

Roles and Responsibilities of Providers

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: What is required of SES providers?

An SES provider is responsible for meeting the terms of its agreement with the LEA, including:

1. Enabling the student to attain his or her specific achievement goals (as established by the LEA, in consultation with the student's parents and the provider) [*Section 1116(e)(3)(A); 34 C.F.R. §200.46(b)(2)(i)(A)*].
2. Measuring the student's progress, and regularly informing the student's parents and teachers of that progress [*Section 1116(e)(3)(A), (B); 34 C.F.R. §200.46(b)(2)(i)(B), (ii)*].
3. Adhering to the timetable for improving the student's achievement that is developed by the LEA in consultation with the student's parents and the provider [*Section 1116(e)(3)(A); 34 C.F.R. §200.46(b)(2)(i)(C)*].
4. Ensuring that it does not disclose to the public the identity of any student 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)(2)(v)*].
5. Providing SES consistent with applicable health, safety, and civil rights laws [*Section 1116(e)(5)(C); 34 C.F.R. §200.47(b)(2)(iii)*]. (See C-19, C-31, C-32.)
6. Providing SES that are secular, neutral, and nonideological [*Section 1116(e)(5)(D); 34 C.F.R. §200.47(b)(2)(ii)(D)*].

In the case of a student with a disability served under the IDEA, the achievement goals, measurement and reporting of progress, and timetable described in items 1 through 3 above must be consistent with (although not included in) the student's IEP under Section 614(d) of the IDEA [*Section 1116(e)(3)(A); 34 C.F.R. §200.46(b)(3)*]. In the case of a student covered by Section 504, the goals, measurement and reporting of progress, and timetable must be consistent with (although not included in) the student's individualized services under Section 504 [*34 C.F.R. §200.46(b)(3)*].

Hawaii Department of Education Procedures and Guidelines: Service Providers

1. Application for a SES Provider
Submit to the HIDOE Procurement and Contracts Branch an application in response to the annual request for proposals (RFP) to become a HIDOE-approved SES provider.
2. HIDOE-Approved Service Providers
The HIDOE reviews and approves applications for service providers. Once a supplemental service provider is contracted, the provider remains on the updated HIDOE list of approved providers unless approval is withdrawn for failing, for two consecutive years, to contribute to increasing the academic proficiency of students or to meet other applicable requirements such as non-compliance with health, safety, civil rights, and fiscal requirements.
3. Contracts
Review and approve (sign) contracts prepared by the HIDOE.
4. School Year
Student eligibility and the SES County per pupil funding limit apply to a school year which begins on the first day for students of a school year at a particular school and ends **May 24, 2012. Enrollment** (submitted and approved SES application) for services should conclude by **April 2, 2012.**
5. Location of Services
If school facilities are needed, submit Application For Use Of School Buildings, Facilities or Grounds (BO-1 and BO-2) form to the school. The school will provide appropriate school facilities, if available, to the service provider at no charge. Use of appropriate school facilities is on a first-come, first-served basis. SES is “parent choice,” and a school may not determine who will and will not be a SES provider at their school. However, a school may provide space to SES providers who already have authorized students assigned to them prior to providers who do not have any authorized students. If tutoring will be taking place at a private residence, then a parent/guardian must be present **and in close proximity** for the safety of the tutor and the student.
6. Non-Instructional Times
SES must be provided during non-instructional times only, including before school, after school, weekends, holidays, intersession, as determined by the school bell schedule and calendar.
7. Provider Information
 - a. Providers are allowed to market their services directly to members of the community or to provide general information to the public about the availability of supplemental educational services. (Providers that choose to market their services on school grounds must follow school protocol when issuing flyers, pamphlets, posters, or other marketing tools.) Marketing tools issued on school grounds must get prior approval from the Special Programs Management Section for: factual information related to services, size of flyer, pamphlet, poster or any other marketing tool and appropriateness of content. Failure to get prior approval will result in removal of marketing tools and may impact future evaluations.

Flyers, posters, pamphlets, or other marketing tools:

 - Must contain only factual information pertaining to the provider who is marketing their services
 - Must contain only appropriate content and language
 - May not exceed 18 inches by 24 inches
 - b. During presentations at schools/complex areas, providers must minimally adhere to the following guidelines:

- Notify the complex area/school of your attendance or absence in a timely manner. The complex area/school needs to know who will be attending to make the appropriate logistical accommodations. Failure to properly communicate with the complex area/school may result in miscommunications and misunderstandings.
 - Introduce yourself to the complex area/school personnel who have orchestrated the event.
 - Follow any presentation guidelines (e.g., time limits and PowerPoint presentation requirements) that may be in place for the event.
 - Come with sufficient materials which have been previously approved by the Special Programs Management Section. If materials have not been previously approved, they may not be distributed.
 - Recommend providers attend the entire presentation, since parents/guardians and school/complex area staff may have questions that need to be answered.
 - Present only the academic content of your program – language mentioning any type of free component (i.e., computer, technology, or materials) for enrolling in program is strictly prohibited.
- c. As requested by the HDOE, provide information on the provider's SES program, availability, contact information, etc. to the HDOE for dissemination to complex areas, schools, and parents/guardians. In addition, providers may give supplemental information (e.g., brochures) directly to schools for dissemination to parents/guardians.
- d. As additional provider capacity becomes available, notify the complex areas and schools regarding the number of students able to serve at that time weekly or as agreed upon by the complex area and the provider. The additional space available may be due to additional tutors or the conclusion of a term of services.
- e. If the service provider determines it is unable to provide services to the authorized student after receiving authorization for a student from a complex area, notify the complex area within 15 working days of the authorization date. The complex area shall assign another service provider (refer to B.4.b.).
8. Parent/Guardian Information
- a. Participate in parent/guardian informational meeting(s) that may be sponsored by the complex area, complex, or school.
- b. May market their services directly to members of the community or to provide general information to the public about the availability of supplemental services. The provider should ensure that advertising includes correct information on SES such as procedures parents/guardians must follow in obtaining SES for their child. Provider may request applications from the complex area in order to assist parents/guardians in the application process. Provider should ensure that parents/guardians have three (3) priority choices on the application.
- c. SES providers are not allowed to provide parents/guardians with registration/application forms already completed with the provider chosen or pre-selected for them. Such a practice eliminates the rights of parents/guardians to select the provider that best meets the needs of their child(ren). SES personnel at the school and complex level have the responsibility and right to verify application forms if they are concerned that application forms might have been pre-selected for parents/guardians, or if they have any other concerns regarding the application forms.
- d. Inappropriately recruiting students (e.g., offering incentives for enrollment of students, pre-selecting application forms with a provider chosen for parents/guardians or attempting to enroll students not eligible for SES) to enroll with a SES provider is prohibited.

Faculty and staff members who are employed by the HIDOE and hold employment with an SES provider cannot use their position within the HIDOE to influence parents/guardians to enroll for services with a specific SES provider.

Parents/guardians are encouraged to enroll their child(ren) with the provider who will best meet the needs of their child(ren).

9. Agreement of Services – See Attachment E (required form)

- a. Provider or parent/guardian may contact each other to set up a meeting to develop and sign the required AOS. **With the consent of a parent, the school may disclose information about the student’s academic record in order to assist the provider in determining the student’s strengths and weakness – see 34 C.F.R. §99.30. See Attachment B-3**

The parent/guardian will show the provider an authorization letter authorizing services with the particular provider (refer to B.6). The parent/guardian will sign an AOS. If possible, the school designee will also participate in the meeting. The provider will forward the completed AOS to the school for signature if the school designee does not attend the meeting. The provider ensures the AOS is legible and completely and correctly filled out.

- b. Receive a copy of the signed, forwarded AOS from the school within three (3) working days, if the school designee did not attend the AOS meeting.
- c. Services may **not** begin until the AOS is completed and signed by all parties. The student signature is optional. If services are provided and AOS is not signed by all required parties and/or it is incorrectly filled out (i.e., stated service start date is before school designee signature) and services have occurred, the HIDOE is not responsible for payment of services during the unauthorized time period.
- d. Receive list of students authorized for services from the complex area.
- e. Approved provider may contact the parent/guardian only if consent was granted through completion of Form HAR 64 – Consent to Release Information. See Attachment B-2
- f. The HIDOE approved AOS form must be used without alteration.
- g. AOS Goals/Objectives are written based on the student’s achievement of HCPS III (<http://standardstoolkit.k12.hi.us/index.html>) grade level content benchmarks for **Grades 3-10 or Common Core Standards (www.corestandards.org) for Grades K-2, 11 and 12.**
- **Must be clear, meaningful, and attainable.**
 - **Must be measurable based upon an assessment.**
 - **SAMPLE: (Name of Student) will increase ____% above the established baseline on the pre-assessment in (reading, math or science) as measured by the (name of assessment) administered at the end of SES services.**
 - **Must be based upon input from provider, school and parent/guardian. Parent(s)/guardian(s) are not responsible for creating the measurable objective; it should be a collaborative effort by all parties.**
- h. SES providers will be requested to contact a parent/guardian within 15 days of the authorization date. In the case where the SES provider is unable to contact a parent/guardian, the provider should contact the school SES contact person for assistance.
- i. If the SES Provider is unable to meet with a parent/guardian due to circumstances that prevent them from conducting a face-to-face meeting (e.g., work schedule), the provider and the school may make arrangements for a phone consultation with the parent/guardian.

- The following people shall be involved to discuss the terms of the agreement: the school principal or SES designee, SES provider, and parent/guardian.
- The school principal or SES designee and SES provider meet to call a parent/guardian or a three-way conference call may be made to discuss the type of services.
- The SES provider shall indicate in writing the following information on the AOS: “per phone consultation,” date and time of consultation, and the names of people involved on the parent/guardian signature and date line.
- At the end of the phone consultation, the SES provider and the school principal or the SES designee sign the AOS.
- The school shall provide a copy of the AOS to the parent/guardian, the provider, and the complex area personnel within three (3) working days.

10. Provision of High Quality Services

- Provide high quality SES to the satisfaction of students, parents/guardians, and schools, within the SES County per pupil funding limit.
- Assure that SES aligns with the school curriculum, classroom instruction, the Hawaii Content and Performance Standards or **Common Core Standards**/grade level content area benchmarks.
- Homework assistance may be utilized only as one component of the tutorial session. Tutorial sessions must address the standards and benchmarks identified in the individualized AOS.

11. Attendance

- Maintain a record for each school with student names, dates and hours or minutes attended, and student initials for each date of attendance. For computer-based providers, computer log-on data may be used in place of student initials to verify attendance. Provider is accountable for the accuracy of attendance records and certifies attendance data is accurate and true when submitting for payment.
- Submit monthly attendance logs along with monthly invoices to the appropriate complex area. The monthly attendance log may be:
 - A monthly compilation of the record described in Section D11a & B10c without student initials. State on the log that verification of attendance with student initials is kept on file by the provider; or
 - A monthly compilation of the record, with computer log-on data in place of student initials.
- Be directly notified by parent/guardian at least four hours before a scheduled session if a student is unable to attend a session.

12. Reports to School and Parent/Guardian

Copies of progress reports to schools and parents/guardians must be kept on file by provider and be readily available when requested for review by HDOE. It is the decision of the provider as to how the progress reports and summary reports will be housed and filed. Schools may request the format (hard copies and/or electronic copies) in which the progress reports are provided.

Progress reports contain confidential information and need to be treated as such. When progress reports are delivered to schools and parents/guardians, providers need to take necessary steps to maintain confidentiality (e.g., if emailed (1) the progress report should be password protected and (2) the password should be sent in a separate email).

- Provide school and parent/guardian/student with periodic (minimally monthly) progress reports, as specified in the AOS and contract.

- b. Provide school and parent/guardian/student with a summary report at the completion of services to include:
 - Final test (post-test) results
 - List of curriculum and materials used
 - List of instructional strategies used
 - Recommendations for effective curriculum and strategies to be continued

13. Invoices

- a. Maintain accurate records of hours of services provided and charges per student. Ensure that total billings submitted for an individual student in a school year do not exceed the SES County per pupil funding limit.
- b. Submit original monthly invoice (and one copy) per school, along with original attendance log (and one copy) to the complex area. Also, send a copy of the attendance log to the school. All invoices must be received within 30 days from the month when services were provided. The complex area must be notified by the provider if invoicing is going to be over 30 days. Failure to provide invoices on a monthly basis may cause payments to be delayed. **School year 2011-2012 invoices must be received by the complex area by 4:00 p.m. on June 20, 2012.**
- c. Submit invoice and accept payment only for sessions attended by the student, as evidenced by an attendance log. Acceptance of any payment for sessions not attended by a student need to be reimbursed and appropriate disciplinary action will be taken.

SES providers are required to use the State standardized invoice to submit to complex areas for payment (Attachment H – Invoice for Supplemental Educational Services – Hawaii)

Invoices submitted must be accurate. Inaccurate invoices will be returned to provider. The 30-day timeline will begin when a corrected invoice is re-submitted to the Complex Area.

Providers may not invoice for the AOS meeting, and pre- and post-test given to students enrolled with their program. Invoices must only include charges for allowable services rendered. Students cannot exceed their per pupil funding limit.

14. Fiscal Procedures for Community School for Adults (CSA) as a Service Provider

Follow the operational and fiscal procedures that apply to all service providers. The required procedures include keeping accurate records of the hours of services actually provided and the charges per student, submitting a monthly invoice and attendance log to the complex area for each Title I school, and ensuring that individual student charges do not exceed the SES County per pupil funding limit.

15. Student Health and Safety

Written notification of the Student Health and Safety Plan must be provided to the parent/guardian, school and complex area. This plan must include, but is not limited to the following:

- a. student arrival and departure procedures;
- b. tutor absence procedures;
- c. tutor tardy procedures;
- d. plans and protocol for evacuation from location;
- e. contact information (phone numbers for tutor to call in case of emergency/incident);
- f. **address custodial issues;**
- g. **address physical and verbal confrontations and assaults (student to student, student to tutor, tutor to student, parent/guardian to student, parent/guardian to tutor); and**
- h. **inappropriate behavior (student to student, student to tutor, tutor to student, parent/guardian to student, parent/guardian to tutor).**

Parent/guardian must notify provider if student has any food allergies and other information that is pertinent to the health and safety of the child(ren). If tutoring will be taking place at the home of the student, a parent/guardian must be present **and in close proximity** for the safety of the tutor and student.

- Notify the school principal or designee of any incident that compromises the health or safety (physical or emotional) of a student being served within 20 hours of its occurrence. A written report shall be submitted to the principal within 72 hours of its occurrence, including an analysis of the incident and the actions taken to address the incident.

16. Termination of Services

- a. If contacted by parent/guardian of intention to terminate services, notify school by the next business day and inform school of the last date that services were provided.
- b. Be directly notified by a parent/guardian at least four hours before a scheduled session if a student is unable to attend. After two absences without a four-hour advance notification, services under the existing AOS are to be terminated. Notify parent/guardian and school by the next business day after a second un-notified absence that services under the existing AOS are terminated.
- c. Inform school and complex area of the last date that services were provided and provide the complex area with the remaining balance of funds still available for tutoring under the County per student funding limit within 5 working days from the last date services were provided.
- d. A student with a premature termination of services for any reason is eligible to apply for services again in the same school year, subject to the remaining balance of the SES County per pupil funding limit. However, the student is placed at the bottom of the students with unfulfilled requests for services in complex area priority rankings 1 to 5. This placement at the bottom is made at the date and time of the student's new application for services. If student is authorized for services again, parent/guardian will contact the assigned provider to develop a new AOS.
- e. If provider is unable to supply services to students who have been authorized to receive services, it is the responsibility of the provider to notify the parents/guardians (in a timely manner and in a format that is easily understandable) verbally and in writing with a statement that they will not be able to serve their child. The communication must be documented by the provider.

17. Evaluation of Service Providers

- a. Be aware of the evaluation criteria, which are subject to review and revision by the HIDOE.
- b. Participate in and be subject to the evaluation of the quality, performance, effectiveness, and accountability of the services provided. Provide information as requested by the HIDOE or contracted evaluator.
- c. Evaluation results will be used to help determine whether any provider has failed to meet requirements, including failure to increase student proficiency relative to HIDOE standards, and needs to be withdrawn from the List of HIDOE-Approved Supplemental Educational Services Providers.
- d. Monitor compliance with applicable health, safety, civil rights, and fiscal requirements. Non-compliance of these requirements may result in withdrawal from the List of HIDOE-Approved Supplemental Educational Services Providers.

18. Failure to adhere to requirements

Providers who fail to adhere to the requirements stated in this document (i.e., not contacting complex area within 15 working days of authorization date if provider is unable to provide

services to an authorized student, not conducting formative assessments and providing periodic progress reports to schools and parents/guardians, and submitting summary reports to schools and parents/guardians) may be withdrawn from the List of HIDOE Approved Supplemental Educational Services Providers.

19. **Maintain and keep all SES program and fiscal documents for seven years. For example:**
 - **Student achievement data**
 - **Attendance records**
 - **Invoices**