

Bulletin No. 02.07

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## Topic: Supplemental Educational Services and Public School Choice

The reauthorized federal Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind (NCLB) Act of 2001, includes expanded options for parents whose children attend schools that have been identified for improvement.

Under Title I of the reauthorized legislation, parents whose children attend Title I public schools, including public charter schools, that have not made adequate yearly progress (AYP) in reading and/or math for two consecutive years (in the first year of school improvement) will have the option to send their children to another public school that has not been identified as needing improvement (including a public charter school) in the district. In Title I schools that have not made AYP in reading and/or math for three consecutive years (in the second year of school improvement), the low-income parents may obtain supplemental educational services for their children. These two options remain available to parents as long as the school their children normally attend remains identified for school improvement.

This bulletin provides an overview of the provisions of choice and supplemental educational services in the NCLB legislation to be implemented for the 2002-03 school year. The U.S. Department of Education (USDE) will provide additional guidance in the near future, which may change information in this bulletin.

### Funding of parent options in NCLB

Unless a smaller amount is needed to provide transportation and to satisfy all requests for supplemental educational services, local education agencies (LEAs) are required to spend an amount equal to a total of 20 percent of Title I funds to: 1) provide transportation for public school choice, and 2) pay for supplemental services (Title I, Part A, section 1116(b)(10)(A)). The required breakdown is:

- An amount equal to 5 percent must be used to provide supplemental educational services (section 1116(b)(10)(A)(ii) and (B));
- An amount equal to 5 percent must be used to provide, or pay for, transportation for public school choice (section 1116(b)(10)(A)(i));
- An additional amount equal to 10 percent must be used for either or both (supplemental services, transportation under public school choice), as the LEA determines.

School districts receive notice of their Title I allocation in spring (see DPI web site [www.dpi.wi.gov/dpi/esea/application.html](http://www.dpi.wi.gov/dpi/esea/application.html)).

### Choice

In the case of a Title I elementary or secondary school identified for school improvement, the school district must provide to all students enrolled in the school the option to transfer to another public school in the district-which may include a public charter school-that has not been identified for improvement. If there is no other school available within the district, the school district may establish cooperative agreements with nearby school districts to permit transfers.

Unless a smaller amount is needed, school districts are required to spend an amount equal to 5 percent of Title I funds to provide transportation to students exercising the choice option. In addition, the district may satisfy the transportation obligation by using Title V, Part A funds or funds transferred to Title I from other federal education programs under ESEA, section 6123.

A school district also may spend state or local funds to pay for transportation. The school district's obligation to provide transportation for the student ends at the end of the school year if the school from which the student transferred is no longer identified for school improvement, corrective action, or restructuring.

## Supplemental Educational Services

In Title I schools that have not made AYP for three consecutive years in reading and/or math, the school district is required to arrange for the provision of supplemental education services for eligible students, beginning with the 2002-03 school year.

The goal of these services is to ensure that students increase their proficiency in meeting the state's academic achievement standards in reading and math. Services may include such assistance as tutoring, remediation, and academic intervention and must take place outside the regular school day. Eligible children are from low-income families, as determined by the school district for the purpose of allocating funds under Title I. Priority must be given to the lowest-achieving children whenever funds are insufficient to meet the requests of all eligible children and their parents.

Parents choose the supplemental educational services provider for their children from among the providers approved by the state for their school district. Local school districts are required annually to notify parents of the availability of the state-approved services within the district boundaries or in neighboring districts. The school district must work to ensure parents have good, easy-to-understand information about the services. If requested, district staff also must help parents select a provider from the state-approved list.

Once a parent chooses a provider, school district staff will work with the parent and provider to develop a statement of specific achievement goals for the child, including how his or her progress will be measured and a timetable for improving achievement. If the child has disabilities, the agreement must be consistent with his/her individualized education program.

The school district will pay for supplemental educational services for each participating child in an amount which is the lesser of the following: (1) the school district's Title I, Part A allocation, as determined by the Department of Public Instruction, divided by the number of children, ages 5-17, from families in the school district below the poverty line (based on Census poverty data); or (2) actual cost of the services received by each child (section 1116(e)(6)). The school district is not required to provide transportation for supplemental services, nor is it required to spend more than the amount equal to 5 percent of its Title I allocation on supplemental services. However, if a school district does not incur any choice-related transportation costs and there is sufficient demand for supplemental services to require the expenditure of the full amount equal to 20 percent of its Title I, Part A, allocation, a school district must spend the full 20 percent on supplemental services.

The DPI is required to compile a list of service providers by school district. Eligible providers are nonprofit and for-profit entities and local education agencies. Public and private schools, cooperative educational service agencies (CESAs), after-school learning centers, institutions of higher education, and faith-based organizations, including churches, mosques, and temples, may apply. They must

- have demonstrated their effectiveness in increasing student academic achievement;
- be capable of providing supplemental educational services that are consistent with the instructional program of the local educational agency and the state's academic content and student achievement standards;
- ensure that instruction and content are secular, neutral, and non-ideological;

- ensure that all individuals are qualified (see request for proposal) and have successfully completed criminal background checks;
- be financially sound;
- meet applicable federal, state, and local health, safety, and civil rights laws.

In addition, the DPI will:

- develop and apply objective criteria to potential providers based on a demonstrated record of effectiveness in increasing the academic proficiency of students in subjects relative to meeting the state's academic content and student achievement standards;
- maintain an updated list of approved providers;
- develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by the providers, and for withdrawing approval of providers that fail, for two consecutive years, to contribute to increasing the academic proficiency of students served; and
- provide annual notice to potential providers of supplemental educational services of the opportunity to provide services and of the applicable procedures for obtaining approval.

## Request for proposals

The Wisconsin Department of Public Instruction (DPI) will annually solicit providers for supplemental educational services in the spring in order to provide an updated list to school districts. Applications are accepted annually on or before June 1.

The application to become a Supplemental Educational Services provider can be found at:  
[http://www.dpi.wi.gov/esea/ses\\_provider\\_application.html](http://www.dpi.wi.gov/esea/ses_provider_application.html)

A list of approved providers can be found at: [http://www2.dpi.state.wi.us/esea\\_ses/provsearch.asp](http://www2.dpi.state.wi.us/esea_ses/provsearch.asp)

More information on Supplemental Educational Services in Wisconsin can be found at:  
[http://www.dpi.wi.gov/esea/ses\\_index.html](http://www.dpi.wi.gov/esea/ses_index.html)

Specific questions related to this bulletin should be directed to:

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