Standards and Mechanics for Removing SES Providers from the State-Approved List

February 20, 2013

TO THE LOCAL EDUCATION AGENCY (LEA) SES CONTACT ADDRESSED:
TO THE SUPPLEMENTAL EDUCATIONAL SERVICES (SES) PROVIDER STATE CONTACT ADDRESSED:

The purpose of this correspondence is to notify schools and SES providers of Texas Education Agency's standards and criteria to remove a SES provider from the State-approved list as required under federal regulations[1]. The standards and criteria are in effect immediately.

The TEA is taking a proactive approach to ensure successful implementation of the SES program and the federal funds are expended properly and consistent with the intent of the *No Child Left Behind Act of 2001* (NCLB).

There are two requirements that the TEA emphasizes for LEAs and SES providers:

1. Student Enrollment: The enrollment of a student with an SES provider is to be completed solely by the parent or guardian, not an SES provider. The parents of eligible students must be given the opportunity to choose a provider and complete the enrollment form for their child[2]. The school provides information to assist the parent in selecting a provider.

2. Invoicing: The LEAs and SES providers must ensure that all invoices paid by the LEA for SES services are true, accurate, and valid. Invoices must meet the criteria established by the LEA under the terms specified in the SES Agreement (contract).

A provider may be removed from the list if it fails to provide SES consistent with applicable health, safety, and civil rights requirements, or fails to meet any other regulatory or statutory requirements, particularly after more than one violation.

[1] Item D-3 of the *Supplemental Educational Services, Non-Regulatory Guidance*, January 14, 2009. Title I, Section 1116(e) of the Elementary and Secondary Education Act; 34 C.F.R. §200.47(a)(4)(ii).

[2] Section 1116(e)(1)

TEA will make an independent determination on each case based on information gathered from various sources, including but not limited to the student, parent, school district and SES provider. TEA will determine the action necessary based on findings of non-compliance and violations of applicable federal and state requirements and policies. In addition, TEA will consider substantiated investigative findings in its SES Selection Process and refer to other agencies matters that are not within its jurisdiction and authority to resolve. Specifically, if TEA suspects criminal conduct, it will make a written referral to the U.S. Department of Education's Office of Inspector General, the County District Attorney's Office(s), and the Department of Family Regulatory and Protective Services, as deemed necessary. TEA's written decision is final and will not include an appeal process at the state level.

Removal of an SES Provider from the State Approved List Standards and Techniques
http://www.tea.state.tx.us/WorkArea/DownloadAsset.aspx?id=2147512335
SES Program Data and Risk Indicators
http://www.tea.state.tx.us/WorkArea/DownloadAsset.aspx?id=2147512333
SES Complaint Investigations and Educator Cases Workflow
http://www.tea.state.tx.us/WorkArea/DownloadAsset.aspx?id=2147512334

Please call the Division of School Improvement and Support if you have any questions about this information.

Contact Information

SES Program questions, please contact
Leticia Govea, Manager
Division of School Improvement and Support
(512) 463-1427 or Leticia.govea@tea.state.tx.us

SES Program Technical Assistance
Brandon Spenrath, Project Coordinator
Education Service Center Region 13-Texas Center for District and School Support
(512) 919-5169 or brandon.spenrath@esc13.txed.net

SES Complaint Investigations and Enforcement
Emi Johnson, Director of Special Investigations
(512) 463-9342 or complaintsmanagement@tea.state.tx.us

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[2] Section 1116(e)(1)