

GEORGIA'S GUIDELINES FOR IMPLEMENTING SUPPLEMENTAL EDUCATIONAL SERVICES

Georgia Department of Education
Guidelines for Implementing Supplemental Educational Services

IMPLEMENTATION GUIDANCE
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INTRODUCTION

Supplemental Educational Services (SES) is additional academic instruction designed to increase the academic achievement of students in low-performing schools. These services include academic assistance such as tutoring, remediation, and other educational interventions, provided that such approaches are consistent with the content and instruction used by local educational agencies (LEAs) and are aligned with Georgia's Performance Standards (GPS). SES must be provided outside of the regular school day. SES must be high quality, research-based, and specifically designed to increase student academic achievement [*NCLB Section 1116(e)(12)(C)*].

PURPOSES OF SES

When students are attending schools that have not made adequate yearly progress (AYP) in increasing student academic achievement, parent(s)/legal guardian(s) are provided opportunities to ensure their children achieve at high levels. Students from low-income families, as defined by eligibility for free or reduced price meals (FRM), who are attending Title I schools in their second year of needs improvement, in corrective action, or in restructuring are eligible to receive these services.

NCLB requires the Georgia Department of Education (Department) to identify organizations, both public and private, that qualify to provide SES. Parent(s)/legal guardian(s) of eligible children must be notified by the LEA that SES will be made available. Parent(s)/legal guardian(s) may select any approved Supplemental Educational Services Provider (Provider) that will best meet their child's needs in the area served by the LEA or within a reasonable distance of that area. The LEA will sign a contract with Providers selected by parent(s)/legal guardian(s), who will then provide SES to the child and report on the child's progress to parent(s)/legal guardian(s) and the designated LEA contact(s). Schools must continue offering SES to their eligible students until the schools are no longer identified for school improvement, corrective action, or restructuring. Schools are no longer identified for improvement, corrective action, or restructuring if they have made AYP for two consecutive years.

ELIGIBLE STUDENTS

Eligible students are all students from low-income families who attend Title I schools in their second year of needs improvement, in corrective action, or in restructuring. Schools are first identified for needs improvement if they do not make AYP in the same subject for two consecutive years. Schools identified for a second year of needs improvement must provide SES to eligible students. Eligibility is not dependent on whether the student is a member of a subgroup that caused the school to not make AYP or whether the student is in a grade that takes the statewide assessments as required by Section 1111 of NCLB. For additional information, reference Rule 160-7-1-.04 Accountability System Awards and Consequences.

If the funds available are insufficient to provide SES to each eligible student whose parent(s)/legal guardian(s) request these services, the LEA must give priority to serving the lowest-achieving eligible students. In this situation, the LEA should use objective criteria to determine the lowest-achieving students. For example, the LEA may focus services on the lowest-achieving eligible students in the subject area that caused the school to be identified for

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needs improvement. The services should be tailored to meet the instructional needs of eligible students to increase their achievement and proficiency in meeting the State's academic standards.

STATE RESPONSIBILITIES

States have flexibility in developing their approval process for selecting Supplemental Educational Services Providers (Providers), but must provide an opportunity at least annually for new Providers to apply for inclusion on the State-Approved Providers List and ensure that interested Providers are adequately informed of the process. States may establish a reasonable period of time during which additional Providers may apply, be evaluated for approval, and be added to the State-Approved Providers List.

Georgia's criteria were developed in consultation with LEAs, parent(s)/legal guardian(s), teachers, and other interested members of the public to promote maximum participation by Providers and to ensure, to the extent practicable, that parent(s)/legal guardian(s) have as many choices as possible [*NCLB Section 1116(e)(4)(A)*].

The Department has a number of responsibilities to ensure eligible students receive additional academic assistance. The Department must identify Providers, maintain a list of Providers, and monitor SES. Specifically, the Department must:

State Responsibility 1: Develop a database of potential Providers as recommended by parent(s)/legal guardian(s), LEAs, and interested members of the public to identify a large number of approved Providers so that parent(s)/legal guardian(s) have a wide variety of choices [*NCLB Section 1116(e)(4)(A)*].

Indicators for State Responsibility 1:

- a. The Department accepts suggestions for potential Providers from parent(s)/legal guardian(s), LEAs, and the public. These suggestions are collected and used to notify potential Providers of upcoming training and application opportunities.
- b. The Department advertises for applicants to become approved Providers.

State Responsibility 2: Provide and disseminate broadly an annual notice to potential Providers, outlining the process for obtaining approval to be a Provider of SES [*NCLB Section 1116(e)(4)(E)*].

Indicators for State Responsibility 2:

- a. The Department responds to inquiries via telephone and email regarding the process of becoming an approved Provider.
- b. The Department maintains a database of potential Providers based on inquiries about SES.

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- c. The Department sends notification to identified applicants about opportunities to apply to become an approved Provider.

State Responsibility 3: Develop and apply objective criteria for approving potential Providers [NCLB Section 1116(e)(4)(B)].

Indicator for **State Responsibility 3:**

- a. The Department develops a rubric with indicators that define acceptable standards for each criterion [See Provider Criteria section].
- b. The Department annually makes available a request for applications for applicants interested in becoming a Provider. This application will explain all criteria required to become a Provider in Georgia.

State Responsibility 4: Maintain an updated list of approved Providers [NCLB Section 1116(e)(4)(C)].

Indicators for **State Responsibility 4:**

- a. The Department publishes a State-Approved Providers List on the GaDOE Website.
- b. The Department will make available the State-Approved Providers List to all interested parties in an accessible format prior to the new school year and updated monthly. The list will be available on the GaDOE Web site.
- c. The Department updates the State-Approved Providers List when a Provider is removed from the approved list. (See State Responsibility 13 for Provider removal protocol)

State Responsibility 5: Make available to school districts a list of available approved Providers in their general geographic locations. [NCLB Section 1116(e)(4)].

Indicator for **State Responsibility 5:**

- a. The Department publishes the State-Approved Providers List on the GaDOE Web site by LEA.

State Responsibility 6: Develop and apply criteria for a minimum number of instructional hours received in total by a student enrolled with a Provider. These criteria must include a maximum number of instructional hours students may receive per week. The Department will communicate this to all applicable parties annually.

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Indicators for **State Responsibility 6:**

- a. The Department requires a minimum range of 20 - 30 instructional hours of service for each student receiving SES.
- b. The Department requires Providers to limit paid instructional hours to a maximum of 4 hours per week.
- c. The Department requires collaboration between Providers and LEAs to negotiate the hourly rate charged by Providers to ensure a minimum range of 20-30 hours of service.
- d. Students that receive at ten hours or more of SES instruction will be counted toward the evaluation of a Provider's impact on student achievement.

State Responsibility 7: Develop, implement, and publicly report on Standards for Monitoring SES Providers (SES Standards) to ensure appropriate implementation of services offered by approved Providers. *[NCLB Section 1116(e)(4)(D)]*. (See Appendix C – SES Standards)

Indicators for **State Responsibility 7:**

- a. The Department makes available a copy of the SES Standards to parent(s)/legal guardian(s), LEAs, and Providers.
- b. The Department provides at least annually, prior to SES beginning for students, technical assistance for Providers regarding SES Standards to ensure high quality service.
- c. The Department publishes annual reports that provide information on the implementation of the services provided. Reports/evaluations are available on the Department's Web site.
- d. The Department notifies Providers of any changes to SES Rule, regulations, standards, and guidelines.

State Responsibility 8: Develop, implement and publicly report annually on the evaluation used to measure the impact SES has on student achievement.

Indicators for **State Responsibility 8:**

- a. The Department maintains and publishes annual reports/evaluations that provide information on the quality and effectiveness of SES. Reports/evaluations are available on the Department's Web site.
- b. The Department ensures that Providers submit to the LEA(s) they serve, and to the Department an annual end of the year report that summarizes the progress of all students

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receiving SES. An LEA serving as a Provider must submit an annual report to the Department and maintain a file copy.

- c. The Department ensures that Providers who fail for two consecutive years to contribute to increasing the academic proficiency of students served are withdrawn from the State-Approved Providers List as required in NCLB and in SBOE Rule 160-4-5-.03 Supplemental Educational Services in Title I Schools.
- d. Providers removed from the State-Approved Providers List, for any reason, are done so for a minimum of two consecutive school years.

State Responsibility 9: Develop and implement guidelines for SES implementation for both LEAs and approved Providers.

Indicators for **State Responsibility 9:**

- a. The Department makes available on the Department's Web site a copy of the State Board of Education Rule 160-4-5-.03 and Guidelines for Implementation of State Board of Education Rule 160-4-5-.03 for LEAs and Providers.
- b. The Department provides annual workshops to inform LEAs and Providers of updates pertaining to SES implementation and federal law.
- c. The Department provides technical assistance for LEAs and Providers to ensure proper implementation and high quality service.

State Responsibility 10: Develop and implement a code of ethics (See Appendix B – Provider Code of Ethics) for approved Providers.

Indicators for **State Responsibility 10:**

- a. The Department publishes on its Web site a copy of the code of ethics for Providers.
- b. The Department provides technical assistance to Providers regarding the Provider Code of Ethics whenever requested and at least annually.

State Responsibility 11: Develop and implement assurances (See Appendix A – Assurances) which all Providers must agree to annually prior to serving students.

Indicators for **State Responsibility 11:**

- a. The Department will make available to Providers a copy of the assurances annually.
- b. Providers must submit to the Department a signed copy of assurances annually.

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- c. The Department will maintain a copy of the annually signed assurances for Providers serving eligible students.
- d. Any Provider found to be out of compliance with the annually signed assurances may be recommended to the SBOE for removal from the State-Approved Providers List.

State Responsibility 12: Exercise authority to investigate and remove Providers from the State-Approved Providers List based on non-compliance with the State Board Rule 160-4-5-.03, assurances, Provider Code of Ethics, signed compacts (See Appendix D – Sample Compact), signed contracts (See Appendix E – Sample Contract), approved SES application, SES Standards, and for violations determined by the Department as “cause” for removal.

Indicator for State Responsibility 12:

- a. The Department makes available to LEAs, parent(s)/legal guardian(s), and Providers the complaint process which may initiate an investigation and/or recommendation for removal from the State-Approved Providers List.
- b. The Department makes available to parent(s)/legal guardian(s), LEAs, and Providers the investigation and removal process. (See State Responsibility 13)
- c. The Department will monitor Providers annually and recommend for removal to the SBOE any Provider found to be out of compliance with the State Board of Education Rule 160-4-5-.03, assurances, Provider Code of Ethics, signed compacts, signed contracts, approved SES application, and SES Standards.
- d. The Department may recommend Providers for removal from the State-Approved Providers List for “cause”. The Department defines removal for “cause” as a sufficient reason or grounds for immediate Departmental action in areas not previously defined.

State Responsibility 13: Develop and implement protocol for removing Providers from the State-Approved Providers List.

State Responsibility 14: Any Provider removed from the State-Approved Providers List, whether through SBOE action or the Provider’s request for removal, is not eligible to re-apply to serve students as an approved Provider in Georgia for the next two consecutive school years.

State Responsibility 15: Any previously removed Provider may re-apply to become an approved Provider after a period of two consecutive school years. Upon approval of the application, the Provider may again serve students in the state of Georgia. In the event the Provider is recommended and removed from the State-Approved Providers List a second time, the Provider will be barred permanently from applying to become a Provider in the state of Georgia.

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Indicators for State Responsibilities 13-15:

- a. The Department shall adhere to the following protocol when determining if a Provider is recommended to the SBOE for removal from the State-Approved Providers List.
 1. The Department will notify the Provider identified for removal, in writing, the process for removal which includes the finding(s) for removal and an opportunity for the Provider to respond, in writing, to all findings.
 2. The Department will review any additional documentation submitted by the Provider in response to all findings.
 3. After reviewing additional documentation, the Department will determine the appropriate action.
 4. The Department will notify the Provider within 30 business days, in writing, the final determination.
 5. Providers not recommended for removal may continue serving students in accordance to State Board Rule 160-4-5-.03, guidelines, and standards and, if appropriate, complete corrective action.
 6. Providers recommended for removal will be submitted to the SBOE for removal from the State-Approved Providers List.
 7. Any Provider removed from the State-Approved Providers List is ineligible to re-apply for approved Provider status for a time no less than two consecutive school years.
 8. Each Provider is afforded the opportunity to remove their company from the State-Approved Providers List. If a Provider chooses to remove their company from the State-Approved Providers List it will be for a time no less than two consecutive school years per the annually signed assurances.
 9. The Department will notify the Provider, in writing, of the action taken by the SBOE regarding the recommendation to remove the Provider from the State-Approved Providers List including protocol for closing out SES, if applicable.
 10. The Department notifies all LEAs, in writing, when the SBOE supports the Department's recommendation and removes a Provider.
 11. Upon removal of a Provider, the Department will update the State-Approved Providers List which is available on the GaDOE Web site.

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12. Upon notification to the Provider of removal from the State-Approved Providers List, a Provider is not eligible to reapply to serve students as an approved Provider in Georgia for the next two consecutive school years. This condition prohibits the Provider from reapplication under a different company name.
13. After the two year period, the previously removed Provider may re-apply to become an approved Provider. Upon approval of the application, the Provider may again serve students in the state of Georgia. In the event the Provider is recommended and removed from the State-Approved Providers List a second time, the Provider will be barred permanently from applying to become a Provider in the state of Georgia.

LEA RESPONSIBILITIES

Students at risk of failing to meet GPS who receive additional academic assistance outside of the school day have a greater chance of meeting challenging academic performance standards and the school has a better opportunity to meet the annual measurable objective.

LEA responsibilities focus on notifying parent(s)/legal guardian(s) about the availability of SES, arranging for the services to be provided, and monitoring the services for the purpose of improving academic achievement. The LEA ensures all parent(s)/legal guardian(s) requests for services have been met before amending SES set-aside funds into the general Title I budget. The LEA understands that the Department will use appropriate LEA set-aside funds to enter into agreements with Providers on behalf of parent(s)/legal guardian(s) of eligible students who are unable to secure services in a timely manner through the LEA process. LEAs serving as Providers must follow all responsibilities outlined in State Board of Education Rule 160-4-5-.03 Supplemental Educational Services in Title I Schools.

The indicators listed below are acceptable strategies to comply with the requirements in federal law and in SBOE Rule 160-4-5-.03 Supplemental Educational Services in Title I Schools.

Specifically, an LEA must:

LEA Responsibility 1: Notify eligible parent(s)/legal guardian(s) about the availability of SES, at least twice annually [*NCLB Section 1116(e)(2)(A)*].

LEA Responsibility 2: Help eligible parent(s)/legal guardian(s) choose a Provider based on academic need and obtain permission from parent(s)/legal guardian(s) to release assessment data to the selected Provider.

Note: The Board Rule requires LEAs to notify parent(s)/legal guardian(s) of eligible children about the opportunity to obtain SES at least twice annually. This responsibility requires LEAs to have a minimum of two enrollment periods for SES. The second notice must be sent to parents whose children are eligible for, but not participating in, SES. LEAs

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that have exhausted the 20 percent set aside for public school choice and SES are not required to send a second notice. LEAs are encouraged to offer enrollment for services at the beginning of a school year and at the beginning of the second semester. Ideally, LEAs would have open enrollment for SES, which means parents could request SES any time during the school year.

Indicators for LEA Responsibilities 1-2:

- a. The LEA provides guidance to the appropriate school or schools within two weeks of the release of Georgia's Report of AYP about the requirement to offer SES. The LEA determines if notice to parent(s)/legal guardian(s) will be sent from the LEA or from each school. Notice must be sent to parent(s)/legal guardian(s) via first class mail. LEAs are encouraged to also provide notice to parent(s)/legal guardian(s) via other means (e.g., by student, through the local media).
- b. The LEA ensures that notice to parent(s)/legal guardian(s) contains information on the availability of services, the identity of approved Providers in the LEA (or whose services are reasonably available in neighboring LEAs), and a brief description of the services, qualifications, and demonstrated effectiveness of each Provider. Additionally, the LEA ensures that notice to parent(s)/legal guardian(s) does not contain information concerning other enrichment programs (e.g., afterschool programs, Saturday school).
- c. The LEA holds "town hall" meetings to inform parent(s)/legal guardian(s) about options available for eligible students and shares with parent(s)/legal guardian(s) how they may assist their school and the LEA in improving student academic achievement.
- d. The LEA makes opportunities available for parent(s)/legal guardian(s) to meet with Providers.
- e. The LEA works with local businesses and partners to provide notification to parent(s)/legal guardian(s). For example, the LEA asks local food markets, beauty salons, doctor and dentist offices, cable companies, city government offices, local health departments, the Temporary Assistance to Needy Families (TANF) agencies, post offices, banks, etc., to distribute flyers about services available to parent(s)/legal guardian(s). Flyers contain contact information that offers parent(s)/legal guardian(s) several options to contact the LEA or school.
- f. The LEA works with the local chamber of commerce to devise additional strategies to notify eligible parent(s)/legal guardian(s).
- g. LEAs may provide sample letters or templates to schools and assist schools to send notices home to parent(s)/legal guardian(s). A sample letter is provided in

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**IMPLEMENTING TITLE I IN GEORGIA SCHOOLS: A TOOLKIT FOR
TITLE I DIRECTORS** that can be found at www.gadoe.org.

- h. The LEA should encourage parent(s)/legal guardian(s) to participate in SES and assist parent(s)/legal guardian(s) in choosing a Provider based upon their child's academic needs from the State-Approved Providers List.
- i. The LEA collaborates with the Parent Teacher Organization, Parent Teacher Association, Parent Teacher Student Organization, and other parent organizations to ensure wide dissemination about the availability of Providers.
- j. The LEA uses a number of options to contact individual parent(s)/legal guardian(s) regarding SES and how to access services. The LEA clearly explains the benefits of participation to parent(s)/legal guardian(s).
- k. The LEA holds parent conferences at times that are convenient for parent(s)/legal guardian(s).
- l. The LEA is encouraged to conduct home visits to the neediest children to discuss how parent(s)/legal guardian(s) may obtain SES for their children.
- m. The LEA identifies the approved Providers whose services are available within the LEA or whose services are reasonably available within neighboring LEAs.
- n. The LEA notifies parent(s)/legal guardian(s) if the LEA will use funds from sources other than SES to provide transportation or assist parent(s)/legal guardian(s) with securing means to ensure students are able to consistently participate in SES.
- o. The LEA upholds fair ethical practices in transporting students to and from the service site. If the LEA provides transportation using state or federal funds to the LEA service site, the LEA also provides transportation to other Providers' sites.
- p. The LEA requests parent(s)/legal guardian(s) to choose from the State-Approved Providers List. If the LEA is also an approved Provider, the LEA is careful not to bias parent(s)/legal guardian(s) against Providers other than the LEA.
- q. The LEA includes on its enrollment form a place for parent(s)/legal guardian(s) to give permission to the LEA to release assessment data to selected Provider.
- r. The LEA will provide at minimum, the applicable state assessment data (CRCT, GHSGT, EOCT) for any student receiving services. Assessment data must identify specific areas of academic need by content strand, when available. Assessment data should be submitted to Providers once the contract (See Appendix E – Sample Contract) with the LEA is signed and parent permission is obtained.

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- s. The LEA ensures choices are easily understandable, in a uniform format (including alternate formats upon request) and, to the extent practicable, in a language that parent(s)/legal guardian(s) can understand [*NCLB Section 1116(d)(2)(A)*].
- t. The LEA describes the procedures and timelines that parent(s)/legal guardian(s) must follow to select a Provider to serve their students. While the LEA may limit the timeframe for selecting a Provider, the LEA gives parent(s)/legal guardian(s) a minimum of 20 school days to make a selection.
- u. The LEA ensures that parent(s)/legal guardian(s) of eligible children moving into the LEA after the LEA enrollment period for SES have an opportunity to receive SES upon enrollment. The LEA should ensure that sufficient funds, either from its Title I, Part A SES set-aside or from other appropriate sources, are available to provide services to such students. For examples of other appropriate sources, reference the U.S. Department of Education's Supplemental Educational Services Non-Regulatory Guidance (June 2005), K-5 through K-7.
- v. The LEA collaborates with the leadership of eligible schools to ensure everyone understands the LEA's policies and procedures to implement SES.
- w. The LEA initiates and/or continues to provide SES to eligible students if the LEA is appealing the AYP determinations on behalf of schools or a school within the boundaries of the LEA.
- x. The LEA understands that appropriate funds will be withheld from the LEA if the LEA refuses to offer appropriate services to eligible children.

LEA Responsibility 3: Determine and prioritize students who shall receive services if not all students can be served. The determination shall be made in accordance with eligibility criteria established in federal law. [*NCLB Section 1116(e)(2)(C)*].

LEA Responsibility 4: Determine the per pupil spending limit according to eligibility criteria established in federal law.

Indicators for LEA Responsibilities 3-4:

- a. The LEA ensures that eligible students are only students from low-income families who attend Title I schools that are in their second year of needs improvement, in corrective action, or in restructuring.
- b. The LEA ensures that eligibility is not dependent on whether the student is a member of a subgroup that caused the school not to make AYP or whether the student is in a grade that takes the statewide assessments as required by Section 1111 of NCLB.

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- c. The LEA ensures that appropriate funding, according to requirements in NCLB, is set-aside to provide services to eligible children. The LEA must set-aside an amount equal to five percent of its Title I allocation for SES. An amount equal to five percent of its Title I allocation must be set aside for Public School Choice and an additional ten percent must be allocated for either SES or Public School Choice, depending on the needs of the LEA [*NCLB Section 1116 (10)*]. If the LEA cannot offer Public School Choice, the LEA must use the full 20 percent set-aside for SES if there is sufficient demand for such services.
- d. The LEA calculates the per pupil spending limit by dividing the LEA's total Title I, Part A allocation by the number of children residing within the LEA aged 5-17 who are from families below the poverty level, as determined by the most recent census estimates from the U.S. Department of Commerce [*U.S. Department of Education, Supplemental Educational Services Non-Regulatory Guidance (June 13, 2005)*].
- e. The LEA gives priority to providing services to the lowest-achieving eligible students if funds available are insufficient to provide SES to each eligible student whose parent(s)/legal guardian(s) request those services. The LEA uses objective criteria to determine the lowest-achieving students. In selecting the lowest-achieving students, for example, the LEA may focus services on the lowest-achieving eligible students in the subject area that caused the school to be identified for needs improvement but may not limit eligibility based solely on this factor. The LEA may also choose to rank order all eligible students based on the State's reading, English/language arts and mathematics assessment and serve the lowest achieving students.
- f. The LEA considers, if all SES funds are exhausted, that other eligible students may be served using funds from other sources, including other NCLB Title funds and Title I, Part A funds. For information on the appropriate use of funds from other sources, reference the U.S. Department of Education's Supplemental Educational Services Non-Regulatory Guidance (June 2005), K-5 through K-7.

LEA Responsibility 5: Ensure the opportunity to participate in SES is offered on a continuous basis or, at a minimum, twice per school year.

LEA Responsibility 6: Enter into a contract with a Provider selected by parent(s)/legal guardian(s) of an eligible student no later than 45 days from the beginning of the school year, or within 45 days of receiving notification of the school improvement status. Services shall begin no later than 15 business days thereafter. The same procedure should be followed for subsequent enrollments during the school year [*NCLB Section 1116(e)(3)*].

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Indicators for **LEA Responsibilities 5-6:**

- a. The LEA identifies and carefully reviews information regarding Providers that have indicated they will provide services in the LEA's service area.
- b. While the Department ensures that each Provider completes the rigorous application process, the LEA immediately notifies the Department, in writing, if the LEA has serious concerns about any Provider. Notification in writing does not limit the LEA's responsibility to offer SES or allow the LEA to exclude Providers on the basis of such concerns.
- c. The LEA meets with Providers to ensure that Providers understand policies and procedures of the LEA's implementation strategies for SES.
- d. The LEA clearly explains to Providers the processes and procedures regarding how the Provider may contact schools and parent(s)/legal guardian(s).
- e. The LEA clearly specifies if facilities (i.e., school buildings) are available for use by Providers and, if so, the terms and conditions for such usage. LEAs that are approved Providers that use their own facilities for SES must provide access to other Providers in an equitable manner. If there is not enough room for all Providers that request access to facilities, the LEA should select Providers in a manner that is fair, transparent, and objective. This does not apply to any non-SES-related afterschool programs.
- f. The LEA develops a collaborative relationship with Providers to ensure that issues and concerns are handled in a timely and efficient manner.
- g. The LEA communicates its expectations regarding the goals, measures, and reporting procedures of Providers. LEAs are required to develop, in consultation with parents (and the provider chosen by the parents), a statement of specific achievement goals for the student identified as the Individual Student Plan (ISP). The LEA and Provider may agree that the Provider will complete, on behalf of the LEA, the ISP for each student served. Ultimately, the LEA maintains final responsibility for reviewing and approving all ISPs developed by providers. The agreement between a LEA and a Provider should also clearly delineate the timeline for submitting progress reports (See Appendix G – Sample Progress Report) to LEA designee(s) and parent(s)/legal guardian(s).
- h. The LEA ensures Providers are paid in a timely manner and according to the terms of the contract.
 - a. The LEA may accept online signatures from Providers verifying attendance used for invoicing. In most cases, online signatures will be submitted by online Providers. Online signatures are acceptable when:

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- i. The Provider obtains an online signature with date stamp from the parent(s)/legal guardian(s). Provider may not, under any circumstances sign for the parent(s)/legal guardian(s).
 - ii. Provider has programmatic procedures in place to track the log in time of students to the minute.
 - iii. Provider has programmatic procedures that will log students out of the online system after 10 minutes of inactivity.
 - iv. The online signature is submitted to the LEA and accompanied by:
 1. The date and length of time (in minutes) for each tutoring session (how long and when the student logged into the program).
 2. The content area(s) and objective(s) taught during those sessions.
- i. The LEA clearly communicates to Providers that funds can only be paid for instructional services rendered and cannot be paid for homework assistance. This does not apply if the Provider described a homework component in its application and relies on homework as one component of its instructional program and not the totality of its instructional program.
- j. The LEA clearly communicates to Providers that any cost associated with assessing the current academic status of each child should be considered as part of the cost of operating a tutoring business. The LEA should encourage Providers to consider these costs when setting their hourly rates to ensure a minimum range of 20-30 instructional hours are offered.
- k. The LEA enters into a contract with Providers selected by parent(s)/legal guardian(s) to provide services to eligible students. The LEA may enter into separate contracts for each participating student. In the alternative, the LEA may enter into one contract for each Provider serving students, so long as the individual students to be served by each Provider are specified in the contract or **an attached document**. The LEA ensures that the terms and conditions required by SBOE Rule 160-4-5-.03 Supplemental Educational Services in Title I Schools are included in the contract.
- l. The contractual agreement between the LEA and the Provider shall specify the terms and processes for terminating services. The LEA clearly explains the rationale and processes for terminating the agreement if the Provider is unable to meet the goals and timetables established in the contract. The LEA must report terminated contracts to the Department within 20 business days. Following termination of the contract, the LEA ensures that parent(s)/legal guardian(s) are immediately notified and given the opportunity to select another Provider.
- m. The LEA may withhold payment from a Provider only in situations where there is a question as to whether the Provider's invoice reflects services actually provided. The LEA should attempt to resolve any invoice disputes. In the event the LEA is unable

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to resolve an invoice dispute, the LEA must notify the Department of the dispute and its withholding of payment.

- n. The LEA clearly articulates to Providers the Department's complaint procedures and its intent to notify the Department if the LEA and Provider cannot resolve a dispute.
- o. The LEA works expeditiously to resolve any issues or concerns regarding the services of Providers. The goal of the LEA is to provide services to students as early as possible.
- p. The LEA files complaints regarding Providers using the appropriate procedures established in SBOE Rule 160-4-5-.03 Supplemental Educational Services in Title I Schools.
- q. The LEA clearly articulates to Providers that only the SBOE can remove a Provider from the State-Approved Providers List.
- r. A requirement that SES compacts are completed for each student receiving SES. Each Provider must obtain signatures from parent(s)/legal guardian(s) and, where applicable, students. LEAs may not withhold funding for unsigned compacts. Providers must produce documentation to show multiple attempts were made to acquire appropriate signatures on compacts that remain unsigned.

LEA Responsibility 7: The LEA shall establish monitoring procedures to ensure that Providers fulfill their contractual obligations. Monitoring should include tracking student progress toward meeting the state's academic standards.

Indicators for LEA Responsibility 7:

- a. The LEA communicates to Providers monitoring procedures prior to signing contracts.
- b. The LEA must maintain a copy of all documentation used to monitor Providers.
- c. Any contract with a Provider terminated by the LEA must be reported to the Department.
- d. The LEA must report any findings identified during the monitoring process that may require an additional Department investigation including but not limited to child safety, failing to provide services, failing to keep student information confidential, and failing to adhere to the Provider Code of Ethics.

LEA Responsibility 8: Ensure the Provider, parent(s)/legal guardian(s) and student(s) enter into a compact (See Appendix D – Sample Compact) identifying LEA, Provider, parent(s)/legal guardian(s), and student responsibilities.

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Indicators for LEA Responsibility 8:

- a. The LEA ensures the compact clearly defines the roles and responsibilities of the LEA, Provider, parent(s)/legal guardian(s), and student.
- b. The service and payments schedules are completed and adhere to the Departments requirements for a range of 20-30 minimum hours of total instruction and four maximum hours of billable instruction per week.
- c. The LEA ensures the compact is reviewed, completed and signed by the appropriate parties.
- d. The LEA ensures the original compact is maintained for monitoring purposes.

LEA Responsibility 9: Assist the Department as needed in identifying potential Providers within the LEA.

Indicator for LEA Responsibility 9:

- a. The LEA collaborates with the Department to identify potential Providers. The LEA sends the contact information for the potential Provider by email to the Department's designee or in writing to:

Supplemental Educational Services
Georgia Department of Education
1854 Twin Towers East
Atlanta, Georgia 30334

LEA Responsibility 10: Provide information required by the Department to monitor the quality and effectiveness of the services offered by Providers as specified in federal law.

Indicators for LEA Responsibility 10:

- a. The LEA accurately completes data requests for the Department by established deadlines.
- b. The LEA accurately completes surveys from contractors evaluating the SES program.
- c. The LEA files complaints regarding Providers using the appropriate procedures established and disseminated by the Department.
- d. The LEA fulfills are requests made by the Department or contractors acting on the Departments behalf by established deadlines.

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LEA Responsibility 11: Protect the privacy of students who receive SES *[NCLB Section 1116(e)(2)(D)]*.

LEA Responsibility 12: The LEA shall make available achievement data to Providers selected by parent(s)/legal guardian(s) to serve their child. These data must include, but are not limited to, applicable state assessments such as the Criterion-Referenced Competency Tests (CRCT), Georgia High School Graduation Tests (GHS GT), and End of Course Tests (EOCT). The applicable assessment results must indicate specific academic areas need in relevant subject areas. Assessment data should be provided at the time contracts are signed with Providers. Data must be submitted to selected Providers prior to students beginning services.

Indicators for LEA Responsibilities 11-12:

- a. The LEA does not share personal identifiable information regarding students' eligibility with any person, organization, or entity not critical to determining the child's eligibility. As a general rule, personal identifiable income information should be protected based on the guidelines set forth in the Family Educational Rights and Privacy Act (FERPA).
- b. The LEA does not provide information to individuals other than pertinent school personnel and government entities acting on behalf of the school, LEA, or State. The information is never shared with Providers or other entities not authorized for access to such data without written parental consent.
- c. The LEA never posts lists of eligible students in public areas (e.g., newspaper, bulletin boards, etc).
- d. The LEA provides assessment data to Providers to assist with identifying specific areas of academic need. Data provided shall include assessment scores and specific academic strands of weakness within tested content areas when available. NOTE: It is suggested that LEAs guide parent(s)/legal guardian(s) to target the **one** area of greatest academic need for tutoring.
- e. The LEA provides assessment data to Providers for students receiving service once the contract with the Provider is signed and parental consent is obtained.

LEA Responsibility 13: Notify parent(s)/legal guardian(s) immediately if a Provider becomes ineligible to offer services. Notification shall outline the procedures parent(s)/legal guardian(s) must follow in order to secure another Provider.

LEA Responsibility 14: Any school located within the jurisdiction of an LEA shall be eligible to serve as a Provider as long as the school is not in needs improvement and is approved as a Provider by the SBOE.

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LEA Responsibility 15: LEAs identified as required to provide SES for failing to make AYP may appeal the AYP decision, but shall continue to implement SES while the appeal is being resolved and a final AYP determination is made. If the appeal is granted, the LEA shall continue to serve students currently receiving SES but is not obligated to provide SES to additional students.

Indicators for LEA Responsibilities 13-15:

- a. The LEA immediately notifies parent(s)/legal guardian(s) if the Provider selected is removed from the State-Approved Providers List. In such instances the LEA will reassign the student(s) to their second choice of Provider as indicated on the Request for Services Form. If the second choice is unavailable the LEA will reassign the student to their third choice of Provider. If the third choice is unavailable the LEA will allow the parent(s)/legal guardian(s) to select another Provider from the State-Approved Providers List. This procedure shall be explained in writing to parent(s)/legal guardian(s).
- b. If the LEA is an approved Provider, the LEA immediately notifies parent(s)/legal guardian(s) of eligible children if the LEA is unable to provide SES because the LEA did not make AYP for two consecutive years. The notification includes the procedures the LEA will follow to reassign students to another approved Provider.
- c. A school within the jurisdiction of an LEA that is no longer eligible to provide SES may provide such services upon approval by the SBOE.
- d. An LEA that becomes ineligible to serve children but who is in the process of appealing its AYP determination shall continue to implement SES while the final determination is being made. If the appeal is granted, the LEA may, but is not obligated to, provide SES to additional students.

LEA Responsibility 16: A requirement to allow LEAs the option of offering SES to students at first-year Needs Improvement (NI) schools. LEAs can offer public school choice to students at second-year Needs Improvement schools. Previously, NCLB required public school choice be offered in NI-1. The reversing of public school choice and SES only applies to schools identified in the first year of Needs Improvement in 2008-2009 and beyond. LEAs must offer SES in accordance with Federal Legislative Guidance.

Indicators for LEA Responsibility 16:

- a. This new requirement allows, but does not require, systems to offer tutoring to students in Needs Improvement schools first
 - i. Any Title I school identified in 2008-2009, and beyond as NI-1 is eligible to participate in this flexibility plan.
 - ii. This includes schools that were previously identified as NI-1, who made AYP, and then subsequently were again identified as NI-1 in 2008-2009.

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- b. Under Georgia's new plan, tutoring can be offered to ALL academically at-risk students in Title I schools, as long as economically disadvantaged students are given first priority. If funds available are insufficient to provide SES to each eligible student whose parent(s)/legal guardian(s) request those services the LEAs shall prioritize students as follows:
- i. Students **eligible for free and reduced priced meals** in Title I schools **who do not meet** state assessment standards must be given first priority for SES.
 - ii. Students **eligible for free and reduced priced meals** in Title I schools **who do meet** state assessment standards must be given second priority for SES.
 - iii. Students **not eligible for free and reduced priced meals** in Title I schools **who do not meet** state assessment standards must be given third priority for SES.
 - iv. Students **not eligible for free and reduced priced meals** in Title I schools **who do meet** state assessment standards must be given fourth priority for SES.

LEA Responsibility 17: Shall include in the School Improvement Plan steps to ensure that eligible students will receive SES as required in federal law and SBOE Rule 160-4-5-.03 Supplemental Educational Services in Title I Schools, whenever any schools in the LEA are in year two or more of needs improvement status.

Indicator for LEA Responsibility 17:

- a. The LEA, in developing steps to include in the School Improvement Plan, should consider the following to ensure that students receive SES:
- i. How parent(s)/legal guardian(s) will be given the opportunity to request services at least twice per year.
 - ii. How the LEA will work with parent(s)/legal guardian(s) and families to increase participation in SES.
 - iii. How school or LEA staff will assist parent(s)/legal guardian(s) in selecting Providers for their children.

LEA Responsibility 18: LEAs are required to set-aside up to 20 percent of the Title I, Part A allocation for SES. LEAs may amend unobligated SES funds into the general Title I budget by the May 15 Consolidated Application budget amendment deadline by ensuring a minimum of 50 percent of students eligible to receive SES are served by an approved Provider. LEAs meeting the 50 percent criteria must submit a list of eligible students and students receiving SES. LEAs serving less than the minimum percentage of students may amend unobligated SES funds into their Title I budget upon approval by the Department.

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Indicators for **LEA Responsibility 18:**

- a. LEAs are required to set-aside up to 20 percent of the Title I, Part A allocation to provide SES for students in schools identified as needs improvement for two or more years.
Approval to amend unobligated funds shall follow the procedures below:
 - i. If 50 percent of the students eligible to receive SES are served by an approved Provider, LEAs may amend unused SES funds into its general Title I budget. Upon request by the Department, LEAs must submit the names and/or student identification numbers of eligible students and a notice that students were or were not served.
 - ii. LEAs are required to serve 100 percent of the eligible students requesting SES. If funds are not sufficient to cover the costs of all requests, LEAs must prioritize students based on academic performance. If less than 50 percent of students are served, LEAs must seek written approval from the Department to amend unused SES funds into its general Title I budget. LEAs must submit the names and/or student identification numbers of eligible students and identify those students who received SES. LEAs must also submit a description of the strategies used to increase the number of students requesting and receiving SES. LEAs' written requests must be submitted to:

Georgia Department of Education
Associate Superintendent of Education Support
1858 Twin Towers East
Atlanta, Georgia 30334

LEAs' requests will be granted only if the strategies described demonstrate that the LEAs have (1) appropriately notified all eligible parents of the availability of SES; (2) offered parents a reasonable period of time of not less than 20 school days to investigate their options and submit their requests for SES; and (3) adequately publicized options to parents in understandable formats and multiple forums. Examples of the types of activities that meet this requirement are included as indicators under LEA Responsibilities. Additionally, LEAs are encouraged to implement other creative strategies to increase participation in SES.

- b. Funds must be amended into the general Title I budget by the May 15 Consolidated Application budget amendment deadline.
- c. All requests to amend funds must be received a minimum of two weeks before the May 15 budget amendment deadline.

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LEA Responsibility 19: The LEA shall monitor the eligibility of students receiving SES and notify the Provider and parent(s)/legal guardian(s) in writing when a student is no longer eligible for SES.

Indicators for LEA Responsibility 19:

- a. The LEA shall verify that students receiving SES are eligible.
- b. The LEA shall provide written notification to the Provider and parent(s)/legal guardian(s) if a student is no longer eligible to receive SES. Such instances may include:
 - i. The student moves to a non Title I school.
 - ii. The student moves to a Title I school that is not in at least year two of needs improvement status.
 - iii. The student moves to another school district not eligible for SES.
- c. Any LEA failing to notify a Provider when a student is no longer eligible shall pay the Provider for all instructional hours provided until the student's allotment expires or written notification of the student's ineligibility is received by the Provider.

PROVIDER RESPONSIBILITIES

A Provider of SES may be a public or private (non-profit or for-profit) entity that meets the state's criteria for approval. Types of public and private entities that may provide SES include LEAs and public schools (including charter schools) not identified for school improvement; private schools; educational service agencies (including Regional Educational Service Agencies); institutions of higher education; faith-based organizations; community-based organizations; and private businesses [NCLB Section 1116(e)(12)]. LEAs serving as Providers must comply with federal law and SBOE Rule 160-4-5-.03 Supplemental Educational Services in Title I Schools as they apply to both LEAs and SES Providers.

Providers must:

Provider Responsibility 1: Agree to negotiate directly with LEAs to determine the cost of services on a per pupil basis including the number of scheduled sessions per pupil. Cost of SES shall not exceed per pupil spending limits calculated by each LEA and must be in accordance with the Department's required 20-30 minimum total number of instructional hours received per student. Furthermore, the Provider agrees not to bill the LEA for more than four instructional hours per week per student.

Indicators for Provider Responsibility 1:

- a. The Provider's cost of SES will not exceed the per pupil spending limit established by each LEA.

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- b. The Provider will adhere to the Department's requirements for a minimum of 20-30 total instructional hours and a maximum of four billable instructional hours per week.
- c. The Provider will accurately complete the cost and scheduling portion of the compact prior to obtaining the parent(s)/legal guardian(s) signature(s).
- d. The Provider carefully reviews the policies and procedures set forth by the LEA in order to provide SES to eligible students.
- e. The Provider works ethically to resolve disagreements and concerns in a timely manner.
- f. The Provider does not submit an invoice to the LEA for assessment fees. The Provider should consider the cost of assessment when setting its hourly rate, since such cost is part of the cost of operating a tutoring business. The Provider will not submit an additional invoice to the LEA for assessment fees, snacks, enrichment activities, incentives, etc.

Provider Responsibility 2: Ensure the pre and post assessments administered to SES students are both valid and reliable.

Indicator for **Provider Responsibility 2:**

- a. Assessments must have been developed in accordance with the standards for validity and reliability as set forth in *Standards for Educational and Psychological Testing* (1999). (See APA Web site at <http://www.apa.org/science/standards.html> [Outside Source] for further details.)

Provider Responsibility 3: Shall explain the roles and responsibilities of each stakeholder participating in SES using the Supplemental Educational Services Compact. Providers shall make every attempt to acquire parent(s)/legal guardian(s) and whenever applicable, student signatures on the document. _

Indicators for **Provider Responsibility 3:**

- a. The Provider shall explain the roles and responsibilities of each stakeholder participating in SES using the Supplemental Educational Services Compact.
- b. The Provider shall complete and explain the compact service and payment schedules to parent(s)/legal guardian(s).
- c. The Provider shall make every attempt to acquire parent(s)/legal guardian(s) and whenever applicable, student signatures on the document. _

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- d. If a Provider is unable to acquire parent/legal guardian signatures the Provider must maintain documentation to show multiple attempts were made to acquire appropriate signatures on any unsigned compact.

Provider Responsibility 4: Shall develop Individual Student Plans (ISP) on behalf of the LEA as agreed upon in the contract (See Appendix F – Sample ISP/Timeline) to set specific achievement goals for each student according to academic needs and subject area, which shall be developed in consultation with the LEA and each student’s parent(s)/legal guardian(s) and aligned with the GPS.

Indicators for **Provider Responsibility 4:**

- a. The Provider gathers relevant assessment data from the LEA, school, and parent(s)/legal guardian(s), and the Provider’s pre assessment to develop an ISP for each student Assessment data should include at minimum:
 - i. Scores received from the LEA in reading, English/language arts, mathematics, and/or “other subjects” on state assessments.
 - ii. Provider’s pre assessment results for each student served.
 - iii. A written summary of the Provider’s pre assessment results indicating the specific academic need(s) of each student being served.
 - iv. All applicable state assessment data indicating academic need(s) of each student served. (If data is not received from the LEA the Provider must have documentation to indicate a request for SES student data was submitted prior to development of the ISP.)
- b. The Provider notifies the Department immediately if the LEA fails to provide the assessment data necessary to develop an ISP.
- c. The Provider completes a valid pre assessment for each student prior to tutoring in the subject they will be served and summarizes the results to identify specific strengths and weaknesses.
- d. Prior to tutoring each student the Provider will evaluate all assessment data and develop measureable academic goals and objectives with input from the LEA and parent(s)/legal guardian(s) to be targeted during tutoring services and documented on the ISP.
- e. The Provider will align developed goals and objectives for each student with the GPS or if applicable the QCC.
- f. The Provider will maintain documentation regarding assessments and ISPs to satisfy all SES Standards. (See Appendix C – SES Standards: Category #4)

Provider Responsibility 5: Establish a timeline for improving student achievement as identified by the ISPs. (See Appendix F – Sample ISP/Timeline)

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Indicators for **Provider Responsibility 5:**

- a. Prior to tutoring, the Provider shall develop a timeline for each student that establishes a chronological order of objectives to be taught.

Provider Responsibility 6: Ensure that instruction is consistent with student achievement goals identified in the ISP and that LEA is not billed for homework assistance.

Indicators for **Provider Responsibility 6:**

- a. The Provider must implement the educational program described in its application.
- b. Curriculum must be appropriate for each student's ISP.
- c. Instruction must be linked to each student's ISP and timeline.
- d. Instructional delivery promotes active student engagement and time on task.
- e. Appropriate student feedback is documented through student work samples and/or observation of instruction by State monitors.
- f. Instruction must not include homework assistance unless approved in the Provider's application.
- g. Instructional documentation must be kept in a portfolio for each student and shall include at minimum:
 - i. Provider pre-assessment results
 - ii. State assessment results (Provided by LEA)
 - iii. Summary of each student's academic weaknesses
 - iv. Established ISP and timeline
 - v. Samples of student work
 - vi. Quiz and test results used to determine proficiency on tutored objectives
 - vii. Progress reports (See Appendix G – Sample Progress Report)
 - viii. A completed compact signed by all applicable parties
 - ix. All other applicable information

Provider Responsibility 7: Provide a description of how student progress will be measured and regularly reported to each student's parent(s)/legal guardian(s) and designated LEA contact(s).

Indicators of **Provider Responsibility 7:**

- a. Provider will have in the student portfolio dated progress reports for every student. Progress reports must include at minimum:

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- i. Dated goals and objectives addressed for each tutoring session.
- ii. Concrete assessment results from quizzes, tests, and/or student work used to determine mastery on objectives taught.
- iii. An indication of mastery or non-mastery of each objective taught.
- iv. A preview of upcoming objectives to be taught.
- v. Tutor observations / comments regarding student progress.
- vi. Identification of the tutor(s) who taught the student.
- vii. An understandable format for parent(s)/legal guardian(s).

Provider Responsibility 8: Ensure that parent(s)/legal guardian(s) have access to Providers and/or Provider's designee to discuss their child's academic progress.

Indicators for **Provider Responsibility 8:**

- a. Provider will maintain a communication log to document all contact with parent(s)/legal guardian(s).
- b. Provider will arrange office hours that are convenient for parent(s)/legal guardian(s), whenever possible.
- c. Provider has a policy and procedure allowing parent(s)/legal guardian(s) access to the Provider to discuss student progress or other programmatic concerns/complaints.

Provider Responsibility 9: Agree to terminate SES if student progress goals are not met.

Indicators for **Provider Responsibility 9:**

- a. Providers will agree to terminate SES under the direction of the Department, LEA, or parent(s)/legal guardian(s) when it is determined that students are not meeting progress goals.
- b. Provider signs SES compact.

Provider Responsibility 10: Agree not to exceed a tutor/student ratio of 1:1-8 for non-computer-based instruction and 1:1-10 for computer-based instruction.

Indicators for **Provider Responsibility 10:**

- a. Applicants will adhere to guidelines in their approved SES application.
- b. Providers will adhere to the SES Standards.
- c. State SES Monitors will monitor Providers for compliance.

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Provider Responsibility 11: Shall not disclose to the public the identity of any student eligible for or receiving SES without written permission of parent(s)/legal guardian(s).

Indicators for **Provider Responsibility 11:**

- a. The Provider signs the compact.
- b. The Provider signs the annual assurances.

Provider Responsibility 12: Shall meet all applicable federal, state, and local health, safety, and civil rights laws.

Indicators for **Provider Responsibility 12:**

- a. The Provider carefully reviews SES regulations and guidance issued by the U.S. Department of Education (US ED), the SBOE, and the Department.
- b. The Provider conducts and submits all health inspections, fire marshal inspections, criminal background checks and other pertinent documents directly to the Department and/or the LEA, when requested.
- c. The Provider maintains policies and procedures that ensures compliance with civil rights protections for students and individuals associated with the Provider both paid and unpaid.
 - i. The Provider maintains a policies and procedures handbook for parent/legal guardian(s) and employees.
 - ii. The Provider maintains documentation indicating parent/legal guardian(s) and employees have received policy and procedures handbooks. (See Appendix C –SES Standards: Category #2)
- d. The Provider operates within all state and local fire and occupancy codes, if applicable.
- e. The Provider maintains current commercial liability insurance with coverage in the state of Georgia.
- f. The Provider maintains policies and procedures for students and staff regarding at minimum (See Appendix C –SES Standards: Category #2)
 - i. Sexual harassment
 - ii. Georgia’s Mandated Reporter Law on child abuse
 - iii. Severe weather emergencies
 - iv. Building evacuations and evacuation routes
 - v. Cancellation of tutoring sessions

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- vi. General student safety
 - vii. Internet / technology usage
 - viii. Student behavior
 - ix. Student attendance
 - x. Substitute Tutors
 - xi. Hiring
 - xii. Civil rights
 - xiii. Ethical behavior of employees
- g. The Provider has emergency contact information on file for each student and readily available for applicable staff.
- h. The Provider's instructional site, when applicable, must be (See Appendix C –SES Standards: Category #5):
- i. Free of any noticeable hazards
 - ii. Clean
 - iii. Organized
 - iv. Well lit
 - v. Temperature controlled
 - vi. Conducive to learning
 - vii. Clearly marked with exit signs, when applicable
 - viii. In compliance with and maintain all inspection clearances
 - ix. Clearly marked with an occupancy notice, when applicable
- i. The in-home / online Provider must have policies and procedures in place to ensure student and/tutor safety at the applicable instructional site.
- j. In the event transportation is offered by the Provider a reasonable driving distance to and from the Provider's site is expected. In general, a reasonable distance is one where the total transportation time (offered by Providers) is no more than one hour each way. This is a general guideline. Providers with LEA guidance should review the student's current situation and make decisions in the best interest of the student with input from the parent(s)/legal guardian(s). A rural district will have very different transportation needs than a metro area district. The Provider shall ensure they receive parent(s)/legal guardian(s) permission whenever transporting students. Written permission shall include:
- i. The student's name
 - ii. The address where instruction will occur
 - iii. A working phone number for the instructional site
 - iv. An approximate distance and total travel time
 - v. Procedures for emergency situations
 - vi. Procedures for dropping off and picking up students at transportation sites including approximate departure and arrival times and dates

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- vii. A parent(s)/legal guardian(s) signature
- viii. A copy of permission for transporting the students for parent(s)/legal guardian(s) and LEA (if requested)
- ix. A copy of permission for transporting the students must be maintained on file at the Provider's site for monitoring purposes

Provider Responsibility 13: Shall conduct criminal background checks on all individuals, paid or unpaid, who have contact with students either in person, by telephone, or internet. Failure to conduct a background check on any individual who is in contact with students either in person, by telephone, or internet will result in the recommendation to the SBOE for removal of the Provider from the State-Approved Providers List. Providers shall maintain a copy of a government issued photo identification (driver's license, passport, government identification card, etc.) for every individual with a completed criminal background check for verification and monitoring purposes. All background checks must:

- a. Be completed for all individuals prior to having initial contact with students;
- b. Be completed no later than 365 days from the previous background check thereafter;
- c. Included with each individual's legal name, valid social security number, date of birth;
- d. Checked against national and state criminal databases, and;
- e. Checked against the national sex offender database.

Provider Responsibility 14: The Provider shall have protocol in place and take proper administrative action in the event a criminal background check or other inspection reveals criminal history.

Indicators for Provider Responsibility 14:

- a. The Provider maintains a policy for hiring applicants with criminal history.
- b. The Provider documents that parent(s)/legal guardian(s) and personnel are aware of the hiring policy.

Provider Responsibility 15: Ensure all instruction and content are secular, neutral, and non-ideological.

Indicator for Provider Responsibility 15:

- a. The Provider maintains a policy confirming instructional content is not:
 - i. Controlled by or concerned with religion

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- ii. Biased
 - iii. Guided by beliefs or doctrines
- b. The Provider signs annual assurances.
- c. The Provider signs a compact for each student served.
- d. The Provider documents that parent(s)/legal guardian(s) and personnel are aware of the policy.

Provider Responsibility 16: Ensure that requests for information and access to service site(s) for monitoring and evaluation purposes by the Department are provided in a timely manner.

Indicators for **Provider Responsibility 16:**

- a. The Provider complies with the Department's request for annual monitoring visits.
 - i. The Provider collects and maintains all documentation for monitoring purposes and to demonstrate compliance with the State SES Board Rule, SES implementation guidelines, SES assurances, Providers Code of Ethics, SES Standards, and all applicable federal and state laws related to SES as soon as SES begins for enrolled students.
 - ii. The Department will only consider documentation available at the time and site of the monitoring visit. Failure to provide documentation during the monitoring visit will result in a finding for any standard where a deficiency exists.
- b. The Provider will adhere to all SES Standards (See Appendix C – SES Standards).
- c. The Provider complies with the LEA's request for monitoring visits.
- d. The Provider will comply with the Department's request for evaluation data.

Provider Responsibility 17: The Provider must abide by the State Board Rule 160-4-5-.03, implementation guidelines, assurances, Provider Code of Ethics, signed contracts, signed compacts, and the SES Standards.

Indicators for **Provider Responsibility 17:**

- a. The Provider signs the annual assurances.
- b. The Provider signs a compact for each student served.

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- c. The Provider complies with all SES Standards.
- d. The Provider attends the Department's mandatory workshops or meetings to review implementation guidelines and any revisions to the SES program.
- e. The Provider may be recommended to the SBOE for removal from the State-Approved Providers List for non compliance with any provision listed in Provider Responsibility 16.

PARENT(S)/LEGAL GUARDIAN(S) RESPONSIBILITIES

Parent(s)/legal guardian(s) must follow the procedures outlined by the LEA in order to obtain SES for their child. They must also collaborate and communicate with the LEA, the school, and the selected Provider to take full advantage of SES. As outlined below, parent(s)/legal guardian(s) have specific responsibilities related to SES.

Parent(s)/Legal Guardian(s) shall:

Parent(s)/Legal Guardian(s) Responsibility 1: Request SES for their student.

Indicators for **Parent(s)/Legal Guardian(s) Responsibility 1:**

- a. The parent(s)/legal guardian(s) complete and return the SES Request for Services form to the designated location by the deadline indicated on the form.
- b. If the parent(s)/legal guardian(s) have questions about the process for obtaining SES, the parent(s)/legal guardian(s) will contact the LEA and/or the school.

Parent(s)/Legal Guardian(s) Responsibility 2: Select a Provider from the State-Approved Providers List.

Indicators for **Parent(s)/Legal Guardian(s) Responsibility 2:**

- a. The parent(s)/legal guardian(s) review the State-Approved Providers List serving the LEA or within the LEAs reasonable geographical area.
- b. The parent(s)/legal guardian(s) participate in Provider fairs and/or other informational activities sponsored by the LEA and take advantage of other opportunities to learn about Providers.
- c. The parent(s)/legal guardian(s) consider their child's needs in relation to the Provider's program to select the best Provider for their child.
- d. The parent(s)/legal guardian(s) follow the procedures outlined by the LEA to select a Provider for their child.

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- e. It is suggested to parent(s)/legal guardian(s) that they select one specific content area of weakness for their child to receive SES.

Parent(s)/Legal Guardian(s) Responsibility 3: Transport students to and from the place of service when transportation is not provided by the Provider or LEA.

Indicators for **Parent(s)/Legal Guardian(s) Responsibility 3:**

- a. The parent(s)/legal guardian(s) ensure that their child has transportation to and from the place of service if transportation is not provided by the selected Provider or LEA.
- b. The parent(s)/legal guardian(s) ensure their child arrives for tutoring sessions at the scheduled time.
- c. The parent(s)/legal guardian(s) notifies the Provider when their child will not attend a scheduled tutoring session.
- d. The parent(s)/legal guardian(s) understand that excessive absences from tutoring sessions may result in the student being removed by the LEA from receiving services from the selected Provider.
- e. Parent(s)/legal guardian(s) agree to verify and sign student attendance forms used by the Provider to invoice the LEA.

Parent(s)/Legal Guardian(s) Responsibility 4: Notify the LEA if the Provider does not begin service with 15 business days of notification.

Indicators for **Parent(s)/Legal Guardian(s) Responsibility 4:**

- a. Parent(s)/Legal guardian(s) maintain accurate contact information for both the LEA and Provider.
- b. Parent(s)/Legal guardian(s) maintain open communication with the Provider to establish an acceptable tutoring schedule.
- c. Parent(s)/Legal guardian(s) notify the LEA's designee if SES does not begin within 15 business days of notification or if the parent(s)/legal guardian(s) are dissatisfied with the Provider.

Parent(s)/Legal Guardian(s) Responsibility 5: Work with the Provider to set achievement goals for their child.

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Indicators for **Parent(s)/Legal Guardian(s) Responsibility 5:**

- a. The parent(s)/legal guardian(s) collaborates with the Provider to set and/or review achievement goals and objectives for their child.
- b. The parent(s)/legal guardian(s) communicate to the Provider information about their student that is relevant to the development of their child's achievement goals.

Parent(s)/Legal Guardian(s) Responsibility 6: Communicate with the Provider regarding student progress.

Indicators for **Parent(s)/Legal Guardian(s) Responsibility 6:**

- a. Parent(s)/Legal guardian(s) shall contact the Provider with questions about their child's academic progress.
- b. Parent(s)/Legal guardian(s) shall notify the LEA's designee if the Provider fails to be available at a time convenient for the parent(s)/legal guardian(s).

Parent(s)/Legal Guardian(s) Responsibility 7: Contact the LEA and /or Provider if student contact information changes.

Indicators for **Parent(s)/Legal Guardian(s) Responsibility 7:**

- a. The parent(s)/legal guardian(s) fill out appropriate contact information forms when requested by the LEA and Provider.
- b. The parent(s)/legal guardian(s) provide updated addresses and phone numbers should any change occur.

PROVIDER/APPLICANT CRITERIA

All Providers/Applicants must be held to the same criteria. LEAs, public schools, and charter schools are not automatically considered approved Providers. Rather, they can be Providers if they meet Georgia's established criteria and must go through the same approval process as all other potential Providers. LEAs and schools that have been identified for improvement may not be Providers. However, a school may be eligible to Provider SES within the jurisdiction of an LEA that is in needs improvement status as long as the school is not in needs improvement and is approved as a Provider by the SBOE.

Potential Providers' applications must include all requested Basic Program Information. Basic Program Information includes information and/or documentation necessary for the Department to ensure the potential Provider is financially sound [*NCLB Section 1116(e)(12)(B)*]. Failure to complete any component of the Basic Program Information will result in an incomplete

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application. Incomplete applications will not be scored or recommended to the SBOE for approval and inclusion on the State-Approved Providers List.

Potential Providers' applications must also demonstrate that the potential Providers meet the following criteria:

Provider/Applicant Criterion 1(i): Documentation that instructional strategies implemented are high-quality, and part of a research-based instructional program designed to increase student academic achievement [*NCLB Section 1116(e)(12)(C)*].

Indicators for **Provider/Applicant Criterion 1(i):**

- a. The applicant clearly and specifically explains the ways in which the instructional program is:
 - i. High quality by citing research that supports all major elements of the instructional program (mode of instruction, class size, time on task, special instructional materials, use of technology, etc.)
 - Empirical research is provided from leading research organizations.
 - Research is consistently linked to increased student proficiency.
 - ii. Designed to increase student academic achievement.
 - iii. Supported through sample lesson plans that integrate sufficient research based elements.

Provider/Applicant Criterion 1(ii): Document quantitative data demonstrating a record of effectiveness in improving student academic achievement

Indicators for **Provider/Applicant Criterion 1(ii):**

- a. Quantitative data demonstrates the Provider's/Applicant's instructional services had a positive impact for students on statewide assessments (Criterion Referenced Competency Tests, Georgia High School Graduation Tests, End of Course Tests, etc.)
- b. Data demonstrates that instructional services have had a positive impact on other student achievement outcomes.
- c. Evidence indicates the Provider/Applicant has successfully increased academic achievement for underachieving students who qualify as low-income.
- d. Evidence indicates that instructional services have accelerated the achievement of students with disabilities and/or English Language Learners, if applicable.

Provider/Applicant Criterion 1(iii): Document that services are consistent with the instructional program of the LEA and aligned with GPS [*NCLB Section 1116(e)(5)(B)*].

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Indicators for **Provider/Applicant Criterion 1(iii):**

- a. The Provider/Applicant describes how the instructional program connects to specific GPS.
- b. The Provider/Applicant describes the process for ensuring staff is qualified and the plan for ongoing professional development.
- c. The Provider/Applicant describes the plan to assess academic weaknesses, identify skill or knowledge gaps, and to prescribe an instructional program based on the student's individual needs.
- d. The Provider/Applicant describes the plan to monitor and track the academic progress of each student; and adjust the instructional program to address each student's ongoing needs.
- e. The Provider/Applicant describes the plan for communicating student progress to LEA(s) designee(s) and to parent(s)/legal guardian(s).
- f. The Provider/Applicant describes the plan to ensure that the instructional program is secular, neutral, and non-ideological.
- g. The Provider/Applicant describes the plan to internally monitor the implementation of SES to ensure consistent high quality instruction at all sites where services are provided.

Provider/Applicant Criterion 1(iv): Document compliance with all applicable federal, state, and local health, safety and civil rights laws [*NCLB Section 1116(e)(5)(C)*].

Indicators for **Provider/Applicant Criterion 1(iv):**

- a. The Provider/Applicant describes the plan for communicating the entity's health and safety procedures to parent(s)/legal guardian(s) students, and staff.
- b. The Provider/Applicant describes the plan to comply with federal, state, and local civil rights protections for employees and students.

Provider/Applicant Criterion 1(v): Maintain documentation indicating legal status to conduct business in the State of Georgia.

Indicators for **Provider/Applicant Criterion 1(v):**

- a. The Provider/Applicant has in its possession, prior to submitting a completed application, documentation that formally acknowledges the entity's legal status to

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conduct business in the state of Georgia. Examples of documents indicating legal status may include but are not limited to:

- i. Georgia business license (The Department will not accept an application for a license or an out of state license)
- ii. Certificate of Authority (The is specific to out of state companies doing business in Georgia)
- iii. Registration with the Georgia Secretary of State in good standing for 6 consecutive months.

Provider/Applicant Criterion 1(vi): Maintain documentation of current commercial general liability insurance with coverage specific to the State of Georgia.

Indicators for **Provider/Applicant Criterion 1(vi)** (Indicators may include but are not limited to):

- a. The Provider/Applicant has in its possession a current certificate of commercial general liability insurance with coverage in the State of Georgia prior to submitting a completed application.
- b. The Provider/Applicant will submit a current declarations page as proof of insurance coverage in the state of Georgia.
- c. The Provider/Applicant will submit a letter from the insurance carrier stating the entity has current general liability insurance with coverage in the state of Georgia.

Provider/Applicant Criterion 1(vii): Provide evidence of financial soundness.

Indicators for **Provider/Applicant Criterion 1(vii)** (Indicators may include but are not limited to):

- a. The Provider/Applicant submits a current accrual balance sheet that:
 - i. Indicates positive net assets, and
 - ii. Indicates current assets exceed current liabilities.
- b. A description of how the Provider/Applicant currently receives funds (grants, fees for services, etc.).
- c. Summary level profit and loss statements for 12 consecutive months.
- d. Documentation indicating SES is not the only source of income for any Provider/Applicant.

Provider/Applicant Criterion 1(viii): Provide instruction that is secular, neutral and non-ideological.

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Indicators for **Provider/Applicant Criterion 1(viii)**:

- a. The Provider/Applicant maintains a policy confirming instructional content is not:
 - i. Controlled by or concerned with religion
 - ii. Biased
 - iii. Guided by beliefs or doctrines
- b. The Provider/Applicant signs the application assurances.

Provider/Applicant Criterion 1(ix): Meet all requirements set forth in the guidelines issued by the Department, including, but not limited to, reporting requirements, application requirements, deadlines, timelines and SES Standards.

Indicators for **Provider/Applicant Criterion 1(ix)**:

- a. The Provider/Applicant signs the application assurances.

Provider/Applicant Criterion 2: Providers applying for statewide Provider status shall, upon request, serve students in any LEA regardless of the geographical location. Providers approved for statewide status may be removed from the State-Approved Providers List if this requirement is not met.

Indicators for **Provider/Applicant Criterion 2:**

- a. The applicant completes the SES application and signs the application assurances.

Provider/Applicant Criterion 3: Provider agrees to serve all students whose parent(s)/legal guardian(s) request services within any LEA listed in the Provider's/Applicant's service area which is determined by the information submitted in the SES provider application. Providers who fail or refuse to serve students will be recommended for removal from the State-Approved Providers List.

Indicators for **Provider/Applicant Criterion 3:**

- a. The Provider/Applicant adheres to the requirements for maximum and minimum students served as outlined in the SES application.
- b. The applicant signs the SES application assurances.

Provider/Applicant Criterion 4: Any Provider that accepts students and begins services for those students must complete the services and fulfill the signed contract for each student. Any Provider that terminates service to contracted participating students without written prior

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permission from the Department will be recommended for removal from the State-Approved Providers List.

Indicators for **Provider/Applicant Criterion 4:**

- a. Providers that waive their stated maximum or minimum number of students to serve and enter into a contract with an LEA to serve SES students must fulfill their contract for services or be recommended for removal from the State-Approved Providers List.

Provider/Applicant Criterion 5: Submit signed assurances (See Appendix A - Assurances) annually prior to beginning SES. Assurances must be signed, initialed, and submitted by the Department's specified date. Any Provider, whether newly approved or current, who does not submit signed and initialed assurances by the assigned deadline will be recommended for removal from the State-Approved Providers List.

Indicators for **Provider/Applicant Criterion 5:**

- a. The Department will have on file the original annual signed assurances for each applicant/Provider for each year the Provider is eligible to offer SES.

Provider/Applicant Criterion 6: Provider/Applicant agrees to only offer incentives to a student AFTER the student has enrolled in the SES program for that Provider. Incentives may only be for student attendance, program completion, or student achievement. Enrollment incentives and incentives to parent(s)/legal guardian(s) and LEAs are NOT allowable at any time. Student incentives must follow guidelines set forth in the Providers Code of Ethics. Approved applicants/Providers not in compliance will be recommended for removal from the State-Approved Providers List.

Indicators for **Provider Applicant Criterion 6:**

- a. The applicant/Provider signs the SES application assurances.
- b. The applicant/Provider agrees to adhere to the Provider Code of Ethics.

Reapplication Process to Expand/Modify Original Application

Provider applications are approved by the SBOE for three consecutive school years. The Department requires all Providers to reapply for approval from the SBOE in order to expand the following Basic Information Items: Subject Areas; Grade Levels to Serve; Specific Student Populations Served; Tutor/Student Ratio, alternate curriculums, alternate assessments, and anything that significantly alters the instructional program as identified in the Provider's approved application.

In order to reapply, a Provider must submit a completed application during the Department's official application period. A completed application includes a written response to all

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questions/items in the Basic Program Information Section, narrative responses to each criterion in the Indicators of Quality Section, initialed boxes and an authorized signature in the Assurances Section, and the required attachments listed in the Attachments Section. Current Providers/Applicants need not submit Part I, which includes introductory information designed to assist the applicant in completing the application.

Providers reapplying to expand and/or modify the above-listed Basic Information Items will indicate their approval status and the fact that they are seeking to expand and/or modify their original application under subsection (a) of Basic Information Item titled “SES History.” If the reapplication is approved by the SBOE the expiration date of the original application will be changed to reflect approval for three consecutive school years. If the reapplication is not approved by the SBOE, the Provider will be removed from the State-Approved Providers List.

Change of Program Information

The Department requires all Providers to submit a Request for Change of Program Information Form to alter its Service Area(s), Place of Service, Maximum Number of Students to Serve, Minimum Number of Students to Serve, Transportation, Staffing Levels, Cost, Doing Business As (DBA) name, and Program Summary. Providers must submit a Request for Change of Information Form during the specified timeframe, set by the Department. The Request for Change of Program Information Form will be considered by the Department as an amendment to the Provider’s original application. Changes will become effective upon the beginning of each new school year. The Request for Change of Program Information Form will be made available on the Department’s Web site during the specified timeframe set by the Department.

Required Information Updates

All Providers are required to notify the Department, in writing, of any changes to the following Basic Information Items and Assurances: Entity Contact Information; SES History; and Financial Soundness. Providers must submit to the Department, in writing, and in a timely manner, a Request for Change of Information Form that includes the updated information. Providers may attach any documentation relevant to the updated information.

PROVIDER CODE OF ETHICS

The Department has adopted, with minor revisions applicable to the state of Georgia, the code of ethics developed by the Education Industry Association (eia) and listed in Appendix B. Failure, by any Provider to adhere to this code of ethics may result in a recommendation to the SBOE for removal from the State-Approved Providers List.

MONITORING

The Department shall monitor, at least annually, for compliance with SES Standards (See Appendix C), all active Providers currently serving students. In addition, the Department may monitor the Provider’s program implementation in accordance with their state-approved SES

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application. The Department always reserves the right to make unannounced monitoring visits to any Provider during service hours.

The Department will use the following monitoring protocol:

Pre-Monitoring:

- a) The Provider will begin collecting and maintaining all necessary documentation for monitoring purposes to demonstrate compliance with the State SES Board Rule, SES implementation guidelines, SES assurances, Providers Code of Ethics, SES Standards, and all applicable federal and state laws related to SES as soon as services begin for enrolled students.
- b) The Department will schedule with the Provider a mutually agreeable date and time for the monitoring visit. Upon agreement of a monitoring date the Department will send to the Provider, in writing, confirmation of the scheduled date and time, the SES Standards, and the SES Monitoring Form. If the Provider does not make itself available to the Department for the purpose of monitoring the Provider will be recommended to the SBOE for removal from the State-Approved Providers List.
- c) Out of state Providers must make arrangements to supply requested documentation for monitoring purposes to the Department by an agreed upon date. The out of state Provider shall incur any costs associated with delivery of such documentation.
- d) Online Providers must make available their online instructional programs for review during the monitoring visit. The online Provider must comply with any reasonable request made by the Department regarding access to the Provider's technology to ensure a thorough monitoring visit is completed.
- e) In home Providers must make available tutor lesson plans and access to tutors for interviews regarding the instructional process. The Department may interview parent(s)/legal guardian(s) and students to determine instructional compliance with SES Standards.
- f) It is the Provider's responsibility to ensure the location of the monitoring visit has workspace conducive for the monitoring visit unless the monitoring visit occurs at the Department or another government agency (ex. Library, school, etc.).
- g) The Provider may request technical assistance from the Department to prepare for the monitoring visit. However, once the monitoring visit begins, the Department will not offer further technical assistance. Upon conclusion of the monitoring visit a monitoring report will be mailed to the Provider. Upon receipt of the

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monitoring report the Provider may again request technical assistance from the Department to comply with all SES Standards, if needed.

- h) The Department reserves the right to conduct unannounced monitoring visits when deemed appropriate or necessary. In such cases the Department will conduct a partial or full monitoring visit. The Provider will receive a monitoring report for any SES Standard monitored. All monitoring procedures will be followed during an unannounced visit.

Monitoring:

- a) The Provider will have documentation to prove compliance with all applicable SES Standards on site at the date and time of monitoring. Failure to provide documentation of compliance with all SES Standards, rules, and regulations during the time and site of the monitoring visit will result in a finding of noncompliance and a rating of “Does Not Meet” for those particular standards or items.
- b) The Department may request copies, make copies, or scan documents as evidence used for scoring each applicable SES Monitoring Standard.
- c) The Department will review all documentation and determine whether or not the Provider is in compliance with each SES Monitoring Standard.
- d) Each SES Monitoring Standard will be scored as meets, meets with recommendations, does not meet, or not applicable.

Post-Monitoring:

- a) The Department shall send to the Provider, in a timely manner, a copy of the monitoring report. The monitoring report will include:
 - i. A rating on each of the 44 Standards
 - ii. An overall percentage of met standards
 - iii. An overall compliance rating of “Meets” or “Does Not Meet” standards
 - iv. Any findings with corrective action required
 - v. Notification if the removal process is initiated (only when applicable)
 - vi. Any further instructions for completing the monitoring visit
 - vii. Any program recommendations
- b) The Provider will receive an individual score for each SES Monitoring Standard as well as an overall rating for compliance.
 - i. Overall Compliance Rating:

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1. Meets Standards - The Provider is in compliance with at least 80 percent of all applicable SES Standards. Providers that score 80 percent or greater will earn an overall rating of “Meets Standards”. The Department will use standard rounding rules in determining the overall rating percentage.
 2. Does Not Meet Standards - The Provider is in compliance with less than 80 percent of all applicable SES Standards. Failure to score 80 percent will earn an overall rating of “Does Not Meet Standards” and the Department will begin the process for removing a Provider by the SBOE.
- ii. Individual Standards Rating:
1. Meets – Documentation provided indicates full compliance with the SES Monitoring Standard. No further action is required.
 2. Meets with Recommendations – Documentation provided complies with the SES Monitoring Standard, however, the Department has made a suggestion to further strengthen compliance. Providers are not mandated to implement recommendations but should review them and implement where practical.
 3. Does not meet – Documentation is missing, incomplete, or does not comply with the SES Monitoring Standard. The Department will require corrective action to bring the missed SES Monitoring Standard into compliance. Providers are required to implement all corrective action.
 4. Not applicable – The SES Monitoring Standard was not scored because it did not apply to the specific Provider being monitored. For example, an in home Provider may not be required to have evacuation routes posted in the student’s home. Not applicable standards are not counted for or against a Provider and do not figure into the overall compliance rating.
- b) If a Provider receives an overall rating of “Meets” standards but is not compliant on any one of the SES Standards, the Provider is required to take corrective action in order to become compliant with any deficient standard. The Department will indicate the corrective action on the monitoring report. The Provider must implement, document, and submit evidence of corrective action to the Department within 10 business days of receipt of the monitoring report. Failure to implement and/or submit documentation of corrective action within the outlined timeframe will result in the Department beginning the process to remove a Provider by the SBOE. The Department will notify the Provider of acceptance or non-acceptance

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of the submitted corrective action. Notification will occur within 30 business days of receipt of submitted corrective action.

- c) Any Provider earning an overall rating of “Does Not Meet Standards” (less than 80 percent compliant with all scored standards) will have the removal process initiated by the Department. Providers that earn an overall rating of “Does Not Meet Standards” are not offered the opportunity for corrective action. These Providers do have an opportunity to refute the Department’s findings. (See Refuting the Department’s Findings)
- d) Providers scoring 100 percent compliance with SES Standards are not required to take any additional action upon receipt of the monitoring report.

Refuting the Department’s Findings:

- a) If a Provider believes that an overall compliance rating or individual SES Monitoring Standard rating is in error, the Provider may submit supporting evidence to document the Provider was in compliance at the time and date of the monitoring visit. Additional documentation must be received by the Department within 10 business days upon receipt of the completed monitoring report. Supporting documentation must be mailed to:

Clara J. Keith
Associate Superintendent for Education Support
1858 Twin Towers East
Atlanta, Georgia 30334

- b) The Department will consider evidence refuting an overall rating or individual SES Monitoring Standard rating and notify the Provider in writing of its final determination within 30 business days upon receipt of such evidence.

Removing SES Providers from the State-Approved Providers List as a Result of Monitoring

- a) Anytime the Department intends to recommend a Provider to the SBOE for removal from the State-Approved Providers List the Department will notify that Provider in writing (See removal protocol - State Responsibility13).
- b) As a result of monitoring, the Department will recommend Providers for removal from the State-Approved Providers List when:
 - i. A Provider fails to provide access to their program for the purpose of monitoring.
 - ii. A Provider receives an overall compliance rating of “Does Not Meet”.

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- iii. A Provider fails to submit to the Department corrective action within 10 business days upon receipt of the monitoring report.
- iv. A Provider fails to implement corrective action.
- v. A Provider fails to meet a mandatory SES Standard.
 - 1. The Department has identified mandatory standards in which Providers must maintain compliance whenever services have begun. For example, completing criminal background checks on individuals working with students is a mandatory SES Monitoring Standard. Failure to comply with this standard will result in the Department recommending the Provider to the SBOE for removal from the State-Approved Providers List.
- vi. A Provider does not adhere to the program and requirements outlined in their state-approved SES application.
- vii. The Department identifies “cause” for removal. The Department defines removal for “cause” as sufficient reason or grounds for immediate Departmental action in areas not previously defined.
 - 1. “Cause” may include but is not limited to:
 - a. Failure to serve students whose parent(s)/legal guardian(s) request services within any LEA listed in the Provider’s service area which is determined by the information submitted in approved SES application
 - b. Requesting personally identifiable information about students without receiving parental permission
 - c. Knowingly providing inaccurate information to the Department, LEA, or parent(s)/legal guardian(s)
 - d. Endangering students
 - e. Creating an environment not conducive to learning
 - f. Knowingly submitting (or authorizing its employee to submit) inaccurate invoices to LEAs
 - g. Creating unauthorized copies of LEA request for services forms
- viii. Providers who are removed from the approved list may not reapply for a period of two consecutive school years.
- ix. For specific information on the protocol followed during the removal process see the “State Responsibilities” section – Responsibility #13.

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Evaluation

In addition to monitoring all active Providers at least annually, the Department will evaluate the effectiveness of Providers who have served students in reading, English/language arts, mathematics, and/or “other subjects”. If the Department determines the Provider has failed to contribute to increasing the academic proficiency of students for two or more consecutive years in reading, English/language arts, mathematics, and/or “other subjects” the Department will recommend the Provider to the SBOE for removal from the State-Approved Providers List.

A Provider is determined to have contributed to increasing the academic proficiency of students in reading, English/language arts, mathematics, and/or “other subjects” when the Provider’s students perform better on state assessments than similarly situated students who were eligible for SES but did not receive tutorial services. To control for possible pre-existing differences in achievement, students from these two groups (i.e., participating and non-participating) will be matched on prior achievement and selected on geographic and/or demographic variables.

COMPLAINT PROCESS

1. The Department monitors complaints from parent(s)/legal guardian(s), students, Providers, LEAs, and other individuals and organizations to determine whether LEAs and Providers are in compliance with the applicable state and federal laws, rules and guidance governing the SES program. The Department will provide a summary report of complaints to the SBOE annually, when requested.
2. An organization or individual may file with the Department a signed, written complaint setting forth allegations of non-compliance.
3. The written complaint must include, at minimum:
 - (i) A clear statement of the allegation(s);
 - (ii) A summary of the facts upon which the allegation(s) is/are based;
 - (iii) Any documentation supporting the allegation(s); and
 - (iv) The complainant’s contact information, including individual name of the complainant or the authorized representative of the organization, and the address and telephone number of the complainant or the authorized representative of the organization.
4. Complaints received from any organization or individual must be signed and addressed in writing to:

Associate Superintendent of Education Support
Georgia Department of Education
1858 Twin Towers East
Atlanta, Georgia 30334

Kathy Cox
State Superintendent of Schools
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5. The Department shall acknowledge, in writing, its receipt of the complaint within 15 business days.
6. The Department shall investigate the allegations set forth in the complaint and make an independent determination as to whether the allegations warrant further review or action.
7. If necessary, the Department may conduct unannounced on-site visits to clarify any issues raised by the complaint. The on-site investigation team may examine relevant records and conduct interviews of relevant persons to determine whether there has been a violation of State Board Rule 160-4-5-.03, implementation guidelines, assurances, Providers' Code of Ethics, signed compacts, signed contracts, SES Standards and any applicable state or federal law, guidelines, or rule. It is the responsibility of the Provider to make available any relevant persons or documentation requested by the Department or investigation team.
8. The Department shall send to all appropriate parties the steps necessary to resolve the complaint, including technical assistance activities, negotiations, and corrective actions to achieve compliance. This letter of notification may include specific requirements and time lines that must be met in order to ensure that Providers other than LEAs continue to receive SES funds from the LEA. LEAs that are Providers shall meet the requirements in order to ensure that funds equal to the amount of their SES set-aside are available in the Department's Grants Accounting Online Reporting System (GAORS). Providers will have the opportunity to respond by providing appropriate documentation to support compliance with federal, state and local requirements and must respond within 15 business days. The Department will determine if the Provider must cease and desist until completion of the investigation.
 - a. Upon conclusion of the Department's investigation, the Department will notify the Provider of the opportunity to respond to the Department's recommendation for removal to the SBOE. A written response must be received from the Provider within twenty business days.
 - b. Upon conclusion of the Department's review of the Provider's response, the Department may recommend the SBOE take appropriate action to remedy violations of applicable laws, including removal of a Provider from the State-Approved Providers List. If the SBOE makes the decision to remove a Provider from the State-Approved Providers List, the Provider will be sent a letter by registered mail return receipt informing the Provider of their removal no later than ten business days after the SBOE action.
 - c. If the SBOE makes the decision to remove a Provider from the State-Approved Providers List, the LEA will be notified no later than ten business days after the SBOE action.

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- d. Upon notification to the Provider of removal from the State-Approved Providers List, a Provider is not eligible to re-apply to serve students as an approved Provider in Georgia for two consecutive school years.
- e. After the two year period, the previously removed Provider may re-apply to become an approved Provider. Upon approval of the application the Provider may serve students as an approved Provider in the state of Georgia. In the event the Provider is recommended and removed from the State-Approved Providers List a second time, the Provider will be barred permanently from applying to become a Provider in the state of Georgia.
- f. If an LEA does not comply with providing services to eligible students within the established timeframe, the Department will withhold funds equal to the amount of the LEA's SES set-aside funds until the LEA complies.
- g. If funds are withheld from LEAs for not providing services to eligible children within the specified timeframe, the Department may enter into agreements with Providers in lieu of the LEA.

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APPENDIX A

PROVIDER ASSURANCES

Name of Entity: _____

If approved, applicants must abide by all assurances listed below.

At the recommendation of the Department, the SBOE may remove any Provider who fails to comply with any of the items listed on the Provider assurance form included in the SES application packet.

Directions:

As part of the application, all applicants must initial the box accompanying each assurance and must sign and date the document in blue ink to certify agreement to comply with each assurance. Failure to complete this assurance form as required will result in an incomplete application and therefore, will not be submitted to the readers for scoring. If approved, Providers must also submit signed assurances annually during a timeframe specified by the Department.

The assurances are listed below:

Number	Initial in blue ink in each box below.	Assurances
1.		The Provider/applicant certifies that the instructional program described in the application will be offered to students at or below the cost provided in their application.
2.		The Provider/applicant certifies the instructional program offered to students is the same as the one described in their application.
3.		The Provider/applicant certifies the instruction and content offered is secular, neutral, and non-ideological.
4.		The Provider/applicant understands approval does not constitute a guarantee of employment, payment, or funding. The Provider/applicant further understands that if approved, payment will be provided by eligible school districts through a contractual agreement only for services rendered for eligible students.

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5.		The Provider/applicant is responsible for payment of all payroll taxes and fees resulting from payment made by the Local Educational Agencies (LEAs) for services.
6.		The Provider/applicant will begin services for enrolled students no later than 15 business days after entering into a contract with an LEA provided all student information was received and is accurate.
7.		The Provider/applicant will serve all eligible children whose parent(s)/legal guardian(s) request services from this Provider/applicant on a fair and equitable basis and in accordance with the terms specified in their application.
8.		The Provider/applicant will submit student academic progress reports to parent(s)/legal guardian(s) of eligible children who receive services and LEA designee(s) in an understandable format and language.
9.		The Provider/applicant will serve all eligible students who request service unless the total number of students requesting services does not meet the minimum or exceeds the maximum number stated in the Provider's application.
10.		The Provider/applicant agrees to sign a contract with the LEA and only serve eligible students listed in the contract(s).
11.		The Provider/applicant will not discontinue services to any student once the Provider has signed a contract for that student with the LEA unless directed to do so by the parent(s)/legal guardian(s), LEA, or Department.
12.		The Provider/applicant agrees to complete annual criminal background checks on any individual, paid or unpaid, having contact with children. The Provider/applicant further agrees to abide by all rules and regulations outlined in SBOE Rule 160-4-5-.03 and the SES implementation guidelines.

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13.		The Provider/applicant will submit to each LEA in its service area written notification (before services are delivered) that individuals providing services to children have successfully completed a criminal background check.
14.		The Provider/applicant will not disclose the identity of any student eligible for or receiving SES without the written permission of the parent(s)/legal guardian(s). The Provider/applicant will only request necessary student information from LEAs in order to deliver services.
15.		The Provider/applicant ensures that the entity providing services is financially sound and agrees to notify the Department, in writing, if or when it is no longer financially sound (e.g. not meeting payroll, rent payments, etc.).
16.		The Provider/applicant agrees to follow all applicable federal, state, and local health, safety, employment, and civil rights laws at all times. This includes documentation of occupancy permits and fire marshal reports to LEA(s)/Department, upon request.
17.		The Provider/applicant will not discriminate on the basis of race, national origin, gender, or disability in accepting students and providing students with SES under Title I. (In general, a Provider may not, on the basis of disability, exclude a qualified student with disabilities or a student covered under Section 504 of the Rehabilitation Act of 1973 if a student can, with minor adjustments, be provided SES designed to meet the individual educational needs of the student.)
18.		The Provider/applicant will participate in any and all data reporting and evaluation activities as required by U.S. Department of Education, the Department, and LEA(s) with which the Provider/applicant is contracted.
19.		The Provider/applicant agrees to comply with the SES Standards and maintain current liability insurance with coverage in the state of Georgia.
20.		The Provider/applicant will comply with the Provider Code of Ethics.

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21.		The Provider/applicant agrees to make all documents (i.e. business records, student files, and all instructional materials) available to the Department for inspection/monitoring purposes at a designated place and time that is conducive for doing business. If Provider/applicant headquarters is outside of Georgia, the applicant agrees to incur all costs associated with submitting required documents for the purpose of monitoring (i.e. postage, copying of documents, etc.). The Provider/applicant understands the Department may request or make copies of any documentation needed for monitoring purposes.
22.		The Provider/applicant agrees to notify the Department in writing, of any change in the contact information (entity and/or local) provided in their application.
23.		The Provider/applicant ensures that it will provide written notification to the Department and LEA(s) if, at any time, the Provider wishes to remove their company from the State-Approved Providers List. The Provider/applicant understands that by removing one's company from the State-Approved Providers List the Provider/applicant will not be eligible to reapply as Provider for a minimum of two consecutive school years.
24.		The Provider/applicant ensures that they will obtain written parental/legal guardian permission before providing any service not listed in the agreement with the LEA (e.g., counseling services, transportation to a different location, etc.) and that such services will not be billed to the LEA.
25.		The Provider/applicant understands that failure to abide by any of the assurances listed will constitute cause for the Department to recommend the Provider to the SBOE for removal from the State-Approved Providers List.

The Provider/applicant verifies that he/she is authorized to sign, submit and certify the accuracy of the assurances on behalf of the entity. The Provider/applicant understands that all information submitted is subject to verification. The Provider/applicant **understands that submission of false or inaccurate information is a felony and will disqualify the entity as a Provider of SES in Georgia.** The Provider/applicant understands that the application may be made available for public inspection and/or photocopying.

Tax ID/SSN/EIN

Name of Entity (Type or print clearly)

Doing Business As (DBA)

Printed Name of Authorized Representative

Title

Signature of Authorized Representative
(Sign in **blue** ink only)

Date

APPENDIX B

PROVIDER CODE OF ETHICS

The Georgia Department of Education (Department) has adopted the code of ethics developed by the Education Industry Association (EIA) with minor revisions applicable to the state of Georgia. Failure, by any Provider, to adhere to this code of ethics may be recommended to the SBOE for removal from the State-Approved Providers List.

Code of Professional Conduct and Business Ethics For Supplemental Educational Services Providers

SES Providers (and other education service providers) operate in an environment that touches communities, school officials, parents, students and other Providers. The importance of the activities and complexity of the interactions make it paramount that Providers adhere to the highest standards of professional conduct and business ethics. In its role of providing critical leadership to the education industry, both public and private, the Department has adopted this code, created by EIA, to describe key organizational behaviors and policies that will guide its Providers and others.

High quality educational programs delivered by trained professionals represent the core value that is to be reflected throughout all of our partnerships with schools, parents and students. The following structure represents the collective judgment of what constitutes ethical behavior.

The Department has adopted these guidelines and will apply all appropriate sanctions when the guidelines have been breached including possible removal from the State-Approved Providers List.

General Guidelines

In the conduct of business and discharge of responsibilities, Providers commit to:

1. Conduct community outreach and student recruitment and to serve students fully consistent with the terms of their state-approved application and all state and local policies.
2. Conduct business honestly, openly, fairly, and with integrity.
3. Comply with applicable laws, statutes, regulations and ordinances.
4. Avoid known conflict of interest situations.
5. Never offer or accept illegal payments for services rendered.
6. Apply these guidelines and standards as Providers by insuring all employees understand them and act accordingly.
7. Refrain from publicly criticizing or disparaging other Providers.

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8. In the case of any conflict, first attempt resolution directly with each other. However, the parties involved may ask the Department to help mediate potential disputes.
9. Comply with the confidentiality and non-disclosure provisions of all applicable federal, state and local laws, including those relating to student identity, records, reports, data, scores and other sensitive information.
10. Be factual and forthright in reporting and documenting attendance rates, effectiveness of their programs, and in explaining the theoretical/empirical rationale behind major elements of its program, as well as the link between research and program design.
11. Take appropriate corrective action against Provider employees, consultants or contractors who act in a manner detrimental to the letter or spirit of this code.
12. Take immediate steps to correct any actions on its part that willfully or inadvertently violate the letter or spirit of this code.

**Standards Specific to SES
Providers Shall:**

1. Not compensate school district employees personally in exchange for access to facilities, to obtain student lists, to assist with marketing or student recruitment, to promote enrollment in a Provider's program at the exclusion of other Providers, to obtain other similar benefits for their SES program, or for any illegal purpose.
2. Not employ any district employees who currently serve the districts in the capacity of Principal, Assistant Principal, or school or district SES Coordinator.
3. Not employ any individuals, including teachers, parents or community leaders, who have any governing authority over a school district or school site. The sole exception shall be in school districts that are considered rural and where there are few Providers.
4. Not hire school-employed personnel for any purpose other than instruction-related services or program coordination, as described in item #4 in the next section below.
5. Not make payments or in-kind contributions to schools or school personnel, exclusive of customary fees for facility utilization in exchange for access to facilities, to obtain student lists, to increase student enrollment, to obtain other similar benefits for their SES program or for any illegal purpose.
6. Not misrepresent to anyone, including parent(s)/legal guardian(s) (during student recruitment), the location of a Provider's program, principal/district or state's approval of a Provider.
7. Not offer a student, parent or teacher any form of incentive for signing-up a student with a Provider. This includes restricting the promotion of any allowable attendance or performance incentives to the period following student enrollment. Only then may the Provider inform the student of any incentives that are directly linked to attendance or performance in SES.

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8. Not sponsor promotional events including pizza parties on school grounds for student recruitment that are for the sole benefit of a single Provider. The preferred practice is for the school to organize such recruitment events that are for the benefit of all Providers, accepting voluntary sponsorship from Providers.
9. Not employ any SES-enrolled student.
10. Not use a district enrollment form that has the selected Provider's name pre-printed as part of the form. Any facsimile of the enrollment form used to demonstrate how to accurately complete it must be clearly marked as "SAMPLE" and this facsimile shall in no way be used to actually enroll the student.
11. Not encourage students/parent(s)/legal guardian(s) to switch Providers once enrolled. A student is considered enrolled once the District has issued the formal student/Provider selection list.

Providers MAY:

1. Provide simple door prizes of a nominal value (approximately \$2 per prize) and refreshments to potential students and their families, while attending informational sessions.
2. Offer eligible students who are enrolled performance rewards with a maximum value of \$50 that are directly linked to documented meaningful attendance benchmarks and/or the completion of assessment and program objectives. Providers that use technology to deliver tutoring services may provide students with computers for the students to use or keep as part of the provider's instructional program. **Computers are allowable incentives for program completion if the computers' primary purpose is instructional.** These incentives shall not be advertised in advance of actual enrollment.
3. Employ a parent of an SES-eligible student subject to the following conditions. Each parent of an eligible student who is hired by a Provider must have a written job description and must be compensated on the same basis as all other employees of the Provider who perform similar work. No parent may receive any commission or other benefit related to the enrollment of his or her child in a Provider's program, nor may a parent be subject to any employment action by the Provider on account of the parent's selection of an SES program for his or her child.
4. Employ school district employees (subject to items #2, #3 and #4 in the previous section above) for instruction-related services or program coordination purposes as long as the person does not restrict the marketing or enrollment opportunities of other Providers, subject to District policies governing conflict of interests and other District-imposed requirements. However, tutors who are currently employed by the school district may not recruit students.
5. Include in tutor compensation, incentives for student achievement consistent with a company's written policy.

For more information about the Education Industry Association visit their Web Site at: www.educationindustry.org.

APPENDIX C

Georgia Department of Education, Title I Programs Standards for Monitoring Supplemental Educational Services Providers (Revised July 16, 2008)

Introduction

The No Child Left Behind Act of 2001 (NCLB), Section 1116(e), *Academic Assessment and Local Educational Agency and School Improvement*, requires the Georgia Department of Education (Department) to develop, implement, and publicly report on its standards and techniques for monitoring the quality and effectiveness of services offered by approved Supplemental Educational Services Providers (Providers).

State Board of Education (SBOE) Rule 160-4-5-.03 *Supplemental Educational Services in Title I Schools*, requires the Department to monitor, at least annually, each Provider serving students. The Department, with the Provider, will schedule a mutually agreeable date and time to conduct the on-site monitoring visit. Monitoring will consist of document review, observation of instruction, interviews of relevant staff, and interviews with participating students and their parent(s)/legal guardian(s), when necessary. **Please Note: The Department reserves the right to conduct unannounced on-site monitoring visits when deemed appropriate or necessary. All monitoring procedures will be followed during an unannounced visit.**

Scoring/Rating

The Department will conduct all monitoring visits based on the 44 individual SES standards set forth in the *Standards for Monitoring Supplemental Educational Services Providers* (SES Standards). The Department will assign a rating of “Meets”, “Meets with recommendations” or “Does Not Meet” for each individual SES Monitoring Standard.

The SES Standards are grouped into five categories: (1) Document Verification; (2) Program Policies and Procedures; (3) Qualified Staff; (4) Instructional Program; and (5) Instructional Environment. The following chart illustrates the number of standards in each category, the points available for each category, and the percent of the total score that each category represents:

Category	Number of Standards	Points Available for Each Category	Percent of Total Score
1. Document Verification	6	6	14%
2. Program Policies and Procedures	12	12	27%
3. Qualified Staff	5	5	11%
4. Instructional Program	17	17	39%
5. Instructional Environment	4	4	9%

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Each Provider must comply with at least 80 percent of all SES Standards to receive an overall rating of “Meets” standards. Failure to comply with at least 80 percent of the SES Standards will result in an overall rating of “Does not Meet” and a recommendation to the SBOE that the Provider be removed from the State-Approved Providers List.

In addition, there is one mandatory standard that Providers must be in compliance with at all times. Failure to comply with this SES Standard will result in the Department recommending the Provider to the SBOE for removal from the State-Approved Providers List. This standard is:

SES Monitoring Standard 1.4: The Provider must conduct criminal background checks on all individuals, paid or unpaid, who have contact with students either in person or via telephone/internet. Failure to conduct a background check on any individual who is in contact with students either in person or via telephone/internet will result in the recommendation to the SBOE for removal of the Provider from the State-Approved Providers List

- a. All background checks must:
 - f. Be completed for all individuals prior to having initial contact with students, and;
 - g. Be completed no later than 365 days from the previous background check thereafter, and;
 - h. Include the individuals legal name, valid social security number, date of birth, and;
 - i. Be checked against national and state criminal databases, and;
 - j. Be checked against the national sex offender database.
- b. All background checks will be maintained by the Provider for monitoring purposes.

Upon completion of the on-site monitoring visit, the Department will provide to each Provider a completed Monitoring Report. The completed Monitoring Report will include a rating on each of the 44 Standards, an overall percentage of standards met, an overall compliance rating of “Meets” or “Does Not Meet” standards, any findings with corrective action required, notification if the removal process is initiated (only when applicable), any further instructions for completing the monitoring visit, and any program recommendations.

Consequences

If a Provider receives an overall rating of “Meets” standards but is not compliant on any one of the 44 SES Standards, the Provider is required to take corrective action in order to become compliant with any deficient standard and to provide to the Department, in writing, evidence of that corrective action within ten business days of receiving the completed SES Monitoring Report. All Providers must be compliant with every SES Standard following the monitoring visit and/or corrective action. This does not include the mandatory standard 1.4 where a Provider would be recommended for removal from the State-Approved Providers List.

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If the Provider receives an overall rating of “Does Not Meet” standards, the Department will recommend to the SBOE that the Provider be removed from the State-Approved Providers List.

If the Provider believes the overall rating is in error, the Provider may submit supporting evidence to the Department within ten business days after receipt of the SES Monitoring Report. The Department will notify the Provider of its final determination within 30 business days from receipt of such evidence. Providers who receive notification of removal should refer to the removal process found in the Guidelines for Implementing SES, State Responsibility 13.

The Department may recommend Providers for removal from the State-Approved Providers List for “cause”. The Department defines removal for “cause” as a sufficient reason or grounds for immediate Departmental action in areas not previously defined.

Providers who are removed from the State-Approved Providers List may not reapply to serve SES students for a period of two consecutive school years.

**Georgia Department of Education (GaDOE)
Supplemental Educational Services (SES)
Standards for Monitoring Providers**

Standard #	Requirement	M	M/R	DNM
Category #1	Document Verification – The Provider will have on file the following documents with appropriate signatures.			
1.1	Provider has on file a <u>signed contract with the LEA</u> for each student served or one contract with a list of students being served under the attached contract.			
1.2	Provider has a copy in each student’s portfolio of a <u>completed compact</u> for each student. Compacts must be signed by the parent(s)/legal guardian(s) and Provider. The compact includes the responsibilities of the LEA, Provider, parent(s)/legal guardian(s), the student (if appropriate), a cost/fee structure, and all other required information found on the form. The original signed compact should be sent to the LEA.			
1.3	Provider has on file a copy of the Provider’s current declarations page indicating proof of valid liability insurance coverage for as long as services are being provided in the state of Georgia.			

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Mandatory Standard 1.4	<p>Provider has on file a <u>completed criminal background check</u> for all individuals, paid or unpaid, who have contact with students either in person or via phone/internet. All <u>background checks</u> must:</p> <ul style="list-style-type: none"> i. Be completed for all individuals prior to having initial contact with students, and; ii. Be completed no later than 365 days from the previous background check thereafter, and; iii. Include the individuals legal name, valid social security number, date of birth, and; iv. Be checked against national and state criminal databases, and; v. Be checked against the national sex offender database. 			
1.5	<p>Provider has on file a <u>resume and/or application</u> for all individuals who have contact with students detailing at minimum:</p> <ul style="list-style-type: none"> i. Previous education, and; ii. Applicable work experience, and; iii. Any applicable licenses or certifications, and; iv. A copy of valid government issued picture identification must be included in each individual's personnel file. 			
1.6	<p>Provider has on file signatures documenting receipt of all applicable policies and procedures that are in the parent/student handbook and the employee handbook for all:</p> <ul style="list-style-type: none"> i. Parent(s)/legal guardian(s), and; ii. Personnel 			
Category #2	Program Policies and Procedures – The Provider must have employee and parent/student handbooks that contain the following policies and procedures (Policies and procedures not documented in the handbook will be scored as DNM):			
2.1	A student behavior policy.			
2.2	Student attendance policy which incorporates recognition for consistent attendance. Recognition must be consistent with the Provider Code of Ethics.			
2.3	Substitute tutor policy. If a company does not use substitute tutors then this must be stated in the policy.			
2.4	Health and safety policies that ensure compliance with all applicable laws. Policies must include sexual harassment, internet and technology protocol.			

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2.4a	Child abuse reporting policy and procedure. Documentation includes procedures staff must follow regarding the Georgia mandated reporter law on child abuse.			
2.4b	Parental/guardian supervision policy if instruction is done in-home.			
2.4c	Emergency policies and procedures for: <ul style="list-style-type: none"> i. Severe weather ii. Building evacuations iii. Cancellation of sessions iv. Students left at facilities v. Use of electronic devices during severe weather vi. Signed parent/legal guardian transportation forms if applicable. 			
2.5	Civil rights policies and procedures that ensure protections for both employees and students.			
2.6	Hiring policy for applicants with criminal history.			
2.7	Policy confirming instructional content is not: <ul style="list-style-type: none"> i. Controlled by or concerned with religion ii. Biased iii. Guided by beliefs or doctrines 			
2.8	Policy and procedure allowing parent(s)/legal guardian(s) access to the Provider to discuss student progress or other programmatic concerns/complaints.			
2.9	Ethical behavior policies and a code of conduct for all individuals, paid or unpaid, who interact with students.			
Category #3	Staff Training – The Provider will have on file documentation to indicate all tutors receive training.			
3.1	Provider has on file a yearly staff development plan which includes at minimum:			
3.1a	Training plan and materials for the Provider’s curriculum and instructional techniques.			
3.1b	Training plan and materials for student lesson plans, attendance sheets, and progress reports.			
3.1c	Training plan and materials for teaching low-income students.			
3.1d	Training plan and materials for teaching culturally diverse student populations.			

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3.1e	Staff signatures with the date, documenting the extent of training completed by each tutor or substitute tutor.			
Category #4	Instructional Program – The Provider will have in each student portfolio the following documentation indicating a quality instructional program.			
4.1	Provider has in each student’s file a pre assessment summary including: <ul style="list-style-type: none"> i. The name of the assessment tool ii. Pre-assessment results for the student being served iii. A written summary of the results indicating the academic need(s) of the student being served 			
4.2	The Provider has in each student’s file all applicable state assessments (CRCT, ITBS, etc.) indicating academic need(s) of each student served (if not received from the LEA the Provider must have documentation to show they requested SES Student data from the LEA)			
4.3	A listing of student academic weaknesses based upon a combination of the Provider’s pre-assessment results and state assessment results.			
4.4	The Provider has on file an individualized student plan (ISP) derived from the academic weakness identified from both district and Provider assessment results (see appendix F in guidance-sample ISP form). The ISP must include at minimum:			
4.4a	General student information including: <ul style="list-style-type: none"> i. Student name ii. Current grade iii. Grade level for instructional tutoring iv. A list of content areas in which tutoring is to be provided 			
4.4b	List of measurable goals and objectives for each content area served derived from the pre-assessment results and LEA requested assessments. (The link between academic weakness noted on the assessments and ISP goals and objectives should be clear.)			
4.4c	Goals and objectives directly linked to Georgia Performance Standards (GPS) to improve CRCT/GHSGT scores. Documentation of this standard must include the GPS code and be on at least one of the following documents: ISP, timeline, or each monthly progress report. This must be completed for each student.			

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4.5	The Provider has in each student's file a projected timeline derived from the ISP objectives with a tentative teaching date (see Appendix F in guidance - sample ISP/Timeline form).			
4.6	Provider implements quality instruction. Quality instruction will be observed by a State and/or LEA approved monitor(s). Indicators of quality instruction include:			
4.6a	Instruction must be clearly linked to each students ISP, timeline, and instructional planning.			
4.6b	Student engagement and appropriate feedback are evident.			
4.6c	Instructional materials are appropriate for the objectives taught.			
4.7	Provider has in each student's file a monthly progress report for the LEA's designee and parent(s)/legal guardian(s), indicating at minimum (see appendix G in guidance - sample progress report):			
4.7a	Dated goals and objectives addressed during <i>each</i> tutoring session within the reported month. Goals and objectives must be clearly linked to the ISP objectives.			
4.7b	Concrete assessment results from quizzes, tests, and any additional scored student work used to determine mastery or non-mastery for each objective taught.			
4.7c	Indication of mastery or non-mastery on each objective taught based upon assessment results.			
4.7d	Goals and objectives for the next month of tutoring.			
4.7e	Tutor observations/comments regarding student progress and the identification of the tutor(s) who taught the student.			
4.8	Provider maintains a student portfolio containing: i.Pre-assessment results and summary ii.Established ISP and timeline iii.Samples of student work iv.Quiz and test results used to determine proficiency on tutored objectives v.Progress reports vi.A completed compact signed by all applicable parties			
4.9	Provider has on file a parent(s)/legal guardian(s) communication log where each contact with parent(s)/legal guardian(s) (telephone call, email, letter, conference, etc.) is documented by date and topic discussed.			

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Category #5	The Instructional Environment – The Provider will have on file the following documentation to indicate the instructional environment is conducive to learning.			
5.1	Provider maintains appropriate tutor:student ratios as indicated in the Provider's approved GaDOE application not to exceed 1:8 non-computer based instruction and 1:10 computer based instruction.			
5.2	An evacuation route is posted in the classroom or kept on file with every tutor depending on the type of service provided.			
5.3	<p>The instructional site is:</p> <ul style="list-style-type: none"> i. Free of any noticeable hazards ii. Clean iii. Organized iv. Well lit v. Temperature controlled vi. Has exit signs posted vii. Inspection clearances on file viii. A visible occupancy notice ix. Is conducive to learning <p>The in-home/online instructional site has policies and procedures in place to ensure student and/or tutor safety at the applicable instructional site.</p>			
5.4	The Provider has emergency contact information on file for every student and readily available for applicable staff.			

Provider's overall percentage of compliance with SES Standards = _____

Provider's overall rating: _____ Meets Standards (80 percent or greater)

_____ Does Not Meet Standards (Less than 80 percent)

Provider has satisfied all mandatory standards: _____ Yes _____ No

Corrective Action Required: _____ Yes _____ No

Recommendation for Removal: _____ Yes _____ No

Monitor's Signature: _____ Date: _____

SAMPLE

APPENDIX D

TITLE I SUPPLEMENTAL EDUCATIONAL SERVICES COMPACT
[Agreement to provide supplemental educational services in accordance with
Section 1116 of the No Child Left Behind Act of 2001]

Local Education Agency, Provider, Parent(s)/Legal Guardian(s) and Student

This compact is agreed to by _____, referred to as the LEA,
Name of LEA

and _____, referred to as student's school of attendance,
Name of School

and _____, referred to as SES provider to provide
Name of Provider

SES for _____ and _____
Name of Student Name of Parent(s)/Legal Guardian(s)

Student's Grade Level: _____ Student ID #: _____

Student's Address: _____

Student's Phone Number: _____ Cell Phone Number: _____

LEA'S RESPONSIBILITIES

The LEA agrees to do the following:

1. Notify parent(s)/legal guardian(s) about the availability of services, at least twice annually, in an easily understandable and uniform format, in a language the parent(s)/legal guardian(s) can understand.
2. Include a brief description of the providers' services, qualifications, the demonstrated effectiveness of the provider, and the number of sessions students will receive. The LEA ensures that parent(s)/legal guardian(s) understand the significance of each description.
3. Help parent(s)/legal guardian(s) choose a provider based on academic need and obtain permission from parent(s)/legal guardian(s) to release assessment data to selected SES provider.
4. Describe the procedures and timelines that parent(s)/legal guardian(s) must follow to select a provider to serve their students.

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5. Determine which students should receive services if not all students can be served.
6. Provide to the Georgia Department of Education any information required in order to monitor the quality and effectiveness of the services offered by providers.
7. Protect the privacy of students who receive supplemental educational services.
8. Meet with SES provider to provide all appropriate assessment data and ensure that provider understands policies and procedures of the LEA's implementation strategies for SES.
9. Define to SES providers the processes and procedures regarding how the SES provider may contact schools and parent(s)/legal guardian(s) regarding available services.
10. Develop a collaborative relationship with SES providers to ensure that issues and concerns are handled in a timely and efficient manner.
11. Develop goals, measures, and reporting procedures with (s)/legal guardian(s) and each SES provider.
12. Make opportunities available for parent(s)/legal guardian(s) to meet with SES providers.
13. Make available achievement data to SES providers selected by parent(s)/legal guardian(s) to serve their child. The data must include but not limited to, applicable state assessments such as the Criterion-Referenced Competency Tests (CRCT), Georgia High School Graduation Tests (GHSGT), and End of Course Tests (EOCT)/Score Report.

PROVIDER'S RESPONSIBILITIES

The supplemental educational services provider agrees to the following:

1. Review the policies and procedures set forth by the LEA in order to provide services to eligible students.
2. Meet with the LEA to ensure that policies and procedures of the LEA are clearly understood.
3. Develop a collaborative relationship with the LEA to ensure that issues and concerns are handled in a timely and efficient manner.
4. Work ethically to resolve disagreements and concerns in a timely manner.
5. Participate in opportunities the LEA makes available for parent(s)/legal guardian(s) to meet with Providers.
6. Develop Individual Student Plans (ISP) to set specific achievement goals for each student according to academic needs and subject area, which shall be developed in consultation with each student's parent(s)/legal guardian(s) and aligned with the Georgia Performance Standards (GPS)
7. Provide a description of how the student's progress will be measured and how the student's parent(s)/legal guardian(s) and designated LEA contact will be regularly informed of that progress.
8. Establish a timetable for improving the student's achievement.
9. Agree to terminate services if student progress goals are not met as outlined during consultation with each student's parent(s)/legal guardian(s) and designated contact.
10. Agree not to disclose to the public the identity of any student eligible for or receiving SES without the written permission of the student's parent(s)/legal guardian(s).
11. Ensure that all instruction and content are secular, neutral, and non-ideological.

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12. Ensure that requests for information and access to service site(s) for monitoring and evaluation purposes by the LEA and the Department are provided in a timely manner.
13. Conduct criminal background checks on all individuals who have contact with students either in person or via telephone/internet. All background checks must be completed as outlined in the State Board Rule.

PARENT(S)/LEGAL GUARDIAN(S)' RESPONSIBILITIES

The parent(s)/legal guardian(s) agree to the following:

1. Request access to SES for their student.
2. Select provider from the SBOE approved providers' list.
3. Transport students to and from the place of service when not provided by the provider.
4. Work with the provider to set achievement goals for the student.
5. Maintain open communication with providers about student progress.
6. Contact LEA and/or provider if contact information changes.

STUDENT'S RESPONSIBILITIES

The student agrees to the following:

1. Attend scheduled tutoring sessions.
2. Work with the provider to achieve set academic goals.

SERVICE SCHEDULE

Service start date: _____ Service end date: _____

Total Number of Service Hours _____ Number of Service Hours per Week _____

Total Number of Weeks Services will be provided _____

SERVICE PAYMENT SCHEDULE

Payment rate: \$_____ per hour Maximum total payments: _____

ACCEPTED AND AGREED:

(Optional) Authorized Signature /LEA - Date

Authorized Signature /SES Provider - Date

Authorized Signature/Parent(s)/Legal
Guardian(s) – Date

(Optional) Student's Signature – Date

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Dates provider/LEA attempted to contact parent(s)/ or legal guardian(s) for signature:

1st _____
month/date/year

2nd _____
month/date/year

*** Middle School students and High School students may sign when parent(s)/legal guardian(s) are unavailable.**

Authorized Signature/Parent(s)/Legal
Guardian(s) - Date

(Optional) Student's Signature – Date

***Middle School students and High School students may sign when parent(s)/legal guardian(s) are unavailable.**

APPENDIX E

TITLE I SUPPLEMENTAL EDUCATIONAL SERVICES CONTRACT

Local Education Agency and Provider

This contract (hereinafter referred to as “Agreement”) entered into this ____ day of _____ by and between the _____ (hereinafter referred to as “District”) and _____ (hereinafter referred to as “Provider”)/ for the performance of the tasks described herein for the period commencing on _____ and ending on _____. Said Providers Employer Identification Number OR Social Security Number is _____.

WITNESSETH:

WHEREAS, District is required to provide supplemental educational services (“SES”) in accordance with Section 1116 of the No Child Left Behind Act of 2001 to eligible students at certain schools; and

WHEREAS, the Provider possesses the necessary training and skills to provide SES.

NOW, THEREFORE, FOR THE MUTUAL CONVENANTS FLOWING EACH TO THE OTHER, THE SUFFICIENCY OF WHICH IS AGREED TO, THE PARTIES HERETO AGREE AS FOLLOWS:

1. For each eligible student whose parent(s)/legal guardian(s) elects to receive supplemental educational services (SES) from Provider, Provider and district shall develop an Assessment Profile and a Statement of Goals in consultation with the student’s parent(s)/legal guardian(s). Provider shall not make any changes to a student’s Statement of Goals without written consent of District and the student’s parent(s)/legal guardian(s).

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Said Assessment Profile and said Statement of Goals are attached hereto and incorporated herein by reference.

2. For each student to whom Provider gives services under this Agreement, Provider shall, on at least a monthly basis, send District and the student's parent(s)/legal guardian(s) a written report describing the student's progress, including benchmark data. If requested by District or by parent(s)/legal guardian(s), Provider shall give these reports in the following languages: English, Spanish, or other language as requested by District or parent(s)/legal guardian(s) if feasible.
3. Provider shall provide SES at a rate of \$_____ per hour with a maximum allowed amount of \$_____per student, per school year. Initial diagnostic or evaluative testing is required and shall be included in Provider's services. Provider shall submit to District monthly invoices itemized by name and address of student, services provided, actual number of hours for which services were provided to said student, hourly rate for such services and the total amount owed. For each student, the total amount owed shall be determined by multiplying the aggregate actual number of hours for which services were provided by the applicable hourly rates. Such invoices shall be submitted within thirty (30) days of the rendering services. District shall process payments to Provider within forty-five (45) days of such invoices.
4. For each invoice submitted, Provider shall submit monthly records of student attendance on form(s) provided by District for this purpose, including the name, address and school of student; hourly rate for the service given to student; the name of the Provider's employee who rendered the service; the amount of time of such service for each day (measured to the nearest five minutes and initialed by the student's parent(s)/legal guardian(s) of the student if parent(s)/legal guardian(s) are absent); the total number of hours of such service for the month; and the amount due. Each record shall be signed by a representative of Provider and a representative of District.

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5. Without the written consent of the District and parent(s)/legal guardian(s), Provider may not terminate or cease to provide to the student the services described in this Agreement until all such services have been provided or until the service period end date, whichever occurs first.
6. District may terminate this agreement at any time if Provider breaches any of the terms herein or if Provider is no longer identified by the State of Georgia as an approved provider of SES. To terminate this Agreement, District shall give Provider' written notice at least ten (10) calendar days prior to the date of termination. Provider shall be paid for all work provided prior to the notice of termination.
7. District may terminate this Agreement or the provision of SES to a particular student without prior notice if Provider fails to meet student progress goals and timetables for same, as provided by the Student Plan(s) and Compact(s).
8. In any event, this Agreement shall terminate at the end of the term, unless sooner terminated as provided for herein.
9. Provider shall furnish all materials and supplies that may be necessary for the delivery of services described in this agreement. Neither the school district nor the student's parent(s)/legal guardian(s) shall be required to provide or make any additional payments for such materials or supplies.
10. Provider shall keep all student records in a secure location to prevent access by unauthorized individuals. Unless previously authorized in writing by District and the parent(s)/legal guardian(s), Provider shall not forward to any person other than parent(s)/legal guardian(s) or District any student record, including, but not limited to, the student's identity. Upon termination of this Agreement, Provider shall turn over to District all student records of District's eligible students to whom Provider has provided services under this Agreement.

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11. Provider shall keep confidential the records and other confidential information of the School District pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Chapter 31, Section 1232(g). Therefore Provider shall use all reasonable means to protect such records.
12. Provider shall allow access to its facilities for periodic monitoring of each student's instructional program by District and shall be invited to participate in any review of each student's progress by District. District representatives shall have access to observe each student at work, observe the instructional setting, interview Provider, and review each student's progress.
13. Provider shall provide access to all records, reports, or other matter relating to this Agreement, upon request by district. Provider shall maintain fiscal records for five (5) years and shall keep them available for audit.
14. All SES provided under this Agreement shall be secular, neutral, and non-ideological in instruction and content.
15. During the term of this Agreement, Provider shall comply with all applicable federal, state and local statutes, laws, ordinances, rules and regulations, including securing and maintaining in force such permits and licenses as are required by law in connection with the furnishing of services pursuant to this Agreement. Provider shall not discriminate against any student on the basis of race, gender, ethnicity or handicapping condition.
16. This Agreement supersedes any and all other understandings and agreements between the parties and contains the entire understanding and agreement of the parties. This Agreement may not be altered or amended except in writing, signed by District and Provider.

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17. Provider shall indemnify and hold District harmless against any and all liability imposed or claimed, including attorneys fees and other legal expenses, arising directly or indirectly from any act or failure of Provider or Provider's assistants, employees or agents, including all claims relating to the injury or death of any person or damage to any property.
18. Provider shall conduct criminal background checks on all individuals (employees, contractors, volunteers, etc.) who have contact with students either in person or by telephone or via internet. All background checks must:
 - i. Be completed for all individuals prior to having initial contact with students;
 - ii. Be completed every 365 days thereafter;
 - iii. Include the individuals legal name, valid social security number, date of birth;
 - iv. Be checked against national and state criminal databases, and;
 - v. Be checked against the national sex offender database.
19. Provider shall maintain for verification and monitoring purposes a copy of a government issued photo identification (driver's license, passport, government identification card, etc.) for every individual with a completed criminal background check.
20. Failure to conduct a background check or to maintain records of the results of said check on any individual who is in contact with students either in person or by telephone or via internet will result in the recommendation to the State Board of Education for removal of Provider from the State-Approved Providers List.
21. Provider shall have protocol in place and take proper administrative action in the event a criminal background check or other inspection reveals a derogatory item.
22. As an agent of the District, Provider shall immediately report to School District any suspected abuse or neglect of any District student(s). Such report shall be made in

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writing with as much information about any suspected abuse as may be practicable under the circumstances.

23. Provider shall procure and maintain a policy of general liability insurance in an amount aligned per occurrence for any claims for injury or damage which may arise out of the services provided or performed under this Agreement. District shall be endorsed as additional insured under said policy. Provider shall deliver a certificate of such insurance to District prior to providing any services hereunder.
24. Provider shall agree to review and abide by all policies and rules of District. Provider shall review and abide by all rules, regulations and guidance issued by the U.S. Department of Education, the Georgia Department of Education, and the Georgia State Board of Education including, but not limited to, the Provider's Code of Ethics, Assurances and the Handbook for Providers.
25. Provider shall keep current list of the full, legal names and contact information for each employee and tutor. The contact information shall include the address, phone number and email of each employee and tutor. Said list shall be furnished to the District upon request.
26. Provider shall comply with the Georgia Security and Immigration Compliance Act, including, but not limited to O.C.G.A § 13-10-91 and Georgia Department of Labor Rule 300-10-1-.02, to the extent applicable.
27. Provider understands and agrees that District does not make transportation arrangements for students to or from provider's service location(s). Where provider makes transportation available to the student, provider shall arrange for safe and appropriate transportation of the student with the student's parent/legal guardian. All students being transported from District property or facilities by provider shall be transported in a timely manner and only with the written consent of the student's parent/legal guardian. Provider

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shall maintain documentation of current commercial general liability insurance with coverage specific to the State of Georgia.

28. This Agreement and any attachments hereto constitute the entire Agreement of the parties with respect to the subject matter hereof, and may not be modified or amended without the signed written agreement of the parties. Students may be added to Exhibit A and the Contract End Date may be modified with the written agreement of both parties.

This Agreement shall be interpreted under and governed by the laws of the State of Georgia in the Courts of _____ County, Georgia.

Checks should be made payable to: _____

Checks should be mail to: _____

ACCEPTED AND AGREED:

Authorized Signature /LEA - Date

Authorized Signature /SES Provider - Date

Attachment: Exhibit A (List of student eligible for service and requesting SES)

Attachment: Exhibit B (SES Provider information sheet)

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APPENDIX F

Georgia Department of Education
Supplemental Educational Services
Individual Student Plan/Timeline

Student Name:

Date Created:

School:

School District:

Grade:

Subject:

Pre assessment
scores:

Pre-Assessment
Tool:

Tentative Date Taught	Actual Date Taught	Specific Learning Objective	GPS Link (# code)	Assessment Score (after obj. is taught)	Mastered (Yes/No)
Notes / Comments:					
Parent Signature:			Date:		

SES Monthly Progress Report

Provider: _____ **for the month of** _____

Student's Name _____

Student's School _____ **Grade** _____

Area Served: ____ **Reading** ____ **Math** ____ **ELA** ____ **Other:** _____

Progress achieved this month including mastery or non mastery of objectives:					
Date(s)	Objectives Taught w/Georgia Performance Standards (GPS) link	Assessment Score	Mastery (Yes / No)		
Tutor Comments:					
Next month's objectives:					
Tutor(s):					
Person Completing Report:		Position:		Date:	