

Milagros R. Fornell, Associate Superintendent
Curriculum and Instruction

SUBJECT: REQUEST AUTHORIZATION FOR THE SUPERINTENDENT OF SCHOOLS TO NEGOTIATE AND ENTER INTO SEPARATE CONTRACTUAL AGREEMENTS WITH EACH STATE-APPROVED SUPPLEMENTAL EDUCATIONAL SERVICES (SES) PROVIDER SUBJECT TO SELECTION BY THE PARENT OF AN ELIGIBLE STUDENT IN AN AMOUNT NOT TO EXCEED A PER STUDENT COST EQUAL TO THE ANNUAL COST PER PUPIL FOR SES AS DEFINED BY THE FLORIDA DEPARTMENT OF EDUCATION (FLDOE) AND AUTHORIZED BY THE NO CHILD LEFT BEHIND ACT OF 2001 (NCLB), FOR A CONTRACT PERIOD OF JULY 1, 2009, THROUGH JUNE 30, 2010

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO DISTRICT STRATEGIC PLAN: IMPROVE DELIVERY OF SUPPLEMENTAL EDUCATIONAL SERVICES (SES)

Authorization is requested to allow the Superintendent of Schools to negotiate and enter into separate contractual agreements with each State-approved Supplemental Educational Services (SES) Provider in an amount not to exceed a per student cost equal to the annual cost per pupil for SES as defined and allowed by the Florida Department of Education (FLDOE) and authorized by the No Child Left Behind Act of 2001(NCLB).

In order to remain in compliance with the No Child Left Behind Act of 2001 (NCLB), and pursuant to Section 1008.331, Florida Statutes, *Supplemental Educational Services (SES) in Title I Schools, School District and Provider Responsibilities*; and Florida Administrative Code R. 6A-1.039, *Supplemental Educational Services in Title I Schools*, Miami-Dade County Public Schools (M-DCPS) must enter into a contractual agreement with State-approved SES providers subject to their selection by parents of eligible student(s).

Pursuant to the NCLB, students eligible for free or reduced price meals, who are attending Title I schools that have not made Adequate Yearly Progress (AYP) for three or more consecutive years, are eligible to receive SES. Additionally, under the provisions of Florida's Differentiated Accountability (DA) Model, students eligible for free or reduced priced meals, who are attending Title I schools that have not made Adequate Yearly Progress (AYP) for two consecutive years are also eligible to receive SES.

In conducting its approval process, the FLDOE is required to ensure that each provider: (1) has a demonstrated record of effectiveness in improving student academic achievement; (2) uses instructional strategies that are high quality, based upon research, and designed to increase student academic achievement; (3) provides services that are consistent with the instructional program of M-DCPS and with state academic content and achievement standards; (4) is financially sound; and (5) will provide supplemental educational services consistent with applicable federal, state, and local health, safety, and civil rights laws.

In accordance with the District's Audit Plan for the 2008-2009 fiscal year, the Office of Management and Compliance Audits performed an audit of SES during the period of July 1, 2006 to June 30, 2008. Recommendations included in the audit report, issued December 2008, will be fully addressed in the implementation of the SES program for the 2009-2010 school year.

Authorizing the Superintendent of Schools to negotiate and enter into separate contractual agreements with each SES provider does not constitute an endorsement or recommendation of the provider or its services. It merely satisfies the Board's requirement under NCLB, and allows the District to be in compliance with all applicable state laws and rules.

Supplemental Educational Services are funded through the 20% set-aside for the implementation of NCLB Choice Options (Public School Transfers and SES) from the Title I, Part A allocation, as required under NCLB. For the 2008-2009 school year, an amount of \$25,626,651 was set-aside for this purpose. The FLDOE established the maximum cost per pupil for the 2008-2009 school year, for M-DCPS at \$1,424. As of May 2009, the FLDOE has not set the per pupil cost for the 2009-2010 school year. The cost per pupil represents the maximum amount per student that will be paid to any State-approved provider in connection with the provision of SES in Miami-Dade County. Students from 167 eligible Title I schools received SES during the 2008-2009 school year. It is anticipated that based on current AYP criteria, a similar number of Title I schools will be eligible to receive SES during the 2009-2010 school year. A final determination of the number of eligible schools will not be reached until the State releases AYP results in the summer of 2009.

In accordance with the requirements of NCLB, the District will provide parents of children in eligible Title I schools with information in English, Spanish, and Haitian-Creole relating to the availability of SES. District-wide as well as school-site provider fairs will be conducted to ensure ample opportunities for parents to select this option. Information about the provider fairs and SES enrollment deadlines will be provided to parents via fliers, letters, the Parent Portal, media outlets, businesses, faith-based groups and other means, as appropriate. Posters in English, Spanish, and Haitian-Creole will be displayed at each eligible Title I school.

Each contractual agreement between the District and the Provider is for a one-year term. The contractual agreement provides for the maintenance of student and fiscal records in accordance with Florida Statutes and School Board Rule; the fingerprinting and drug screening of providers' employees conducted by the District, at the cost of the provider; and for termination of the contract should the provider fail to perform under the terms of

the contract, cessation of federal funding or federal requirements, or the provider no longer appears on the FLDOE approved list.

A copy of the proposed draft contract will be transmitted to School Board members under separate cover and will be available for inspection by the public in the office of the Board Recording Secretary, Room 924, and in the Citizens Information Center, Room 158, 1450 NE 2nd Avenue, Miami, Florida 33132. A list of providers that the District contracts with will be transmitted to the School Board after the contracts are executed.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent of Schools to:

1. negotiate and enter into separate contractual agreements with each State-approved Supplemental Educational Services (SES) provider subject to selection by the parent of an eligible student in an amount not to exceed a per student cost equal to the annual cost per pupil for SES as defined by the Florida Department of Education (FLDOE) and authorized by the No Child Left Behind Act of 2001 (NCLB), for a contract period of July 1, 2009, through June 30, 2010; and
2. amend or modify these contractual agreements if necessary during their initial term or any renewal term, in order to meet SES program requirements ; and
3. renew these contractual agreements annually, for up to two additional years, consistent with the terms of the contracts and the requirements of NCLB.

MRF/MCA:bmm