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Curriculum and Instruction

SUBJECT: REQUEST AUTHORIZATION FOR THE SUPERINTENDENT OF SCHOOLS TO NEGOTIATE AND ENTER INTO A SEPARATE CONTRACTUAL AGREEMENT 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 (FDOE) AND AUTHORIZED BY THE NO CHILD LEFT BEHIND ACT OF 2001 (NCLB), FOR A CONTRACT PERIOD OF JULY 1, 2011, THROUGH JUNE 30, 2012

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC FRAMEWORK: EDUCATION

The implementation of Supplemental Educational Services (SES) is a federal mandate as part of the Title I Program. The cost of managing the implementation of SES cannot be funded out of the federally-mandated 20% set-aside for SES and Public School Choice (PSC). Only one percent (1%) of the twenty-percent (20%) set-aside for SES and PSC can be used for parental outreach activities related to SES and PSC. For the past seven years, the District has covered the management costs of the SES program through the use of Title I funds that were previously allocated to Title I schools and District-led Title I programs. In 2010-2011, two hundred twelve (212), State-approved SES Providers were approved by the State to serve students in Miami-Dade County Public Schools (M-DCPS). It is anticipated that an even larger number of SES Providers will be approved to serve students in M-DCPS in 2011-2012. Undoubtedly, this significant increase in the number of Providers will result in the need to allocate additional Title I resources to the implementation of this mandate in order to mitigate the District's audit liability.

For the 2011-2012 school year M-DCPS will be administering a uniform assessment for all participating SES students, and all State-approved SES Providers will be required to use an independent third party administrator (TPA), in order to adhere to secure and appropriate test security protocols and ensure that the assessment used is "valid and reliable."

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The TPA has already been selected through a competitive procurement process.

Authorization is requested to allow the Superintendent of Schools to negotiate and enter into separate contractual agreements with each State-approved 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 (FDOE) 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*, M-DCPS must enter into a contractual agreement with State-approved SES Providers subject to their selection by parents of an eligible student.

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 FDOE is required to ensure that each Provider has (1) 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.

Authorizing the Superintendent of Schools to negotiate and enter into a separate contractual agreement 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.

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 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 FDOE approved list.

SES are funded through the 20% set-aside for the implementation of NCLB Choice Options from the Title I, Part A allocation, as required under NCLB. An amount of \$24,597,178 was set-aside for SES and PSC for the 2010-2011 school year. The FDOE established the maximum cost per pupil for the 2010-2011 school year, for M-DCPS at \$1,575. 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. For the 2011-2012 school year, the maximum cost per pupil for SES has not yet been determined.

Students from 210 eligible Title I schools received SES during the 2010-2011 school year. It is anticipated that a similar number of Title I schools will be eligible to receive SES during the 2011-2012 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 2011.

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. School-site Parental Choice 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.

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 a separate contractual agreement 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 (FDOE) and authorized by the No Child Left Behind Act of 2001 (NCLB), for a contract period of July 1, 2011, through June 30, 2012;
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.

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