

# CSBA Sample

## Administrative Regulation

Philosophy, Goals, Objectives, and Comprehensive Plans

AR 0520.2(a)

### TITLE I PROGRAM IMPROVEMENT SCHOOLS

Note: The following administrative regulation reflects the requirements of federal and state law for Title I schools **that were** identified **by the California Department of Education (CDE)** for program improvement (PI) for failing to make "adequate yearly progress" for two or more consecutive school years. **Until a new system of school support and improvement is implemented beginning in the 2017-18 school year pursuant to 20 USC 6311, as amended by the Every Student Succeeds Act (ESSA) (P.L. 114-95), PI schools are required to implement the same interventions in the 2016-17 school year as were required in the 2015-16 school year, with specified exceptions. Districts are no longer required to offer intradistrict transfers to students in schools in Year 1 PI and beyond, to provide supplemental educational services by an approved provider in schools in Year 2 PI and beyond, or to issue certain notifications. See the U.S. Department of Education's *Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions* (May 2016) and the CDE's *Every Student Succeeds Act 2016-17 School Year Transition Plan* (April 2016).**

#### Definitions

Note: 20 USC 6311 requires each state to identify measurable objectives to be included in its definition of AYP, based primarily on academic assessments but also graduation rate and, at the state's discretion, other valid and reliable indicators. Specific indicators used by the State Board of Education (SBE) to define AYP are described in the state's federally approved *Accountability Workbook* and are subject to change. The SBE has also defined the minimum number of students required for a report of subgroup results as either 100 students with valid test results or 50 students in those cases where the subgroup constitutes at least 15 percent of the students at the school with valid test scores.

*Adequate yearly progress (AYP)* refers to a series of annual academic performance goals, as defined by the State Board of Education, that incorporate student participation levels on state assessments, minimum required percentages of students scoring at the proficient level or above on English language arts and mathematics state assessments, high school graduation rates, and growth on the state's Academic Performance Index (API). AYP includes measurable annual objectives for continuous and substantial improvement for the achievement of all students at the school and for any subgroup of students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency, when the number of students in the subgroup is sufficient to yield statistically reliable results. (20 USC 6311)

~~(cf. 0500 – Accountability)~~

~~(cf. 6162.51 – State Academic Achievement Tests)~~

~~(cf. 6162.52 – High School Exit Examination)~~

*Program improvement (PI) school* refers to a school that is receiving federal Title I funds and has failed to make AYP for each of two consecutive school years. (20 USC 6316)

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Note: The following paragraph reflects state criteria for identifying schools that have failed to make AYP for two or more consecutive years. If the district does not have any schools that are too small to generate a school-level report, the district may revise the paragraph to delete language regarding the aggregation of the results of small schools into a district accountability measure. For further information about the identification of PI schools, see the California Department of Education's (CDE) Adequate Yearly Progress Report Information Guide.

A school shall be identified for PI by the California Department of Education (CDE) whenever, for each of two consecutive years, it either does not make AYP in the same content area (English language arts or mathematics) schoolwide or for any numerically significant student subgroup or does not make AYP on the same indicator (Academic Performance Index or high school graduation rate) schoolwide. If a small school has too few students to generate a school-level report, its results shall be aggregated into a district accountability measure.

**Year 1 Program Improvement**

~~When any Title I school is initially identified for PI: (20 USC 6316)~~

Note: 20 USC 6316 allows students to transfer out of a PI school into another school, which may include a charter school, served by the district. See the section "Student Transfers" below for requirements related to such transfers. If all district schools are identified for PI, the district is required, when practicable, to develop an interdistrict transfer agreement to allow for the transfer of such students to a school outside the district. Districts whose schools are all identified for PI may revise item #1 below accordingly.

1. ~~The Superintendent or designee shall provide students enrolled in the school the option of transferring, as described below in the section "Student Transfers," to another school, which may include a charter school, served by the district that has not been identified for PI.~~

~~(cf. 0420.4 – Charter School Authorization)  
(cf. 5116.1 – Intradistrict Open Enrollment)~~

2. ~~Not later than three months of being identified for PI, the school shall develop or revise a school plan, in consultation with parents/guardians, school staff, the district, and outside experts, for approval by the Governing Board. The plan shall cover a two year period and address the components specified in 20 USC 6316.~~

~~(cf. 6020 – Parent Involvement)  
(cf. 6171 – Title I Programs)~~

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Note: The following paragraph is **optional**. Information on the CDE's web site indicates that a school could fulfill the requirement for a two-year school improvement plan by revising its Single Plan for Student Achievement, developed pursuant to Education Code 64000-64001, to reflect the requirements of 20 USC 6316.

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

To fulfill this requirement, the school may revise its Single Plan for Student Achievement to reflect the requirements of 20 USC 6316.

(cf. 0420 - School Plans/Site Councils)

3. Within 45 days of receiving the plan, the Board shall establish a peer review process to assist with its review of the plan, work with the school as necessary, and approve the plan if it meets the requirements of law.

4. The school shall implement the plan no later than the beginning of the next full school year following the school's identification for PI, or, if the plan has not been approved prior to beginning the school year, immediately upon approval of the plan.

**For any district school in its first year of program improvement (PI), the Superintendent or designee shall implement a school improvement plan that was approved by the Governing Board.**

(cf. 6171 - Title I Programs)

5. As the school develops and implements the school plan,

The Superintendent or designee shall ensure that the school receives technical assistance from the district, **California Department of Education (CDE)**, an institution of higher education, a private organization, an educational service agency, or another entity with experience in helping schools improve academic achievement, including assistance in:

- a.1. Analyzing data from state assessments and other examples of student work to identify and address problems in instruction and/or problems in implementing Title I requirements pertaining to parent involvement, professional development, or school and district responsibilities identified in the school plan
- b.2. Identifying and implementing professional development, instructional strategies, and methods of instruction that are derived from scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for PI

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- e.3.** Analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student achievement and remove the school from PI status

(cf. 3100 - Budget)

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

**Year 2 Program Improvement**

~~For any Title I school that fails to make AYP by the end of the first full school year after being identified for PI, the Superintendent or designee shall take all of the following actions: (20 USC 6316)~~

- ~~1. Continue to provide all students enrolled in the school the option of transferring, as described below in the section "Student Transfers"~~
- ~~2. Arrange for the provision of supplemental educational services (SES) to eligible students from low-income families by a provider with a demonstrated record of effectiveness, as described below in the section "Supplemental Educational Services"~~
- ~~3. Continue to provide for technical assistance in accordance with item #5 in the section "Year 1 Program Improvement" above~~

~~For any district school in its second year of PI, the Superintendent or designee shall continue to implement the school improvement plan and to provide for technical assistance in accordance with the section "Year 1 Program Improvement" above.~~

~~In addition, the Superintendent or designee shall arrange for the provision of alternative supports to eligible students from low-income families, as described below in the section "Alternative Supports."~~

**Year 3 Program Improvement: Corrective Action**

~~When a school continues to fail to make AYP by the end of the second full school year after identification for PI (four consecutive years of failure to make AYP), the Superintendent or designee shall continue to provide all elements of Year 1 and Year 2 PI specified above. In addition, the Board shall take one or more of the following corrective actions: (20 USC 6316)~~

**Comment [WT1]:** Sunset Ridge is frozen at Year 3

After the second full school year after identification for PI, the Superintendent or designee shall continue to implement all elements of Year 1 and Year 2 PI specified above, as well as the corrective action(s) determined by the Board, which may include:

1. Replace~~ing~~ school staff relevant to the failure

(cf. 4113 - Assignment)

(cf. 4114 - Transfers)

(cf. 4314 - Transfers)

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#### **TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)**

2. Implement~~ing~~ a new curriculum and related professional development

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6141 - Curriculum Development and Evaluation)

3. Significantly decrease~~ing~~ management authority at the school level

4. Appoint~~ing~~ an outside expert to advise the school

5. Extend~~ing~~ the school year or school day for the school

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

6. Restructure~~ing~~ the internal organization of the school

#### **Year 4 Program Improvement and Beyond: Restructuring**

For any school that continues to fail to make AYP after one full year of corrective action in Year 4 of PI or beyond, the Superintendent or designee shall continue to provide all students enrolled in the school with the option to transfer to another school within the district and continue to make SES available to eligible students who remain in the school. **Implement all elements of Year 1 and Year 2 PI specified above, as well as one of the following options for alternative governance and restructuring, as determined by the Board:** In addition, the Board shall develop a plan and make necessary arrangements to implement one of the following options for alternative governance and restructuring, consistent with state law: (20 USC 6316)

**Comment [WT2]:** IBL is frozen at Year 4. No longer receives Title I funds. Therefore will no longer be under Federal guidelines once ESSA is into full implementation.

1. Reopen~~ing~~ the school as a charter school

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2. Replace~~ing~~ all or most of the school staff relevant to the failure
3. Enter~~ing~~ into a contract with an entity with a demonstrated record of effectiveness to operate the school
4. Turn~~ing~~ the operation of the school over to the CDE
5. Institue~~ing~~ any other major restructuring of the school's governance arrangements that makes fundamental reforms

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

**Alternative Supports**

Note: The following section should be revised to reflect district practice. P.L. 114-95 repealed 20 USC 6316 which had required Title I schools identified for Year 2 PI, corrective action, or restructuring to provide eligible students with supplemental educational services from an approved service provider. In accordance with the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), the CDE has elected to instead require the provision of alternative supports, defined and administered by the district, to eligible students beginning with the 2016-17 school year. The following section is consistent with the CDE's transition plan. Also see BP 6179 - Supplemental Instruction.

In any school identified for Year 2 PI or beyond, eligible students from low-income families shall be offered district-selected alternative supports designed to improve their academic achievement. Alternative supports may include, but are not limited to, any of the following:

1. Academic support offered during school hours, before school, after school, during intercession, and/or during summer learning programs

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6176 - Weekend/Saturday Classes)*

*(cf. 6177 - Summer Learning Programs)*

*(cf. 6179 - Supplemental Instruction)*

2. Small group instruction and/or pull-out interventions offered during the regular school day

3. Interventions offered during After School Education and Safety or 21st Century Community Learning Center programs

4. High quality academic tutoring

**5. Provision of supplemental materials that support alternative support services**

**6. Provision of a crisis, intervention, and/or academic counselor to meet with eligible students**

**7. Services and programs that remove barriers to promote academic achievement of eligible students**

The types of alternative supports and the criteria used to identify eligible students may be included in the district's local control and accountability plan and shall be consistent and aligned with local priorities.

*(cf. 0460 - Local Control and Accountability Plan)*

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)**

If the district contracts with outside entities or community partners to provide alternative supports to eligible students, the Superintendent or designee shall ensure that no electronic device or other items of value are given, retained, or used as an incentive or achievement award and that funds are expended only on direct services to eligible students.

The district shall set aside a reasonable amount of Title I, Part A funds for alternative supports. Whenever the district does not have sufficient funds to serve all eligible students, it may give priority to the lowest achieving PI schools or the lowest achieving eligible students attending a PI school. The Superintendent or designee may identify the lowest achieving eligible students based on assessment scores, grades, teacher evaluations, or another locally defined measure.

**Notifications**

Note: 20 USC 6316 and 34 CFR 200.37 require the following notification to parents/guardians. Templates that can be used by the district to develop the notification for any year of PI, as well as translations in many languages, are available on the CDE's web site.

Whenever a school is identified for PI, corrective action, or restructuring, the Superintendent or designee shall promptly notify parents/guardians of students enrolled in that school. The notification shall include: (20 USC 6316; 34 CFR 200.37)

1. An explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary or secondary schools in the district and state

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2. The reasons for the identification

3. An explanation of what the school is doing to address the problem of low achievement

4. An explanation of what the district or state is doing to help the school address the achievement problem

5. An explanation of how parents/guardians can become involved in addressing the academic issues that caused the school to be identified for PI

Note: Specific requirements for the notifications described in items #6 and 7 are addressed below in the sections "Student Transfers" and "Supplemental Educational Services," respectively. If all the district's schools are PI schools, the district may revise item #6 below to reflect interdistrict attendance agreements, if any, that the district has established with other district(s) pursuant to 20 USC 6316.

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

6. An explanation of the option to transfer to another school within the district, as described below in the section "Student Transfers"

7. If the school is in Year 2 of PI or beyond, an explanation of how parents/guardians can obtain SES for their child as described below in the section "Supplemental Educational Services"

*(cf. 5145.6 – Parental Notifications)*

The Superintendent or designee shall disseminate information about corrective actions taken at any district school to the parents/guardians of each student in that school and to the public through such means as the Internet, the media, and public agencies. (20 USC 6316)

The Superintendent or designee shall promptly notify teachers and parents/guardians whenever a school is identified for restructuring and shall provide them adequate opportunities to comment before taking action and to participate in developing any plan for restructuring school governance. (20 USC 6316)

*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*

All notifications pertaining to PI shall be written in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand. (20 USC 6316; 34 CFR 200.36)

Note: 20 USC 6316 and 34 CFR 200.48 require districts to spend at least 20 percent of district Title I funds for costs related to SES, transportation for student transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 authorizes districts to spend less than 20



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percent if they provide timely, accurate notifications as described above and partner with outside groups to inform students and families, as provided below. The following paragraph is **optional**:

To the extent practicable, the district shall partner with outside groups, such as faith based organizations, community based organizations, and business groups, to help inform eligible students and their families of the opportunities to transfer or to receive SES. (34 CFR 200.48)

**Student Transfers**

Note: As noted above, 20 USC 6316 requires any school in Year 1 of PI or beyond to provide all students in that school with an opportunity to transfer to another school, which may include a charter school, served by the district.

34 CFR 200.44 provides that a district subject to a desegregation plan, whether voluntary, court ordered, or required by a federal or state administrative agency, is not exempt from the requirement to allow such transfers. However, the district may take into account the requirements of the desegregation plan in determining how to provide students with the option to transfer to another school.

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)**

Because the district is required to offer intradistrict transfers to all students in PI schools, it is recommended that the district give priority to such students in its intradistrict open enrollment policy; see BP 5116.1 – Intradistrict Open Enrollment.

Pursuant to 20 USC 6316, if all district schools are identified for PI, the district is required to develop an interdistrict transfer agreement when practicable. Such districts may revise the following section accordingly:

All students enrolled in a school in Year 1 of PI or beyond shall be provided an option to transfer to another school, which may include a charter school, served by the district provided that the school: (20 USC 6316; 34 CFR 200.44)

1. Has not been identified for PI, corrective action, or restructuring

In the event that all district schools are identified for PI, the district shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for interdistrict transfers.

(cf. 5117 – Interdistrict Attendance)

Note: Districts must offer students attending a school identified as "persistently dangerous" by the CDE the opportunity to transfer to another district school. See BP/AR 5116.1 – Intradistrict Open Enrollment for a definition of "persistently dangerous" and other conditions regarding this type of transfer.

2. Has not been identified by the CDE as a "persistently dangerous" school pursuant to 20 USC 7912 and 5 CCR 11992-11994

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*(cf. 0450—Comprehensive Safety Plan)*

Note: U.S. Department of Education (USDOE) nonregulatory guidance (Public School Choice) clarifies that, although all students in PI schools must be given an option to transfer, 20 USC 6316 and 34 CFR 200.44 give priority to the lowest achieving students from low-income families. This could mean giving those students their first choice of schools and/or first priority for transportation services if funds are limited. For these purposes, the district must determine family income on the same basis that the district uses to make Title I allocations to schools.

Among the students offered an option to transfer out of a PI school, priority shall be given to the lowest achieving students from low-income families, as defined by the district for purposes of allocating Title I funds. (20 USC 6316; 34 CFR 200.44)

If two or more district schools are eligible to accept transfers based on criteria listed in items #1-2 above, the district shall provide a choice of more than one such school and shall take into account parent/guardian preferences among the choices offered. (34 CFR 200.44)

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Note: 34 CFR 200.44 indicates that lack of capacity is not a permissible reason to deny transfer opportunities to students. The USDOE guidance reiterates that districts must either create additional capacity or provide choices of other schools. Thus, districts must ensure that nothing in their parental notification letter or transfer application implies that choice may be limited due to a lack of capacity. When capacity is an issue, the district might consider portable classrooms, reassignment of teachers, distance learning programs, the establishment of new charter schools, or other options.

The Superintendent or designee may consider school capacity in selecting schools that will be offered as alternatives for school choice, but shall not use the lack of school capacity to deny transfer opportunities to students. The district may increase capacity in eligible district schools to accommodate all students who wish to transfer.

Note: 34 CFR 200.37 and 200.44 require that districts notify parents/guardians of their transfer option no later than 14 calendar days before the start of the school year. However, it is sometimes difficult for districts to meet this deadline because of the timing of California's assessment results and of the identification of PI schools. When necessary, the CDE will notify PI schools of an alternate date by which they must send this notification. Pursuant to 34 CFR 200.32, under no circumstances may a district wait an additional school year (until the second school year following the one in which assessments that led to the failure to make AYP were administered) before offering the transfer option to eligible students.

The transfer option shall be offered so that students may transfer in the school year following the school year in which the district administered the assessments that resulted in the identification of the school for PI, corrective action, or restructuring. In order to provide adequate time for

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~~parents/guardians to exercise their transfer option before the school year begins, the Superintendent or designee shall notify parents/guardians of the available school choices sufficiently in advance of, but no later than 14 calendar days before, the start of the school year or on a date otherwise determined necessary by the CDE. (34 CFR 200.37, 200.44)~~

Note: 34 CFR 200.37 contains requirements for the content of the notice that must be provided to parents/guardians whenever a school is identified for PI, corrective action, or restructuring, which include the content described in items #5-6 below related to school choice. The USDOE guidance describes additional requirements that the notice should contain (items #1-4 below). These requirements are incorporated into the sample parental notification available on the CDE's web site.

~~Notice of the transfer option shall:~~

- ~~1. Inform parents/guardians that, due to the identification of the current school as in need of improvement, their child is eligible to attend another school, including a charter school, served by the district~~
  - ~~2. Identify each school that the parent/guardian may select~~
  - ~~3. Explain why the choices made available to the parents/guardians may have been limited~~
- AR 0520.2(k)

**TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)**

Note: According to the USDOE guidance, parents/guardians do not necessarily need to be guaranteed their first choice of schools. Item #4 reflects language in the guidance that authorizes, but does not require, districts to develop a system of rank-ordering preferences. See E(1)-0520.2 for a sample form that may be used for parent/guardian requests for student transfers.

- ~~4. Describe the timelines and procedures that parents/guardians must follow in selecting a school for their child, including a requirement that parents/guardians rank-order their preferences of eligible schools as appropriate~~
- ~~5. Provide information on the academic achievement of the school(s) to which the student may transfer (34 CFR 200.37)~~

Note: 34 CFR 200.37 requires that the notice explain the provision of transportation, as provided in item #6 below. According to the USDOE guidance, the notice should include a discussion of how transportation will be provided or paid for and, if the district anticipates that it will not have sufficient funds to provide transportation to all eligible students requesting a transfer, information on how the district will set priorities to determine which students will receive transportation.

- ~~6. Explain the provision of transportation to the new school (34 CFR 200.37)~~

Note: 34 CFR 200.37 describes additional content that may be included in the notice at the district's discretion. The following **optional** paragraph may be revised as desired.

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The notice may include other information about the school(s) to which the student may transfer, such as a description of any special academic programs or facilities, the availability of before and after school programs, the professional qualifications of teachers in the core academic subjects, and a description of parent involvement opportunities. (34 CFR 200.37)

~~(cf. 4112.24 – Teacher Qualifications Under the No Child Left Behind Act)~~  
~~(cf. 5148.2 – Before/After School Programs)~~

In addition to mailing notices directly to parents/guardians, the Superintendent or designee shall provide information about transfer options through broader means, such as the Internet, the media, and public agencies serving students and their families. (34 CFR 200.36)

~~(cf. 1100 – Communication with the Public)~~  
~~(cf. 1113 – District and School Web Sites)~~  
~~(cf. 1114 – District Sponsored Social Media)~~

Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year.

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

The district shall prominently display on its web site, in a timely manner each school year, a list of available schools to which eligible students may transfer in the current school year. The district shall also display data on the number of students who were eligible for and who participated in the student transfer option, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)

Note: The following **optional** paragraph may be revised to reflect district practice. According to the USDOE guidance, the district may set a reasonable deadline by which parents/guardians must respond to the offered school assignment, as long as parents/guardians have sufficient time and information to make an informed decision.

In accordance with timelines established for the transfer request process, the Superintendent or designee shall notify parents/guardians of their child's school assignment and shall establish a reasonable deadline by which parents/guardians must either accept the assignment or decline the assignment and remain in the school of origin.

Note: If a student exercises the option to transfer to another school within the district, 20 USC 6316 and 34 CFR 200.44 require the district to provide or pay for the student's transportation to that school. The USDOE guidance clarifies that, if the district does not offer transportation services to its students, it will be required to reimburse parents/guardians for the costs of providing transportation or for using public transportation. This requirement is

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an exception to state and federal law for other types of intradistrict transfers for which the district is not obligated to provide or pay for transportation; see BP 5116.1 – Intradistrict Open Enrollment;

In cases where all district schools are identified for PI and the district has developed an interdistrict transfer agreement pursuant to 20 USC 6316, the provision of transportation to transfer students must be determined by an agreement between the cooperating districts. Such districts may revise the remainder of this section accordingly;

The district shall provide, or shall pay for the provision of, transportation to the district school which the student chooses to attend. (20 USC 6316; 34 CFR 200.44)

*(cf. 3540 – Transportation)*

Note: The USDOE guidance states that districts have flexibility to establish transportation zones based on geographic location. The following **optional** paragraph is based on the authority in the USDOE guidance and may be revised to reflect district practice.

To ensure that transportation may be reasonably provided, the Superintendent or designee may establish transportation zones based on geographic location within the district. Transportation to schools within a zone shall be fully provided, while transportation outside the zone may be partially provided.

*(cf. 3541 – Transportation Routes and Services)*

AR 0520.2(m)

## TITLE I PROGRAM IMPROVEMENT SCHOOLS (continued)

Any student who transfers to another district school may remain in that school until he/she has completed the highest grade in that school. However, the district shall not be obligated to provide, or pay for the provision of, transportation for the student after the end of the school year that the school of origin is no longer identified for PI, corrective action, or restructuring. (20 USC 6316; 34 CFR 200.44)

### Supplemental Educational Services

Note: As described above, 20 USC 6316 and 34 CFR 200.45 require the district to make SES available to students from low income families whenever a school is in Year 2 of PI or beyond. For these purposes, the district must determine family income on the same basis that it uses to make Title I allocations to schools. Parents/guardians are allowed to select SES within the district or in neighboring local educational agencies from a list of entities approved by the SBE. USDOE nonregulatory guidance (Supplemental Educational Services) indicates that parents/guardians also may select a provider that is accessible through technology, such as e-learning, online, or distance learning technology.

When required by law, SES shall be provided outside the regular school day and shall be specifically designed to increase achievement of eligible students from low income families on

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~~state academic assessments and to assist them in attaining state academic standards. (20 USC 6316)~~

~~(cf. 6011 – Academic Standards)  
(cf. 6179 – Supplemental Instruction)~~

Note: 20 USC 6316 and 34 CFR 200.37 address the content of the notification that must be issued when a school is required to provide SES. These requirements are incorporated into the sample parental notification letters available on the CDE's web site.

~~When a school is required to provide SES, the Superintendent or designee shall provide annual notice to parents/guardians that includes: (20 USC 6316; 34 CFR 200.37)~~

- ~~1. The availability of SES~~
- ~~2. The identity of approved providers that are within the district or are reasonably available in neighboring local educational agencies~~
- ~~3. The identity of approved providers of technology-based or distance learning services~~
- ~~4. The services, qualifications, and demonstrated effectiveness of each provider, including an indication of those providers who are able to serve students with disabilities or limited English proficiency~~
- ~~5. The benefits of receiving SES~~

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Note: The USDOE guidance suggests that the notification also include procedures and timelines for selecting a provider. The following paragraph is **optional**.

~~In addition, the notification shall describe procedures and timelines that parents/guardians must follow to select a provider.~~

~~This notification shall be clearly distinguishable from other information sent to parents/guardians regarding identification of the school for PI, corrective action, or restructuring. (34 CFR 200.37)~~

Note: 34 CFR 200.39 includes the following requirement for districts that have their own web sites. If the district does not have a web site, the CDE is required to provide this information on its web site. The USDOE guidance clarifies that this provision requires the posting of historical data from 2007-08 and all subsequent years, not just the current year.

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The district shall prominently display on its web site, in a timely manner each school year, a list of state approved providers serving the district in the current year and the location where services are provided. The district shall also display the number of students who were eligible for and who participated in SES, beginning with data from the 2007-08 school year and each subsequent year thereafter. (34 CFR 200.39)

Note: 20 USC 6316 requires the district to spend 20 percent of its Title I funds on costs related to SES, transportation for transfers, and related outreach and assistance to parents/guardians; see the accompanying Board policy. 34 CFR 200.48 specifies that, in order to spend less than 20 percent, a district must distribute sign-up forms for SES, establish at least two enrollment windows, and make school facilities available to eligible providers, as provided below. The following three paragraphs are **optional**.

See E(2) for a sample service request form.

The Superintendent or designee shall distribute sign up forms for SES directly to all eligible students and their parents/guardians and make them 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. (34 CFR 200.48)

The district shall provide a minimum of two enrollment windows, at separate points in the school year, that are of sufficient length to enable the parents/guardians of eligible students to make informed decisions about requesting SES and selecting a provider. (34 CFR 200.48)

Note: The USDOE guidance advises that the district may establish a reasonable deadline by which parents/guardians must request services, as long they are given sufficient time and information to make an informed decision. The following paragraph may be revised to include any such deadline established by the district.

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Within a reasonable period of time established by the Superintendent or designee, parents/guardians shall select a SES provider from among those approved by the SBE. Upon request, the Superintendent or designee shall assist parents/guardians in choosing a provider. (20 USC 6316; 34 CFR 200.46)

The district shall not prohibit or limit an approved provider from promoting its program or the general availability of SES to members of the community. (5 CCR 13075.9)

Note: A district may apply to become a SES provider as long as it meets the qualifications specified in 5 CCR 13075.1 and is approved by the SBE in accordance with the procedure described in 5 CCR 13075.2. 5 CCR 13075.5 lists conditions under which a provider's status may be terminated by the SBE. The following **optional** paragraph is for use by districts that have been approved as service providers.

Attachment C: Use CSBA Sample with Revisions

When the district is an approved SES provider, the Superintendent or designee shall be careful to provide parents/guardians with a balanced presentation of the options available to them and shall ensure that they understand their right to select the district or any other service provider.

No district employee who administers or provides SES, either solely or in collaboration with a SES provider, or who has a financial interest of any kind in a SES provider, shall use his/her position as a district employee to encourage district students or their parents/guardians to use the services of that provider. (5 CCR 13075.7)

*(cf. 9270 – Conflict of Interest)*

The Superintendent or designee shall ensure that eligible students with disabilities, students covered under Section 504 of the federal Rehabilitation Act, and students with limited English proficiency receive appropriate SES with any necessary accommodations or language assistance. (34 CFR 200.46)

Note: The USDOE guidance clarifies that, if SES providers are unable to provide necessary accommodations or language assistance to students with disabilities, students covered under Section 504, or students who are English learners, districts are obligated to provide or contract for such services with accommodations or language assistance, as provided below.

If no provider is able to make the services available to such students, the district shall provide the services with necessary accommodations or language assistance, either directly or through a contract. Services shall be consistent with a student's individualized education program (IEP) or Section 504 services plan, as applicable.

If available funds are insufficient to provide SES to each eligible student whose parents/guardians request those services, priority shall be given to the lowest achieving eligible students. (20 USC 6316)

AR 0520.2(p)

**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

Note: The USDOE guidance notes that districts should establish fair and equitable procedures for selecting students to receive services if a particular provider does not have the capacity to serve all students who have selected that provider. The guidance encourages districts to consider allocating available spaces consistent with the priority to serve the lowest achieving eligible students. The following paragraph is **optional**.

If the number of parents/guardians selecting a particular provider exceeds the capacity of that provider, priority shall be given to the lowest achieving eligible students.

Once a SES provider has been selected by a parent/guardian, the Superintendent or designee shall enter into an agreement with the provider. The agreement shall: (20 USC 6316)



Attachment C: Use CSBA Sample with Revisions

1. Require the district to develop, in consultation with the parents/guardians and the provider, a student learning plan which includes specific achievement goals for the student, a description of how the student's progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, the student learning plan shall be consistent with the student's IEP.
2. Describe how the student's parents/guardians and teacher(s) will be regularly informed of the student's progress.
3. Provide for the termination of the agreement if the provider is unable to meet such goals and timetables.
4. Contain provisions with respect to the district making payments to the provider.

Note: USDOE correspondence dated August 10, 2007, clarifies that, although providers are prohibited from disclosing student information to third parties without consent, the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.8) does not prohibit providers from using contact information they obtain from the district to notify parents/guardians regarding their services.

5. Prohibit the provider, without written parent/guardian permission, from disclosing to the public the identity of any student eligible for or receiving SES.

In developing the student learning plan as required by item #1 above, the Superintendent or designee shall consult with the parent/guardian of each student to, at a minimum, provide the parent/guardian an opportunity to express his/her views and have them considered. Consultation may include, but is not limited to, communication by telephone, email, home visits, parent/guardian meetings, and/or parent/guardian signature(s). Evidence of this consultation shall be included in the student learning plan. In the event that a consultation does not take place but the parent/guardian has selected an approved SES provider, the Superintendent or designee, or the provider acting on the district's behalf, shall show evidence of at least three separate attempts to contact the parent/guardian using at least two different means of communication. If the parent/guardian elects not to participate in the consultation, the Superintendent or designee, or approved provider acting on the district's behalf, must develop a student learning plan for the student. (5 CCR 13075.7)

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**TITLE I PROGRAM IMPROVEMENT SCHOOLS** (continued)

The Superintendent or designee may request, but not require, that the SES provider develop the student learning plan on behalf of the district for each student served by the provider as indicated in the agreement. In such cases, the Superintendent or designee shall make available to the provider pertinent student academic achievement data with parent/guardian permission and other technical assistance that will facilitate the development of the plan. The Superintendent or designee shall maintain responsibility to review and approve the student learning plan to ensure

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~~that it is developed in consultation with the parent/guardian and contains all required information. (5 CCR 13075.7)~~

~~Eligible SES providers shall be given access to school facilities, using a fair, open, and objective process, on the same basis as other groups that seek access to school facilities. (34 CFR 200.48)~~

~~(cf. 1330 – Use of School Facilities)~~

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**Policy Reference UPDATE Service**

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