

ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING SUPPLEMENTAL EDUCATION SERVICE PROVIDERS
June 2012

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, 6-15-2011, & 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 purposes of these Rules are to:
 - 1.03.1 Provide standards and techniques for monitoring the quality and effectiveness of the services offered by approved Supplemental Education Service (SES) providers;
 - 1.03.2 Establish procedures for withdrawing approval from such providers;
 - 1.03.3 Increase academic performance of students and reduce student remediation rates;
 - 1.03.4 Ensure that students who qualify for supplemental educational services receive the services they need;
 - 1.03.5 Assist parents in making informed decisions when selecting supplemental educational service providers; and
 - 1.03.6 Assist policy makers in reviewing the effectiveness of supplemental educational service 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 regarding the success of the provider's instructional program in increasing student achievement;
 - 2.03.3 Evaluation results demonstrating that the instructional program has improved student achievement;
 - 2.03.4 The annual report submitted by the provider pursuant to section 5.00;
 - 2.03.5 School district recommendations or results from school district surveys, if any; and
 - 2.03.6 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 Request for Proposals and application signed by each provider, specifically including the Statement of Assurance, Code of Ethics, and Arkansas Incentive Policy;

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, monitoring, or review of the provider's annual report under section 5.00. 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.

The provider shall be notified by certified mail within seven (7) days of the date of the Assistant Commissioner's decision.

4.05 A Supplemental Education Service provider removed from the Approved SES Provider list pursuant to these Rules shall:

4.05.1 Cease all services within the State of Arkansas within a timeframe identified by the Assistant Commissioner;

4.05.2 No later than thirty (30) days after the date of removal, complete all invoicing of schools and school districts for services provided prior to the date of removal; and

4.05.3 Be ineligible to apply for reinstatement or approval for a minimum of two (2) calendar years after the date of removal.

4.06 During the two-year time period defined in section 4.05.3, no application for approval will be accepted or approved from any other provider or applicant owned or operated by any individual who was an owner, principal, partner, shareholder, or corporate officer of the removed provider.

- 4.07 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.
- 4.08 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.

5.00 Required Annual Reporting

- 5.01 No later than January 15 of each year, a provider approved at any time during the prior school year shall prepare an annual report and:
 - 5.01.1 Submit the report to the Arkansas Department of Education;
 - 5.01.2 Submit the report to any school district with which the provider is contracted to provide supplemental education services;
 - 5.01.3 Submit the report to the House Committee on Education and Senate Committee on Education of the Arkansas General Assembly; and
 - 5.01.4 Post a copy of the report on the provider's website.
 - 5.01.4.1 The provider shall redact any personally-identifiable student or parent information prior to posting the report on its website.
 - 5.01.5 The annual report shall be submitted in electronic format as an Adobe Acrobat (PDF) or Microsoft Word (.DOC) file. Before submitting the report, the provider shall scan the file(s) with anti-virus software to certify that the file is free of any virus or malware.
- 5.02 The annual report shall be prepared utilizing data from the prior school year and shall include without limitation the following information:
 - 5.02.1 The total number of students served by the provider in Arkansas in the prior school year;

- 5.02.2 The name of each public school district and each public school whose students the provider served during the prior school year, and the number of students served in each district and school;
- 5.02.3 The aggregate improvement in student achievement for students served by the provider in Arkansas based on the statewide benchmark tests and any other statewide assessment of student achievement administered to students served by the provider;
 - 5.02.3.1 Improvement shall be disaggregated into score improvement for literacy, mathematics, and/or science;
- 5.02.4 The student achievement data required in section 5.02.3, disaggregated for the following subpopulations: Females, Males, African-Americans, Caucasians, and Hispanics;
- 5.02.5 Student attendance rates, defined as the cumulative number of days attended by all students enrolled in the provider's program at any point during the school year in Arkansas, divided by the sum of (the cumulative number of days attended by all students enrolled in the provider's program at any point during the school year in Arkansas plus the cumulative number of days absent by all students enrolled in the provider's program at any point during the school year in Arkansas);
- 5.02.6 The amount of funds the provider received per student statewide, defined as the total funds received by the provider from every Arkansas public school or school district divided by the total number of students enrolled in the provider's programs in Arkansas at any point during the school year;
- 5.02.7 The amount of funds the provider received per student per district, defined as the total funds received by the provider from each Arkansas public district in which the provider operates, divided by the total number of that district's students enrolled in the provider's programs at any point during the school year;
- 5.02.8 The total number of years the provider has offered supplemental educational services in Arkansas;
- 5.02.9 The total number of years the provider has offered supplemental educational services in any state;

- 5.02.10 The total number of students served in Arkansas for all years by that provider;
 - 5.02.11 The total number of students served nationwide for all years by that provider; and
 - 5.02.12 The aggregate, numerical results of parent satisfaction surveys.
- 5.03 No later than February 10 of each year, each school district shall place on its website the reports submitted by providers pursuant to section 5.01.2.
- 5.04.1 The district shall redact any personally-identifiable student or parent information prior to posting the report on its website.
- 5.04 A provider that fails to timely file the report required by this Section 5.0 shall be subject to the sanctions allowed by Section 4.03.