Ohio | Department of Education

Public School Choice and Supplemental Educational Services

Technical Assistance Tool

Office of Federal Programs

25 South Front Street
Columbus, Ohio 43215
education.ohio.gov

(614) 466-4161
(888) 886-0181 (TTY)

May 16, 2011

Table of Contents:

Part I: Requirements for the Implementation of Public School Choice
Must be completed by all Title I served LEAs that are in School Improvement status

Part II: Requirements for the Implementation of Supplemental Educational Services
Must be completed by all Title I served LEAs that are in School Improvement status Year Two, Year Two Delay or beyond Year Two

Part III: Requirements for LEAs that anticipate spending less than the required 20% reservation for PSC and SES [34 C.F.R. 200.48]

Appendix A: PSC SAMPLE Parent Notification Letter, SAMPLE PSC Parent Notification Letter for Community Schools

Appendix B: SES SAMPLE Parent Notification Letter*

***Due to the difference in eligibility requirements for PSC and SES, it is highly recommended that parent notification letters for PSC and SES be sent separately.**

Resources:
Elementary and Secondary Education Act: http://www2.ed.gov/policy/elsec/leg/esea02/index.html

Code of Federal Regulations: http://www.gpoaccess.gov/cfr/

United States Department of Education Public School Choice Non-Regulatory Guidance:
http://www2.ed.gov/policy/elsec/guid/schoolchoiceguid.pdf

United States Department of Education Supplemental Educational Services Non-Regulatory Guidance:
http://www2.ed.gov/policy/elsec/guid/suppsvcsguid.pdf

Contact Information:

School District:		
	PSC Contact	SES Contact
Name		
Title		
Email address		
Phone #		
Fax #		

Office of Federal Programs
Ohio Department of Education
25 S. Front St.
Columbus, OH 43215
(614) 466-4161

LEAs must maintain documentation of all requirements for audit purposes.

Part I: Requirements for the Implementation of Public School Choice

Please summarize your plan in the following sections using a concise yet thorough description. Use bulleted items when appropriate.

[34 C.F.R. 200.44]
(a) *Requirements.*

(1) In the case of a school identified for school improvement under §200.33, or for restructuring under §200.34, the LEA must provide all students enrolled in the school with the option to transfer to another public school served by the LEA.

(2) The LEA must offer this option not later than the first day of the school year following the year in which the LEA administered the assessments that resulted in its identification of the school for improvement, corrective action, or restructuring.

(3) The schools to which students may transfer under paragraph (a) (1) of this section –

(i) May not include schools that –

(A) The LEA has identified for improvement under §200.32, corrective action under §200.33, or restructuring under §200.34; or

(B) Are persistently dangerous as determined by the State; and

(ii) May include one or more public charter schools.

(h) *No eligible schools within an LEA.* If all public schools to which a student may transfer within an LEA are identified for school improvement, corrective action, or restructuring, the LEA –

(1) Must, to the extent practible, establish a cooperative agreement for a transfer with one or more other LEAs in the area; and

(2) May offer supplemental educational services to eligible students under §200.45 in schools in their first year of school improvement under §200.39

Identify the schools within your LEA that are not in school improvement to which students may transfer:

If there are no schools within your LEA that are not in school improvement, or if you are a single building grade span or single building LEA, identify (by listing in the box below) at least two LEAs with which you have attempted to establish a cooperative agreement for transfer. Maintain copies of emails and/or letters sent to the identified LEAs as well as their response.

LEAs must maintain documentation of all requirements for audit purposes.

(a) *Requirements.*

(4) If more than one school meets the requirements of paragraph (a) (3) of this section, the LEA must –

(i) Provide to parents of students eligible to transfer under paragraph (a) (1) of this section a choice of more than one such school; and

(ii) Take into account the parents' preferences among the choices offered under paragraph (a) (4) (i) of this section.

Has the LEA considered all choices, including surrounding charter or community schools and virtual schools that are not in School Improvement status as choices? Please identify additional choices as determined by the LEA:

NCLB, Title I, Part A, Sec. 1116 (b) (6) NOTICE TO PARENTS- A local educational agency shall promptly provide to a parent or parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of each student enrolled in an elementary school or a secondary school identified for school improvement under paragraph (1), for corrective action under paragraph (7), or for restructuring under paragraph (8)--

(A) An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;
(B) The reasons for the identification;
(C) An explanation of what the school identified for school improvement is doing to address the problem of low achievement;
(D) An explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;
(E) An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
(F) An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child, in accordance with subsections (e).

Refer to Appendix A for a SAMPLE PSC Parent Notification letter which contains the required components. Place a checkmark (✓) in the boxes below to show that your LEA has included each component in the PSC parent notification letter.

☐ An explanation of what the identification means, and how the school compares to other schools in terms of academic achievement (Local Report Card information can be found at: http://ilrc.ode.state.oh.us/)

☐ An explanation of the reason for failing to meet adequate yearly progress (AYP) for two years in a row or more

LEAs must maintain documentation of all requirements for audit purposes.

☐An explanation of what the Ohio Department of Education (ODE) or district and school are doing to address the achievement problem

☐An explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement

☐An explanation of the parents' option to leave their child in their current school or transfer their child to another public school or community school that is not in school improvement

☐A statement noting that transportation will be provided by the district when required

☐The identification of each public school, including community schools, that parents can select for their child

☐A statement noting that the PSC option may be limited

*Due to the difference in eligibility requirements for PSC and SES, it is highly recommended that parent notification letters for PSC and SES be sent separately.

Finally, attach a copy of the PSC parent notification that was distributed to parents. Make sure the letter is dated, on school letterhead, and signed.

Identify the date that parent notification letters were distributed to parents and the manner in which they were distributed.

LEAs must maintain documentation of all requirements for audit purposes.

[34 C.F.R. 200.44]
(d) Capacity. An LEA may not use lack of capacity to deny students the option to transfer under paragraph (a) (1) of this section.

USDoE Public School Choice *Non-Regulatory Guidance* , January 14, 2009
E-9. If an LEA believes it does not have the physical capacity to offer transfers to all eligible students, how can it create additional capacity?

When capacity is an issue, LEA officials will need to employ creativity and ingenuity in creating capacity in schools to receive additional students. The range of possible options might include:

1. Reconfiguring, as new classrooms, space in receiving schools that is currently not being used for instruction;
2. Expanding space in receiving schools, such as by reallocating portable classrooms within the LEA;
3. Redrawing the LEA's attendance zones, if sufficient capacity is unavailable within the existing zones within which students would ordinarily select schools;
4. Creating satellite divisions of receiving schools; that is, classrooms that are under the supervision of the receiving school principal and whose teachers are part of the school faculty but that are in neighboring buildings;
5. Creating new, distinct schools with separate faculty within the physical sites of schools identified for school improvement, corrective action, or restructuring;
6. Encouraging the creation of new charter schools within the LEA;
7. Developing distance-learning programs or entering into cooperative agreements with virtual schools;
8. Reshaping long-range capital construction and renovation plans in order to ensure that schools that are likely to receive new students have additional space;
9. Modifying either the school calendar or the school day, such as through "shift" or "track" scheduling, in order to expand capacity; and
10. Easing capacity by initiating inter-district choice programs with neighboring LEAs or by establishing programs through which local private schools can absorb some of the LEA's students.

☐**I have read and understand the above guidance regarding capacity as it relates to implementing Public School Choice.**

[34 C.F.R. 200.44]
(i) *Transportation.* (1) If a student exercises the option under paragraph (a) (1) of this section to transfer to another public school, the LEA must, consistent with §200.48, provide or pay for the student's transportation to the school.

Describe the LEA's plan for providing transportation to eligible students (e.g., district-operated school buses, pay mileage, public transportation passes, etc.).

LEAs must maintain documentation of all requirements for audit purposes.

Website Postings: The LEA must prominently display on its website, in a timely manner, current information regarding Public School Choice. [§200.39(c) (1)]

Requirement 1: The district is required to post on its website, in advance of and no later than 14 calendar days prior to the start of school, a list of schools to which eligible students may transfer under Public School Choice.

Requirement 2: Beginning with data from the 2007-2008 school year, and each subsequent school year, the district is required to post the number of students who were eligible for and who participated in the public school choice option.

Provide a link to the actual webpage on which this information is displayed and a screenshot of the information posted on the LEA's website.

If you do not have any buildings in School Improvement Year 2, School Improvement Year 2 Delay or above, you are only required to offer Public School Choice. Please proceed to Part III. If you have schools that are required to offer SES, please continue on to Part II.

LEAs must maintain documentation of all requirements for audit purposes.

Part II: Requirements for the Implementation of Supplemental Educational Services

Please summarize your plan in the following sections using a concise yet thorough description. Use bulleted items when appropriate.

United States Department of Education (USDOE) Supplemental Educational Services Non-Regulatory Guidance, published January 14, 2009

When must an LEA make SES available?

In general, an LEA must make SES available for eligible students attending Title I schools that do not make AYP after one year of school improvement (three years of not making AYP). For example, if a school did not make AYP in the 2005-2006 and 2006-2007 school years, it would be identified for improvement. If the school did not make AYP again in the 2007-2008 school year, the school would be identified for its second year of improvement and the LEA would have to make SES available to eligible students in the school at the beginning of the 2008-2009 school year.

A school must continue offering SES to its eligible students until the school is no longer identified for school improvement, corrective action, or restructuring. A school is no longer identified for improvement, corrective action, or restructuring when it has made AYP for two consecutive years.

Who is eligible to receive SES?

Eligible students are all students from **low-income families** who attend Title I schools that are in their second year of school improvement, in corrective action, or in restructuring. Eligibility is not dependent on whether a student is a member of a subgroup that did not make AYP or whether a student is in a grade that takes the statewide assessments required by Section 1111 of the ESEA.

If the funds available are insufficient to provide SES to each eligible student whose parent requests those services, an LEA must give priority to the lowest-achieving eligible students *[Section 1116(b)(10)(C); 34 C.F.R. §200.45(d)]*. In this situation, the LEA should use objective criteria to determine which students are the lowest-achieving. For example, the LEA may focus services on the lowest-achieving eligible students in the subject area that resulted in the school being identified for improvement, corrective action, or restructuring. The services should be tailored to meet the instructional needs of eligible students in order to increase their academic achievement.

What are the Local Educational Agency (LEA) Responsibilities?

1. Notify parents about the availability of services, at least annually *[Section 1116(e) (2) (A); 34 C.F.R. §200.46(a) (1)]*.

Refer to Appendix B for a SAMPLE SES Parent Notification letter which contains the required components. Place a checkmark (✓) in the boxes below to show that your LEA has included each component in the SES parent notification letter.

*Due to the difference in eligibility requirements for PSC and SES, it is highly recommended that parent notification letters for PSC and SES be sent separately to prevent confusion.

☐A reminder to parents that the PSC option is still available (as notified no later than 14 days prior to the start of the school year);

☐A prompt annual notification, in a comprehensive, easy-to-understand format and, to the extent practicable, in a language the parent can understand; NCLB, Title I, Part A, Sec. 1116 (e) (2) (A)

☐An explanation of what the identification means, and how the school compares to other schools in terms of academic achievement (Local Report Card information can be found at: (http://ilrc.ode.state.oh.us/); NCLB, Title I, Part A, Sec. 1116 (b) (6) (A)

☐An explanation of the reason for failing to meet adequate yearly progress (AYP) for two years in a row or more; NCLB, Title I, Part A, Sec. 1116 (b) (6) (B)

☐An explanation of what the Ohio Department of Education (ODE) or district and school are doing to address the achievement problem; NCLB, Title I, Part A, Sec. 1116 (b) (6) (C)

☐An explanation of how parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; NCLB, Title I, Part A, Sec. 1116 (b) (6) (E)

*Or an attached/ enclosed copy of the Public School Choice letter, which should contain these four required pieces of information.

☐An explanation of how students become eligible for SES;

☐An explanation of the parents' option to select SES (free tutoring) offered by an ODE approved provider; NCLB, Title I, Part A, Sec. 1116 (e) (2) (A) (i)

☐A list of ALL of the ODE approved providers via the ODE website link http://dnet01.ode.state.oh.us/ses/ProviderLookup.aspx or by attaching the following document: https://ccip.ode.state.oh.us/DocumentLibrary/ViewDocument.aspx?DocumentKey=65897 NCLB, Title I, Part A, Sec. 1116 (e) (2) (A) (ii), NCLB, Title I, Part A, Sec. 1116 (e) (2) (A) (iii)

☐A statement about the availability of assistance from the district in selecting a provider, if requested by a parent; Title I, Part A, Sec. 1116 (e) (2) (B)

☐A description of the procedures and timelines that parents must follow in selecting a provider to tutor their child;

☐An allowance for sufficient time and information in those procedures and timelines for the parents to make an informed decision when selecting a provider, and;

☐A statement that the availability of SES may be limited.

LEAs must maintain documentation of all requirements for audit purposes.

Finally, attach a copy of the SES parent notification that was distributed to parents. Make sure the letter is dated, on school letterhead, and signed.

2. Help parents choose a provider, if requested *[Section 1116(e) (2) (B); 34 C.F.R. §200.46(a) (2)]*.

3. Apply fair and equitable procedures for serving students if not all students can be served *[Section 1116(e) (2) (C); 34 C.F.R. §200.46(a) (3)]*.

4. Ensure that eligible students with disabilities and LEP students receive appropriate services *[34 C.F.R. §200.46(a) (4), (5)]*.

5. Enter into an agreement with a provider selected by parents of an eligible student *[Section 1116(e) (3); 34 C.F.R. §200.46(b)]*.

Place a checkmark (✓) in the boxes below to show that your LEA has included each of the components in the agreement with the SES provider.

☐Specific achievement goals for each student, developed in consultation with the student's parents and the provider.

☐A description of how the student's progress will be measured and how the student's parents and teachers will be regularly informed of that progress.

☐A timetable for improving the student's achievement.

☐A provision for terminating the agreement if the provider fails to meet the student's specific goals and timetable.

☐Provisions governing payment for the services, which may include provisions addressing missed sessions.

☐A provision prohibiting the provider from disclosing to the public the identity of any student eligible for or receiving SES without the written permission of the student's parents.

☐An assurance that SES will be provided, consistent with applicable health, safety, and civil rights laws.

LEAs must maintain documentation of all requirements for audit purposes.

6. Assist the SEA in identifying potential providers within the LEA *[Section 1116(e) (4) (A); 34 C.F.R. §200.46(a) (2)]*.

LEAs are required to electronically submit an Effectiveness Report (ER) for each state-approved provider with which the LEA has a contractual agreement for providing Supplemental Educational Services (SES). The instructions for submitting an Effectiveness Report can be found here:

☐The LEA understands that they must submit an Effectiveness Report for each state-approved provider with which the LEA has a contractual agreement for providing SES.

7. Protect the privacy of students who are eligible for or receive SES *[Section 1116(e) (2) (D); 34 C.F.R. §200.46(a) (6)]*.

8. Prominently display on its website, in a timely manner to ensure that parents have current information: (a) beginning with data for the 2007–2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in SES; and (b) for the current school year, the list of providers approved by the SEA to serve in the LEA and the locations where services are provided *[34 C.F.R. §200.39(c)(1)(ii), (iii)]*.

Provide the link to the webpage that contains the required SES data.

Provide a screenshot of the webpage that contains the required SES data.

9. Meet its 20 percent obligation. If an LEA spends less than the amount needed to meet its 20 percent obligation, then it must either: (a) spend the remainder of that obligation in the subsequent school year; or (b) meet the criteria in 34 C.F.R. §200.48(d)(2)(i) *[34 C.F.R. §200.48(d)(1), (2)]*.

<u>Complete the following calculations:</u>

<u>Step One:</u>

Title I allocation for the Fiscal Year in which you are carrying out PSC and/or SES=				Financial obligation for PSC/SES:
_____	X	0.20	=	_____

LEAs must maintain documentation of all requirements for audit purposes.

Step Two:

Locate the Supplemental Educational Services (LEA Per Child Amt = $X,XXX.XX) on the Title I Set Asides Page and enter that amount here:

_____

Step Three:

Financial obligation for PSC/SES:		Cost of PSC:		LEA per child amt.:		Number of students the district can serve (capacity) with SES:
_____	-	_____	÷	_____	=	_____

Note:

Please review section L-21 of the Non-Regulatory Guidance (listed in the Resources section of Page 2). If an LEA experiences significant student attrition in its SES program early in the school year, leading to lower than anticipated expenditures, USDoE would expect a second enrollment period.

LEAs must maintain documentation of all requirements for audit purposes.

Part III: Requirements for LEAs that anticipate spending less than the required 20% reservation for PSC and SES [34 C.F.R. 200.48]

L-1. What are the responsibilities of an LEA if it spends less than its 20 percent obligation on choice-related transportation, SES, and parent outreach and assistance?

Unless it meets the criteria described below, an LEA that does not meet its 20 percent obligation in a given school year must spend the unexpended amount in the subsequent school year on choice-related transportation, SES, or parent outreach and assistance (subject to the limitation described in L-24). The LEA must spend the unexpended amount in addition to the funds it is required to spend to meet its 20 percent obligation in the subsequent school year *[34 C.F.R. §200.48(d)(1)]*.

To spend less than the amount needed to meet its 20 percent obligation and to use the unexpended amount for other allowable activities in a given school year, an LEA must meet, at a minimum, all of the following criteria *[34 C.F.R. §200.48(d)(2)(i)]*:

- Partner, to the extent practicable, with outside groups, such as faith-based organizations, other community-based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES. (See L-4 through L-6.)

- Ensure that eligible students and their parents have a genuine opportunity to sign up to transfer or to obtain SES, including by: (a) providing timely, accurate notice to parents (see L-7); (b) ensuring that sign-up forms for SES are distributed directly to all eligible students and their parents and are made widely available and accessible through broad means of dissemination, such as the Internet, other media, and communications through public agencies serving eligible students and their families (see G-7 and G-8); and (c) providing a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable parents of eligible students to make informed decisions about requesting SES and selecting a provider. (See L-8 through L-10.)

- Ensure that eligible SES providers are given access to school facilities, using a fair, open, and objective process, on the same basis and terms as are available to other groups that seek access to school facilities. (See L-11 through L-14.)

In addition, an LEA that spends less than the amount needed to meet its 20 percent obligation and does not intend to spend the unexpended amount in the subsequent school year must maintain records that demonstrate it has met the criteria above *[34 C.F.R. §200.48(d)(2)(ii)]*, and must notify the SEA that it has met the criteria and intends to spend the remainder of its 20 percent obligation on other allowable activities *[34 C.F.R. §200.48(d)(2)(iii)]*. The LEA must include in its notice to the SEA the amount of that remainder *[34 C.F.R. §200.48(d) (2) (iii)]*. An LEA does not need to obtain approval from its SEA to spend less than its 20 percent obligation.

Describe the LEA's efforts to form a partnership with outside groups. Maintain documentation of such efforts.

Describe the LEA's timetable for offering SES (a minimum of two enrollment windows at separate points in the school year, that are of sufficient length to enable parents of eligible students to make informed decisions about requesting supplemental educational services and selecting a provider).

Describe the process that the LEA has in place to ensure that SES providers have access to school facilities on the same basis and terms available to other groups.

LEAs must maintain documentation of all requirements for audit purposes.