

**CRITERIA FOR PROVIDERS OF SUPPLEMENTAL SERVICES
FOR ELIGIBLE STUDENTS IN TITLE I SCHOOLS**

Title I, Part A, Section 1116 of the "No Child Left Behind Act of 2001" (NCLB) requires schools that do not meet the state's Adequate Yearly Progress (AYP) targets for academic achievement for three consecutive years to offer a choice of supplemental educational services to parents of eligible children. Eligible children are those from low-income families as defined by the federal law. Funding for supplemental educational services is to come from designated Title I, Part A funds. Supplemental educational services are tutoring and academic enrichment services that are provided in addition to daily instruction. A supplemental provider can be a nonprofit entity, a for-profit agency, or a local school division. The services must be of high quality, research-based, and specifically designed to increase the academic achievement of eligible children in mastering the Standards of Learning and earning proficiency on Standards of Learning tests. NCLB requires that States maintain an approved list of supplemental service providers.

The criteria specified in NCLB require that providers:

- have the ability to provide parents and the LEA with information on the progress of children in a format and language that parents can understand;
- ensure that the instruction provided and the content used are consistent with the instruction and content used by the local education agency (LEA) and are aligned with state student academic achievement standards;
- meet all federal, state, and local health and safety and civil rights laws; and
- ensure that all instruction and content are neutral and nonideological.

The law also specifies that the services must be furnished by a financially sound provider with a demonstrated record of effectiveness.

Additional Actions Allowable Under NCLB:

- The state will withdraw approval from providers that fail for two consecutive years to contribute to increasing the academic proficiency of students served.
- At the request of a local educational agency, a state educational agency may waive, in whole or in part, the requirement to provide supplemental educational services if the state educational agency determines that:
 - None of the providers of those services on the list approved by the state educational agency makes those services available in the area served by the local educational agency or within a reasonable distance of that area; and

- The local educational agency provides evidence that it is not able to provide those services.
- The state educational agency must notify the local educational agency within 30 days of receiving the local educational agency's request for waiver whether the request is approved or disapproved. If the request is disapproved, the state educational agency must provide the local educational agency the reasons for the disapproval in writing.