V (Innovative Programs)			
Title VI, Part B (Rural & Low-Income)			
Title X (Homeless)			

***If not applicable because the LEA does not participate in this program, please provide an explanation.**

I, _____ (Type or Print Name of Superintendent) do hereby certify that all facts, figures, and representations reported herein are true, correct, and consistent with the requirements set forth in the No Child Left Behind Act and cited sections of the Florida Statutes. Furthermore, all applicable statutes, regulations, procedures, and administrative requirements have been implemented to ensure proper accountability for the expenditures of funds. All records necessary to substantiate these requirements will be available for review by appropriate federal and state personnel.

Signature of Superintendent Date

**Submit this form with original signature and any required System Improvement Plan to:
Florida Department of Education
Office of the Chancellor
K-12 Public Schools
325 West Gaines Street Suite 514
Tallahassee, FL 32399**

Appendix D
Work Papers – Contact Information

Program	Contact Information
Title I, Part A	Lisa Bacen 850.245.0709 Lisa.Bacen@fldoe.org
Title I, Part A, Choice	Mary Jo Butler 850.245.0479 MaryJo.Butler@fldoe.org
Title I, Part C	Carolyn Mathews 850.245.0693 Carolyn.Mathews@fldoe.org
Title I, Part D	Melvin Herring 850.245.0684 Melvin.Herring@fldoe.org
Title II, Part A	Peggy Primicerio 850.245.0734 Peggy.Primicerio@fldoe.org
Title II, Part D	Charles Proctor 850.245.9868 Charles.Proctor@fldoe.org
Title IV	Brooks Rumenik 850.245.0749 Brooks.Rumenik@fldoe.org
Title V, Part A	Tameka Thomas 850.245.0845 Tameka.Thomas@fldoe.org
Title VI	Lisa Bacen 850.245.0709 Lisa.Bacen@fldoe.org
Title X	Brittney Jones 850/245-0706 Brittney.Jones@fldoe.org

Appendix E

Improvement Plan Template, Instructions, and Sample Preliminary System Improvement Plans

No Child Left Behind (NCLB) Monitoring of Local Education Agency (LEA) Programs System Improvement Plan for 2007-2008

_____ Desktop _____ Self Evaluation _____ On-site Verification

LEA: Date Prepared: Name of Program: Criterion: Finding: Objective: Evidence of Improvement: Anticipated Date of Completion: Person Responsible for Implementation of Plan:		
Actions to be Taken	Person(s) Responsible	Timelines

This template is available on-line at: <http://www.fldoe.org/bsa/title1/>

Instructions

General: This table is created as a Word document and cells expand to provide as much information as necessary.

LEA and Date Prepared: Enter the name of the LEA and the date the plan was prepared.

Name of Program: Enter the name of the program for which this plan was prepared (e.g., Title II, Part A – Teacher and Principal Training and Recruiting).

Criterion: Identify, using the numbers and text from the work papers, the criterion being addressed by this plan.

Finding: Describe the LEAs finding which requires the System Improvement Plan. For example, “Private schools were not provided an opportunity for equitable participation.”

Evidence of Improvement: Specify how the LEA will measure the improvement resulting from implementation of the plan, including the documentation that will be on-site and the data that will support successful implementation.

Anticipated Date of Completion: Specify the date by which the LEA is committed to successfully achieving the objective.

Person Responsible: Specify by name and title of the LEA representative who is responsible for implementation of the Plan. Provide a telephone number and e-mail address for that individual.

Actions to be Taken, Person(s) Responsible, Timelines: In the appropriate columns, delineate the actions to be taken, the person(s) responsible (by title only), and the timelines for implementation of these actions. The actions need to be specific and directly related to achievement of the objective. Timelines should be specified as a beginning date and a completion date (month and year).

**Sample
No Child Left Behind (NCLB) Monitoring
System Improvement Plan for 2007-2008**

<p>Name of Program: Title I, Part D, Subpart 2, Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk</p> <p>Criterion: BID-2, The LEA attempts to find alternative placements for students that are interested in continuing their education but are unable to participate in a regular education program.</p> <p>Finding: Non-Compliance; There is no evidence that the district has established the necessary supports to assist children returning to local schools from correctional or neglected/delinquent facilities.</p> <p>Evidence of Improvement: Appropriate transition plan developed and implemented.</p> <p>Anticipated Date of Completion: August 31, 2007</p> <p>Person Responsible for Implementation of Plan: John Q. Public, (111) 222-3333; john.public@sunshine.edu</p>		
Actions to be Taken	Person(s)Responsible	Timelines
A transition plan will be developed, with draft copies printed for school board members and administrators.	Director of Alternative Programs; Executive Director, School Improvement; Principals	June 2007-2008
Transition program plan will be placed on the August school board agenda for approval.	Director of Alternative Programs	July 2007-2008
Final copies of transition plan will be Printed.	Director of Alternative Programs	July 2007-2008
Transition plan copies will be distributed to school principals at a meeting in which the plan is fully explained, with technical support offered.	Executive Director, School Improvement	August 2007-2008

**Sample
No Child Left Behind (NCLB) Monitoring
System Improvement Plan for 2007-2008**

LEA: Sunshine School District

Name of Program: Title I, Part A

Criterion: CIA-8, The LEA (1) conducts, with parents, an annual evaluation of the content and effectiveness of the parent involvement policy/plan in improving the academic quality of schools funded under this part by identifying barriers to greater participation by parents in authorized activities; and (2) uses the findings to design more effective strategies and, if necessary, revise the parent involvement plan.

Finding: The LEA did not conduct an annual evaluation of the content and effectiveness of the LEAs parent involvement policy.

Objective: By the end of the 2007-08 school year, Sunshine School District will conduct, with the input of parents, an annual evaluation of the content and effectiveness of the LEAs parent involvement policy. This evaluation will measure the effectiveness of the LEAs parent involvement policy in improving the academic quality of schools and identifying barriers to participation. In addition, the LEA will analyze the results of the surveys with parents and revise the parent involvement policy as necessary.

Evidence of Improvement: Meeting agendas, surveys and their dissemination, analysis of findings, and revisions to the parent involvement policy.

Anticipated Date of Completion: May 2008

Person Responsible for Implementation of the Plan: Title I Coordinator

Actions to be Taken	Persons(s) Responsible	Timelines
1. Examine the Parent Involvement Evaluation Toolkit that is currently being piloted in three districts.	Title I Coordinator	September 2007
2. Tailor the Parent Involvement Evaluation Toolkit to be incorporated into the annual Title I Needs Assessment.	Title I Coordinator	October-November 2007
3. Administer the evaluation to parents at Title I schools.	Title I Coordinator	January 2008
4. Collect completed parent surveys and data from Title I schools.	Title I Coordinator	February 2008
5. Compile results of parent surveys.	Title I Coordinator	March 2008
6. Use findings to design more effective strategies and revise the parent involvement plan.	Title I Coordinator	May 2008

Appendix F

Sample Letter

June 22, 2007

Superintendent _____

LEA

Address

Address

Dear Superintendent _____:

Federal law requires the Florida Department of Education to monitor Federal programs administered by the state. The Department is committed to using a comprehensive, data-driven monitoring system that targets areas most likely to need improvement. Thank you for the assistance you provided to us in carrying out this task.

Here is a copy of our preliminary report, which has information about the monitoring activities, a summary of the monitoring outcomes related to NCLB school choice, and preliminary findings and recommendations that the team identified as a result of the review.

Any finding (partial or non-compliance) requires you to develop and submit a System Improvement Plan. Please use the enclosed form to develop your System Improvement Plan. Plans are due 14 working days following receipt of this letter. Please send these to the FDOE via e-mail or by fax at 850.245.0683.

Department staff will review the System Improvement Plans within ten business days of receipt and notify you of any necessary revisions. The approved System Improvement Plans will be included in the final report which will be finalized within 20 business days after System Improvement Plans are approved.

SECTION G: COMPLAINTS and WITHDRAWALS

Removal of SES Providers from the State Approved List

Provider Withdrawal

FDOE is required to monitor the quality and effectiveness of the services offered by approved providers and **withdraw approval from providers that fail, for two consecutive years, to contribute to increasing the academic proficiency of students on the State academic achievement standards, and to remove providers that fail at any time to meet any of the other eligibility requirements or assurances.**



Reasons for Withdrawal

FDOE may remove a provider from the approved list for the following reasons.

Delivery of services. FDOE may remove a provider from the approved list in the event that said provider fails to deliver services as provided Section 1008.331(3)(b), Florida Statutes,

- “A provider must be able to deliver supplemental educational services to school districts in which the provider is approved by the state. If a state-approved provider withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent and the minimums per site set by the provider have been met, the school district must report the provider to the department. The provider shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year”

Increase academic proficiency. FDOE may remove a provider from the approved list in the event that said provider fails to contribute to increasing the academic proficiency of students for two consecutive years.

Responsibilities and assurances. FDOE may remove a provider from the approved list when the Department determines that the matter is of such magnitude that it cannot be addressed by the school district through its enforcement mechanisms, the failure to comply with provider responsibilities and assurances, the failure to meet and maintain the eligibility requirements found in Form SES 100, the Supplemental Educational Services Providers Request for Applications, and the failure to comply with the requirements prescribed in State Board Rule 6A-1.039; however, failure to begin serving students by October 15 does not constitute withdrawal, provided the provider is actively working to begin services.

Complaint Process

General Information

A formal complaint may be filed with FDOE by any individual or organization that alleges that a school, district, or the state educational agency has violated the requirements of the NCLB. It is the responsibility of the FDOE to ensure that formal complaints are appropriately investigated and resolved.

Legal Authority

Section 9304(a)(3)(C) of the No Child Left Behind Act of 2001 (NCLB) requires every state educational agency to adopt written procedures for the receipt and resolution of complaints alleging violations of NCLB by districts, schools, or the State educational agency.

Definition



A complaint is an accusation that a school, district, or the state educational agency has violated the requirements of the NCLB. It is not a statement of disagreement with the Federal law, regulations, or guidance.

Method for Filing

The complaint must be received in writing, and the person or group making the complaint must be identified. Complaints may be filed with the No Child Left Behind Office at the following address:

NCLB Office
Florida Department of Education
352 Turlington Building
325 West Gaines Street
Tallahassee, FL 32399-0400
Complaints also may be sent to nclb@fldoe.org.

Investigative Process and Procedures

District-Level Complaints

Complaints are logged in by the NCLB Office. Staff members in the NCLB Office then contact staff in the appropriate FDOE office for resolution. Depending on the nature of the complaint, copies may also be forwarded to the Office of the General Counsel and/or the Office of the Inspector General. If a complaint relates to a specific school district or school, FDOE sends a copy of the complaint to the LEA within 15 days with a request to respond to it, and any additional questions requested by FDOE. The district then has 15 days to respond, including providing relevant supporting documents. Documents should be provided to the relevant FDOE program office, with a copy to the NCLB Office.

FDOE staff review the information provided by the LEA, and determine (1) if there is a potential violation of NCLB; (2) whether an on-site visit is needed; and (3) whether a meeting should be arranged between the LEA and the complainant. This review is completed within 15 days of receipt of the LEA's response.

On-site visits. When an on-site visit is required, FDOE staff members arrange and conduct the visit, including interviewing relevant staff. FDOE will coordinate visits with, and include as appropriate, the complainant, legal representatives of the FDOE, LEA, and/or complainant, and LEA and school personnel.

Reports. FDOE will produce a draft report of findings, which is sent to both the LEA and the complainant. Each has five business days to review and respond to FDOE. The final report from FDOE will include the responses from both the LEA and the complainant. The report will be mailed to both the LEA and the complainant within 10 days of receiving any responses.

Resolution. If FDOE determines that there has been a violation of NCLB, it will require corrective actions by the LEA and/or school. FDOE will specify a timeline for the completion of these corrective actions. FDOE will request follow-up documentation after the end of the time that corrective actions are due. If a LEA cannot or does not comply, FDOE will take action necessary to ensure compliance with statute, rule and federal regulation, including withholding funds, establishing conditions for future funding, and any other measures that may be appropriate.

State-Level Complaints

If a complaint relates to FDOE, the NCLB office sends a copy of the complaint to the relevant program office within 15 days with a request to respond to it, and any additional questions requested by the NCLB Office. The program office then has 15 days to respond, including providing relevant supporting documents.

Resolution process. A team of FDOE staff including, at a minimum, a representative of the NCLB Office, Cabinet-level personnel designated by the Commissioner, and either representatives of the Office of the General Counsel or the Office of the Inspector General, as appropriate, reviews the information. This team determines (1) if there is a potential violation of NCLB; and (2) whether a meeting should be arranged between the program office and the complainant. This review is completed within 15 days of receipt of the program office's response.

Reports. FDOE will produce a draft report of findings, which is sent to both the program office and the complainant. Each has five business days to review and respond to FDOE. The final report from FDOE will include the responses from both the program office and the complainant. The report will be mailed to the complainant within 10 days of receiving any responses.

Resolution. If FDOE determines that there has been a violation of NCLB, it will require corrective actions. FDOE will specify a timeline for the completion of these corrective actions. A finding under these processes constitutes final agency action.

SECTION H: REPORTING REQUIREMENTS

School Choice Notification

Automated Student Database

LEAs are required to report the school choices for all PK-12 public school students in



Florida. LEAs must be able to document that all eligible parents have been notified of the two choice options under NCLB, publicized the NCLB choice options in understandable formats, and provided parents with reasonable time to make their decisions.

Links to the Automated Student Database reporting formats that LEAs are required to submit related to NCLB School Choice are listed below. The data element, Educational Choice, is reported to the FDOE using the Prior School Status/Student Attendance format in Surveys 2, 3, and 5. The format, Title I Supplemental Educational Services (SES), is submitted in Surveys 2, 3, 5, and 9.

- Educational Choice http://www.fldoe.org/eias/dataweb/database_0708/st102_1.pdf
- Title I Supplemental Educational Services
http://www.fldoe.org/eias/dataweb/database_0708/0708tise.asp
- Appendix T: State approved SES Providers
http://www.fldoe.org/eias/dataweb/database_0708/appendt.pdf
- Appendix W: Title I SES schools that offer services one year earlier
http://www.fldoe.org/eias/dataweb/database_0708/appendw.pdf

Accurate record keeping is essential to document LEA compliance with NCLB and to monitor students' progress as impacted by parental choice. The data are also used to monitor compliance by the state approved SES providers and to evaluate the quality of services for students. The following tasks should be completed by all LEAs as part of a quality system of collecting and reporting LEA and school data related state-approved SES.

- Identify and report the SES providers chosen by each SES-participating student's parents.
- Report the subject area (reading, language arts, and/or mathematics) for which the student is receiving SES.



Report the hours of contact for each SES subject area.

SECTION I: DEFINITIONS

Academic Proficiency

Students who score at Levels 3, 4, or 5 are performing at or above expectations and meet the requirements of the Sunshine State Standards. Students who score at Level 1 are performing below expectations and need additional instruction in the content assessed at his or her grade.

Adequate Yearly Progress (AYP)

NCLB requires states to evaluate the performance of all students in all public schools in order to determine whether schools, LEAs, and the state have made Adequate Yearly Progress (AYP) towards enabling all students to meet the state's academic achievement standards. AYP measurements target the performance and participation of various subgroups based on race or ethnicity, socioeconomic status, disability, and English proficiency. The goal of NCLB is to have 100 percent of students proficient on state standards by 2013-14. (*2006 Guide to Calculating Adequate Yearly Progress (AYP) Technical Assistance Paper* available at <http://schoolgrades.fldoe.org/pdf/0607/2007AYPTAP.pdf>).

Assessment

The process of gathering and discussing information from multiple and diverse sources in order to develop an understanding of what students know, understand, and can do with their knowledge. Assessment is used to diagnose and identify a student's academic strengths and weaknesses in order to effectively focus instruction on targeted deficiencies. The process culminates when assessment results are used to improve subsequent learning.

Assurances

Legal documents used by the state in applications that guarantee that the provider will comply with specific guidelines set by the state.

Choice with Transportation

When Title I schools do not meet AYP goals for two consecutive years, parents of enrolled students are provided the opportunity to send their children to a school not identified for school improvement. It is the responsibility of the LEA to facilitate transportation to the parent's school of choice.

Contracted or Subcontracted Personnel

This refers to any vendor, individual, or entity under contract with a district school board. Subcontractors are also considered contractors with the LEA for the purposes of state and national background screenings. State approved providers who contract with school districts to provide SES are considered contractors. [Section 1012.465(1) Florida Statutes http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=1012.465&URL=CH1012/Sec465.HTM]

Contracts

Once a provider's application is approved by FDOE, each LEA the provider will serve and the provider must enter into a contract. This contract includes a number of things such as background and fingerprinting procedures, insurance requirements, and invoicing. See section 4.2.9 Contracts.

Corrective Action

Action consistent with state law that substantially and directly responds to the consistent academic failure within a school and any underlying staffing, curriculum, or other problems in the school. Corrective action is designed to meet the goal of having all students achieve or exceed proficiency on the state academic content standards [Section 1116(b)(7)(A), NCLB] <http://www.ed.gov/policy/elsec/leg/esea02/pg2.html#sec1116>].

Criterion-referenced Assessments

Criterion-referenced assessments determine what test takers know and can do, rather than how they compare to others. Criterion-referenced tests report how well students are doing relative to a set of standards or outcomes included in the curriculum. The Sunshine State Standards portion of the Florida Comprehensive Assessment Test (FCAT) is a criterion-referenced test because it measures how much students know and can do based on the Sunshine State Standards.

Curriculum Based Measurement (CBM)

Curriculum-based measurement, or CBM, is a method of monitoring student educational progress through direct assessment of academic skills. CBM can be used to measure basic skills in reading, mathematics, spelling, and written expression. It can also be used to monitor readiness skills. When using CBM, the instructor gives the student brief, timed samples, or 'probes,' made up of academic material taken from the child's school curriculum.

These CBM probes are given under standardized conditions. For example, the instructor will read the same directions every time that he or she gives a certain type of CBM probe. CBM probes are timed and may last from 1 to 5 minutes, depending on the skill being measured. The child's performance on a CBM probe is scored for speed, or fluency, and for accuracy of performance. Since CBM probes are quick to administer and simple to score, they can be given repeatedly (for example, twice per week). The results are then charted to offer the instructor a visual record of a targeted child's rate of academic progress" (Wright, n.d., p. 1-1 – 1-2).

Demonstrated Record of Effectiveness

Compelling proof of effectiveness as demonstrated by specific quantitative evidence that the proposed SES program has had a positive impact on student achievement as confirmed through a state, local school system, or other independent, valid, and reliable performance test. Increased academic proficiency (pursuant to Rule 6A-1.039, FAC) means the provider has demonstrated increased academic proficiency as measured by 60% of students earning a minimum of one normal curve equivalency (NCE) point learning gain in reading/language arts and 70% of students earning a minimum of one normal curve equivalency (NCE) point learning gain in mathematics on assessments identified by the Department.

Diagnostic Assessments

Purpose: Diagnostic assessments are utilized to identify a student's specific areas of strengths and weaknesses, determine any difficulties that a student may have learning, identify potential cause of such difficulties, and determine instructional intervention strategies.

District/Provider Contract

The "District/Provider Contract" refers to the agreement each school district is required to enter into with state-approved supplemental educational services providers in the district for the provisions of supplemental educational services. See technical assistance paper at <http://info.fldoe.org/docshare/dsweb/Get/Document-4959/k12-2008-46-tap.pdf>.

Eligible Applicant

Entities eligible to apply to provide SES include:

- Individuals
- For-profit companies
- Non-profit organizations
- Community-based/faith-based organizations
- Institutions of higher education
- Local educational agencies that are not identified as in need of improvement, corrective action, or restructuring such as Florida public school districts, university laboratory schools, Florida School for the Deaf and the Blind, and Florida Virtual School. If the district or school is later identified as in need of improvement, correction action, or restructuring, the district or school will be removed from the list of approved SES providers. Applicants identified as in need of improvement, corrective action, or restructuring are not eligible to apply to become a provider.
- Charter schools that are not identified as in need of improvement, corrective action, or restructuring
- Private schools
- 21st Century Community Learning Centers that are not affiliated with school districts identified as in need of improvement, corrective action, or restructuring
- Public libraries
- Distance learning service (computer instruction that is either internet based or non-internet based service)
- In-home tutoring services
- Family literacy programs/Even Start programs
- Child care centers serving school-age students
- Regional educational consortia
- School districts that are in need of improvement and have obtained a United States Department of Education (USDE) waiver to be providers of SES

Eligible School

A Title I school that is in year two or beyond of school improvement, corrective action, or restructuring. Districts may confirm the status of the Title I schools in the district on the Verified Title I Schools List available at <http://doeweb-prd.doe.state.fl.us/EDS/MasterSchoolID/index.cfm>.

Eligible Student

All students from low-income families, as determined by the school district, who are attending a Title I funded school that is in year two or beyond of school improvement, corrective action, or restructuring.

English Language Learner (ELL) Plan

Students identified through a home language survey and oral/aural and reading/writing (grades 4-12) assessments to have limited English proficiency, must have an ELL plan pursuant to the Consent Decree [LULAC et al. v. State Board of Education (1990) available at <http://fldoe.org/aala/cdpage2.asp>] to ensure the provision of appropriate services to students with limited English proficiency and to monitor the progress made by such students. The goal of a student's ELL plan is to develop as effectively and efficiently as possible each child's English language proficiency and academic potential, and to ensure equal access to programming and comprehensible instruction.

Enrollment Process

The steps parents must take to sign their child up to receive SES. The school district must inform parents how to apply or enroll children in the program, such as during a provider fair or at the child's school. Parents indicate their choice of provider by completing a district's official enrollment form.

ESOL: English for Speakers of Other Languages (See ELL Plans)

Free or Reduced-price Lunch (FRPL)

A federal program that offers students free or reduced-price school lunch. Students can qualify for a free or reduced-price school lunch if their household income is at or below 185 percent of the poverty level. (<http://www.fns.usda.gov/cnd/lunch/>)

Immediate Intensive Reading Intervention

Instruction that is specially designed and more intensive than that provided in the general classroom based on information that a child is falling behind in one or more of the five essential components of reading. Intensive intervention further means high quality, explicit, and systematic instruction that provides more direct instructional opportunities in the specified areas of deficiency. This instruction is provided immediately upon learning that the student needs additional intervention in order to achieve or maintain grade level proficiency.

(<http://www.fcrr.org/Interventions/index.htm>)

Incentives

Anything of a monetary value that entices a parent to choose a specific provider. Incentives for performance or attendance may be awarded, but may not exceed a value of \$50 per year per student.

Increasing Academic Proficiency

Increasing academic proficiency means the provider has demonstrated increasing academic proficiency as measured by sixty percent of students earning a minimum of one normal curve equivalency point learning gain in reading/language arts and seventy percent of students earning a minimum of one normal curve equivalency point learning gain in mathematics on assessments identified by the Department.

Individual Educational Plan (IEP)

Students who meet the eligibility requirements specified in the Florida State Board of Education rules for exceptional student education must have an IEP developed and implemented to address the unique educational needs of a student with a disability and to ensure a free and appropriate public education. The goal of the IEP is to identify the measurable annual goals and services to address the student's priority educational needs.

(<http://idea.ed.gov/explore/home>)

Limited English Proficiency (LEP) Plan

See English Language Learner (ELL) Plan.

Local Educational Agency (LEA)

A public school district or an open-enrollment charter school. University lab schools and the Florida School for Deaf and Blind are also considered LEAs.

Monitoring

A systematic review and evaluation by FDOE of the performance of approved providers that is required by NCLB to ensure that providers improve the academic proficiency of participating students. States are required to withdraw approval from providers that fail for two years in a row to help raise academic achievement of students. States can also withdraw approval from providers that fail to meet other state eligibility requirements.

No Child Left Behind (NCLB) Act

Reauthorization of the Federal Elementary and Secondary Education Act (ESEA) in 2002 (www.nclb.gov). Title I is the section of this law that directs Federal funds to schools serving large numbers of low-income students. Key features of NCLB's changes to the ESEA include:

- Increased accountability
- Greater choice for parents and students, particularly those attending schools in need of improvement
- More flexibility for states and districts in using Federal education dollars
- Stronger emphasis on academic achievement, especially in reading and math

Norm-Referenced Assessments

Norm-referenced assessments report how well students are doing relative to other students of the same grade or age. The FCAT –NRT, and the Stanford Achievement Test (SAT 10) are norm-referenced assessments.

Outcome Assessments

Assessment used at the end of a program. In Florida, both criterion-referenced (FCAT) and norm-referenced assessments (FCAT-NRT, SAT 10) are considered outcome assessments.

Parent District Provider Agreement (PDPA)

See Student Learning Plan (SLP).

Parents/Guardianship

A parent is the natural or adoptive parent, legal guardian, or surrogate parent as indicated by the judicial system.

Progress Monitoring

Process by which a teacher or tutor frequently monitors a student's progress toward meeting the student's academic goals. In order to be successful, progress monitoring must be frequent, regularly scheduled, and used to reinforce, modify, or accommodate instruction and intervention that will effectively meet the needs of the student.

Provider Fairs

Events in which many tutoring providers are available at booths or tables for parents to browse, ask questions, and make an informed choice for their child's tutor.

Public School Choice

NCLB requires that parents of children in Title I schools which have failed to meet AYP goals for two consecutive years have the choice to transfer their children to schools which are not identified for school improvement. Additionally, the school district must pay for, or provide, transportation to the new school. Priority for public school choice options must be given to the lowest performing students, from low-income families. In the event that a school, which meets the fore mentioned criteria, fails to meet AYP goals for a third consecutive year, the students must be offered Supplemental Educational Services.

Reliability

The extent to which an assessment yields the same result on repeated trials under the same conditions.

Restructuring

Implementation of alternative governance for a Title I school that has not made AYP for five years [Section 1116(b)(8), NCLB]. The first year of restructuring may be used for planning; however, the plan for the restructured school must be implemented no later than the second year. Restructuring may include reopening the school as a charter school, replacing all or most of the school staff, entering into a contract with a private company to operate the school, turning operation of the school over to the state education agency, or any other options for major reform.

School District

This refers to all local education agencies in the state of Florida.

School Improvement Status

A Title I school that does not make adequate yearly progress (AYP), as defined by the state, for two consecutive years. States identify these schools as being “in need of improvement.” NCLB requires that these schools develop a plan to improve student achievement and that districts provide the schools with additional support and resources. Students in these schools must be offered the option of transferring to another public school in the district, which may include a public charter school that has not been identified as needing school improvement. If a school does not make AYP for three years, the school enters its second year of improvement status. A school that has been in school improvement status for two or more years must offer SES to low-income students, and must offer all students the right to transfer to another public school in the district [Section 1116(b), NCLB].

School Year

The academic year inclusive of the summer months.

Scoring Rubric

A tool commonly used to rate and evaluate. The rubric specifies the criteria required to earn each possible point.

Section 504 Plan

Section 504 of the Rehabilitation Act of 1973 requires that all students with a current physical or mental impairment which substantially limits one or more major life activities must have a 504 plan to provide equal opportunity to benefit from educational programs, services, or activities as is provided to their nondisabled peers. The plan must include the determination of necessary accommodations based on the individual needs of the student and requires periodic reevaluations. (<http://www.ed.gov/about/offices/list/ocr/504faq.html>)

SES Provider

A group or entity that is approved by the state to offer research-based tutoring or other academic support to students who are eligible for SES. Some providers offer face-to-face tutoring by trained instructors. Others may offer Internet-based instruction that students can access through a computer at home, in a school, or at a community center. Regardless of the identity of a provider, the instruction and content must be secular, neutral, and non-ideological. A public school or school district that is in need of improvement may not be a provider.

State and National Fingerprint-Based Criminal History Background Check

National and state fingerprint-based criminal history check of a contractor/subcontractor, such as an SES provider and its employees, to determine if a person has a criminal history. Criminal history background checks are conducted through statewide criminal and juvenile records maintained by the Florida Department of Law Enforcement and federal criminal records maintained by the Federal Bureau of Investigation. A school district may also require a local criminal records check through local law enforcement agencies. A search for criminal records is also conducted with the following databases:

- Florida Computerized Criminal History Central Repository for Florida criminal and juvenile records
- Florida Crime Information Center for warrants and domestic violence injunctions
- Criminal records from other states

State Approved SES Provider

A provider that has been approved by the Florida Department of Education to provide supplemental educational services in one or more school districts.

Student Learning Plan (SLP)

The plan developed in consultation with the parent, school district, and state-approved provider, which is designed to improve student achievement of a child receiving supplemental educational services.

Student Learning Plan (SLP) Team

The parents, provider and either district or school representative work collaboratively as a team to develop the SLP. These individuals should function as a team to develop the SLP and agree upon the goals. Each team member is responsible for bringing information to the process including, but not limited to, the most recent results of each student's performance on state and/or district-wide assessments, the student's classroom performance, provider assessments, observations by the teacher or parent, and other existing and relevant student plans such as an academic improvement plan (AIP), individual educational plan (IEP), or English language learner (ELL) plan.

Supplemental Educational Services (SES)

academic instruction, such as tutoring, remediation, or other educational interventions, that is provided by state-approved supplemental educational services providers outside of the regular school day, on weekends, or in the summer, and that are designed to increase the academic achievement of students from low-income families who are attending Title I schools in their second year of school improvement, corrective action, or restructuring.

Title I

Part of the Elementary and Secondary Education Act (ESEA) that was amended by NCLB. Title I is a program that directs Federal dollars to schools that serve high numbers of low-income students to help ensure that all students meet state academic standards. Title I funds are distributed by states and school districts to public schools with the highest percentages of children from low-income families.

Title I Paraprofessionals

Those who:

- provide one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- assist with classroom management, such as by organizing instructional materials;
- provide instructional assistance in a computer laboratory;
- conduct parental involvement activities;
- provide instructional support in a library or media center;
- act as a translator; or
- provide instructional support services under the direct supervision of a highly qualified teacher [Title I, Section 1119(g)(2)].

Qualifications. A Title I paraprofessional hired after January 8, 2002, and working in a program supported with Title I, Part A funds include:

- Secondary school diploma or its recognized equivalent; **and**
- Completion of two years of study at an institution of higher education; **or**
- An associate's (or higher) degree; **or**
- Met a rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

Tutoring Session

Intensive instruction, remediation, and academic support that is separate from the regular school day but correlates to the academic instruction received during the school day. A session does not solely consist of a student completing his/her homework. A tutor is present at the sessions and ensures that the student is receiving additional academic instruction designed to increase the student's academic achievement. Careful consideration is given to the age of the student to ensure that time is used wisely to maximize effective time on task.

Twenty Percent Set Aside

Each school district that has schools in need of improvement must allocate an amount equal to 20 percent of the total district Title I allocation. Further, a school district must spend at least five percent of the total allocation on choice with transportation; five percent on state approved SES; and the remaining ten percent on one or both options, based upon demand [Section 1116 (b)(10), NCLB].



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