

Roles and Responsibilities of Complex Area

As defined by the SES Non-Regulatory Guidance (1-14-09) and the Hawaii Department of Education Procedures and Guidelines (August 2011)

SES Non-Regulatory Guidance:

Complex Areas must:

- Identify eligible students
- Provide information to parents
- Arrange for Supplemental Educational Services

What are the responsibilities of a Complex Area in implementing the SES requirements?

A Complex Area must:

1. Notify parents about the availability of services, at least annually [*Section 1116(e)(2)(A); 34 C.F.R. §200.46(a)(1)*].
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)*].
6. Assist the SEA in identifying potential providers within the LEA [*Section 1116(e)(4)(A); 34 C.F.R. §200.46(a)(2)*].
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 Web site, 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)*].
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)*].

Procedures and Guidelines:

Complex Area

1. Complex Area Contact Persons

Designate complex area contact persons for:

- (1) SES program operations (including complex area priority rankings) and
- (2) SES fiscal matters (including purchase orders, vendor payments, and student cost monitoring) and inform HIDEOE.

A list of complex area contact information will be compiled by the HIDEOE and forwarded to schools and service providers.

2. School Year

Student eligibility and the SES County per pupil funding limit apply to a school year, which begins on the first day of a school year at a particular school and ends on **May 24, 2012**.

Enrollment (submitted and approved SES application) for services should conclude by **April 2, 2012**.

3. Complex Priority Rankings and Parent/Guardian Requests

a. Participate in HIDEOE training(s) on the SES Data Collection system and provide technical assistance to schools in determining school priority rankings. See Section C5 for instructions on determining priority ranking.

b. Place a student who prematurely terminates services and subsequently applies for services in the same school year at the bottom of the list of students with priority rankings 1 to 5 who have unfulfilled requests for services. This placement is at the date and time of a new application for services. New services are subject to the remaining balance of the SES County per pupil funding limit. Complex Area may make exceptions if services were terminated because of reasons outside of the parent's/guardian's control (e.g., provider capacity).

However, if a parent/guardian requests a change in provider, the student may be reassigned to a new provider (depending on provider capacity). A new AOS must be completed to reflect change in the provider, and any other subsequent changes. The student's per pupil funding continues until it has been exhausted.

If a student changes provider, the Complex Area will reconcile all student files to enable transition from one provider to another. Services with new provider must begin as soon as possible.

4. Determining Students to Be Offered Services

a. Use (1) copies of applications, (2) service provider availability (as shown in the SES Parent/Guardian Matrix), and (3) the complex area priority ranking to determine the students to be offered services. If the lowest priority ranking at which students may be offered services contains more students than can be accommodated within the SES funds available or the providers' capacity, then the students in that priority ranking will be offered services based on the date and time the application was received – only students with a priority ranking of 1-5 are eligible to receive services. Use the SES Data Collection System to indicate the students that are to be offered services.

b. If a complex area is notified by a service provider within 15 days of an authorization date that it is unable to provide services to an authorized student, the complex area shall assign another provider chosen by the parent/guardian on the application, unless the parent/guardian requests in writing to remain on a waiting list for the provider. The complex area may remove a student from a provider's authorized list if the provider did not notify the complex area within 15 days. The complex area authorizes services to the parent's/guardian's next available choice.

- c. After the initial offering of services in a new school year, additional students may be offered services during the school year (up to **April 2, 2012**), based on new application forms, updated provider availability, and updated complex area priority ranking. Start from the highest priority ranking level in offering services to additional students during the school year.
- d. Place a student who prematurely terminates services for any reason and subsequently applies for services in the same school year at the bottom of the students with unfulfilled requests for services in priority rankings 1 to 5. This placement is made at the date and time of the student's new application for services. The service provider is to notify the school and complex area by the next business day that services are being terminated, due to two un-notified absences by a student or a decision by the parent/guardian to terminate services. If a student is authorized for services again, parent/guardian or provider will contact each other to develop a new AOS, subject to the balance of the SES County per pupil funding limit.

However, if a parent/guardian requests a change in provider, the student may be reassigned to a new provider (depending on provider capacity). A new AOS must be completed to reflect change in the provider, and any other subsequent changes. The student's per pupil funding continues until it has been exhausted.

If a student changes provider, the Complex Area will reconcile all student files to enable transition from one provider to another. Services with new provider must begin as soon as possible.

5. Informing Schools about Students to Be Offered Services

Provide schools with a list of students to be offered SES and their assigned service providers, at the initial offering of services in a new school year and continually during the school year as services can be offered to additional students. Complex area may generate individual student authorization letters for the school to send to parents/guardians.

6. Informing Providers of Authorized List of Students for SES (Confidentiality Procedure)

Supply SES providers with their list of authorized students and their assigned service provider regularly so SES providers can prepare adequate staffing, materials, curriculum and professional development. The contact information of the authorized students will be given to providers as long as the students have submitted a completed Form HAR 64 – Consent for Release of Information (see Attachment B-2). In lieu of having completed Form HAR 64 – Consent for Release of Information, the complex area may only inform the provider of the number of students who have enrolled for their services and not the names or other identifying features of the students. Once parents/guardians receive their authorization letter, they may directly contact the SES provider that was assigned to them and supply the provider with any additional information.

A complex area may not disclose to the public or to an approved provider the identity of any student who is eligible for, or receiving, SES without the written permission of the student's parents [Section 1116(e)(2)(D); 34 C.F.R. 200.46(a)(6)]. In addition, an SES provider is prohibited from disclosing to the public the identity of any student who is eligible for, or receiving, SES without the written permission of the student's parents [Section 1116(e)(3)(E); 34 C.F.R. 200.46(b)(1)(v)].

7. SES Information for Parents/Guardians

Complex area, complex, or school should conduct parent/guardian informational meeting(s) on SES and/or employs other effective outreach strategies. Meetings may follow student progress reporting periods. Parent/Guardian Outreach strategies must be documented in the Parent/Guardian Outreach Log.

8. Agreement of Services (AOS)

- a. Receive copies of AOS from the schools.

- b. Validate the AOS by matching the names of students and providers with the students offered services and their assigned providers in the SES Data Collection system. See Section B4a.
- c. Use the SES Data Collection system to indicate the service providers, and the start and end dates of services for students with a validated AOS.

9. SES Funding

Receive SES funding for the complex area in Program ID 52002 in the designated complex area-administration Organization ID. Because the various complex areas' funding is combined in the district account, ensure that the funding and expenditures for each complex area are accounted separately, so that a complex area only uses the amount allocated to its own complex area.

Program ID 52002 is for payment to SES providers for tutorial services only.

10. Purchase Orders and Payments to Service Providers

- a. Make a purchase order for one or more schools in the complex area for each provider. Include the contract number, contract term, and the number of students per school on the purchase order. The amount per school is based on the number of AOS received, multiplied by the SES County per pupil funding limit, for the new school year. See Attachment G for a sample purchase order.
- b. After the initial purchase order for a provider in a school year, make new purchase order(s) for each provider for additional AOS as they are received.
- c. Make payment on monthly invoices validated by monthly attendance logs. Attach the original attendance log to the original invoice for payment. If student initials are not included in the log, the provider is required to have a record with initials on file as evidence of attendance. Computer log-on may be used, in place of student's initials, as evidence of attendance by providers offering computer-based instruction.
- d. The attendance log will list the dates and hours or minutes attended by each student in the month. Match the students in the attendance log with the students authorized for services with the particular provider, as entered in the SES Data Collection system. Enter the number of hours and charges per student per month in the SES Data Collection system to keep an updated cumulative balance of charges and ensure that charges per student do not exceed the SES County per pupil funding limit.
- e. In July, make final payment or cancel any outstanding purchase orders to ensure unused funds are automatically returned to the complex area in the complex area account. This will close out the fiscal year.
- f. In June, obtain approval for a Purchase Order Worksheet for each provider to cover any unpaid services. See Attachment F
- g. In July, make a purchase order for each provider based on the approved Purchase Order Worksheet. Indicate under "Terms" that this purchase order is for continued services initiated under the prior purchase order (specify the purchase order number and posting date). This purchase order would be the last purchase order for the prior school year.

11. Per Pupil Funding Limit

Use the SES Data Collection system to indicate the number of SES hours and charges per student in order to ensure that cumulative charges do not exceed the SES County per pupil funding limit.

12. Recordkeeping/Data Collection and Complex Area Monitoring – SES Handbook

- a. Maintain records of students served:
 - SES applications
 - Authorization Letters
 - Agreements of Services
 - Complex area priority ranking
 - SES status spread sheet
- b. Manage SES Data Collection system

- Attend and request additional training for SES Data Collection system for accurate record keeping and student assignment
- Update SES Data Collection system on a regular basis
- c. Report SES data to the HIDEOE as requested annually.
- d. Record issues and concerns from SES providers, schools and parents/guardians on SES Communication Log.
- e. **Maintain Fiscal Documents (i.e., purchase order worksheets, purchase orders, invoices and attendance logs).**
- f. **Collect, Organize, Monitor and Maintain SES documents in the SES Handbook for seven years.**

13. Parent/Guardian Outreach and Assistance

Pending availability of funds for parent/guardian outreach and assistance, complex areas may access funds after completing the *Parent/Guardian Outreach and Assistance Justification Form* - See Attachment I. **Fax form to Daniel Williams at 808 735-8229 or via Lotus Notes for approval.**

Funds as appropriated to the district/complex area offices can NOT be transferred to schools. Furthermore, any of these funds that have been transferred to schools and were expended must be reimbursed to Special Programs Management Section with State funds.

14. Complex Areas must meet, at a minimum, all of the following criteria to ensure that parents/guardians have been given an opportunity to enroll their child(ren) in SES:

- Partner, to the extent practicable, with outside groups to help inform eligible students and their families of the opportunities to transfer or to receive SES.
- Ensure that eligible students and their parents/guardians have a genuine opportunity to sign up to obtain SES, including by:
 - a. providing timely, accurate notice to parents/guardians;
 - b. ensuring that sign-up forms for SES are distributed directly to all eligible students and their parents/guardians 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; and
 - c. provide an on-going/rolling enrollment window to enable parents/guardians of eligible students to make informed decisions about requesting SES and selecting a provider.
- 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.

15. Complex Area in which a Title I public charter school (PCS), with eligible SES students, is located should provide the Title I PCS with program and fiscal support for SES authorizations, purchase orders, payments, and data collection in the same way the complex area does for a public school. If a complex area receives funds from public schools in order to provide SES program and fiscal support, the complex area may request that the eligible Title I PCS similarly provide a prorated share of the SES program and fiscal support costs incurred.