



# SUPERINTENDENT OF PUBLIC INSTRUCTION

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May 30, 2003

( ) Action Required  
(x) Informational

## BULLETIN NO. 35-03 LEARNING AND TEACHING

TO: Educational Service District Superintendents  
Chief School District Administrators  
School Principals  
School District Assessment Coordinators  
School District Curriculum Directors  
School District Public Relations Professionals  
Institutional Education Program Administrators  
Institutional Education Program Directors

FROM: Dr. Terry Bergeson, State Superintendent of Public Instruction

RE: Guidance on Supplemental Education Services

***This bulletin is primarily intended for schools currently in School Improvement. These schools have been notified of their School Improvement status by the Office of Superintendent of Public Instruction (OSPI) Title I office. The 2003 assessment information could affect any school's School Improvement status. The Title I office will contact you if your status changes.***

This bulletin outlines requirements set forth by the reauthorized federal Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB) of 2001 and is intended to provide information regarding *supplemental education services*. *Supplemental education services* provide additional academic instruction opportunities that are designed to increase the achievement of low-performing students in schools that have been identified for School Improvement. Services may include academic assistance such as tutoring, remediation, and other educational interventions provided that the approaches are consistent with the state's Essential Academic Learning Requirements (EALRs) and the content and instruction of the local school district. *Supplemental education services* must be provided **outside the regular school day** and must be high quality, research-based, and specifically designed to increase student academic achievement.

Under NCLB, any Title I school that has not made Adequate Yearly Progress (AYP) for **three or more** consecutive years must make *supplemental education services* available for eligible students. **Eligible students are those students from low-income families**

**who are attending Title I schools.** The law authorizes Title I funds to pay for *supplemental education services*. A district must use from 5 to 15 percent of its Title I Part A allocation or an equal amount from other federal, state, or local fund sources to pay for supplemental services costs. **In cases where funding is insufficient to cover all students requesting supplemental services, those students that are the lowest-achieving must be given first priority for these services.**

Information on the availability of *supplemental education services* must be provided to parents of students in schools that have been identified for improvement no later than the first day of school. Information needs to be provided in a clear and uniform format and, to the extent practicable, in a language the parents can understand. At a minimum, annual notice to parents must inform them of the availability of *supplemental education services* and the identity of approved providers of these services within the Local Education Agency (LEA), or those services available in a neighboring school district. Upon request from a parent, a brief description of the services, qualifications, and demonstrated effectiveness of each provider must be made available.

Under this provision, the state is required to identify organizations, both public and private, that qualify to provide these services. Providers must be within the region served by the school district, or services may be provided electronically. (The Supplemental Services Providers' Application is currently available on OSPI's website at <http://www.k12.wa.us/esea> and the 2003-2004 Approved Providers List will be available to districts in August.) It is the responsibility of the school district to provide this list to parents of eligible students. Parents may select any approved provider that they feel will best meet their student's academic needs.

Once the parent has selected a provider, the provider must enter into an agreement with the school district. The agreement must include the following: (1) specific achievement goals for the student; (2) a description of how the student's progress will be reported to the parent and the school; (3) a timetable for improving the student's achievement; (4) a termination agreement; (5) provisions governing payment; (6) a provision prohibiting the provider from disclosing to the public the identity of the student; and (7) an assurance that the supplemental education services will be provided consistent with all civil rights laws.

A district has the right to determine an appropriate length of time to offer supplemental services to parents. For example: a district could send out notification to parents on August 20 and set September 20 as the last day in that school year for a parent to request *supplemental education services*. Setting this deadline would allow districts to budget from the required "set aside" formula established in NCLB/ESEA of Title I district funds to accommodate the requests and access the remaining funds for other purposes necessary to address identified student needs.

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In the event that there are no approved *supplemental education service* providers located in the local geographic area, a district may apply to the state for a waiver. The district must provide evidence that it is not able to make those services available. This waiver request must be made annually to OSPI. A waiver form will be available on OSPI's Website in August.

Additional information on *supplemental education services* is available on the OSPI website under "ESEA" ([www.k12.wa.us/esea](http://www.k12.wa.us/esea)). If you have other questions about this issue, please contact Gayle Pauley, Director of Title I, at 360.725.6100 or via email at [gpauley@ospi.wednet.edu](mailto:gpauley@ospi.wednet.edu). The agency TTY number remains 360.664.3631.

#### LEARNING AND TEACHING

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