

Questions legislators asked during the Feb. 24 Senate Education Committee meeting (and corresponding answers)

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Q. Is the SES (supplemental educational services) program mandated?

A. Yes, federal law requires states to provide these services. Under No Child Left Behind, students attending Title I schools that are in the second year of improvement, corrective action, or restructuring are eligible to receive supplemental educational services (SES) from a provider chosen by their parents. SES are offered by state-approved providers at no cost to parents and include tutoring, remediation, or other academic instruction that takes place outside the regular school day. SES providers are required to provide services that are consistent with the content and instruction used by the school districts and aligned with the state's academic content and achievement standards.

Federal law places the responsibility for implementing the SES program on both state education agencies (SEAs) and local education agencies (LEAs).¹ The Tennessee Department of Education (TDOE) is responsible for approving SES providers using criteria provided in federal regulations and for monitoring providers' quality and effectiveness. LEAs that are required to implement SES are responsible for notifying and supplying parents of eligible students with information about the program (including the services, qualifications, and demonstrated effectiveness of state-approved providers); contracting and developing agreements with the providers that parents choose; and monitoring whether providers meet the terms of agreement for each individual student.

Q. If LEAs aren't spending all of the money set aside for SES, what happens to the unspent funds?

A. Unspent funds must either be expended in the following school year for public school choice and SES, or, after meeting certain criteria, LEAs may expend the funds on other Title I allowable activities. Federal law requires that an LEA must spend an amount equal to 20 percent of its Title I, Part A, allocation—commonly called the “20 percent obligation”—before any reservations on:²

1. choice-related transportation (transportation provided for students in schools identified for improvement whose parents have selected to enroll them in another school in the LEA);
2. SES; or
3. a combination of choice-related transportation and SES.

The amount of funding an LEA must expend on SES depends on how much it spends on choice-related transportation, which, in turn, depends on parental demand. (Note that LEAs may choose to provide transportation services for SES, but any

Key to abbreviations in this document:

LEA = Local Education Agency (or school district)
SEA = State Education Agency (such as the Tennessee Department of Education)
TDOE = Tennessee Department of Education
SES = Supplemental Educational Services

amount expended for that purpose does not count toward satisfying the LEA's required set-aside for SES.)

According to federal regulations, if an LEA spends less than its 20 percent obligation, it must spend the unexpended amount in the subsequent school year on choice-related transportation and SES, as well as the funds it is required to spend to meet its 20 percent obligation in the subsequent school year.

In some cases, LEAs are permitted to spend less than the 20 percent obligation and to use the unexpended funds for other allowable activities. To do so, an LEA must meet (and keep records demonstrating that it has met) all of these criteria:

1. Partner with outside groups, such as faith-based organizations, other community-based organizations, and business groups, to help inform eligible students and their families to transfer or to receive SES.
2. Ensure that eligible students and their parents have the opportunity to sign up to transfer or to obtain SES.
3. Ensure that eligible SES providers are given access to school facilities, using a fair and objective process, on the same basis and terms that are available to other groups seeking access to school facilities.

An LEA meeting the criteria must also notify TDOE that it intends to spend the remainder of its 20 percent obligation on other allowable activities and must include the amount of the remainder. According to TDOE staff, LEAs in Tennessee have rarely been able to spend the full amount of the 20 percent obligation because of low participation rates.³

Q. How does the Tennessee Department of Education monitor the program?

A. TDOE is required under No Child Left Behind to develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved SES providers. The department employs a staff of four SES consultants who monitor approved providers' programs, using desktop monitoring (verifying requirements that are not site-specific) and on-site monitoring. On-site monitoring, which involves both announced and unannounced visits to providers, includes document reviews, observations of tutoring sessions, and interviews. See the TDOE website for monitoring instruments used: <http://www.state.tn.us/education/fedprog/doc/MonProcSESProv9-10.doc>.

In addition, the department contracts with the Center for Research in Educational Policy (CREP) at the University of Memphis to provide an independent evaluation of the state's SES program. (See pages 5-7 for more about CREP's evaluations.)

Q. Who qualifies as a provider for SES?

A. A provider of SES may be any public or private (nonprofit or for-profit) entity that meets the state's criteria for approval. Public schools (including charter schools), private schools, LEAs, educational service agencies, institutions of higher education, faith-based organizations, community-based organizations, business groups, and individuals are among the types of entities that may apply to the Tennessee Department of Education for approval to provide SES.

Note that LEAs, charter schools, and other public schools may not automatically be considered to be approved providers; they must meet the state's established criteria and go through the same approval process as all other potential providers. However, schools and LEAs that have

been identified for improvement, corrective action, or restructuring may not be SES providers. (See answer to the next question for more about this.)

Also see TDOE's website for provider application information (<http://www.state.tn.us/education/fedprog/fpses.shtml>).

The 2009-10 SES approved provider list includes 39 approved entities: 20 of these are in-state, 19 are out-of-state; 26 are for-profit entities, 9 are nonprofits, 2 are LEAs (see the next question), and 2 are charter schools.

Q. Why wouldn't an LEA apply to be a provider of SES?

A. Federal regulations do not allow an LEA that is identified as in need of improvement or corrective action to be approved as an SES provider. However, in August 2009, the U.S. Department of Education granted Tennessee a one-year waiver from this requirement, allowing schools and LEAs identified for improvement, corrective action, or restructuring to serve as SES providers.⁴ (Note that if LEAs or schools wish to serve as SES providers, they still must go through the same application process as any other potential SES provider.)

Knox County and Memphis City Schools are acting as providers in the current school year.

Q. Why aren't parents using SES more? How are we informing parents about SES?

A. There are likely a variety of reasons that more parents don't access SES. Some may involve a lack of transportation for after-school activities. TDOE staff indicate that the participation rates are much higher for elementary school students than for high school students. Older students, often involved in other after-school activities, may be less likely to invest the extra time required for tutoring.

The federal regulations require SEAs and LEAs to ensure that parents of eligible students are informed about the tutoring services that are available to them. At least annually, an LEA that is required to provide SES must provide notice to the parents of each eligible student regarding the availability of SES. Federal regulations specify that LEAs must supply parents with specific information about the timing of services so that there is sufficient time to allow them to select an SES provider.

Ideally, an LEA should notify parents about their options to transfer their child to another public school or to receive SES (provided their child is eligible) at the same time so that parents can make an informed decision about which option would be best for their child. However, because an LEA must provide notice regarding public school choice "sufficiently in advance of, but no later than 14 calendar days before, the start of the school year," an LEA may not yet have available all of the required SES information to provide to parents at that time. The federal non-regulatory guidance document for SES strongly encourages that, at a minimum, an LEA acknowledge in its public school choice notification to parents that SES are also an option for eligible students and that additional information about SES will be forthcoming. The LEA should then provide the required information as early as possible in the school year, and begin offering SES in a timely manner thereafter.

An LEA should work to ensure that parents have comprehensive, easy-to-understand information about SES. An LEA's notice to parents must:

1. Explain how parents can obtain SES for their child.
2. Identify each approved SES provider within the LEA or in its general geographic location, including providers that are accessible through technology, such as distance learning.

3. Describe briefly the services, qualifications, and evidence of effectiveness for each provider.
4. Indicate providers that are able to serve students with disabilities or LEP students.
5. Include an explanation of the benefits of receiving SES.

Additionally, an LEA should describe the procedures and timelines that parents must follow to select a provider to serve their child, such as where and when to return a completed application, when and how the LEA will notify parents about enrollment dates and start dates; and whom to contact in the LEA for more information. Following is the text of the letter that Memphis City Schools used in the 2009-10 school year to inform its parents about SES:⁵

Dear Parent(s) or Guardian(s)

Through the No Child Left Behind Act, your child may be eligible for tutoring in reading, language arts and mathematics, at no cost to you! This additional help, Supplemental Educational Services (SES), is offered to eligible students attending schools, such as your child's current school, that have been identified by the state as being in High Priority status. Eligible students receive SES from state-approved tutorial providers. The providers offer after-school, before school, Saturday and Summer tutorial services at various locations, including your child's school, on-line, community sites and even your home.

In order to take advantage of this educational opportunity for your child, please complete each of the following steps during the SES enrollment period which will be held from August 17, 2009 until September 25, 2009:

1. Read about each of the SES providers included in this correspondence.
2. Choose the SES provider that you believe will best meet your child's academic needs.
3. Complete the attached enrollment form, including the names of your first and second provider choice and which time period you would prefer your child to receive services (before-school, after-school, Saturdays or Summer). Each child can only receive services during ONE of the aforementioned time periods.
4. Return the completed form to your child's school or the FPGC office, 3782 Jackson Avenue, Memphis, TN, 38108 no later than September 25, 2009.

Once your enrollment form is received and processed, we will notify you of your child's SES provider. The provider will then contact you to set up an appropriate tutoring schedule. Please be advised that Memphis City Schools does not provide transportation for Supplemental Educational Services.

Feel free to contact Patrice Myers at (901) 416-4250 or myersp@mcsk12.net for additional information. Thank you in advance for taking advantage of this federally funded program designed to help improve your child's academic performance.

Sincerely,
Aubrey Bond, Executive Director
Federal Programs, Grants and Compliance

Q. Are we relying on parent surveys to determine the effectiveness of the program?

A. No, although parent surveys are one piece of evidence collected about SES effectiveness. The Center for Research in Educational Policy (CREP) at the University of Memphis conducts the evaluations of Tennessee's SES program. CREP's standards for conducting the evaluations are quite stringent; the researchers have attempted to assess whether SES providers are effective while controlling for the classroom effect, i.e., determining whether providers or classroom teachers have helped improve a tutored student's achievement.

To accomplish this, the... [2008] Tennessee Comprehensive Assessment Program (TCAP) scale score in Math and Reading/Language Arts (R/LA) (measured in state NCE units) was analyzed as a function of a student's predicted score (based on two years of previous test scores), the student's grade level, the service provider, and the teacher. In this way, influences of these variables that might obscure the effects of the treatment (i.e., SES tutoring) were controlled statistically. An overall tutoring effect was also determined by comparing the TCAP scores of all tutored students (regardless of provider) vs. non-tutored (control) students...⁶

One of the most confusing issues is that the effectiveness of many of the providers cannot be determined because of insufficient data. Arriving at valid evaluation results using CREP's methodology requires that the data used meet these criteria:

- students must have been assigned in school to a primary teacher of record with a "claim percentage" (i.e., responsibility) for at least 50 percent of the student's allocated instruction in the tested subjects;

- students must have sufficient prior scores to provide a predicted score;
- students must receive tutoring from a provider with at least 10 students analyzed in grades 4-8;
- students had to have completed more than 50 percent of their contracted hours with a provider; and
- students could not be included in the evaluation if they were special education or limited English proficient students because of the difficulty of matching them with non-SES students.⁷

Although 3,671 students received SES in Tennessee in 2007-08, data for only 593 (248 in Math and 335 in Reading/Language Arts) met the evaluation criteria.⁸ Thus, the state's attempts at evaluating SES providers' effectiveness in improving student achievement have yielded inconclusive results. Following is a brief summary of CREP's evaluations of Tennessee's SES providers with respect to student achievement:

- In 2003-04 and 2004-05, CREP performed 42 separate analyses of provider effectiveness in reading and 37 in mathematics using multiple linear regression analyses, controlling for prior-year achievement and selected student demographics (e.g., free or reduced-price lunch, gender, ethnicity). Results: None showed statistically significant effects.⁹
- In 2005-06, CREP used a value-added methodology, which provided a more rigorous analysis. To be included in the analysis, a provider must have tutored in total (across districts) at least 20 students in a given subject statewide; of these, at least 10 students had to have both

predicted scores and teacher linkages.

Results: The effects of tutoring on student achievement tended to be small and, with only a few exceptions, not significantly different from zero.¹⁰

- In 2007-08, CREP used the same methodology.

Results: In math, three providers were significantly worse than the control group; no providers were significantly better than the control group; in reading/language arts, no providers were significantly better or worse than the control students in both models.¹¹

- Unpublished study (results just released to TDOE in mid-February).
Results: All providers lacked sufficient data to make a determination of effectiveness.¹²

instructional plans geared to student needs?

- Are providers aligning their curriculum with local and state standards?
- Are providers offering services to special education and English Language Learner (ELL) students?
- What are the stakeholders' experiences with and reactions to SES interventions?
- What are the stakeholders' overall assessments of provider performance?
- What are providers' experiences with and assessments of SES interventions?

For results, see Supplemental Educational Services in the State of Tennessee: 2007-2008, Center for Research in Educational Policy, The University of Memphis. http://www.state.tn.us/education/fedprog/doc/SESTN07_08ReportFINAL_000.pdf.

According to TDOE officials, they are considering working with CREP to adjust the evaluation methodology to yield more productive results.¹³

CREP has also investigated "stakeholder perceptions of provider implementation and outcomes statewide, through surveys administered to SES providers, district coordinators, principals/site coordinators, teachers, and parents of students receiving SES services." The CREP study found that parents were the most satisfied group among the surveyed stakeholders. Respondents in all groups were asked to respond to these questions:

- Do LEAs make SES available to eligible students?
- Are providers communicating regularly with district coordinators, principals/site coordinators, teachers and parents of students eligible for SES?
- Are providers working with districts, principals, and teachers to develop

Endnotes

- ¹ U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, State and Local Implementation of the No Child Left Behind Act, Volume VII—Title I School Choice and Supplemental Educational Services: Final Report, Washington, D.C., 2009.
- ² Title I of the Elementary and Secondary Education Act, as amended and reauthorized by the No Child Left Behind Act, authorizes federal funds to help elementary and secondary schools establish and maintain programs that will improve the educational opportunities of economically disadvantaged children. Title I funds are distributed by formula to state education agencies, which retain a share for administration and school improvement activities before passing most of the funds on to school districts. Districts are required to distribute Title I funds first to schools with poverty rates over 75 percent, with any remaining funds distributed at their discretion to schools in rank order of poverty either districtwide or within grade spans. A school's Title I status can change from year to year because school enrollment numbers and demographics may vary over time.
- ³ Rita Fentress, SES Consultant, Office of Federal Programs, Tennessee Department of Education, interview, Feb. 11, 2010.
- ⁴ United States Department of Education, letter to The Honorable Timothy Webb, Commissioner of Education, Tennessee Department of Education, Aug. 27, 2009, <http://www2.ed.gov/nclb/freedom/local/flexibility/waiverletters2009/tn.pdf> (accessed Feb. 12, 2010).
- ⁵ See the Memphis City Schools website at <http://www.mcisk12.net/forms/SES%20Registration%20Packet.pdf>.
- ⁶ Center for Research in Educational Policy, Supplemental Educational Services in the State of Tennessee: 2007-2008, Student Achievement Results, University of Memphis, prepared by SAS EVAAS for the Center for Research in Educational Policy, Dec. 2008, pp. 2-3, http://www.state.tn.us/education/fedprog/doc/SESTN07_08StuAchvFINAL.pdf (accessed Feb. 12, 2010).
- ⁷ Ibid.
- ⁸ Ibid., p. 5.
- ⁹ Steven M. Ross, Allison Potter, Jangmi Paek, Dawn McKay, William Sanders, and James Ashton, "Implementation and Outcomes of Supplemental Educational Services: The Tennessee State-Wide Evaluation Study," Journal of Education for Students Placed at Risk, pp. 27-28, 2008, http://www.memphis.edu/crep/pdfs/SES_Ross_JESPAR_2008_13_1_26-58.pdf (accessed Jan. 19, 2010).
- ¹⁰ Steven M. Ross, Allison Potter, Jangmi Paek, Dawn McKay, William Sanders, and James Ashton, "Implementation and Outcomes of Supplemental Educational Services: The Tennessee State-Wide Evaluation Study," Journal of Education for Students Placed at Risk, p. 53, 2008, http://www.memphis.edu/crep/pdfs/SES_Ross_JESPAR_2008_13_1_26-58.pdf (accessed Jan. 19, 2010).
- ¹¹ CREP, Supplemental Educational Services in the State of Tennessee: 2007-2008, Student Achievement Results, University of Memphis, prepared by SES EVAAS for the Center for Research in Educational Policy, Dec. 2008, p. 6, http://www.state.tn.us/education/fedprog/doc/SESTN07_08StuAchvFINAL.pdf (accessed Feb. 12, 2010).
- ¹² Rita Fentress, SES Consultant, Office of Federal Programs, Tennessee Department of Education, interview, Feb. 11, 2010.
- ¹³ Rita Fentress, SES Consultant, Office of Federal Programs, Tennessee Department of Education, interview, Feb. 11, 2010.