

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING SUPPLEMENTAL EDUCATION SERVICE PROVIDERS
November 8, 2010

1.00 Regulatory Purpose & Authority.

- 1.01 These Rules shall be known as the Arkansas Department of Education Rules Governing Supplemental Education Service Providers.
- 1.02 The State Board of Education enacts these Rules pursuant to its authority under Arkansas Code Annotated §§ 6-11-105 & 25-15-201 *et seq.*; Section 1116 (e)(4)(D) of the No Child Left Behind Act of 2001, 20 U.S.C. § 6316; and 34 C.F.R. § 200.47.
- 1.03 The purpose of these Rules is to provide standards and techniques for monitoring the quality and effectiveness of the services offered by approved Supplemental Education Service (SES) providers and for withdrawing approval from such providers.

2.00 Monitoring Standards

- 2.01 The instructional program provided by a Supplemental Education Service provider must:
 - 2.01.1 Be consistent with the instruction provided and the content used by the school(s) served and by the Arkansas Department of Education;
 - 2.01.2 Address students' individual needs as described in students' supplemental education services plans under 34 C.F.R. § 200.46 (b)(2)(i);
 - 2.01.3 Contribute to increasing students' academic proficiency; and
 - 2.01.4 Be aligned with the Arkansas Department of Education's academic content and student academic achievement standards.
- 2.02 The Arkansas Department of Education shall monitor the services offered by approved providers in order to inform the renewal or the withdrawal of approval of the providers.

2.03 In monitoring an approved provider, the Department shall examine:

- 2.03.1 The provider's compliance with the standards set forth in Section 2.01 of these Rules;
- 2.03.2 Parent recommendations or results from parent surveys, if any, regarding the success of the provider's instructional program in increasing student achievement;
- 2.03.3 Evaluation results, if any, demonstrating that the instructional program has improved student achievement;
- 2.03.4 Any other fact or consideration relevant to the quality and effectiveness of the services offered by the provider.

3.00 Grounds for Withdrawal of Approval

3.01 The Arkansas Department of Education may place a Supplemental Education Service provider on probation or withdraw approval of a provider for any of the following reasons:

- 3.01.1 Failure to contribute to increased student proficiency relative to Arkansas academic content and student academic achievement standards for two consecutive years;
- 3.01.2 Failure to provide supplemental educational services consistent with applicable health, safety, and civil rights requirements;
- 3.01.3 Violation of any federal or state statutes, regulations, or policies;
- 3.01.4 Violation of any provision contained in the statement of assurance, as included in the Request for Proposals and signed by each provider;
- 3.01.5 Failure to comply with the standards set forth in Section 2.01 of these Rules; or
- 3.01.6 Failure to abide by the terms and commitments contained in the provider's application.

4.00 Investigation Procedure

- 4.01 A Supplemental Education Service provider may be investigated for possible probation or removal from the Approved SES Provider list as a result of a written and signed complaint submitted to the Arkansas Department of Education's Assistant Commissioner for Learning Services by a local education agency (LEA), individual, or any other entity, or as a result of any potential impropriety or issue discovered by the Department during evaluation or monitoring. Written complaints shall state the specific claims against the provider and the facts upon which the claims are based.
- 4.02 If a complaint or potential impropriety warrants investigation, the Department shall notify the provider in writing of the allegations and seek a response. The notification shall state in detail the claims against the provider and the facts and evidence offered in support of the claims, and shall inform the provider that removal from the Approved SES Provider list is a possibility if the allegations are found to be true. The provider shall have thirty (30) calendar days from the date of the notice to issue a response. The Department may in exceptional circumstances grant extensions of this time limit.
- 4.03 The Department may conduct such investigation as it deems necessary to substantiate the complaint or potential impropriety, and may make a recommendation for corrective action to the Assistant Commissioner of Learning Services. The Assistant Commissioner may:
- 4.03.1 Remove the provider from the Approved SES Provider List;
 - 4.03.2 Place the provider on probation for a specified period of time under such terms as the Assistant Commissioner deems appropriate; or
 - 4.03.3 Take no action against the provider.
- 4.04 The provider shall be notified by certified mail within seven (7) days of the date of the Assistant Commissioner's decision. If the Assistant Commissioner removes the provider from the Approved SES Provider List, the provider must cease all services within the state of Arkansas within a timeframe identified by the Assistant Commissioner.
- 4.05 Any provider aggrieved by a decision of the Assistant Commissioner under these rules may within thirty (30) calendar days of the date of the

decision file a complaint against the Department pursuant to the Department's Rules Governing Federal Program Complaint Resolution.

- 4.06 In computing any period of time described in these Rules, the last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day the Department is closed, in which event the period runs until the end of the next day that the Department is open.