

RESPONSIBILITIES OF APPROVED SUPPLEMENTAL EDUCATIONAL SERVICE (SES) PROVIDERS

Title I, Part A, Section 1116 of NCLB states that in order for a SES provider to be included on the state-approved list, a provider shall agree to carry out the following:

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

Once approved, SES providers will be included on the Approved List for a period of two academic years before reapplication is required. SES providers may be removed from the Approved List at any time for cause. Examples of "cause" (i.e., reasons a provider could be removed from the Approved List within the two year period) include:

- 1.** Failure to deliver the SES model that is described in the approved application.
- 2.** Requesting personally identifiable information about students without receiving permission to do so.
- 3.** Failure to perform criminal background checks of all employees coming into contact with students.
- 4.** Failure or refusal to serve student(s) whose parent(s)/legal guardian(s) requested the SES provider's services in a LEA within the SES provider's service area, **except** when the total number of students requesting services does not meet the minimum stated in the SES provider's application (i.e., the minimum stated in the SES provider's application was 5 students and only 3 students requested the SES provider's services) or when additional students would cause the SES provider to exceed its capacity (i.e., additional student(s) would cause the SES provider to exceed the maximum stated in the SES provider's application or to exceed the number of students the SES provider's site reasonably and safely accommodates).
- 5.** Providing inaccurate information on the application.
- 6.** Violating or not meeting any criteria on the Assurances page or violating any of the items listed in the Code of Ethics.
- 7.** Failure to comply with applicable Federal, State, and local health and safety requirements.
- 8.** Failure to submit requested data, including progress reports.
- 9.** Upon conclusion of an investigation of a formal complaint filed with the Department in which the complaint is supported.

Providers who are removed from the Approved List may not reapply until the second application period following the date of removal.

The Department will investigate complaints from LEAs, SES providers, parent(s)/legal guardian(s), students, and the general public. When investigating a complaint, the Department may conduct an on-site visit, examine relevant documents, and/or interview relevant persons. Upon conclusion of the Department's investigation, the Department may require the SES provider to take corrective action and/or the Department may recommend the State Board of Education take appropriate action to remedy violations including, but not limited to, removal of approved status. All complaints must be submitted to the Department in writing to:

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EVALUATION OF APPROVED SES PROVIDERS

The Department will annually evaluate each SES provider who has served students for one year or more. The Department has adapted a model that assesses three components of SES: (1) quality, (2) performance and (3) effectiveness.

- **Quality and Performance:** The Department will determine how satisfied stakeholders are with the services provided by individual SES providers. The level of customer satisfaction will be determined for each SES provider based on *survey* data collected from LEAs and parents/legal guardians by the Department, or a contractor acting on behalf of the Department, and *complaint resolution history*.
- **Effectiveness:** If the Department determines that the SES provider has failed to contribute to increasing the academic achievement of students for two or more consecutive years, the Department will recommend that the SES provider be removed from the Approved List.

Additionally, the Department may monitor quality, performance and effectiveness through on-site visitations. The Department will determine the SES provider's service delivery rating using pre-determined criteria. If the SES provider fails to meet expectations identified by the Department, they may be removed from the Approved List.

Providers serving children in a private residence must provide the Department with information and make arrangements for the Department to observe instruction. Providers serving children through technology must provide the Department with access to such technology and must make arrangements for the Department to observe instruction.

To assist the Department in fulfilling its legal responsibility to monitor the quality, performance and effectiveness of SES providers, SES providers are required to complete and to return to the Department or to a contractor acting on behalf of the Department periodic requests for data, including an end-of-year progress report.