MEMORANDUM

TO: District School Superintendents
FROM: Pam Stewart
DATE: July 25, 2012
SUBJECT: Providing Supplemental Educational Services for the 2012-2013 School Year

The purpose of this memorandum is to clarify the effect of the amendments to Section 1008.331, Florida Statutes, on the provision of Supplemental Educational Services (SES). In summary:

- The statute has not changed the previous policy that districts continue to have the discretion to require providers to absorb the cost of pre- and post-assessment testing; and
- The amendments have not changed that districts must continue to contract with state approved providers selected by parents to provide services.

Last year, the Department issued guidance providing that districts have the discretion to require providers to absorb the cost of pre- and post-assessment testing. That guidance was based upon information provided to the Department by the U.S. Department of Education. Since the amendments to the SES statute do not restrict this discretion, districts can continue to require providers to absorb the cost of pre- and post-assessment testing.
In the past, districts were required to contract with providers that had been approved by the Department and selected by the parent(s). This requirement stemmed from the No Child Left Behind Act, [20 U.S.C. § 6316(e)(3); 34 C.F.R. § 200.46(b)(1)] and was specifically implemented in Florida under Rule 6A-1.039(3)(b)6., Florida Administrative Code. While the Department has been granted a waiver from the No Child Left Behind Act, the requirement remains in place through the State Board of Education rule as well as the amended SES statute, which provides, in part, as follows: “Each school district shall contract with supplemental educational service providers that have been approved by the department.”

If you have questions or need additional information, please contact your Title I, Choice Specialist at (850) 245-0479, or via email at bpscontacts@fldoe.org.

In this time of transition and limited resources for SES, I encourage districts and providers to work together to ensure that students receive tutoring services to the greatest extent possible.

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cc: District Title I SES Coordinators