TEXAS EDUCATION AGENCY

**REMOVAL OF AN SES PROVIDER FROM THE STATE APPROVED LIST**
**STANDARDS AND TECHNIQUES**

| ***Category*** | ***Classification*** | ***Provider Status*** | ***Sanction Description*** |
|---|---|---|---|
| 1 | Serious | Not Approved-Removed | **Removed.** The provider is immediately removed for the remainder of the school year. The LEA(s) will be directed to reassign students to the next provider of choice. |
| 2 | Systemic | Approved - Probation | **Probation**. The probation period will be for six (6) consecutive months. A single instance of non-compliance found by TEA during the probation period will elevate the provider to Category 1 for immediate removal. |
| 3 | Persistent | Approved - Warned | **Warned.** The corrective action must be completed within the timeline specified unless TEA grants an extension for extenuating circumstances. If the provider fails to comply after TEA's second notice, the provider will be elevated to Category 2 and placed on Probation. |
| 4 | General Non-Compliance | Approved – Corrective Action | **Corrective Action.** The corrective action must be completed within the timeline specified unless TEA grants an extension for extenuating circumstances. If the provider fails to comply after TEA's second notice, the provider will be elevated to Category 3 and receive a Warning Notice. |

*Important Note: If the violation is found in the summer and the provider is on the State–approved List, then the sanction will be effective and imposed for the following school year.*

***Category 1: Serious Non-compliance***

- Failure to attend required provider training.
- Failure to demonstrate financial soundness.
- Making a false representation or providing false information to TEA/district/parent.
- Failure to meet civil rights laws.
- Failure to meet all applicable federal, state, and local health and safety requirements.
- Failure to meet and/or conduct required state and LEA criminal history background checks and fingerprinting for all employees.
- Failure to comply with the Family Educational Rights and Privacy Act (FERPA) and any regulations or policies concerning the protection and use of confidential and student identifying information.
- Finding from a court civil and/or criminal.
- Removal from another state list if reason for removal aligns with Texas criteria.

***Category 2: Systemic Non-compliance***

- Separate violations that involve two or more LEAs within the same school year and the violation does not fall under Category 1.
- Making a false representation or providing false information to district/parent.
- Failure to maintain or provide complete and accurate records required for LEA, state, and federal compliance monitoring, audits, and investigations.

***Category 3: Persistent Non-compliance***

❖ *Repeated means the violation has been found in more than two instances within the same school year.*

- Repeated failure to respond to LEA requests for information and actions.
- Repeated failure to respond to all requests of the Texas Education Agency, and the Texas Center for District, and School Support (TCDSS).
- Repeated failure to correct and maintain complete and accurate information on all forms, records, materials, and documents, including provider contact information, the provider's service area, availability of services, student population, location of services, instruction available or to lower their hourly rate.
- Repeated failure to abide by the Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers, adapted from the Education Industry Association Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers, as outlined in the state's SES application.
- Repeated failure to ensure that any learning tools offered as a means of Supplemental Educational Services delivery, were provided to every student assigned.
- Repeated failure to supply learning tools identified and approved in the provider's application, in quality-condition, no later than ten (10) days from the date services were scheduled to start.
- Repeated failure to enter and report complete and accurate information into the EZSES Management System.

***Category 4: General Non-Compliance***

- Provider subcontracted the delivery of educational services to students.
- Provider employs or allows an employee, contractor, or other person acting on the provider's behalf who has had an educator certificate revoked or suspended in Texas or any other state or territory to provide educational services to a student.