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SUPPLEMENTAL EDUCATIONAL SERVICES UNDER THE NO CHILD LEFT BEHIND ACT: HOW TO IMPROVE QUALITY AND ACCESS

HEARING

BEFORE THE

SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY AND SECONDARY EDUCATION

COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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SUPPLEMENTAL EDUCATIONAL SERVICES UNDER THE NO CHILD LEFT BEHIND ACT: HOW TO IMPROVE QUALITY AND ACCESS

Wednesday, April 18, 2007
U.S. House of Representatives
Subcommittee on Early Childhood,
Elementary and Secondary Education
Committee on Education and Labor
Washington, DC

The subcommittee met, pursuant to call, at 9:32 a.m., in Room 2175, Rayburn House Office Building, Hon. Dale Kildee [chairman of the subcommittee] presiding.

Present: Representatives Kildee, Scott, Kucinich, Davis of California, Grijalva, Holt, Sarbanes, Sestak, Loebsack, Hirono, Woolsey, Hinojosa, Castle, Ehlers, Biggert, Fortuño, Platts, Keller, and Heller.

Staff present: Aaron Albright, Press Secretary; Alice Cain, Senior Education Policy Advisor (K-12); Lloyd Horwich, Policy Advisor for Subcommittee on Early Childhood, Elementary and Secretary Education; Lamont Ivey, Staff Assistant, Education; Jill Morningstar, Education Policy Advisor; Joe Novotny, Chief Clerk; Lisette Partelow, Staff Assistant, Education; Rachel Racusen, Deputy Communications Director; Theda Zawaiza, Senior Disability Policy Advisor; James Bergeron, Deputy Director of Education and Human Services Policy; Kathryn Bruns, Legislative Assistant; Steve Forde, Communications Director; Victor Klatt, Staff Director; Chad Miller, Professional Staff; and Linda Stevens, Chief Clerk/Assistant to the General Counsel.

Chairman KILDEE [presiding]. Good morning. A quorum being present, the hearing of the subcommittee will come to order.

Pursuant to committee rule 12-A, any member may submit an opening statement in writing, which will be made part of the permanent record.

I will now recognize myself followed by Governor Castle.

Before I begin my opening statement, I want to extend the committee's thoughts and prayers to the members of the Virginia Tech community as they grieve their losses and they seek to move forward. It is something that touches everyone. No man or no person is an island. And we all extend our thoughts and prayers and condolences.

I am pleased to welcome my fellow subcommittee members, the public, and our witnesses today, some of whom have been here before. And we appreciate that. We are having this hearing on "Supplemental Educational Services Under the No Child Left Behind Act: How to Improve Quality and Access."

Including supplemental educational services in the No Child Left Behind Act was a significant addition. And implementation of those provisions has presented many challenges at the federal, state and local level.

And today's hearing will play a critical role in the committee's efforts to understand how these provisions are working and whether they can be better implemented or improved so that the law's goal of providing every student with a world-class education, a goal we all share, can be realized.

Last August our first witness, the Government Accountability Office, found, among other things, that states and school districts needed much more assistance from the Department of Education to fully and successfully implement these services. Today GAO will testify that the department has made progress in that area.

I also look forward to hearing from our state and district witnesses, whether they have seen that progress on the ground. We will hear from the state of Maryland about its efforts to ensure quality services and to reach out to parents and also about the challenges states face in ensuring access in rural areas and for students with special needs.

As many of you know, since 2005, the Department of Education has established two pilot projects concerning supplemental educational services. And we are fortunate to have with us a participant from each pilot.

The Boston Public Schools will describe their experience with the pilot that allowed school districts in need of improvement to continue acting as service providers and how that affected both the quality and access to supplemental services. And Newport News will tell us about having switched the order of public school choice and supplemental services so that supplemental services were offered first.

Both of these pilot projects represent important issues for us to discuss during reauthorization. And I am pleased we have the opportunity to hear directly from these participants.

Finally, the Citizens Commission on Civil Rights will give us what they describe as both the good and bad news about implementation, that while parents generally are satisfied, there also remains much work to do to increase access. Of course, one challenge that has been ongoing for 5 years is funding. We owe it to our children to ensure that their schools have the resources and support to provide them with the education they need and deserve.

Since 2002, Congress and the President have under-funded No Child Left Behind by $56 billion. And the President's proposed budget for 2008 would under-fund the law by another $15 billion for a total of $71 billion. However, I am hopeful with this Congress we will start to do better.

I look forward to working with my ranking member, Mr. Castle, our full committee chairman, and the ranking member, Mr. Miller

and Mr. McKeon, and with all the members of the committee on bipartisan reauthorization of NCLB.

I now yield to Ms. Biggert for her opening statement.

Mrs. BIGGERT. Thank you very much, Mr. Chairman.

I will actually read Mr. Castle's opening statement. And he will be along. We had a schedule conflict this morning with our conference and this hearing since everything was changed from yesterday.

So I would like to thank my colleagues for joining me here today for the latest in our series of hearings on No Child Left Behind.

As always, I would like to thank our chairman, Mr. Kildee, for his continued dedication to hearing from education leaders around the country and all of you for being here today to testify.

Today's hearing will examine the challenges and successes of the implementation of the supplemental educational services provisions under the No Child Left Behind Act and focus on ways Congress can help to improve quality and access to these services.

Under No Child Left Behind, students attending Public Schools that do not make adequate yearly progress for 3 consecutive years have the right to take advantage of the free supplemental services. Although the number of students benefiting from SES is gradually increasing, I remain concerned about the low overall rate of participation in these important services. Today I hope we can examine how to increase this level of participation.

Throughout the reorganization of NCLB, we must continue to explore the best ways to help students by looking at how the performance of private tutoring providers can be evaluated, how we can ensure that private tutoring companies are aligned with the school districts they are working with, and what role the school district can play in providing students supplemental services when the district has been identified as in need of improvement.

I am certain this hearing will build upon the previous hearings in this series. And I am eager to hear the unique perspectives of our witnesses. And I extend a warm welcome to them.

And I see that the Ranking Member Castle, has joined us. I have just read his statement.

But you might like to add a few words to that. And I yield the balance of my time.

Mr. CASTLE. I thank the gentlewoman for yielding.

That was a brilliant statement you read, by the way. [Laughter.]

I would just like to thank you for that.

The only thing I would add to it is I just consider these services to be of vital importance. To me they are the link between the schools which are not making adequate yearly progress and those which are. And I think we need to do everything in our power to make sure these are being provided as well as we can.

I look forward to the hearing. I yield back.

[The prepared statement of Mr. Castle follows:]

Prepared Statement of Hon. Michael N. Castle, Ranking Minority Member, Subcommittee on Early Childhood, Elementary and Secondary Education

Good morning. I'd like to thank my colleagues for joining me here today for the latest in our series of hearings on the No Child Left Behind Act. As always, I'd like to thank our Chairman, Mr. Kildee, for his continued dedication to hearing from education leaders around the country, and all of you for being here to testify today.

Today's hearing will examine the challenges and successes of the implementation of the supplemental educational services (or SES) provisions under the No Child Left Behind Act, with a focus on ways Congress can help to improve quality and access to these services.

Under No Child Left Behind, students attending public schools that do not make adequate yearly progress (or AYP) for three consecutive years have the right to take advantage of free supplemental services. While the number of students benefiting from SES is gradually increasing, I remain concerned about the low overall rate of participation in these important services. Today I hope we can examine how to increase this level of participation.

Throughout the reauthorization of NCLB, we must continue to explore the best ways to help students by looking at how the performance of private tutoring providers can be evaluated, how we can ensure that private tutoring companies are aligned with the school districts they are working with, and what role the school district can play in providing students supplemental services when the district has been identified as in need of improvement.

I'm certain this hearing will build upon the previous hearings in this series, and I am eager to hear the unique perspectives of our witnesses—and I extend a warm welcome to them.

Chairman KILDEE. Thank you. Thank you, Ms. Biggert.

Thank you, Governor Castle. I appreciate it.

We work very well together on this committee. We have done our best work in a bipartisan way. And the two people who have just spoken have proven their desire and eagerness to work in a bipartisan way and have a great record.

And I thank you for that.

Without objection, all members will have 7 calendar days to submit additional materials or questions for the hearing record.

I would like to introduce the very distinguished panel we have before us this morning.

Cornelia Ashby, who has been here a number of times, is Director of Education, Workforce, and Income Security for the Government Accountability Office. Ms. Ashby joined GAO in 1973. In 1992, she was selected for GAO's senior executive candidate development program and in 1994 was appointed an associate director for education and employment issues. She began her current position in the year 2000.

Ann Chafin is Maryland's assistant state superintendent of the division of student, family, and school support overseeing Title I master planning, school improvement, student services, and youth development. Previously Ms. Chafin was the state's Title I director where she oversaw hundreds of millions of dollars in federal and state aid for at-risk students.

Monica Roberts is the director of federal and state programs for the Boston Public Schools where she is responsible for the district's compliance with the No Child Left Behind Act, administration of supplemental educational services, and financial resource development. Ms. Roberts is also a graduate of the Boston Public Schools.

And I would yield at this time to Bobby Scott to introduce the next witness.

Mr. SCOTT. Thank you, Mr. Chairman.

And I thank you for mentioning Virginia Tech. Yesterday both of our U.S. senators and nine of the 11 House members were at Virginia Tech at the ceremony with the president and our governor. And we appreciate your reference.

I appreciate also your allowing me to introduce Ms. Murray from Newport News, which is located in my district. She is the director

of federal grants for Newport News Public Schools. She has an educational specialist degree from George Washington University as well as a master's degree in reading from the University of Tennessee and a bachelor's degree in early childhood and elementary education from Carson-Newsome College.

She worked in Title I programs for 10 years and served as both a principal and teacher in the Newport News Public School system. Newport News has been particularly successful in implementing supplemental educational services.

And I would like to thank Ms. Murray for traveling here today to provide her testimony about these successes. And we look forward to hearing her recommendations. So I hope that we can benefit from the Newport News experience. And I thank Ms. Murray for coming today.

And thank you, Mr. Chairman.

Chairman KILDEE. Thank you, Mr. Scott.

Our next witness, Dianne Piché, is executive director of the Citizens Commission on Civil Rights, where she specializes in promoting educational equity. Previously she directed the commission's Title I monitoring project, which examined the impact of education reforms on disadvantaged children.

We welcome all our witnesses.

For those of you who have not testified before this subcommittee before, I will explain our lighting system and the 5-minute rule we have.

Everyone, including the members, is limited to 5 minutes of presentation or questioning. The green light will be illuminated when you begin to speak. And when you see the yellow light, it means you have 1 minute remaining. When you see the red light, it means that your time has expired and you need to conclude your testimony. You certainly may complete your paragraph or thought. And there is no ejection seat there. But we would ask you to try to begin to terminate when you see the red light.

Please be certain that as you testify that you turn on your microphone and speak into the microphone and turn it off when you are finished.

We will now hear from our first witness, Ms. Ashby.

STATEMENT OF CORNELIA M. ASHBY, DIRECTOR OF EDUCATION, WORKFORCE, AND INCOME SECURITY ISSUES, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Ms. ASHBY. Mr. Chairman and members of the subcommittee, I am pleased to be here today to present information from our August 2006 report on SES implementation.

While our September testimony before the full committee provided an overview of that report, our current testimony statement and my comments this morning focus on access and service delivery, federal and state oversight, and recent Department of Education actions to improve implementation.

In the 2004-2005 school year, 19 percent of eligible students, that is 430,000 students, received SES. To increase participation, districts have taken multiple actions.

For example, we estimate that 90 percent or more provided written information about the services to parents with 72 percent also

providing the information in a language other than English. Ninety percent of them held individual meetings and/or phone conversations with parents, encouraged school staff to talk with parents about the services or offered services in locations that were easily accessible to students after school.

However, challenges to increase access and participation remain. Challenges include notifying all parents in a timely and effective manner and attracting a sufficient number of service providers within areas and groups of students such as those with limited English proficiency or disabilities.

For example, we estimate that there were not enough providers to meet the needs of students with limited English proficiency in one-third of districts and not enough to meet the needs of students with disabilities in one-quarter of districts. While providers have taken some steps to deliver quality services, both providers and districts have experienced coordination difficulties that have sometimes resulted in service delays. Service providers have aligned their curriculum with district instruction primarily by hiring district teachers and communicating with the teachers of participating students.

However, when providers did not hire district teachers, the frequency of contact between tutors and teachers varied. And some providers did not contact teachers at all. Providers also communicated with parents, including talking with parents over the phone and meeting with them in person to communicate information on student needs and progress. However, the frequency of communication with parents also varied.

Coordination of service delivery has been a challenge. For example, services were delayed or withdrawn in certain schools in three of the districts we visited because not enough students signed up to meet the provider's enrollment targets, which the districts were not aware of. In part because supplemental services are often delivered in school facilities, providers and officials in the districts and schools we visited reported that involvement of school administrators and teachers can improve service delivery and coordination.

While state oversight of SES implementation and quality has been limited, at the time of our review, the number of states doing such monitoring was increasing. State oversight includes on-site reviews of districts and providers as well as reviewing information on providers, service delivery, and use of funds, parent or student satisfaction with providers, and student attendance.

However, oversight continues to be a challenge for states, and they continue to struggle to develop meaningful evaluations of service providers. Although several education offices monitor various aspects of SES activity and provide SES support through guidance, grants, research and technical assistance, states and districts reported needing additional assistance and flexibility with program implementation.

In our 2006 report, we made several recommendations to education. And education has made significant progress toward addressing some of them. Specifically, education has taken steps that address our recommendations focused on increasing dissemination of promising practices related to parental notification, tracking pro-

viders in certain areas and student groups, and improving local coordination.

For example, between November 2006 and March 2007, education staff conducted an outreach tour during which they met with state and district officials, providers, and parents in 14 large school districts and discussed issues such as parental outreach, parental notification, serving special student populations, and local coordination. The department plans to disseminate information collected during the tour through a handbook to be distributed to state and district SES and school choice coordinators at a national meeting this summer.

Education has also taken some actions that address our recommendations for improving state and district use of SES funds by extending and expanding its pilot program to allow four districts in need of improvement to serve as SES providers for the current school year. In addition, education has responded to our recommendation to improve federal and state SES monitoring by requiring all states to submit information on district SES spending to the department and providing technical assistance and guidance to states on evaluating the effect of SES on student academic achievement.

The department's center on innovation and improvement issued an updated version of the guide book on SES evaluation in November 2006. And it plans to provide technical assistance before the end of the current school year to 16 states that have requested such assistance.

Mr. Chairman, this completes my prepared statement. I would be happy to answer any questions.

[The statement of Ms. Ashby follows:]

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Early Childhood, Elementary and Secondary Education, Committee on Education and Labor, House of Representatives

For Release on Delivery
Expected at 9:30 a.m. EDT
Wednesday, April 18, 2007

NO CHILD LEFT BEHIND ACT

Education Actions May Help Improve Implementation and Evaluation of Supplemental Educational Services

Statement of Cornelia M. Ashby, Director
Education, Workforce, and Income Security Issues

GAO-07-738T

Highlights

Highlights of GAO-07-7387, a report to Subcommittee on Early Childhood, Elementary and Secondary Education, Committee on Education and Labor, House of Representatives

Why GAO Did This Study

The No Child Left Behind Act (NCLBA) requires districts with schools that receive Title I funds and that have not met state performance goals for 3 consecutive years to offer low-income students supplemental educational services (SES), such as tutoring. This testimony discusses early implementation of SES, including how (1) SES participation changed in recent years; (2) providers work with districts to deliver services; (3) states monitor and evaluate SES; and (4) the U.S. Department of Education (Education) monitors and supports SES implementation.

This testimony is based on an August 2006 report (GAO-06-758) and also provides information on actions Education has taken that respond to our recommendations. For the report, GAO surveyed all states and a nationally representative sample of districts with schools required to offer SES, visited four school districts, and interviewed SES providers.

What GAO Recommends

The GAO report recommended that Education clarify guidance and provide information on promising practices, consider expanding flexibility and clarifying state authority, and collect information on district SES expenditures and provide evaluation assistance. Education generally supported GAO's recommendations.

www.gao.gov/cgi-bin/getrpt?GAO-07-7387

To view the full product, including the scope and methodology, click on the link above. For more information, contact Cornelia Ashby at (202) 512-7215 or ashbyc@gao.gov.

April 18, 2007

NO CHILD LEFT BEHIND ACT

Education Actions May Help Improve Implementation and Evaluation of Supplemental Educational Services

What GAO Found

SES participation increased from 12 to 19 percent between school years 2003-2004 and 2004-2005. District actions to increase participation have included greater efforts to notify parents. However, timely and effective notification of parents remains a challenge, as does attracting providers to serve certain areas and students, such as rural districts and students with disabilities.

To promote improved student academic achievement and service delivery, SES providers took steps to align their curriculum with district instruction and communicate with teachers and parents. However, the extent of these efforts varied, as some providers did not have any contact with teachers in almost 40 percent of districts or with parents in about 30 percent of districts. Both providers and district officials experienced challenges related to contracting and coordination of service delivery. In part because SES is often delivered in school facilities, providers and district and school officials reported that greater involvement of schools can improve SES delivery.

While states' monitoring of district and provider efforts to implement SES had been limited in past years, more states reported conducting on-site reviews and other monitoring activities during 2005-2006. Districts also increased their oversight role. However, many states continue to struggle with how to evaluate whether SES providers are improving student achievement. While a few states have completed evaluations, none provides a conclusive assessment of SES providers' effect on student academic achievement.

Education conducts SES monitoring in part through policy oversight and compliance reviews of states and districts, and provides SES support through written guidance, grants, and technical assistance. Education monitoring found uneven implementation and compliance with SES provisions, and states and districts reported needing SES policy clarification and assistance in certain areas, such as evaluating SES. Many states also voiced interest in Education's pilot programs that increase SES flexibility, including the recently expanded pilot allowing certain districts identified as in need of improvement to act as providers. Since GAO's report was published, Education has taken several actions to help improve SES implementation and monitoring, such as disseminating promising practices and guidance, and meeting with states, districts, and providers.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to present information from our August 2006 report on early implementation of the supplemental educational services (SES) provisions of the No Child Left Behind Act (NCLBA).[1] While our September testimony before the full committee provided an overview of that report,[2] at your request, today I will expand on SES access and delivery; state and federal oversight of SES implementation and quality; and recent U.S. Department of Education (Education) actions to improve SES implementation.

In school year 2006-2007, Title I of NCLBA—the most recent reauthorization of the Elementary and Secondary Education Act (ESEA)—provided $12.7 billion in federal funds to more than 50,000 public schools nationwide in order to improve the education of low-income students. When a school receiving Title I funds does not meet state performance goals designated under NCLBA for 2 years, the district must offer students the choice of transferring to another school in the district that is not in improvement status. When a school receiving Title I funds does not meet state NCLBA performance goals for 3 or more years, the district must offer SES to all of the low-income students enrolled in the school. SES includes tutoring and remediation that are provided outside of the regular school day by a state-approved provider, such as a for-profit company or a community-based organization. Districts with schools required to offer school choice and SES must set aside an amount equal to 20 percent of their Title I funds to provide choice-related transportation and SES for eligible students in these schools.

While states set NCLBA performance goals and schools are judged on the performance of their students, responsibility for SES implementation is primarily shared by states and school districts. Specifically, states are responsible for reviewing provider applications to assess each provider's record of effectiveness and program design and approving, monitoring, and evaluating providers. Districts are responsible for notifying parents of

[1] GAO, *No Child Left Behind Act: Education Actions Needed to Improve Local Implementation and State Evaluation of Supplemental Educational Services*, GAO-06-758 (Washington, D.C.: Aug. 4, 2006).

[2] GAO, *No Child Left Behind Act: Education Actions Needed to Improve Implementation and Evaluation of Supplemental Educational Services*, GAO-06-1121T (Washington, D.C.: Sept. 21, 2006).

their child's eligibility for SES and contracting with the state-approved providers that parents select for services.

Although some districts were first required to offer SES in school year 2002-2003, others did not have to offer SES until 2003-2004 or after, and therefore, states and districts are at different stages of implementing the SES provisions. My testimony today will focus on early implementation of SES. Specifically, I will discuss (1) how the proportion of eligible students receiving services has changed in recent years and actions that have been taken to increase participation; (2) how providers are working with districts and schools to provide services that increase student achievement; (3) the extent to which states and districts are monitoring and evaluating SES; and (4) how Education monitors state SES implementation and assists state and district efforts.

In summary, the SES participation rate increased from 12 to 19 percent of eligible students between school years 2003-2004 and 2004-2005. While districts have provided written information notifying parents of SES and taken other actions to encourage participation, challenges remain, such as notifying parents in a timely and effective manner. Regarding local SES implementation, while providers took steps to align their curriculum with district instruction and communicate with teachers and parents to promote improved student academic achievement, both providers and districts experienced contracting and coordination difficulties. In part because SES is often delivered in school facilities, providers as well as district and school officials reported that involvement of school administrators and teachers can improve SES delivery and coordination. Further, while state monitoring of SES had been limited, at the time of our review, more states reported taking or planning to take steps to monitor district and provider efforts to implement SES in school year 2005-2006 than had done so in 2004-2005. However, monitoring continues to be a challenge, and states also continue to struggle to develop meaningful evaluations of SES providers. Regarding federal oversight of SES implementation, although several Education offices monitor various aspects of SES activity across the country and provide support, states and districts reported needing additional assistance and flexibility with program implementation.

Our August report made several recommendations to Education to help states and districts implement SES more effectively and use SES funding to provide services to the maximum number of students and to improve federal and state monitoring of SES. Education expressed appreciation for

the report's recommendations and has made significant progress toward addressing some of them.

Our prior report was based on a Web-based survey of SES coordinators in all 50 states, the District of Columbia (D.C.), and Puerto Rico, and a mail survey of SES coordinators in a nationally representative sample of districts with schools required to offer SES. Our district survey sample included all 21 districts required to offer SES with 100,000 or more total enrolled students. Seventy-seven percent of district SES coordinators, including all coordinators from districts with 100,000 or more enrolled students, and all state SES coordinators responded to the surveys. In addition, we conducted site visits to one school district in each of four states (Woodburn, Ore.; Newark, N.J.; Chicago, Ill.; and Hamilton County, Tenn.) during which we interviewed state, district, and school officials. We also conducted interviews with 22 SES providers in our site visit districts and others. In addition, we spoke with staff at Education involved in SES oversight and implementation and reviewed Education's data on SES. In our surveys and other data collection efforts, we asked questions about SES implementation during specific school years; therefore, all years cited refer to school years. We conducted the review in accordance with generally accepted government auditing standards.

Background

Enactment of NCLBA strengthened accountability by requiring states and schools to improve the academic performance of their students so that all students are proficient in reading and math by 2014. Under NCLBA, each state creates its own content standards, academic achievement tests, and proficiency levels, and establishes and implements adequate yearly progress (AYP) goals for districts and schools. Students in specified grades are tested annually to determine whether districts and schools are making AYP.

Title I[3] authorizes federal funds to help elementary and secondary schools establish and maintain programs that will improve the educational opportunities of economically disadvantaged children. Under NCLBA, districts are required to implement specific interventions in schools receiving federal Title I funds when they do not meet state AYP goals (see

[3] In this testimony, we refer to Title I, Part A of ESEA as "Title I." Other Parts of Title I (Parts B, C, and D) are targeted at specific populations or purposes and are commonly referred to by their program names, such as Even Start.

table 1). Students from low-income families who attend schools receiving Title I funds that have missed AYP goals for 3 consecutive years are eligible for SES. Because some schools receiving Title I funds had not met state goals set under ESEA before the enactment of NCLBA, these schools were first required to offer SES in 2002-2003, the first year of NCLBA implementation.

Table 1: NCLBA Interventions for Schools Not Meeting Yearly Performance Goals over Time

Number of years school misses performance goals	School status in the next year	NCLBA interventions for Title I schools
First year missed	N/A	None
Second year missed	Needs Improvement – First Year	Required to offer school choice
Third year missed	Needs Improvement – Second Year	Required to offer school choice and SES[a]
Fourth year missed	Corrective Action[b]	Also required to offer school choice and SES[a]
Fifth year missed	Planning for Restructuring[c]	Also required to offer school choice and SES[a]
Sixth year missed	Implementation of Restructuring	Also required to offer school choice and SES

Source: GAO analysis of NCLBA.

Note: N/A = not applicable.

[a]Students who opt to transfer to another school in the district that is not in improvement status are not eligible to receive SES, as they are no longer in a school required to offer these services to its students.

[b]Corrective action is a significant intervention in a school that is designed to remedy the school's persistent inability to make adequate progress toward all students becoming proficient in reading and mathematics.

[c]Restructuring is a major reorganization of a school, involving fundamental reforms, such as significant changes in the school's staffing and governance. For example, some schools may be converted to charter schools during restructuring.

Under NCLBA, SES primarily include tutoring provided outside of the regular school day that is designed to increase the academic achievement of economically disadvantaged students in low-performing Title I schools. These services must consist of high-quality, research-based instruction that aligns with state educational standards and district curriculum. SES providers may include nonprofit entities, for-profit entities, school districts, public schools, public charter schools, private schools, public or private institutions of higher education, educational service agencies, and faith-based organizations. However, a district classified as needing

improvement or in corrective action because it failed to meet state AYP goals for several years may not be an SES provider, though its schools that are not identified as needing improvement may provide services. In addition, individual teachers who work in a school or district identified as in need of improvement may be hired by any state-approved provider to serve as a tutor in its program.

A district must set aside an amount equal to 20 percent of its Title I allocation to fund both SES and transportation for students who elect to attend other schools under school choice. After ensuring all eligible students have had adequate time to opt to transfer to another school or apply for SES, the district may reallocate any unused set-aside funds to other Title I activities. For each student receiving SES, a district must spend an amount equal to its Title I per-pupil allocation or the actual cost of provider services, whichever is less.[4]

Education oversees SES implementation by monitoring states and providing technical assistance and support. NCLBA, the Title I regulations, and SES guidance outline the roles and responsibilities states, school districts, service providers, and parents have in ensuring that eligible students receive additional academic assistance through SES (see table 2).

[4] A state or each of its districts calculates the Title I per pupil allocation by dividing the district's total Title I, Part A allocation by the number of children residing within the district aged 5 to17 who are from families below the poverty level, as determined by the most recent Census Bureau estimates from the Department of Commerce.

Table 2: SES Stakeholder Roles and Responsibilities

Stakeholder	Roles and responsibilities
State	Set criteria and standards for approving providers
	Identify, approve, and maintain public list of providers
	Ensure that the list of approved providers includes organizations that are able to serve students with disabilities and limited English proficiency
	Monitor and evaluate the effectiveness of provider services
	Monitor district SES implementation
	Develop and use policy criteria for withdrawing providers from state-approved list, including if • provider fails for 2 consecutive years to increase student proficiency relative to state academic content and achievement standards • provider fails to adhere to applicable health, safety, and civil rights requirements
School district	Provide an annual notice to parents, which must identify available providers; describe the enrollment process and timeline; describe the services, qualifications, and demonstrated effectiveness of each provider; and be easily understandable
	Help parents choose a provider, if requested
	Protect the privacy of students eligible for and receiving services
	Calculate and establish the SES per pupil allocation if not determined by the state
	Determine which students should receive services if more students apply for SES than can be served with available funds
	Enter into contracts with providers
	Ensure eligible students with disabilities and eligible students with limited English proficiency may participate in SES
	At the discretion of the state, may be involved in collecting data from providers to assist state monitoring and evaluation activities
Providers	Provide services in accordance with district agreements
	Enable students to attain their individual achievement goals
	Measure student progress and inform parents and teachers of progress made by students
	Ensure non-disclosure of student data to the public
	Provide services consistent with applicable health, safety, and civil rights laws
	Provide services that are secular, neutral, and non-ideological
Parents	Choose a provider from the state-approved list
	Are encouraged to be actively involved in their child's SES program

Source: GAO, per P.L.107-110, 34 C.F.R. Part 200, or the U.S. Department of Education, Supplemental Educational Services Non-Regulatory Guidance, June 2005.

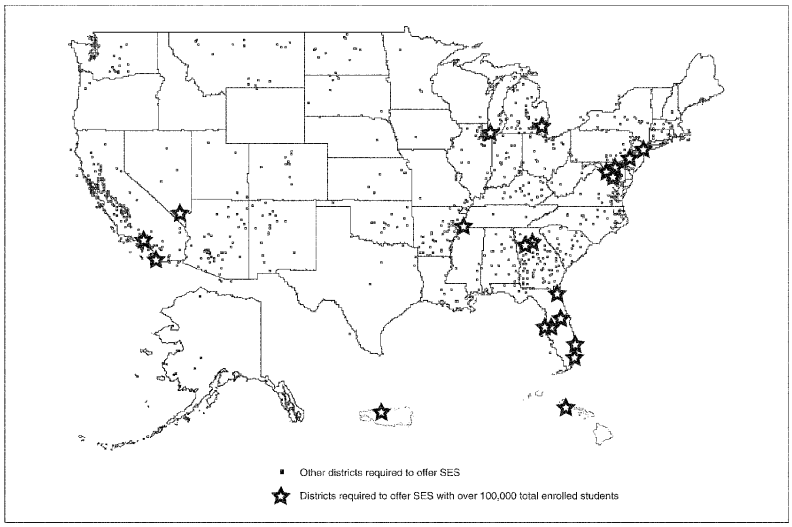
SES Participation Has Increased as Districts Have Taken Actions to Ease Access, but Challenges Remain

Nationally, the SES participation rate increased substantially from 12 percent of eligible students receiving SES in 2003-2004 to 19 percent in 2004-2005. In addition, the number of students receiving services almost quadrupled between 2002-2003 and 2004-2005 from approximately 117,000 to 430,000 students nationwide, based on the best available national data at the time of our work.[5] This increase may be due in part to the increase in the number of schools required to offer SES over that time period.

While approximately 1,000 of the over 14,000 districts nationwide were required to offer SES in 2004-2005, SES recipients were concentrated in a small group of large districts—56 percent of recipients attended school in the 21 districts required to offer SES with more than 100,000 total enrolled students (see fig. 1). Further, about 20 percent of the districts required to offer SES in 2004-2005 had no students receiving services. A majority of these districts were rural or had a total enrollment of fewer than 2,500 students.

[5] Certain states did not submit SES recipient information to Education through their NCLBA Consolidated State Performance Reports for all years. Specifically, 2002-2003 data from Kansas and North Dakota, 2003-2004 data from Pennsylvania, and 2004-2005 data from New Jersey are not included in our estimates. In addition, 2002-2003 data from New York only include information from New York City. Further, Education did not collect data on the number of students eligible for SES in 2002-2003, and therefore, an estimate of the SES participation rate is unavailable for that year.

Figure 1: School Districts Required to Offer SES in 2004-2005



Source: GAO.

Many students receiving SES in 2004-2005 shared certain characteristics. For example, districts reported that most students receiving services were among the lower-achieving students in school. Further, over half of SES recipients were elementary school students in the majority of districts, and about 60 percent of schools required to offer SES in 2004-2005 were elementary schools.[6] In some districts, the majority of SES recipients were

[6] Many of the district estimates included in this paragraph have a margin of error that exceeds plus or minus 8 percentage points. See table 9 in appendix I of GAO-06-758 for more information.

African-American or Hispanic. In about 40 percent of districts, over half of SES recipients were African-American, and in about 30 percent of districts, over half of SES recipients were Hispanic. However, districts varied in the percentage of students with limited English proficiency receiving services, and students with disabilities made up less than 20 percent of students receiving services in about two-thirds of districts.

In order to increase SES participation, districts have taken multiple actions. For example, in line with the federal statutory requirement that districts notify parents in an understandable format of the availability of SES, over 90 percent of districts provided written information in English, held individual meetings and/or phone conversations with parents, and encouraged school staff to talk with parents about SES. See table 3 for a list of district actions taken to encourage participation.

Table 3: District Actions Taken to Encourage SES Participation (2005-2006)

Action taken during the 2005-2006 school year	Estimated percentage of districts
Provided written information in English to parents	99
Held individual meetings and/or phone conversations with interested parents	95
Encouraged principals, teachers, or other school staff to talk with parents	93
Offered supplemental services in locations that are easily accessible to students after school (e.g., on or near the school campus)	90
Offered SES at a variety of times (e.g., after school, weekends, summer break)	79
Lengthened the period of time parents have to submit applications for SES	79
Held events where parents of eligible students can learn about providers	78
Provided written information in language(s) other than English about SES to parents	72
Made public announcements (e.g., television, billboards, newspaper ads, school newsletters)	67
Worked with a local community partner to raise awareness of SES (e.g., Parent Information Resource Center)	39
Provided or arranged for transportation of students receiving SES to off-site providers	33

Source: GAO analysis of district survey results.

Despite these promising approaches to encourage participation, notifying parents in a timely manner remains a challenge for some districts. An estimated 58 percent of districts did not notify parents that their children may be eligible to receive SES before the beginning of the 2005-2006 school year, which may be due in part to delays in states reporting which

schools were identified for improvement.[7] Effectively notifying parents is also a challenge for some districts. For example, officials in all four districts we visited reported difficulties contacting parents to inform them about SES in part because some families frequently move and do not always update their mailing addresses with districts. In addition, some providers we interviewed indicated that parental notification letters are confusing and poorly written or not accompanied by additional outreach.

Another challenge to increasing SES participation is attracting more SES providers for certain areas and groups of students. Specifically, some rural districts surveyed indicated that no students received services last year because of a lack of providers in the area.[8] Ensuring there are providers to serve students with limited English proficiency or disabilities has also been a challenge for some districts. We estimate that there were not enough providers to meet the needs of students with limited English proficiency in one-third of districts and not enough providers to meet the needs of students with disabilities in one-quarter of districts.

Providers Have Taken Steps to Deliver Quality Services, but Local Implementation Challenges Include Contracting and Coordination

To promote improved student academic achievement and service delivery, providers took steps to gather information on district curriculum and student needs. Specifically, providers aligned their curriculum with district instruction primarily by hiring district teachers and communicating with the teachers of participating students. However, when providers did not hire district teachers, the frequency of contact between tutors and teachers varied, and we estimate that some providers did not contact teachers in almost 40 percent of districts in 2004-2005. Regarding communication with parents, providers reported mailing information as well as meeting with parents over the phone and in-person to communicate information on student needs and progress; however, the

[7] GAO previously reported that some states have difficulty notifying schools of their status in meeting proficiency goals in a timely fashion in part because of the time involved in identifying and correcting errors in student assessment data. See GAO, *No Child Left Behind Act: Improvements Needed in Education's Process for Tracking States' Implementation of Key Provisions*, GAO-04-734 (Washington, D.C.: Sept. 30, 2004).

[8] GAO previously reported that geographic isolation created difficulties for rural districts in implementing SES. Specifically, rural district officials stated that traveling long distances to meet providers was not a viable option and use of online providers was challenging in some small rural districts where it was difficult to establish and maintain Internet service. See GAO, *No Child Left Behind Act: Additional Assistance and Research on Effective Strategies Would Help Small Rural Districts*, GAO-04-909 (Washington, D.C.: Sept. 23, 2004).

frequency of communication with parents also varied. Specifically, we estimate that some providers did not contact parents in about 30 percent of districts in 2004-2005. Despite these communication challenges, an estimated 90 percent of districts indicated that their working relationships with providers during 2004-2005 were good, very good, or excellent. In addition, many of the providers we interviewed during our site visits also reported having positive working relationships with district officials.

While providers have taken some steps to deliver quality services and establish positive relationships with districts, both providers and districts experienced contracting and coordination difficulties. Regarding contracting, some of the providers we interviewed said certain districts imposed burdensome contract requirements, limited the marketing they could do to parents and students, or restricted the use of school facilities. Districts also reported that contracting is a challenge. We estimate that negotiating contracts with providers was a moderate, great, or very great challenge in about 40 percent of districts nationwide. For example, district officials at three of the sites we visited expressed concern about their lack of authority to set parameters in provider contracts around costs and program design, such as tutor-to-student ratios and total hours of instruction. Specifically, Chicago, Ill., district officials expressed concern about the variation among providers in the hours of instruction and cost of services because the district does not have sufficient funds to serve all eligible students, and officials would like to maximize the number of students they can serve.

Coordination of service delivery has also been a challenge for providers and districts, and sometimes these coordination difficulties have resulted in service delays. For example, services were delayed or withdrawn in certain schools in three of the districts we visited because not enough students signed up to meet the providers' enrollment targets and districts were not aware of these targets.[9] Coordination difficulties also occurred during the enrollment process. Though districts are responsible for arranging SES for eligible students, in two districts we visited, both the district and providers sent enrollment forms to parents, which caused

[9] In addition to our analysis, the Center on Education Policy case studies also found that in some cases, approved providers that initially expressed interest in serving a certain district later decided not to provide services because too few students enrolled. See the Center on Education Policy, *From the Capital to the Classroom, Year 4 of the No Child Left Behind Act* (Washington, D.C.: March 2006).

confusion among parents as well as additional work for the district staff processing the forms.

In part because SES is often delivered in school facilities, providers and officials in the districts and schools we visited reported that involvement of school administrators and teachers can improve SES delivery and coordination. Although schools do not have federally defined responsibilities for administering SES, many officials said SES implementation is hindered when school officials are not involved. For example, some providers we interviewed said that a lack of involvement of school principals can make it difficult for them to coordinate with schools to encourage student participation. In addition, Illinois and Oregon school principals told us they found it difficult to manage afterschool activities because they didn't have sufficient authority to oversee SES tutors operating in their buildings at that time. While helping to administer the SES program adds additional administrative burden on schools, school officials in all four of the districts we visited said they welcomed a stronger or more clearly defined role.

State and District SES Monitoring Is Increasing Though It Remains a Challenge, and Many States Continue to Struggle with Developing Evaluations

While monitoring of SES had been limited, more states reported taking steps to monitor both district and provider efforts to implement SES in 2005-2006. For example, more states conducted or planned to conduct on-site reviews of districts and providers in 2005-2006 than had done so in 2004-2005. In addition to state efforts to monitor providers, districts have also taken a direct oversight role, and their monitoring activities similarly increased during this time. For example, while we estimate that less than half of districts collected information from parents, school staff, on-site reviews, and students to monitor providers in 2004-2005, 70 percent or more were collecting or planning to collect information from these sources in 2005-2006.

States and districts both collected information on several aspects of SES programs, such as elements related to service delivery and use of funds, to monitor providers (see table 4). For example, 94 percent of states monitored or planned to monitor parent or student satisfaction with providers, and 93 percent of districts monitored or planned to monitor billing and payment for services and student attendance records. District assistance with monitoring is likely welcomed by states, as over two-thirds of states reported that on-site monitoring of providers has been a challenge. During our site visits, officials explained that both state and district capacity to implement SES is limited, because there is typically one staff person at each level coordinating all aspects of SES

implementation, and sometimes that person may also oversee implementation of additional federal education programs.

Table 4: Percentage of States and Districts That Reviewed Specified Program Elements to Monitor Providers in 2005-2006

	Percentage of states			Estimated percentage of districts		
Program element	**Monitored**	**Planned to monitor**	**Monitored or planned to monitor**	**Monitored**	**Planned to monitor**	**Monitored or planned to monitor**
Parent/student satisfaction with a provider	27	67	**94**	34	57	**91**
Provider communication with teachers and parents	37	56	**92**	46	43	**89**
Extent to which a provider's program, as enacted, reflects its program design, as outlined in its application to the state	19	73	**92**	30	41	**70**
Evidence of meeting academic achievement goals as stated on student learning plan	23	65	**88**	28	60	**88**
Evidence of improved student achievement based on any statewide assessment	15	71	**87**	26	65	**91**
Alignment of provider curriculum with district/school curriculum or instruction	25	62	**87**	35	39	**74**
Student attendance records	27	56	**83**	67	25	**93**
Evidence of improved student achievement based on provider assessments	27	56	**83**	39	52	**91**
Protection of student privacy	33	50	**83**	55	28	**82**
Adherence to applicable health, safety, and civil rights laws	29	48	**77**	48	26	**74**
Provider financial stability (e.g., audits, financial statements)	31	42	**73**	N/A	N/A	**N/A**
Evidence of improved student achievement based on grades, promotion, and/or graduation	12	58	**69**	23	57	**80**
Billing and payment for services	N/A	N/A	**N/A**	72	21	**93**

Source: GAO.

Note: The percentage of states that did not review or plan to review these program elements to monitor providers in 2005-2006 and the percentage of states that did not answer these survey questions are not shown in this table. In addition, we did not ask states if they monitored billing and payment for services, and we did not ask districts if they monitored provider financial stability.

Although states are beginning to increase monitoring of SES implementation, many continue to struggle with developing evaluations to determine whether SES providers are improving student achievement. Specifically, over three-fourths of states reported that determining sufficient academic progress of students, having the time and knowledge to analyze SES data, and developing data systems to track SES

information have been challenges to evaluating SES providers. Although states are required to withdraw approval from providers that fail to increase student academic achievement for 2 years, at the time of our survey in early 2006, only New Mexico and Tennessee had drafted or completed evaluation reports assessing how all SES providers serving students in their states impacted student academic achievement.[10] However, because of the limitations of these two evaluations, neither provided a conclusive assessment of SES providers' effect on student academic achievement.

Likely because of states' struggle to complete SES evaluations, states did not report that they had withdrawn approval from providers because their programs were determined to be ineffective at increasing student academic achievement.[11] Rather, although over 40 percent of states reported that they had withdrawn approval from some providers, they most frequently reported withdrawing provider approval because the provider was a school or district that had entered needs improvement status, the provider asked to be removed from the state-approved provider list, or because of provider financial impropriety.

Several Education Offices Oversee SES Implementation, but States and Districts Reported Needing Additional Assistance and Flexibility

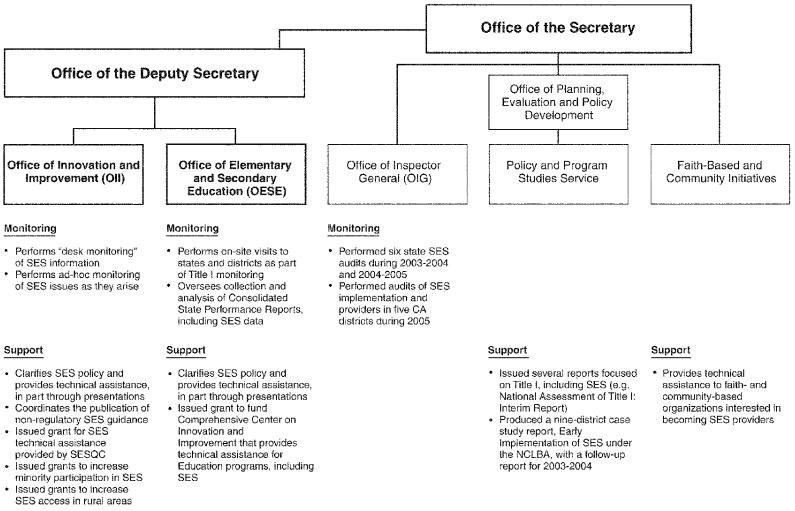
Several offices within Education monitor various aspects of SES activity across the country and provide support, but states and districts reported needing additional assistance and flexibility with SES implementation. Education conducts SES monitoring in part through reviews of policy issues brought to the department's attention and structured compliance reviews of states and districts, and provides SES support through guidance, grants, research, and technical assistance. The Office of Innovation and Improvement (OII) and the Office of Elementary and Secondary Education (OESE) are primarily responsible for monitoring and supporting SES implementation, while the Office of Inspector General

[10] At the time of our survey, several additional states, including Louisiana and Pennsylvania, were in the process of drafting an SES evaluation report that would assess the impact of SES providers serving students in their states, but the reports were not yet available to the public.

[11] Only one state reported withdrawing approval from one of its providers because that provider's program was generally ineffective. However, this provider's program was found to be ineffective because the provider did not deliver services to all of the students it enrolled. This state also indicated that it had not yet completed an evaluation of SES's effect on student academic achievement.

(OIG), Policy Program and Studies Service, and Faith-Based and Community Initiatives also contribute to these efforts (see fig. 2).

Figure 2: U.S. Department of Education Offices Monitoring and Supporting SES



Source: GAO analysis.

Note: This figure reflects the coordination of Education's offices rather than the statutory reporting relationships.

Specifically, OII leads SES policy development and provides strategic direction, and its staff also primarily monitor SES policy issues through "desk monitoring," which involves review of SES-related research and media reports. In addition to these activities, OII also conducts more intensive monitoring of specific SES implementation challenges when states, districts, and providers bring them to Education's attention. Regarding other support for SES implementation, OII has provided SES

implementation assistance in part through presentations at conferences and grants to external organizations. For example, OII funded the Supplemental Educational Services Quality Center (SESQC), which provided technical assistance to states and districts until its grant period ended in December 2005. OII is also responsible for coordinating the publication of the non-regulatory SES guidance. Since 2002, OII has coordinated four versions of this guidance, each updated to address ongoing challenges with SES implementation.

OESE, which oversees and supports NCLBA implementation, is involved in monitoring SES implementation through its overall monitoring of state compliance with Title I and NCLBA. To monitor Title I, OESE staff visit state departments of education and selected districts within each state to interview officials and review relevant documents. Following these visits, OESE issues reports to each state outlining any instances of Title I noncompliance, including those related to SES, and actions needed to comply with regulations. OESE also monitors SES through its oversight of the collection of state NCLBA data, including data on SES, in the annual Consolidated State Performance Report (CSPR). To support SES implementation, OESE funded the Comprehensive Centers Program through grants that established technical assistance centers across the country to help low-performing schools and districts close achievement gaps and meet the goals of NCLBA. Of these, the Center on Innovation and Improvement provides support to states and districts on SES and other Education programs.

Through its SES monitoring efforts, Education has found that implementation of the SES provisions has been uneven throughout the country. Consequently, in May 2006, the department issued a policy letter announcing plans to take significant enforcement actions, such as withholding federal funds, placing conditions on Title I grants, or entering into compliance agreements with states. Related to this, an Education official reported that the department placed conditions on California's Title I grant because of compliance issues with SES and school choice implementation. In addition, to gather more information that will allow the department to take future enforcement actions, the department revised its Title I monitoring protocols and added additional monitoring related to SES and school choice. Beginning in the spring of 2007, the department is conducting additional Title I monitoring visits to states and districts targeted at assessing SES and school choice implementation efforts. Seven states were selected for the targeted monitoring based on Education's previous monitoring findings and high percentages of schools in need of improvement. In addition to the seven selected states, beginning this year,

all states that Education visits as part of its regular Title I monitoring cycle will receive additional SES- and school choice-specific monitoring. Specifically, the department plans to visit additional districts in each state and interview SES providers to obtain greater detail on SES and school choice implementation.

While Education's policy letter and monitoring actions reflect the department's concern that SES implementation has been uneven throughout the country, many states and districts reported needing clearer guidance or additional assistance with certain SES provisions to improve implementation. Specifically, 85 percent of states and an estimated 70 percent of districts needed additional assistance with methods for evaluating SES, and over 60 percent of both groups also needed assistance with developing data systems. Many districts also needed more information on provider quality and effectiveness. Although OESE and OIG monitoring results have also continually indicated that states and districts struggle with SES evaluation, at the time of our report, Education had not yet provided comprehensive assistance in this area, and during our site visits, officials mentioned that they have been relying on other states, organizations, or individuals for evaluation assistance.

In addition, several states commented through our survey that they also needed additional guidance on managing costs and fees, implementing SES in rural areas, and handling provider complaints. During three of our site visits, officials also expressed some concern about the lack of clarity in the SES guidance with regard to student eligibility requirements and how to craft a parental SES notification letter that is both complete and easy for parents to understand. Specifically, though Education's monitoring reports have found many states and districts to be non-compliant with the federal requirement that district SES parental notification letters include several specific elements,[12] Education's SES guidance provides a sample that does not clearly specify all of the key elements required by SES law and regulations. Furthermore, a few state and district officials commented that, when followed, the SES regulations yield a letter that is unreasonably long and complex.

[12] OIG found all six of the states it visited during its audits of state SES implementation to be deficient with respect to parent notifications. In addition, in our analysis of the 40 OESE Title I state monitoring reports publicly issued as of June 2006, we found that OESE cited 9 of the states it had visited for SES noncompliance with respect to district parent notifications.

Many states and districts expressed interest in the flexibility offered through two pilot programs that Education implemented during 2005-2006. The department designed these pilots to increase the number of eligible students receiving SES and to generate additional information about the effect of SES on student academic achievement. For example, several state and district SES coordinators expressed interest in Education's pilot program that allowed two districts in needs improvement status to act as SES providers. As a condition of the pilot, these districts agreed to expand student access to SES and collect achievement data to determine SES program effectiveness. The other SES pilot allowed four districts in Virginia to offer SES instead of school choice in schools that have missed state performance goals for 2 years and are in their first year of needs improvement. During our site visits and through our surveys, many states and districts expressed interest in adjusting the order of the SES and school choice interventions (see table 5). In line with interest in increased flexibility with the order of these interventions, Education announced in May 2006 that it was expanding this pilot for 2006-2007.

Table 5: State and District Opinion on the Ordering of School Choice and SES

In percent		
Order of school choice and SES	**States**	**District**
SES should precede school choice	48	62
Both school choice and SES should be offered at the same time	27	15
School choice should precede SES	15	23

Source: GAO.

Note: 10 percent of states did not respond or were not sure. In addition, district percentages are estimates.

Prior Recommendations

Our August report recommended that Education clarify guidance and provide additional assistance to states and districts to help them comply with the federal requirements for parental notification letters and ensure that letters are easy for parents to understand, collect and disseminate information on promising practices used by districts to attract providers for certain areas and groups, and collaborate with school officials to coordinate local SES implementation. In addition, we recommended that Education consider expanding its current SES pilot program allowing selected districts in need of improvement to serve as providers and clarify state authority to set parameters around service design and costs. Finally, we also recommended that Education require states to collect and submit information on the amount spent by districts to provide SES and the

percentage of districts' Title I funds that this amount represents and provide states with technical assistance and additional guidance on how to evaluate the effect of SES on student academic achievement.

In written comments on the report, Education expressed appreciation for our recommendations, and the department has since made significant progress toward addressing some of them. Specifically, Education has taken a variety of steps that address our recommendations focused on increased dissemination of promising practices related to parental notification, attracting providers for certain areas and student groups, and improved local coordination. For example, between November 2006 and March 2007, Education staff conducted an outreach tour focused on school choice and SES during which they met with state and district officials, providers, and parents in 14 large school districts around the country. Education staff met with these groups in each district, and participants discussed issues including parental outreach, parental notification, serving special student populations, and local coordination. The department plans to disseminate information collected through the outreach tour by publishing a handbook that shares strategies on informing parents and implementing SES and school choice. In addition, officials indicated that they plan to convene a national meeting during the summer of 2007 to share the handbook with state and district SES and school choice coordinators and discuss effective implementation. In addition to the tour, Education directed the Center on Innovation and Improvement to focus on providing assistance related to parental outreach during school year 2006-2007. Consequently, in the fall of 2006, the center began providing examples of related materials, such as documents that states and districts have used to notify parents of services, through its Web site. The center also plans to provide assistance and guidance on parental outreach to four states that requested assistance starting before the end of the current school year and continuing into school year 2007-2008.

Education has also taken some actions that address our recommendations targeted at improving state and district use of SES funding to provide services to the maximum number of students. Specifically, the department extended and expanded its pilot program to allow four districts in need of improvement to serve as SES providers for the 2006-2007 school year. As we noted in our report, allowing districts to act as providers may ease student access to SES for rural districts that do not have providers located nearby and allow more students to participate in SES because district costs to provide services are sometimes lower than other providers' costs. While we suggested in our other recommendation that Education could clarify how states can set parameters around provider program design and

costs by providing written guidance on these issues, according to department officials, Education has instead addressed state questions on these issues on a case-by-case basis.

Concerning our recommendations to improve federal and state monitoring of SES, Education officials reported that beginning with the 2006-2007 school year all states are required to submit information to the department on the amount of funds spent by districts to provide SES. The department has also taken action to provide states with technical assistance and guidance on how to evaluate the effect of SES on student academic achievement. Specifically, Education directed the Center on Innovation and Improvement to focus on SES evaluation assistance during school year 2006-2007. To that end, the center issued an updated version of the guidebook on SES evaluation in November 2006, and it plans to provide technical assistance before the end of the current school year to sixteen states that requested such assistance.

Mr. Chairman, this completes my prepared statement. I would be happy to respond to any questions you or other members of the subcommittee may have.

GAO Contacts

For further information regarding this testimony, please contact me at (202) 512-7215. Individuals making key contributions to this testimony include Bryon Gordon, Rachel Frisk, and David Perkins.

Related GAO Products

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No Child Left Behind Act: Education Actions Needed to Improve Local Implementation and State Evaluation of Supplemental Educational Services. GAO-06-758. Washington, D.C.: August 4, 2006.

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Chairman KILDEE. Thank you very much.

Ms. Chafin?

STATEMENT OF ANN E. CHAFIN, ASSISTANT STATE SUPERINTENDENT FOR STUDENT, FAMILY AND SCHOOL SUPPORT, MARYLAND STATE DEPARTMENT OF EDUCATION

Ms. CHAFIN. Chairman Kildee, thank you very much for allowing me an opportunity to describe Maryland's program for you today.

In Maryland, under the wonderful guidance of Dr. Nancy Grasmick, our state superintendent, we are never content with compliance. We always, for our children, try to ensure compliance and move past that to excellence. And I think we are on the way to doing that with our SES program.

I have to say up front though, this takes enormous planning and enormous resource to be able to ensure that this program is what is appropriate for each of our children.

You first start with the idea of why would we be doing this. Every educator I know whose own child is struggling first turns to a tutor. So we felt that if that was the concept, if we could embrace it that way, that we could maximize the use of the funds that we are putting forward for SES.

We have a very rigorous application process for our vendors. We started out not as rigorous as we are now. We learned from every year's experience. We began with having them describe clearly their reading and mathematics programs.

We now make sure that they also show how that closely aligns with our Maryland voluntary state curriculum. We want to make sure that the services being provided to these students actually will advantage them when they face the assessment programs and the instruction going on. There should be a match.

We work very closely with the school systems to make sure that they understand the issues that are facing them, many of them contractual and others. And I have to say in light of the horrific problem at Virginia Tech, we also must be clear here that health and safety is primary in providing any of these programs. So things like background checks and monitoring those programs that actually go into children's homes becomes a very serious issue and again, something that is much more complicated for us to do.

We have an SES collaboration team that is composed of people throughout the state that are affected by this. We have a tool kit that gives model contracts, model parent letters, strategies to vendors. We do a great deal of technical assistance with our vendors.

At this point in time, I proudly say to you that nationally there is a 19 percent participation rate in SES. And in Maryland, that is 68 percent.

We look at it as systematically removing the barriers for children to have access to these programs.

One of the things that we started out—a couple of our districts had letters for the parents that said, "Pursuant to the reauthorization of ESEA"—I didn't even finish reading the sentence. We now send letters home that say, "Good news: Your son or daughter might be eligible for extra tutoring." Those are the things—you must go to the people—the parents are the ones that understand the need. And you must also look at the barriers they have for having their children have access to these programs.

You have to work with the schools. A principal who says, "Gee, Tommy, don't you get to go to SES this afternoon? Let me walk you there. Tell me a little bit about what you are doing"—that kind of interaction with the school-based people makes such a difference to the attitudes the children go in with.

We still have some big issues at the state level to deal with, not the least of which is the expense. Maryland has made the decision to put two full-time people behind this effort. That means that other aspects of Title I may not have the same support they would have had. So it is a decision making process.

We know that in our more rural districts—and Maryland does not have districts that are rural by the typical definition of rural.

But those Eastern shore and Western Maryland counties that we have we do not have nearly the number of vendors available to them. We have 47 vendors on our approved list.

But there are times that when you have the criterion of a certain number of students that must chose that vendor before they would offer the contract. In school systems like Kent County that have so few kids that are eligible to begin with, it is very hard to meet that standard.

We frequently do have online vendors that will serve any area. But they offer us unique monitoring issues and monitoring problems to deal with. So we are continuing to work with our rural schools to encourage them to do parent outreach so their numbers go up so that we can, in fact, have vendors available.

It is a wonderful opportunity. But it brings with it a lot of responsibility. Thank you very much.

[The statement of Ms. Chafin follows:]

Prepared Statement of Ann E. Chafin, Assistant State Superintendent for Student, Family and School Support, Maryland State Department of Education

Chairman Kildee, and members of the Committee, thank you for the opportunity to testify today on how Maryland has implemented the Supplemental Educational Services (SES) component of No Child Left Behind (NCLB). My name is Ann Chafin, and I am the Assistant State Superintendent for Student, Family and School Support at the Maryland State Department of Education (MSDE). I have been in the role for less than a year and served, prior to this, as Maryland's State Director for Title I. I have fifteen years experience in one of Maryland's 24 school districts as Director of Research and Assessment.

I am pleased to share with you Maryland's progress and successes in implementing the Supplemental Educational Services program mandated for Title I. Under the insightful direction of our State Superintendent, Dr. Nancy S. Grasmick, MSDE has been proactive in implementing NCLB. Dr. Grasmick is never content with compliance when it comes to educating Maryland students so we make every effort to ensure compliance but step beyond it to excellence.

Title I, as you well know, is a compensatory program. That means we must offer programming that compensates for the lack of rich, varied experiences that often form the basis for academic achievement; that recognizes and addresses health and environmental issues that cause education to slip down the list of priorities; and that is delivered by the best teachers and administrators that we can possibly provide.

It has been my experience that when educators find their own children struggling in school they most frequently turn to a tutor. The SES program extends this opportunity to the economically disadvantaged children of this country who are attending low-performing schools. Our philosophy has been simply, if educators believe in tutoring, this program ought to work. And the SES program is working in Maryland.

First, SES providers are selected through rigorous application and review processes in Maryland. We believe the application requirements are the first steps toward providing quality services to our children. Based on what we have learned over the last six years, we have refined the application to more closely align the programs described by the vendors with Maryland's Voluntary State Curriculum. If this work is to be effective, vendors must be instructing students on the same material that is expected of them in their classrooms and on the Maryland School Assessment.

We have also encouraged and required vendors to work closely with the school systems and the schools so that communication is clear and school personnel feel they have input into the process.

Our data reporting requirements ask that MSDE, each local school system and each vendor reconcile any discrepancies in participation, attendance, goals setting and parental notification before we declare the information final. In order to assure that this cooperation is evident, we offer extensive technical assistance to potential vendors prior to their application. When all players are fully informed and participatory, the quality of SES programs improves.

Part of program improvement in Maryland must be credited to our monitoring system. Noted in the January 23, 2007 publication of Education Daily, Maryland is referred to as the "data dream." In 2002, we developed an instrument that collected information on each student receiving services, each provider, and each local school system. In 2003, we converted that instrument to an Access data file that allowed us to disaggregate data state-wide, set up reporting dates, and trained local systems and providers to use it. The Access file collects and monitors contact hours with students, as well as, contacts with parents, local systems, and classroom teachers, measurable goals, and parent outreach methods, among other data. The message to all providers and local systems in Maryland is that every aspect of SES is under scrutiny. It is valued and important, and our data collection system is taken seriously. Delivering the best opportunities available to our students is our focus. Monitoring also includes site visit reports that identify findings and commendations, all available on our websites.

Local school systems assist in all aspects of the program. Early on, all LEA SES Coordinators were invited to become part of the SES Collaboration Team. We meet four times a year and candidly discuss our concerns and contribute to resolutions. The State Department facilitates the discussion and researches the questions. The relationships forged through the team saved countless hours for local systems, and the entire State moved forward together. We developed a Toolkit and, today, the toolkit continues to be updated with new documents the LEAs are using. All documents, including the minutes of the meetings are posted on the website. Now, we have LEAs attending the meetings that are not yet required to offer SES but want to be prepared if SES is a requirement.

One of the team's most frequently discussed concerns is how to increase parent involvement. Those discussions have paid off. Today, with a national participation rate of about 19%, Maryland's participation rate is about 68%. The statute requires local school systems to engage in aggressive parent outreach. Parents of eligible children must select a provider to tutor their child. If parents don't select, students do not participate. The six LEAs required to offer SES in Maryland work hard at strategies that are effective. Local systems stopped offering provider fairs; parents don't come. They stopped using letters that are too hard to read; parents can't understand them. Local systems enlisted the help of the individual schools, and parents felt more engaged. We worked through our collaboration team to remove every barrier to parent participation, including an agreement from each LEA that providers may use their school buildings. Last year, SES funds allowed for the participation of 15,837 students; of those 10,718 participated—an impressive 68%. Baltimore City enjoys a remarkable 99% participation rate.

Two areas continue to leave us with unanswered questions. One, in our rural areas we have limited access to vendors. Although Maryland has almost 50 vendors on the approved list, most of them only work in the metropolitan areas. We had an instance in Western Maryland where parents of second graders in a school requested SES but no vendors were available for primary tutoring in that area. We were able to redirect dollars to a summer program for those students, but that was not a long term solution.

Also, we continue to struggle with programs for special needs students. Although many of our vendors do offer these services, it requires much more monitoring and support to ensure that the IEP is honored and the work is directed at the appropriate strategies.

As proud as I am of the accomplishments made in Maryland with this program, I must put it in a context. Maryland has only 24 school districts, admittedly some of them are quite large, but still only 24. We have an internal monitoring structure that allows me to assign two districts to each Title I specialist, in addition to many other responsibilities. This means that we know each coordinator and can help them address their individual issues. When it comes to SES, only 6 of those 24 districts must offer SES. Other states that have hundreds of school districts have a much more difficult job of technical assistance, monitoring and communication.

The successes we have experienced in this program so far are due to the decision by MSDE to dedicate two positions to this work. Dr. Jane Fleming has led the development of the monitoring instrument and the oversight of the implementation of the program. She is our secret weapon. Site visits with written feedback that are posted for the world to see are some of our best tools for improvement. Dr. Fleming, supported by a loaned educator from a school district, developed that process also.

Additionally, Maryland has only begun the process of evaluating the effectiveness of these programs. We have a contract in place to pursue the relationship between the work of each of our approved vendors and success on the Maryland School Assessment. When we reach the point of removing vendors from our list because of lack of effectiveness, this program will enter another political realm. We look for-

ward to the support of the US Department of Education as we make these very difficult decisions.

Thank you for this opportunity.

Chairman KILDEE. Thank you very much.

Ms. Roberts?

STATEMENT OF MONICA M. ROBERTS, DIRECTOR, OFFICE OF FEDERAL AND STATE PROGRAMS, BOSTON PUBLIC SCHOOLS

Ms. ROBERTS. Good morning, Chairman Kildee, Ranking Member Castle, and members of the subcommittee. My name is Monica Roberts. And I am the director of federal and state programs for Boston Public Schools. Thank you for this opportunity to testify at this House hearing on supplemental educational services.

Boston Public Schools is the largest school district in Massachusetts and serves the largest number of low-income students in the commonwealth with 71 percent of our students eligible for free or reduced price lunch. Eighty-six percent of our students are minorities. The district was one of nine organizations approved by the Massachusetts Department of Education to provide SES services in Boston. Today we continue to operate our SES program through the pilot project offered by the U.S. Department of Education.

Boston has won numerous awards and recognition for its continuous improvement towards and closing the achievement gap and moving towards proficiency for all students, including the 2006 Broad Foundation prize for urban education. Despite our progress and continued gains in student academic performance, 60 schools were identified this school year as not having made AYP for 3 or more consecutive years, up from 43 schools in School Year 2005-2006 and 22 in School Year 2004-2005.

This year Boston Public Schools notified nearly 23,000 students of the availability of SES programs and reserved nearly $5.9 million of its Title I grant for of SES. Based on the per pupil allocation of nearly $2,400, the district estimated that it could serve about 2,460 students, a total of 4,400 eligible students applied for SES services. And 70 percent of these chose the Boston Public Schools as its provider.

The per pupil cost for the district program is $610, a quarter of the cost charged by other providers for their own SES program. When our district acts as a provider, the balance of the per pupil SES allocation, approximately $1,800, remains in the available SES funding pool to allow for continued enrollment above the 2,460 students originally projected.

As a result, the district has been able to accommodate every student applying for SES this year and nearly 2,000 more students are being served in the program because the Boston Public Schools is a provider. Boston's experience is consistent with those of other urban school districts, as you can see in the Council of Great City Schools data at the end of my written testimony.

The BPS SES program model offers small group differentiated academic intervention services and tutoring in mathematics, reading, and writing for a minimum of 80 hours and up to 136 hours. At 80 hours per child, the district offers between 33 percent and 100 percent more hours than other providers.

Having experienced SES as both a provider and a district managing the program, Boston has been working to identify areas of strength and areas in need of improvement. Particularly, the district is excited by the role that parents are asked to play in this initiative and the effort to empower parents to make informed choices that can result in significant academic improvement. Schools hosting SES programs have found that parents with children enrolled in these programs are engaged and actively seek to understand their children's academic performance and strategies to support growth.

Challenges are inevitable, and the district is working collaboratively with providers and the state department of education to address them. The district has focused its efforts on developing and offering practical solutions to some of the problems that have inundated districts and providers.

Boston Public Schools offers the following proposals to strengthen Supplemental Educational Services. We recommend revising the student eligibility requirement to be prioritized into two categories: low-income and low-performing and low-performing students from groups performing below proficiency on the state assessment; permit all districts to become SES providers, regardless of their NCLB status; all SES providers should be required to hire highly qualified instructional staff, including staff working with English language learners and special needs students; allow districts to use 10 percent of SES funds to cover overhead and program management costs, which are high and can limit district ability to support program expansion.

In particular, districts are currently covering the cost of data management systems, enrollment materials, program management staff, and parental outreach, which includes newspaper and radio advertisements, fliers. Require states to comply with the current requirement to evaluate providers and administer a common growth model of assessment for all providers; require all states to put limitations on incentives offered by providers to students for enrollment and recruitment of other students, not to exceed a $5 value per child; and finally, require all SES providers to serve all students enrolled in their program regardless of the number of students enrolled district-wide, and to begin services within 2 weeks of receiving their enrollment data.

Mr. Chairman, this is the end of my prepared statement. I would be happy to answer any questions that you may have.

[The statement of Ms. Roberts follows:]

Testimony on
"Supplemental Educational Services Under the No Child Left Behind Act:
How to Improve Quality and Access"
before the
Committee on Education and Labor Subcommittee on Early Childhood, Elementary and Secondary Education
U.S. House of Representatives
by
Boston Public Schools

April 18, 2007
Washington, D.C.

Good Morning, Chairman Kildee and Ranking Member Castle, and Members of the Subcommittee my name is Monica Roberts, I am the Director of Federal and State Programs for the Boston Public Schools. Thank you for the opportunity to testify at this House hearing on Supplemental Educational Services and efforts to improve the quality and effectiveness of the program

Boston Public Schools (BPS) is the largest school district in Massachusetts and serves the largest number of low-income students in the Commonwealth with 71 percent of our students eligible for free or reduced price lunch. Of the 57,000 students served by the Boston Public Schools, 86 percent are African American, Hispanic, Asian, or American Indian. The district was one of nine organizations originally approved by the Massachusetts Department of Education to provide SES services in Boston. Today, the district continues to operate its SES program through the SES pilot project offered by the U.S. Department of Education. We are one of 24 SES providers approved to serve the Boston Area.

Boston has been recognized by a number of national organizations for its continuous improvement towards closing the achievement gap and moving towards proficiency for all students, including the Council of Urban Boards of Education (2004 Award Recipient) and the Broad Foundation (2006 Award Recipient). Despite our efforts and continued gains in student academic performance, 60 schools were identified this school year as failing to make Adequate Yearly Progress for three or more consecutive years, up from 43 schools in School Year 2005 – 2006, and 22 in School Year 2004 – 2005. The district was also identified by the Massachusetts Department of Education for *corrective action* as a result of 2006 adequate yearly progress determinations.

This year Boston Public Schools notified 22,532 eligible students across the 60 identified schools of the availability of SES programs and school choice options. The district reserved nearly $5.9 million of its Title I grant for provision of SES. Given the per pupil allocation of $2,390, the total number of students that the district estimated it could serve was 2,460. A total of 4,408 eligible students applied for SES services, and 70 percent of these selected the Boston Public Schools as their first-choice provider. Due to capacity limitation, Boston enrolled 67% of those requesting the district as the first choice provider, and the remaining 3% were enrolled in

their second choice program. The remaining 30% of students were enrolled in the programs of the other SES providers they selected.

The district is able to provide SES services for a quarter of the costs of other providers with the district program per pupil cost being $610. The balance of the per pupil allocation that the district is eligible to collect, approximately $1,800, remained in the available SES funding pool to allow for continued enrollment above the 2,460 that would be served if the district charged the maximum per pupil rate. As a result of this practice that Boston established in 2002, the district has been able to accommodate all 4,408 students applying for SES services this year. In short, nearly 2,000 more students are being served in the SES program because the Boston Public Schools has been able to provide SES services at the cost of $610 per student, nearly four times less than the amount charged by private providers. Boston's experience is consistent with national data collected by the Council of the Great City Schools from 40 of their member school districts, which can be found in Appendix A.

The BPS SES Program model offers small group (6:1) differentiated academic intervention services and tutoring in Mathematics, Reading and Writing for a minimum of 80 hours of tutoring and up to136 hours for students in schools identified for improvement. At 80 hours per child, the district offers between 33% and 100% more hours that other providers. The program is staffed by highly qualified teachers, a requirement that only school districts are required to meet. The district program schedule is specific to the needs of the families in the school and is offered before school, after school, on weekends, or a combination of these. The district works with each school to ensure that the program is linked to all other social support programs, and cultural and recreational activities available within the building to allow for holistic services and to accommodate working parents.

Boston Public Schools' SES program is connected to, but different from the regular school day and has been designed to build on the district's existing curriculum and assessment system to a) make a seamless link between the regular day and the SES program, and b) not over-burden teachers, students or parents with duplicative testing, record keeping and reporting. SES instructional staff use each student's Individual Student Success Plan (ISSP) developed by the regular school-day teacher to identify students' needs and provided targeted support.

Nineteen SES providers contracted with the district this school year, 8 are non-profits, 1 is faith-based, 1 is a local for-profit, and the remaining 9 are national for-profits. Seventeen of the 19 providers are offering services this school year. Two providers requested a waiver for service provision, because student enrollment in their programs would result in their operating at a financial loss. On average providers offer 40 hours of tutoring services, but range from a low of 29.8 hours to a high of 60 hours. There is wide variety in the hourly rate charged by providers ranging from $39.82 to $80 per hour.

It is not possible for us to allow all 19 providers that contract with the district onto every school site. However, external providers seeking to use Boston Public Schools facilities are invited by the district to negotiate directly with principals/headmasters regarding the usage of classroom space. Principals and headmasters are not required by the district to allow providers on campus and make decisions based on five factors: 1) availability of space, 2) past experiences

with the provider, 3) feedback and recommendations from other principals/headmasters, 4) providers' willingness to commit to serving students even if they do not obtain a "critical mass", and 5) the extent to which the provider can support the student population's academic weaknesses through tutoring (i.e. reading for ELL students). Of the seven external providers requesting permission from principals and headmasters to offer services on campus, six were granted access. All principals were required to meet with the providers at a district-hosted Principal-Provider fair. This was an opportunity for providers to broker relationships and make initial contact with schools in which they were interested.

In addition to SES provider fairs, the Boston Public Schools notified the parents of eligible students by mailing a letter to each home, utilizing Connect Ed to make standardized phone calls home, passing out flyers and notices to students in school, and through outreach with our community partnerships. The district also ran advertisements in the Boston Metro, the city's most widely circulated and read newspaper, and on the BPS Cablevision channel. All written communication was distributed in seven languages in addition to English. Boston's enrollment window lasted for an eleven week period, October to January. Boston's communication and enrollment efforts are consistent with national data collected by the Council of the Great City Schools, which can be found in Appendix A.

Providers with school-based programs in our district's school buildings are encouraged to work with parents and the school to ensure that students take advantage of other school-based opportunities offered at the school during the hours after SES tutoring has ended. This has allowed the district to better coordinate SES with other programs, and resulted in later pick up time options for parents. The Boston Public Schools enrolls approximately 12,000 students throughout the district in after-school programs, in addition to SES.

Having experienced SES as both a provider and a district managing the program, Boston has been working to identify areas of strength as well as areas for improvement. Particularly, the district is excited by the role that parents are asked to play in this initiative and the effort to empower them to make informed choices that can result in significant academic improvement. Schools hosting SES programs have found that parents with children in SES programs are more engaged and actively seek to understand their child's academic performance and strategies to support growth.

Schools see SES as having the potential to provide additional intervention services to students that are most at risk. A preliminary district analysis of the BPS program indicates that students attending the district program at least 75 percent of the time or receive 60 tutoring hours out perform students attending for fewer hours on local assessments and are more likely to pass the state assessment. Principals and headmasters have also noted that where SES providers are willing to align their curriculum with the district's school-day curriculum and use existing student performance data to develop instructional plans, students show some improvement.

Challenges are inevitable and the district is working collaboratively with providers and the state department of education to address them. The district has focused on developing and offering practical solutions to some of the problems that have inundated districts and providers.

Boston Public Schools offers the following proposals to strengthen Supplemental Educational Services.

1. Revise student eligibility requirement to be prioritized into two categories a) Priority 1: low income and low performing and b) Priority 2: low performing students from group(s) performing below proficient on state assessment. Currently a number of high performing and savvy families are accessing SES services, while some of our students that are most at risk academically are ineligible.
2. Permit all districts to become SES providers, regardless of their NCLB status. School districts approved to be SES providers are uniquely positioned to offer services with highly qualified instructional staff at a significantly lower per pupil cost, which allows for higher enrollment in the overall program. The quality of district programs will be reviewed and approved by the state department of education and only the highest quality district programs would be approved. Parents would reap the added benefit of increased options and access to services in a familiar and safe environment with instructional staff that are experienced with the regular day curriculum and practices.
3. All SES providers should be required to hire highly qualified instructional staff as research has shown that teacher quality has a direct impact on student performance. This requirement should be extended to staff working with English Language Learners and Special Needs students. This would increase access for these two populations, which frequently withdraw from non-district SES programs in Boston due to provider inability to adequately support the student.
4. Allow districts to use 10% of SES funds to cover overhead and program management cost, which are high and can limit district ability to support program expansion. In particular, districts are currently covering the cost of data management systems, enrollment materials, parental outreach (newspaper and radio advertisements, flyers, and provider fairs), financial management, legal services, and program management staff. In Boston, the overhead cost for this year is nearly a quarter of a million dollars and are scheduled to increase with our purchase of a data management system next school year.
5. Require states to comply with the current requirement to evaluate providers and administer a common growth model assessment for all providers. In the case that the state is unable to implement a common assessment, give the local education agencies authority to mandate and administer the common assessment. States should set performance requirements for all providers based on the assessment and remove providers failing to meet targets for two or more consecutive years.
6. Require states to put limitations on incentives offered by providers to students for enrollment and recruitment of other students, not to exceed a $5 value per child. This continues to be a significant concern for most districts. In Boston, one provider offered students $2,000 to enroll in their program and recruit 7 to 9 additional students. Providers violating this requirement should be removed by the state from the list of approved providers.
7. Require all SES providers to serve all students enrolled in their program regardless of the number of students enrolled in their program district-wide, and to begin services within two weeks of receiving their enrollment data. The trend in Massachusetts has been for providers to market their services to parents, and then either seek waivers in order to not

serve students if they do not reach their critical mass for profitability, or to delay provision of services until they reach this critical mass, if at all.

Thank you. I will be pleased to answer any questions that you have.

Appendix A

**Preliminary NCLB Survey Results
from the Council of the Great City Schools
on Supplemental Educational Services**

Figure 1. Percent of Eligible Students Receiving SES in Cities Where Districts Can Provide Services and Where They Can't Provide Services

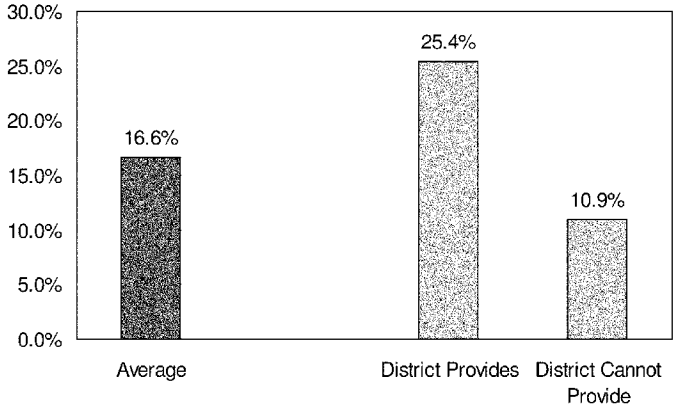


Figure 2. Percent of Students Receiving Supplemental Services by Type of Provider

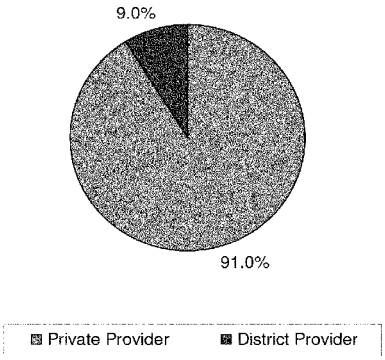


Figure 3. Percent of Districts Using Various Methods to Communicate with Parents about Supplemental Services

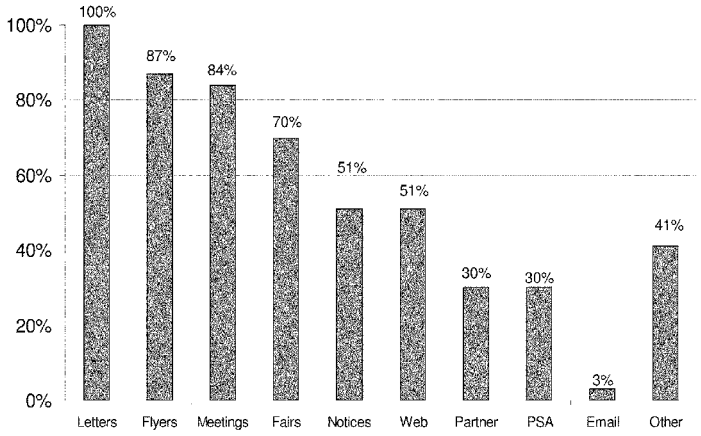
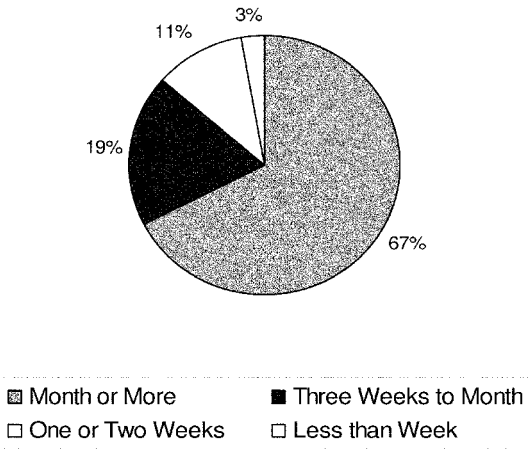


Figure 4. Percent of Cities Using SES Windows of Varying Lengths



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Chairman KILDEE. Thank you very much.

Ms. Murray?

STATEMENT OF RUTH D. MURRAY, DIRECTOR, FEDERAL GRANTS, NEWPORT NEWS PUBLIC SCHOOLS

Ms. MURRAY. Thank you. Chairman Kildee, Ranking Member Castle, and members of the subcommittee, I appreciate the opportunity to be here today. As director of federal grants in Newport News, a great deal of my time is spent implementing and monitoring supplemental educational services.

As part of the SES reversal pilot during the 2005 and 2006 school years, Newport News Public Schools was allowed to implement SES during the first year of Title I school improvement in-

stead of public school choice. A larger percentage of students, 68 percent as compared to 5 percent, have been provided help due to this reversal.

In Newport News, we attribute our success to a variety of factors and strategies. We approached implementing SES in a systematic way across departments. We developed a master plan, a calendar and a timeline for implementing the project. Expectations and responsibilities were clearly defined.

We received a great deal of support from the Virginia Department of Education through numerous training sessions on SES, opportunities to network with other divisions, monitoring visits, and printed resources for the program. State department representatives and coordinators were always available to answer questions and help us work through problems and issues.

In Newport News, SES facilitators are recruited to manage the SES program in the school. Last year, SES facilitators were selected from existing school personnel. But because of the added responsibility on existing staff members distracted from their main jobs, part-time facilitators were hired this year from student teachers, retired teachers, and the local universities.

We consider our SES providers partners in our students' success. SES providers are not charged for the use of our school buildings. And they may contract with the school division to provide transportation services. SES providers must provide criminal background checks, T.B tests, and fingerprinting for all tutors. SES tutors receive training from our district supervisors in the math and reading curriculum of our division as well as the state SOL standards.

Believing there is value in having SES providers and tutors dialoguing with parents, teachers, and administrators about academic achievement, SES providers are invited to serve on each school's school improvement team. In order for SES to have a positive impact on schools and communities, the program cannot be a separate entity, but must be integrated into the school's culture.

Rather than rely just on fliers in students' book bags, Newport News has used a variety of strategies to make parents well-informed about the SES opportunity. Open house, back to school night, parent/teacher conferences, progress reports, and child study meetings are all used as opportunities to discuss and encourage parents to take advantage of the SES opportunity.

The parent application booklet is available as soon as possible after school starts in the fall and contains information for parents to contact SES providers directly. Our SES application is mailed home several times to parents with a stamped, self-addressed envelope. And it is available online in different languages.

A list of parents not returning the SES application form is maintained by the SES facilitator and the classroom teacher. The school staff continues to contact these parents throughout the year with phone calls, home visits, and additional mailings.

Other strategies to support participation are open enrollment periods, SES summer school, assemblies and incentives for students, information displayed on school marquees and in newsletters, the superintendent sending letters and meeting with faith-based leaders in the community, an automatic phone dialing system that has messages for parents.

Regardless of our efforts, some parents have chosen not to participate in SES. On their children's application form, we received 283 parents declining SES services. Reasons included the parents felt the services were not needed, the student's schedule would not allow for any additional commitments, no transportation, and the family was moving.

Reflections on our experiences with SES in Newport News have brought us to the following recommendations for improving the quality and access of SES: continue to allow schools the flexibility to reverse the order of sanctions in the first 2 years of improvement; supplemental educational services may be offered to eligible students in Title I schools the first year and public school choice the second year; target SES funds to low-performing, low-income students; allow part of the 20 percent set-aside to be used for administrative costs to implement programs; continue to allow unused SES set-aside funds to remain in the district for use in Title I schools; and tutors that are employed by the SES providers should meet the state's definition of highly qualified teachers.

This would help to minimizes problems which have occurred such as tutors not showing up for sessions, not communicating with parents, not using appropriate language and discipline methods and also tutoring sessions where only the child went over the homework.

I appreciate this opportunity again to present. And I welcome your questions.

[The statement of Ms. Murray follows:]

Prepared Statement of Ruth D. Murray, Director, Federal Grants, Newport News Public Schools

Thank you Chairman Kildee and Ranking Member Castle for the opportunity to speak before the Subcommittee. As the Director of Federal Grants in Newport News Public Schools (NNPS), a great deal of my time is spent monitoring and implementing Supplemental Educational Services. As part of the SES Reversal Pilot, during the 2005 and 2006 school years, Newport News Public Schools was allowed to implement SES during the first year of Title I School Improvement instead of Public School Choice. A larger percentage of students, 68% as compared to 5%, have been provided help due to the reversal.

In Newport News Public Schools, we attribute our success with SES to a variety of factors and strategies. We began with the examination of our current attitudes, policies and practices related to school, family and community partnerships. This examination involved teachers, school leadership teams, and members of central office. We approached implementing SES in a systematic way across departments. Working with staff members from academic services, purchasing, public relations, mail services, child nutrition, principals, and federal grants, a SES Plan, master calendar, and implementation timeline were developed. Expectations and responsibilities were clearly defined. We also received a great deal of support from the Virginia Department of Education through numerous training sessions on SES legislation, opportunities to network with school divisions experienced in implementing SES, monitoring visits, and printed resources for the program such as SES provider contracts, parent agreements and learning plans. Coordinators were readily available for working through problems or issues.

In NNPS, SES facilitators are recruited to manage the SES process in each school. They serve as liaisons among central office, school personnel, SES providers, parents and students. Their responsibilities include scheduling space for providers, maintaining accurate records and reports, recruiting participants, and attending meetings with the Director of Federal Grants to share best practices. Last year, SES facilitators were selected from existing school personnel. Because the added responsibility on existing staff distracted them from their main jobs, part-time facilitators were hired this year for each school. Part-time facilitators were recruited from our retired teacher population, student teachers, and local universities.

Training of our school personnel also is an important ingredient in our recipe for success. The agenda includes an overview of program requirements, Title I regulations and SES non-regulatory guidance, the SES facilitator's role, responsibilities of parents, provider contracts, the availability of supporting funds, a timeline for implementation, and assorted SES forms and documents.

We consider our SES providers partners in our students' success. SES providers are not charged for the use of the school buildings, and they may contract with the school division for transportation services. SES providers must provide criminal background checks, TB tests, and fingerprinting for all tutors. Tutors also receive training with district supervisors on the division's math/reading curriculum and the state standards of learning. Believing there is value in having SES providers and the actual tutors dialoging with parents, teachers, and administrators about academic achievement, SES providers are invited to be on the School Improvement Team in each school. We believe that in order for SES to have a positive impact in the schools and community, the program can not operate in isolation but must be integrated into the school culture. By bringing providers to the table, school leaders can be sure everyone's goals are aligned.

Rather than rely just on flyers in students' book bags, Newport News uses a variety of strategies to make sure parents are well informed about the SES opportunity. As much as possible we use our existing school culture to support SES participation and recruitment. Open House, Back to School night, parent/teacher conferences, progress reports and report cards, and child study meetings are all used as opportunities to discuss and encourage parents to take advantage of SES. Provider fairs are held in every school and parents are given the tools needed to organize information and examples of important questions to ask providers. The parent application booklet is available as soon as possible after school starts in the fall and contains information needed by parents to contact providers directly. Our SES application is mailed home several times to parents with a stamped, self-addressed envelope; it also is available online and in different languages. A list of parents not returning SES enrollment forms is maintained by each SES facilitator and classroom teacher. The school staff continues to contact parents throughout the year with phone calls, home visits, and/or additional mailings. We encourage participating parents to be "ambassadors" for the SES program and tell their neighbors and other eligible families about the services. Other strategies to support participation are an open enrollment period, SES summer program, assemblies and incentives for students, information displayed on school marquees outside buildings and in newsletters, the superintendent sending letters and meeting with faith community leaders in the community, and an automatic phone dialer system (Parent Link) activated with messages for parents. Regardless of our efforts, some parents are not using SES services. On their children's application forms, 283 parents declined SES services. Reasons included the parent felt the services were not needed, student's schedule would not allow for additional commitments, no transportation, and the family was moving.

The Federal Grants Director meets regularly with SES providers to address problems or discuss issues so the program will operate smoothly. Parents are often good judges of quality. If a SES provider is not providing quality services, not showing up on time for the tutoring, not communicating with the parents, or using inappropriate language or discipline methods, parents will let us know and we will work with the provider to resolve the issues.

Reflecting on our experiences with SES in Newport News, the following changes would, in my opinion, improve the quality and access of SES.

- Continue to allow schools the flexibility to reverse the order of sanctions in the first two years of school improvement. Supplemental educational services may be offered to eligible students attending Title I schools in improvement in the first year and public school choice in the second year.
- Target SES funds first to low performing, low income students in Title I schools and then to all economically disadvantaged students.
- Allow part of the 20% set-aside to be used for administrative costs to implement the programs. The management of the SES and Public School Choice programs is very time consuming and less effective when added to personnel working in existing positions.
- Continue to allow unused SES set-aside funds to remain in the district for use with Title I schools. Under the best of circumstances all set-aside funds for SES and Public School Choice may not be used.
- Tutors employed by SES providers who provide direct instruction to students should meet the state definition of highly qualified teachers. This would help to minimize problems which have occurred such as tutors not showing up for sessions,

the use of inappropriate language and discipline methods, and only covering homework assignments.

Thank you for your attention. Again, I appreciate the opportunity to speak today.

Chairman KILDEE. Thank you very much, Ms. Murray.

Ms. Piché?

STATEMENT OF DIANNE M. PICHÉ, EXECUTIVE DIRECTOR, CITIZENS' COMMISSION ON CIVIL RIGHTS

Ms. PICHÉ. Good morning, Chairman Kildee, Mr. Castle, and members of the subcommittee. And thank you for the opportunity to testify today on the supplemental educational services provisions of No Child Left Behind.

Today I would like to emphasize the concerns of my organization and other civil rights organizations for the students who are most left behind in public education today.

There is a subset of students in K through 12 schools in the United States in dire need of hope and help, even a subset of the Title I eligible population of students. These are children who attend the lowest performing schools in the country, often in highly concentrated poverty environments. Many of their schools have been failing or on needs improvement lists on both federal and state measures for as long as these lists have been kept.

They are children who are one or more grade levels behind. Many of these children and their parents despair of ever getting caught up. They tend to attend schools in either large urban areas or in rural areas, but not exclusively. And finally, I want to emphasize the students furthest behind tend to be poor and in one or more other sub-groups reported under NCLB. For example, they are also non-white, disabled or learning English.

There are many ways in which NCLB provides hope and help to these and other students and their families. Today's subject, the SES provisions, is one tangible and much-needed way. Research and, indeed, the practice of middle-class and more affluent parents indicates that one on one and small group tutoring are among the more effective means of helping struggling students to get caught up to their appropriate grade level.

And I probably don't need to say, but when students do not get caught up to grade level, they tend to fall further and further behind. And at some point if you cannot do math and reading on basic grade level, you cannot achieve in other subjects. And these students will drop out of school.

Congress recognized the importance of extra tutoring, after-school programs, and summer school programs included in SES when it reauthorized Title I in NCLB. In fact, Congress said in the House report accompanying H.R. 1 that these services provide "an important safety valve for students trapped in failing schools."

We now have several years of implementation of the supplemental services program. And, of course, when you begin a new program like this, as many of the witnesses have indicated, you have a lot of bumps in the road. You have a lot of relationships to be sorted out.

And I have in the past analogized the relationship between providers and school districts as something akin to an arranged mar-

riage or maybe even a shotgun wedding where we have organizations and entities that may not be used to working together. Some may not want to work together. But this law requires that everybody work together and figure it out and figure out how to do the best thing for children.

When I was asked to testify, I wrote to some of my colleagues and was surprised at all the good news that is out there on the SES program. And I have summarized some of this good news in my testimony, including reports that have been done both by providers and by school districts as well as independent research from the University of Memphis.

Unfortunately, not all the news about SES is good. And I have summarized in my report some of this bad news and want to call your attention to research that my own organization did. We essentially verified and the GAO then verified our research that the participation rates are abysmally low, both for the transfer program and for SES. We have some tables in the testimony. We show some of the variation among districts. This is 2004-2005 data, so I would just caution you that we believe there have been improvements in the participation rates.

But one of the critical things to look at is the number of students eligible, the number of students applying and to figure out—and I think Newport News is doing a great job—how we can get more eligible parents to apply. But then you look at the drop-off between students who have actually applied for these services and the number of students actually receiving them. And in some cases, there is a huge disparity.

We can, you know, attribute some falloff to family needs and circumstances changing and that kind of thing. But why is there a falloff between the number of parents who sign up and the number of parents who actually receive these services? So I think it is important as we move forward to examine some of these problems and some of the problems of parent access.

I also refer to a lawsuit that was brought in Newark, New Jersey. We have appended that to the testimony. And then finally, we have a series of recommendations. I just want to highlight a couple in the short time I have left.

One is that we don't believe we should have a rollover of funds from 1 year to the next, that this money really should be earmarked for SES and tutoring. We need much more emphasis on finding kids where they are and providing services in community-based settings or on school site.

Finally, we also need much more monitoring and enforcement of this law at all levels of government starting with the federal government and down to the local school district level so that we can ensure that more students are served.

And then finally, I did want to say for the record that we do have some concerns about proposals that would allow all districts to provide these services if they are in need of improvement. We only think they should be able to provide the services if they, in fact, can show they have the capacity to do so.

And while we would support moving up SES to the first year, we would not support flipping with the transfer. We believe parents should have the right to choose either of those options.

Thank you very much.
[The statement of Ms. Piché follows:]

Testimony of Dianne M. Piche
Executive Director, Citizens' Commission on Civil Rights

Before the U.S. House of Representatives
Committee on Education and Labor

Subcommittee on Early Childhood, Elementary and Secondary Education

Hearing on "Supplemental Educational Services Under the No Child Left Behind Act: How to Improve Quality and Access"

April 18, 2007

Introduction

Good morning Chairman Kildee, Mr. Castle, and members of the Subcommittee.

Thank you for the opportunity to testify today on the supplemental educational services (SES) provisions of the No Child Left Behind Act. The Citizens' Commission commends both this Subcommittee and the full Committee for its diligent, substantive and bipartisan efforts to examine NCLB to determine what's working, what could work better and how to strengthen the law.

The Citizens' Commission on Civil Rights is a bipartisan organization established in 1982 to monitor the civil rights policies and practices of the federal government and to work to accelerate progress in civil rights. We believe education is a fundamental civil right.

Since 1997, the Citizens' Commission has played a "watchdog" role in monitoring implementation and enforcement of key equity provisions in Title I of the Elementary and Secondary Education Act (ESEA), including: standards, assessments, state accountability systems, teacher quality, and public school choice and supplemental services. In 2004, we investigated and reported on early implementation of NCLB's provisions providing a right to transfer *Choosing Better Schools: A Report on Student Transfers Under the No Child Left Behind Act*. This past summer, we released our first report on teacher quality and NCLB, *Days of Reckoning: Are States and the Federal Government Up to the Challenge of Ensuring a Qualified Teacher for Every Student?*[1]

[1] See also the following reports of the Citizens' Commission on Civil Rights' Title I Monitoring Project: R. Rothman, et al., *Title I in California: Will the State Pass the Test?* (2002); *Closing the Deal: A Preliminary Report on State Compliance With Final Assessment & Accountability Requirements Under the Improving America's Schools Act of 1994* (2001), Dianne Piché, et al, *Title I in Midstream: The Fight To Improve Schools For Poor Kids* (Corrine Yu & William Taylor, Eds. 1999), Dianne Piche, et al., *Title I in Alabama: The Struggle to Meet Basic Needs* (Citizens' Commission on Civil Rights, 1999).

Students Furthest Behind

Today I would like to emphasize my organization's particular concern for the students most "left behind" in public education today. There is a subset of the U.S. K-12 student population in dire need of both help and hope. If nothing else, the reauthorization of NCLB – along with upcoming appropriations debates – ought to focus most on these particular children.

Who are they?

- They are the children who attend the lowest-performing schools in the country.
- Many of their schools have been failing on federal and/or state measures for a number of years – some of them have been deemed substandard since states began assessing students and classifying schools.
- They are children who are one *or more* grades below grade-level in reading or math and have not yet caught up. Many of these children and their parents despair of ever getting caught up
- They attend schools with high concentrations of students from low-income families.
- Their schools tend to be in large urban areas and in a number of isolated rural communities.
- Finally, the students furthest behind tend to be poor *and* in one or more other subgroups reported under NCLB, i.e., they are also nonwhite, disabled, and/or learning English.

What we know about such children is that once they fall behind, if they do not catch up and attain adequate levels of proficiency in reading and math, they will almost certainly fall further behind as they advance through the grades. In short, these are the young people we can identify at high risk of failing to complete high school. They deserve and need real help, and they need it now.

SES: A Safety-Valve for Students

There are many ways in which NCLB is providing hope and help to these and other students, and their families. Today's subject, the supplemental education services provisions, is one tangible and much-needed way. Tutoring is not a new phenomena and millions of children see a tutor each year. It has been the subject of education research and a recent book, "The Tutoring Revolution", by Dr. Edward Gordon, summarizes reports by independent evaluators, concluding that tutoring does improve academic skills as well as the child's own readiness to learn. SES-specific researchers, including Dr. Steven Ross of the University of Memphis (who is currently designing the evaluation plan for eight states,

including Maryland), further validate that one-on-one and small group tutoring are among the more effective means of helping struggling students to get caught up to their appropriate grade level.

In adding SES to Title I, Congress expressed its belief that extra tutoring, after-school and summer programs, along with the right to transfer to a better school, would provide a "safety valve" for students in persistently low-performing schools:

> *Supplemental educational services represent a refreshing approach to the provision of Title I services. For the first time, Title I dollars would follow the child from the low performing school to a private provider of educational services. These services provide an important `safety valve' for students trapped in failing schools. Specifically, under section 1116(d)(1), low income families that have children attending schools designated for restructuring would have the opportunity to select a private provider to provide supplemental educational services to their children. Parents would select from a list of providers that has been approved by the State educational agency. Once the parents select the provider, the parent then notifies the LEA of their choice, and the LEA then works out an arrangement to pay for the services, as well as develops a statement of specific performance goals for the student, how the student's progress will be measured, and a timetable for improving the student's academic achievement.*
> House Report on H.R. 1, 107-63 at 285-6.

Despite this clear Congressional intent, one criticism of the law we hear frequently is that choice and SES have not turned out to be effective tools for school improvement. Other critics refer to these provisions as "sanctions" leveled against low-performing schools. I would like to set the record straight: these provisions are neither systemic remedies nor punishments. Both choice and SES were supported by civil rights organizations, including the Leadership Conference on Civil Rights, the nation's oldest and largest civil rights coalition. The view then, and now, is that choice and SES provide parents with individual options, remedies for their own children's misfortune of having had to attend substandard schools. They are not NCLB's systemic remedies, though in some cases they will have a positive impact on a school system. At the same time, too, we want to emphasize that permitting a child to obtain a better education – either by transferring to a better school or by obtaining extra help with reading or math – is hardly a punishment for families who are eligible and are able to exercise their rights to these options under the law. If anything, it is compensation for having been assigned to a school that – for whatever reason – was not working for their child.

SES, along with choice, is also an important equity provision, which can level the educational playing field between low-income families and their more affluent neighbors. We know that middle and upper-income families can always select and purchase something better for their own children when the public education system lets them down. In a modest way, NCLB empowers families in poverty to do the same for their children.

Implementation and Enforcement Challenges

It is axiomatic in public education that the bad news always seems to outnumber and outweigh the good news. When parents are satisfied, when schools are doing well, we don't see many newspaper headlines or public acclamations. The SES program is no exception. When I was asked to testify today, I wrote to some of my colleagues involved with SES and was amazed at the enthusiasm and good news they shared with me about programs across the country. For example:

- Recent studies published by Los Angeles Unified School District, Chicago Public Schools, Pittsburgh and the State of New Mexico, all show positive impact on students achievement levels following SES tutoring.
- A study commissioned by Education Station, a large national provider, found significant gains by participating students, including very low-achievers, in Minneapolis, East St. Louis and Denver. The Denver results also showed gains for ELL students. While, we would recommend that these results be verified by third-party independent evaluations, it is notable that other industry-sponsored studies of their services also point to significant gains.
- Finally, research by Dr. Ross of the University of Memphis and other studies indicate high levels of parent satisfaction with NCLB tutoring services.

Unfortunately, not all the news about SES is good. While parents are generally satisfied and research points to benefits of tutoring and other supplemental services that provide extended learning time, overall results to date are mixed. Shortfalls in the areas of coordination, implementation, oversight, quality-control, evaluation and enforcement all contribute to less-than-optimal outcomes for students and have been documented by the GAO and others. For example:

CCCR study. Last year, the Citizens' Commission conducted a study on participation of eligible students in both choice and SES under NCLB. We sought to follow up on our *Choosing Better Schools* report by surveying a sample of school districts and states on their participation rates in both choice and SES during the 2004-2005 school year. Participation rates reported to us were dismal in most cases and pointed to failures of both implementation and enforcement, at all levels of responsibility – federal, state and local. In short, we learned that schools and districts continue to put up roadblocks to parents' ability to exercise these options under NCLB, with the result that during the 2004-05 school year, less that 1% of eligible students were able to transfer and only 15-16%

of eligible students received supplemental educational services. I have attached to this testimony two tables displaying the data provided by responding school districts, along with sample parent notification letters.

Legal Action. In several communities -- including Birmingham, Los Angeles and Newark -- school system compliance has been so deficient that parents were impelled to take legal action challenging the failure of school officials to notify parents of their options and to provide the choice and/or SES opportunities to which they are entitled under NCLB.

One of the most egregious of the alleged violations occurred in Newark, NJ, prompting a team of lawyers from the Center for Social Justice at the Seton Hall University law school to file a complaint (attached) in federal court. Alberta Green, the first of three plaintiffs in this case and the President of the Newark Parents Association, was never notified that her Grandchild was attending a school designated as failing for five consecutive years or of her right to school choice or SES. Ms. Green only learned about SES when another parent showed her the request form.

> *At [the school's] failure to respond to Ms. Green's SES Request Form, Ms. Green verbally inquired about SES for her grandchild. [The school] failed to respond to her additional request. As a result, her grandchild continued to attend a Failing School while being denied the educational benefits he would have derived from receiving SES. Ms. Green was only able to obtain SES for her grandchild through the intervention of legal counsel. (Newark Parents Association v. Newark Public Schools, p. 15-16)*

Federal Role. As reported elsewhere, including in the GAO report, federal oversight has been variable, owing in part to several different points of contact and authority in the Department. We welcome Secretary Spellings' May 15, 2006 letter to Chief State School officers and her commitment to support effective implementation and enforcement of SES. We particularly welcome federal attention to the problems that have been documented with regard to the timing, form and content of parental notification. As a practical matter, too, we welcome her strong message to states that they must begin more aggressive monitoring and enforcement of the law with respect to their school districts.

Recommendations

First, it is our view that many of the difficulties and challenges with respect to SES quality and access can be resolved without Congressional action. Like many other aspects of NCLB, the law works well when all parties act in a spirit of cooperation and good will. In fact, many sound practices are already codified in the law and regulations. And the enforcement tools states and the Department need to ensure compliance are already available under federal and state law in most cases.

Second, while we all work to promote better implementation and enforcement, there is some room to improve the law itself. The Committee has received numerous recommendations from the Administration, the Aspen Institute's NCLB Commission, and numerous organizations and associations. As a guiding principle, the Citizens' Commission would recommend only those changes to NCLB that will a) maintain and strengthen provisions giving parents meaningful choices to improve their children's learning, b) maintain and improve a diversity of offerings so that parents can choose services that best meet their child's needs and circumstances, and c) show reasonable promise of increasing the number of children served, particularly those with the greatest academic needs.

Among the recommendations we endorse, we would particularly urge support of the following:

1) **No Rollover of SES Funds**. NCLB should codify presumption – based on best practices in exemplary school districts – that the full 20% set aside is warranted to meet choice and SES needs. Consequently, LEAs should be prohibited, in most cases, from rolling over unexpended SES/choice funds from one year to the next unless the funds are carried over for additional SES funding for summer sessions or programs during the following year. Prior to a district being allowed to roll over funding, the law should require the State to review the district's implementation of SES and, at a minimum, require the district to have 75 percent of parents affirmatively "opt-out/opt-in" of choice or SES services, in order to demonstrate the opportunity was in fact provided.

2) **Enhanced monitoring and enforcement of SES and choice** provisions by federal and state education agencies. We particularly support proposals that would permit parents to enforce provisions of NCLB (See Aspen Institute), those that would require enhanced data collection, and those that would lead to increased civil rights monitoring. In order to evaluate compliance, it will be important for LEAs and SEAs to collect and report on all the categories included in the CCCR surveys: a) Number of eligible students, b) Number and % eligible applying, c) Number and % eligible actually receiving services, and d) Number and % of students eligible, applying and receiving services who are English Language learners and/or students with disabilities.

3) **Additional per-pupil costs**. Congress should consider differentiating the needs and costs of special populations of eligible students with unique needs, including students with documented disabilities, English Language learners and students who are two or more years below grade level. Congress might then consider amending the cost-reimbursement structure for SES providers to ensure that students who need more intensive services or uniquely-trained tutors are able to get the services they need to catch up.

4) **Community-based organizations**. Often CBOs are in the best position to reach out to the most vulnerable children and families. CBOs -- including community centers, boys' and girls' clubs, faith-based organizations, YM/WCAs, after-school programs and refugee assistance centers – should be encouraged (and assisted with capacity-building where appropriate) to become or to partner with SES providers. In addition, we should encourage coupling tutoring with other after-school activities to provide a more comprehensive latch-key service for younger children.

5) **School-site-based SES**. Using school facilities after school for tutoring is often most convenient for parents, yet we are aware of reports that districts may place unreasonable restrictions on access. We recommend allowing SES providers access to public school buildings on the same terms and conditions that other community groups enjoy. Similarly, Congress should examine barriers to school site access, as well as the benefits of locating SES programs in school buildings, community centers, housing projects and other places where children are likely to be, or can get easily after school.

6) **Transportation and other costs**. In order to encourage optimal enrollment, Congress should consider permitting reasonable expenditures for recruitment, administration and transportation.

7) **Home-school-provider coordination**. SES programs will work best when all three sets of "teachers" in a child's life are working together: the parents, the school and the SES personnel, and observation noted by the August GAO report. While there is nothing in the law prohibiting such coordination – which is simply good practice – Congress should consider whether ongoing communication and coordination should be explicitly required, particularly with respect to the school-provider relationship. In addition, proposals should be considered that would enable states to authorize **third-party entities** (e.g., local government agencies outside the school system or nonprofit organizations) to coordinate recruitment and delivery of services (both SES and choice) among multiple parties and stakeholders. In our experience in the desegregation context, delegating recruitment, coordination and administration to a competent third party can maximize parent participation and choice and help ensure efficient management of the program among multiple providers and payees. For example, in St. Louis, the Voluntary Interdistrict Coordinating Committee (VICC) has managed a successful choice program involving up to 13,000 students and multiple school districts in St. Louis city and county.

8) **School Districts "In Need of Improvement."** Under most circumstances, a district in "needs improvement" status should have enough on its agenda to manage the improvement of the regular school

day program it is delivering. The Citizens' Commission believes LEAs in need of improvement should be permitted to become SES providers only if they can make a persuasive case to the Secretary that they have the capacity to provide high-quality services and that provision of SES would not detract in any way from the LEA's urgent systemic and school improvement needs. The Leadership Conference has a comparable recommendation.

Conclusion

The most urgent need in public education today is to provide help and restore hope to the millions of students trapped in failing schools. By strengthening and reauthorizing NCLB, we can continue to provide hope and help to the students who are furthest behind. Supplemental educational services continue to be an important "safety valve" for children from low-income families who attend sub-standard schools.

For more information, please contact Coleen Yamamura-Clark with the Citizens' Commission on Civil Rights at cyclark@cccr.org or 202-659-5565. Testimony of Dianne Piché will be available on our website: www.cccr.org

Chairman KILDEE. Thank you very much, Ms. Piché.

Ms. Murray, you suggested that maybe we should flip—first of all, the members up here will be recognized in the order in which they appeared and then by their seniority.

But, Ms. Murray, you suggested that we would flip. I think at the end of the second year now we have public school choice and the end of the third year, the supplemental. You suggested that that might be flipped.

And I think Ms. Piché had some statements different from that. If both of you could comment on that.

Ms. MURRAY. Yes. In Newport News, we have offered public school choice first and then supplemental services. But then in the pilot we were able to flip. The reason that we believe in Virginia

that this is a more appropriate way is that in a school that needs improvement, they need to retain the students that are in the school and offer them many opportunities such as extra tutoring and have the involvement of concerned parents and willing parents to help with the school improvement process.

If parents are allowed to pull children out and take them to other schools, then the capacity of the school goes down to make critical changes. Also, our parents are not as interested in public school choice as they are in supplemental educational services. And so, we want to provide those in schools that we can.

Sometimes in public school choice, they are transferring to schools that are non-Title I schools that do not even have the resources that Title I schools do such as extra teachers and after-school tutoring and that type of thing. And that simply is due to a transportation issue.

Chairman KILDEE. Ms. Piché?

Ms. PICHÉ. Yes, thank you for the opportunity to respond.

The Citizens' Commission, along with the Leadership Conference on Civil Rights, which is the broader coalition, has supported the right of parents to transfer their children to a better public school since the IASA. And under IASA, that was really not a requirement. It was more of an option for corrective action.

The reason we support this—and by the way, we don't have a position on private school choice—is that we believe it is important for low-income parents to have the opportunity to transfer their child out of a school that is not working for their child and hasn't been working for a period of years pretty much on the same basis that everybody in this room can move their child to a school that works for their child. And we do support supplemental services.

So I would say from our perspective we can certainly see accelerating the timeline for supplemental services and understand the needs it provides. But we do not want to limit the choices that parents have been provided, the rights they have under this law. The participation rates have been low. But if it is because parents are not interested, then there would not be that same impact on the school.

We actually believe there is probably more interest in the right to transfer. But we also issued a report on the right to transfer in 2004 and found that, just like the SES provisions, there has been a real uneven implementation and enforcement of these provisions and that a number of districts have not effectively offered that right to parents.

And just as a matter of educational quality, if a parent can find a better school for their child, that means the child is getting a full 6 or 7 hours a day of better instruction. And that may be, for that parent, much more value added than a more limited number of hours that their child would be in tutoring.

Chairman KILDEE. Thank you.

Ms. Roberts, you testified that Boston links its supplemental educational services to other social supports to ensure that students receive comprehensive services and to accommodate working parents.

Could you expand on that, how that works in Boston?

Ms. ROBERTS. Boston Public Schools currently has over 12,000 students enrolled in after-school programs that are school-based. In our school-based SES programs we have a school-based coordinator who works with the instructional staff and the principal to ensure that SES students are able then to transition into these programs, which are primarily enrichment.

Some are academic improvement—so that the school day is, in fact, extended for parents. We don't have this issue of transportation problems with our working parents not being able to pick up their children early.

Our elementary schools let out at about 3:30. Middle school is out at 1:20. We are able to extend the school day between 5:30 and 6:00 by allowing transition into other programs.

Chairman KILDEE. Ms. Ashby, do states currently have the capacity and resources to effectively implement the law, supplemental educational services, and particularly in the rural areas?

Ms. ASHBY. Well, the state role in supplemental educational services is to select providers, to provide a list of providers based on adequate criteria for determining their ability to provide the services. States also encourage districts to notify parents and provide assistance to districts in doing that.

Given the role that the states have, we didn't find anything to indicate they didn't have the capacity to do that. Where the rubber sort of hits the road is at the district level and the interactions between the district and the providers. And that is where there seemed to be more concern.

Chairman KILDEE. Do you find that more in the rural areas?

Ms. ASHBY. I am sorry; I didn't answer that part of the question.

There definitely are problems in rural areas because, number one, finding the providers who are available to provide services. And also there isn't necessarily an adequate cluster of students needing services to justify providers coming in and offering those services. So the typical problems of rural areas because of their sparseness and lack of population occur here as well.

Chairman KILDEE. Thanks very much.

Governor Castle?

Mr. CASTLE. Thank you, Mr. Chairman.

This panel is a wealth of information, almost to the point I don't know how to start to begin to ask questions. There is so much out there. But let me try to determine a few things.

And, Ms. Ashby, let me start with you. We have heard differing rates here in terms of participation. But it seems to me that overall that the participation rates are low from a percentage point of view, even though there may be some exceptions, which we have heard about today.

Can you explain to me why you think that is? I mean, is it a money issue? Is it an unwillingness of parents to be involved in this issue, which we have heard about a little bit here? What seems to be the reasons for that?

To me, it would seem to be all positive that kids would be involved. And yet they are not necessarily.

Ms. ASHBY. It is a mixture of things. And let me point out that when we did our study, we were looking at the 2004-2005 school year. And we haven't updated our numbers.

The numbers that are the percentage participation we reported for that year was an increase over the prior year. So it is reasonable to believe that things have improved since then. However, the participation rates from everything I have seen and heard are still low. And that is due to a number of factors.

Part of the problem is parental notification and parents understanding what SES is and what it provides. That is improving. The department is taking additional steps to help states. And states are helping districts do a better job of notifying parents and notifying parents in a way that the parents can under.

Supplemental educational services conflict with other activities students might be involved in. They themselves perhaps prefer sports or prefer some type of other activity. Many students sign up for SES but don't continue through the school year, for example, probably in part for that reason.

There are still some issues regarding accessibility and location of programs and problems with school districts being concerned about the use of their facilities or not allowing their facilities to be used. So actually getting access to the programs may still be an issue in some places.

So there is a number of things.

Mr. CASTLE. Ms. Roberts mentioned this other side of it. If the school district is supplying the SES services versus an outside vendor, has that made a difference in terms of the participation with respect to the students? Do you understand my question?

Ms. ASHBY. Yes.

Mr. CASTLE. And if so, why? And what can we do to make sure the participation is higher with the outside vendors?

Ms. ASHBY. So you are asking if the school district is the provider?

Mr. CASTLE. Right.

Ms. ASHBY. That is not something we studied. We didn't evaluate the pilots, for example. And others can respond to that better than I can.

Mr. CASTLE. Maybe I should ask Ms. Roberts then.

Ms. ASHBY. But that is certainly reasonable. Yes.

Mr. CASTLE. I mean, apparently, if I understand it, Boston does this. And have you found a greater participation rate when the school district is providing the services versus outside vendors? And why?

Ms. ROBERTS. Well, I think there are several factors. One is that most parents are familiar with their school. And it is a caring and safe environment that they feel comfortable with. The other piece is that we have significant transportation problems.

Our parents cannot pick up their children after school. And so, having a school-based program allows for an extended day where that fits their schedule so that more parents can, in fact, enroll. I would say those are the two main issues.

Mr. CASTLE. What was the basic percentage breakdown, if you know, of kids receiving services from the district versus outside vendors in Boston?

Ms. ROBERTS. Seventy percent of students in Boston selected the BPS as their program. We were able to accommodate 67. The remaining 33 percent have been placed in external programs.

Mr. CASTLE. I mean, I don't know this for sure. But it seems to me if we had a panel of people here who were testifying on behalf of the outside vendors, they would argue that, you know, if you are inside a district, you have greater access to the students, greater ability to do these things, greater ability to coordinate schedules in schools, et cetera, all of which may be legitimate arguments to a degree.

How do you manage that in terms of balancing both use of an internal school district system and outside vendors?

Ms. ROBERTS. Okay. We try to offer every provider an opportunity to be in this school. This year seven providers requested to be school-based systems and were placed within schools.

One of the issues is that there are capacity problems. Most of our schools have an after-school program. We have 12,000 students enrolled district-wide. There is limited space. So we could not have all 24 of our providers in the school building.

But we do help them to negotiate with the principals. We hold a principal-provider meeting. We also have a school site coordinator who is able to coordinate the services of the school, the school-based teachers as well as the other after-school programs taking place within the building.

So we make every effort to ensure that providers are allowed to be school-based if they would like to, but also to ensure that all the services are coordinated.

Mr. CASTLE. Thank you, Ms. Roberts.

I see that my time is up, although I suspect I only got 3 minutes out of all that. I yield back, Mr. Chairman.

Chairman KILDEE. Thank you very much.

The gentleman from Pennsylvania, Mr. Sestak?

Mr. SESTAK. Thank you, Mr. Chairman.

I apologize that I missed part of the testimony, but if I might ask you a question. I was taken by what I had read, that you have acknowledged that Maryland is a unique case, to some degree, because of the number of districts. But at the end, you had talked about beginning a process of evaluating the effectiveness of SES programs.

Can you speak about—since you have been somewhat successful, well, 19 percent to 68 percent access—what are the steps you are taking to assess the effectiveness, to evaluate it? And then stepping back, what would you, you know, humbly offer to other states to think about in that area that you are about to embark on?

Ms. CHAFIN. Okay, thank you very much for asking.

We have entered into a contract with Dr. Steven Ross from the University of Memphis. He is right now one of the premier people in the nation who is evaluating and offering guidance in the evaluation of SES.

What we have done up to this point is simply look very carefully at the data we have been monitoring. We not only ask were they enrolled. We ask how often they come, are they really participating, what are the goals that you have set with parents. We do a site visit to every vendor in each district.

We might not hit all of their sites in a district, but we have at least one site visit. And the basis of that, our specialists ask things like show me the signed goals that the parents have signed saying

this is what you are working on. Show me the background checks. Show me what the curriculum is for this child. What are you doing to interface with their teacher?

So we get that monitoring information that allows us to see what are really the things that are going on with the school. We ask that they do surveys of parents. Are they satisfied with the services? Are the schools satisfied with the services? We have been collecting that. We have not raised it up to the level of are these services actually helping kids be proficient in reading and mathematics.

Mr. SESTAK. Right.

Ms. CHAFIN. That is what we hope to see this evaluation and have asked to see this evaluation do.

Mr. SESTAK. I am taken because, at least in the background I come from, you know, you can expect what you inspect. And that is why I am interested in this evaluation portion of it. But I was also taken that you made a conscious decision, the part of your testimony I heard, to take money from somewhere else in Title I to fund these two positions.

Are you going to have to do the same in order to implant an evaluation system that adequately assesses the proficiency?

Ms. CHAFIN. No, actually we are not because we went the contractual route with this. So it is taking money to do this. But it is not an issue of using up another staff position. Right now that is the big thing for us.

As I said in my written testimony, we only have 24 districts. So we have the luxury of picking up a phone and saying, "Gee, can you help us with that?" We can know the names of those people.

But when it comes to looking at this issue about is this effective, we felt that we needed to have that external view that could be more objective.

Mr. SESTAK. Out of curiosity, what were the areas of Title I that you felt like they have import, it was less than this program?

Ms. CHAFIN. You know, that is hard to get me to admit I am not doing everything as best I can. But I think that more than anything, what we lose is some of the statewide flexibility and support to low-performing schools and being able to have staff throughout and deal with other issues related to low performance. I think that is what suffers.

Mr. SESTAK. And, ma'am, thank you.

In just the last few seconds, I didn't hear your testimony. I apologize. But I went through it. Could you just speak for a moment—because I am quite taken about English language learners and those with disabilities needing greater access. Your best options for that were?

Ms. CHAFIN. We were very concerned about those two populations from a civil rights point of view and from an educational achievement point of view.

Mr. SESTAK. I agree.

Ms. CHAFIN. We do have some recommendations. One of the recommendations is that there be an examination of the costs of providing services to students with special needs.

Mr. SESTAK. At the additional per pupil cost?

Ms. CHAFIN. Right because right now every student who is eligible will essentially be eligible for the same dollar amount of serv-

ices. But we know that some students are further behind than others, and some students need a tutor who is qualified to help them with math.

But if the student does not speak English or if the student has an IEP, the tutor will also need to have some qualification or there may need to be additional personnel brought in just like we have in the regular school day. So I think that there should be an examination of whether it might make sense to differentiate the needs and then attach different cost options to those needs.

Mr. SESTAK. Thank you very much.

Thank you, Mr. Chairman.

Chairman KILDEE. Thank you.

The gentlelady from Illinois, Ms. Biggert?

Mrs. BIGGERT. Thank you, Mr. Chairman.

I have a question probably to Ms. Chafin and Ms. Roberts and Ms. Murray.

And, Ms. Chafin, you mentioned in your testimony that there is considerable cost that we were just talking about. Are the school districts in Maryland spending the entire 20 percent of Title I on SES?

Ms. CHAFIN. Some of them are, some of them are not.

Mrs. BIGGERT. Okay. Do you have school districts that are spending more?

Ms. CHAFIN. No, not at this point. I will say that in Baltimore City where we have a 99 percent participation rate, we have through an audit agreement resolution asked that they put money on top of their 20 percent to serve even more of their eligible students. And that, I believe, is what has pushed up their rate to the 99 percent, their attempt to achieve beyond that.

Mrs. BIGGERT. Okay.

Ms. CHAFIN. I think they do put in money for the monitoring and the support at the school level that is coming out of other pieces of their money.

Mrs. BIGGERT. Okay.

Then, Ms. Roberts, your school system is on the pilot program, as is the Chicago Public Schools. And I have dealt with the Chicago schools a lot. And number one, they really did a reformation of the schools prior to No Child Left Behind, except that they reversed a couple of things, which I thought was very important.

Number one was that they wanted to do the tutoring in the supplemental services in the first year rather than in the third year and have the transfer and then the reconstitution of schools of the school wasn't working, bring in a whole new administrative team and teachers. They finally got a waiver from the Department of Education as far as their tutoring because there were so many students that were eligible for it that they couldn't provide the services by the private vendors.

And it turned out that the private vendors—and I wonder if this is happening in your school district, too. The private vendors were actually hiring those same teachers from the school to be the tutors but at twice the cost of what it would cost the school system to hire the same tutors, the school teachers after school. Number one, when a school is failing and you want to provide the SES, does that mean that every student is eligible for the tutoring?

And I think, Ms. Murray, you said that you try and do the students that are below grade average first that qualify. But then do you do all the students that are within either the sub-groups or within the whole school district that are provided with tutoring?

And I am asking the three of you.

Ms. ROBERTS. The law requires that we serve lower income students first. The demand for our SES program has not yet exceeded our capacity to provide the program. So we have not had to rank students. But in the case that we would, we would do it based on low-income and then student performance. We would probably look at those groups that were failing in terms of the state assessment.

Mrs. BIGGERT. So it could be though that if they are low-income they could be the students that are actually performing at grade level but because they are low-income they are the first to qualify.

Ms. ROBERTS. Yes. And we have a number of students who do not qualify in terms of income eligibility but do qualify when you look at the student performance. This is particularly true of our special education population.

Mrs. BIGGERT. Okay.

And, Ms. Murray, is that——

Ms. MURRAY. I would agree with that. We had the same situation, a situation where the low-income students are doing fine and do not necessarily need the supplemental services but higher-income students are not doing well and would benefit.

Mrs. BIGGERT. Okay.

Ms. Roberts, do you still find that there are a lot of students that are not getting the services because of the availability of funds?

Ms. MURRAY. We have not exceeded our capacity of funding.

Mrs. BIGGERT. You have not?

And you have not, Ms. Roberts?

Ms. ROBERTS. No.

Mrs. BIGGERT. Well, Chicago certainly has.

Ms. Chafin?

Ms. CHAFIN. Again, except for Baltimore City, all of our systems still have money available within that 20 percent to serve more students.

Mrs. BIGGERT. All right.

Do each of you think it makes sense to use the supplemental services in the first year rather than the third year?

Ms. Murray?

Ms. MURRAY. Well, certainly, our experience in Newport News has shown that more parents have participated in supplemental services than did public school choice.

Mrs. BIGGERT. Okay, okay.

Ms. Roberts?

Ms. ROBERTS. I think you are going to find that the answer will vary from district to district. In Boston we have had continually declining funds across all of our NCLB grants. And so, we have been left inclined to start SES in our first year when we already have a school choice program.

Mrs. BIGGERT. But in your school system do you really have other public schools that are available to take the numbers that would want to transfer?

Ms. ROBERTS. We don't have surrounding districts. But we do have schools within the district.

Mrs. BIGGERT. Okay.

Ms. Chafin?

Ms. CHAFIN. I think we have found that we often are limited in the number of schools that are available for them to transfer to. And most of our parents very much want their kids to stay in their neighborhood school with their friends. So we at the state would love to have the option of saying district by district and evaluating whether or not that would be there, whether it would come first.

Mrs. BIGGERT. Thank you. Thank you.

I yield back, Mr. Chairman.

Chairman KILDEE. Thank you very much.

The gentlelady from California, Ms. Woolsey?

Ms. WOOLSEY. Thank you, Mr. Chairman. Great panel.

Thank you so much, all of you.

Every time we go through this, we learn more. But we are learning more every day with No Child Left Behind. And we know that. And that is what we need to be basing our reauthorization on is what we have learned from the last 5 years.

Overall there is no question that students are best off if—and that is the operative word, if—their local school can meet the individual needs of the child and leave no child behind. So that has got to be our goal. And I think we can—and you have given us such a menu of good ideas here today—pick the best from what each one of you has offered to us as recommendations for our reauthorization.

What I want is that SES availability be there but not just in numbers, but in quality. And I like the idea of school choice. But I prefer that that school choice be later. I really think that is punitive when we—maybe a school will be so bad off that kids absolutely need to leave that school. But if that is so, we shouldn't have that school. What is the matter with us, the richest nation in the world?

But I really think we do a great disservice to have a school in need and then have their school population leave, particularly those whose parents are more active and motivated. They leave and leave that school with the kids that need the most help and less money because the kids have left. None of it makes sense to me.

So what I want us to do is pick the best of all these ideas. And Newport News—didn't I read a book about Newport News?

Anyway, it seems like you have got so many good ideas, Ms. Murray. So what I would like you to talk to me about is how you measure your SES vendors and teachers and how you attract them because we expect our teachers to be the best qualified and certified and we are measuring them. How do we make sure that these services that we bring, the tutoring, et cetera, can measure up to the same standards?

Ms. MURRAY. Currently I think it is very difficult with the SES providers to know the quality of the tutors because they are not required to have certified teachers or licensed teachers or teachers who meet the highly qualified state standard.

I believe that is something that would improve SES if that were required because it has been our experience, the complaints that we have had from parents have been because of, as I mentioned, tutors not showing up, tutors using inappropriate language or discipline methods, tutors just going over homework with the students, not doing an actual teaching lesson, those types of things. I believe that if there were higher quality of professional in those positions than we may not have the problem.

I know that some companies do require licensed professionals. But that, again, is on an individual basis.

Ms. WOOLSEY. Would anybody else like to respond to this? Like how are we going to have enough tutors? Is that what we expect?

Ms. MURRAY. Well, certainly, quality is of utmost importance. And as I said earlier and as we have explained in our statement, quality starts at the state level because it is the states who certify the providers and provide a list that is available to the district for making it available to parents to select the actual providers.

Monitoring and technical assistance are also very important. Monitoring by the states and also in some instances, by districts of providers is absolutely important for accountability. There are providers who have been taken off the list. That should certainly be pursued in instances where you have providers that are not doing the job. That has to be done in order to have a quality system.

Ms. WOOLSEY. So, Ms. Chafin, do we look at then every school year in the AYP tests? Is there a way to say, well, these kids still aren't measuring up and they are going to this particular service or this is how we are tutoring them versus the kids that are measuring up?

Ms. CHAFIN. We certainly encourage the vendors to work directly with the school so they know what that child needs. And that is one of the things we monitor. We select our vendors with a very rigorous process. Our last vendor group we had 33 applications. We approved 10. So you started at all of those places, I think, but you have to go back.

I am still looking at this evaluation we will have in place that will link vendors and students who participate in their program to how those students are achieving on the Maryland school assessment. That to me is where we are going to have the true information about effectiveness of the programs. But you have got to not just choose them rigorously.

You have got to grow them to some extent and make sure that you are looking-we give technical assistance on how do you write goals and objectives. Some of these incredibly well-intentioned vendors just don't have those basic skills. So we are still working at that level. But we screen out a lot more than we allow through.

Ms. WOOLSEY. Okay. Well, my time is up. But I think that is one of the things we have to look at in No Child Left Behind reauthorization is how do we evaluate.

Ms. CHAFIN. Absolutely.

Chairman KILDEE. Thank you.

The gentleman from Florida, Mr. Keller?

Mr. KELLER. Well, thank you, Mr. Chairman.

And let me begin—Mr. Chairman is a good friend of mine. But I just correct any impression that folks may have in mentioning the reductions in the funding for Title I. Since the No Child Left Behind Act was passed, Title I funding is actually up 46 percent nationally from $8.7 billion in 2001 to $12.7 billion in 2006. In my home state, it is up 58 percent.

And I say that just because I hear from a lot of folks back home the same thing. Because it is authorized at a certain amount. If it is not appropriated to that amount, people think it is a cut when, in fact, it is not. The funding is up substantially. It doesn't mean we can't do better.

But, Ms. Roberts, I am going to direct all my questions to you just because your issue is the one that I am really most interested in. And that is the private versus public providers of tutors.

So let me begin by asking you—give me the name of an elementary school in Boston.

Ms. ROBERTS. Gavin.

Mr. KELLER. What is that?

Ms. ROBERTS. Gavin.

Mr. KELLER. Gavin, all right. Let's say that we have a 2nd-grader named Johnny at Gavin Elementary School in Boston. And he is having problems reading, and he qualifies for extra tutoring help. If the district is the provider, would that tutoring take place at Gavin Elementary School?

Ms. ROBERTS. Yes.

Mr. KELLER. Okay. If a private vendor is the provider, would the tutoring take place at Gavin Elementary School?

Ms. ROBERTS. It would depend on the provider. The provider selects their location and form partnerships with particular principals. And a number of our providers have their own sites.

Mr. KELLER. Okay. So in some cases, yes, in some cases, no?

Ms. ROBERTS. Yes.

Mr. KELLER. Okay. If the district is the provider, would the teacher for Johnny in providing the tutoring likely be a teacher from Gavin Elementary School, although different than his regular classroom teacher?

Ms. ROBERTS. It is possible. We recruit our highly qualified teachers that have a track record of high academic performance for the program. They can be from within the school or from other schools.

Mr. KELLER. Okay. If there is a private SES provider, would it also be possible that the tutor might be a teacher at that same Gavin Elementary School?

Ms. ROBERTS. It is possible. In many cases we are finding that the staff can range from a high school student to a highly qualified teacher.

Mr. KELLER. Okay. Let's assume for a second because it is possible under both circumstances that Gavin Elementary School will provide Johnny with some extra reading help and it will be from a teacher at Gavin Elementary School. What would be the difference in pay that that teacher would receive from the district versus what that teacher would receive from a private provider?

Ms. ROBERTS. That actually is very difficult to gauge. The district provides contractually about $38 per hour. Private providers range from anywhere between $15 to the same amount, $38 per hour.

Mr. KELLER. Okay. This is what I am getting at. In your testimony you said that the district provides these SES services at a rate of about four times cheaper. Right?

Ms. ROBERTS. Yes.

Mr. KELLER. I am trying to decide, well, if the district provides the tutor who is a public school employee, does that person get $10 an hour? And if the private sector vendor is providing that same teacher, does that teacher also get $10 an hour and the private vendor pockets the rest as profit? Or is that private vendor saying, "Hey, work for us and we will pay you $30 an hour?" Do you have a sense of how that works?

Ms. ROBERTS. I would say most private providers—very few private providers use teachers. But those who do generally pay slightly under what the district is charging. And they do charge the full per pupil allocation of $2,400. Some of those may relate to operational costs. But some of it definitely has a profit issue.

Mr. KELLER. Okay. Have you looked at the data to see if the test scores are any better in the Boston Public Schools with the students who got the public school vendors versus those who got the private sector tutoring?

Ms. ROBERTS. We have actually been trying to do an evaluation. We have had some difficulty getting data. We have been doing a pre and post test. We have some data on the district program but not much on the external provider programs because of their participation rates.

Mr. KELLER. But you are looking into still an open question. My time is about to wrap up, so let me just make one final comment. I see that you wanted to use about 10 percent of the funds for administrative costs and right now you are not allowed to use any for administrative costs?

Ms. ROBERTS. Yes, sir.

Mr. KELLER. I have noticed throughout No Child Left Behind we have various provisions that say 95 percent of the funds shall be used in the classroom. And would you be comfortable with 5 percent of the funds being used for administrative purposes? That is at least better than zero.

Ms. ROBERTS. I think 5 percent would be better than none, yes.

Mr. KELLER. Okay.

Mr. Chairman, I will yield back the balance of my time.

Chairman KILDEE. Thank you, Mr. Keller.

The gentlelady from Hawaii, Ms. Hirono?

Ms. HIRONO. Thank you, Mr. Chairman.

Is it Ms. Piché? Am I pronouncing your name correctly? She testified—and this is for all of the other members of the panel. Ms. Piché's testimony says that the students who are furthest behind tend to be poor and in one or more of other sub-groups. They are usually non-white, disabled, or are learning English.

Would you agree that those are the students who are the furthest behind?

Ms. ASHBY. I would. Our work would corroborate that.

Ms. HIRONO. All of you would agree?

Now, these are groups that have been identified long before NCLB ever got put in place that generally they needed more help. This is why we have programs such as Head Start, ESL. There is also another federal law that requires special needs students to receive equal educational opportunities, also not particularly well funded by the federal government.

So that being the case, do you think that we need to go through all of the testing required under NCLB in order to identify that these groups of students need special help?

So in other words, since these groups were already identified, can't we just get quality SES to these students without going through all of the testing that they have to go through under NCLB?

Ms. ASHBY. I can respond to that. The testing serves a number of purposes. One is to determine how students are achieving the content standards for the academic curriculum. And that is all students, what progress they are making and to what extent within a district the district is likely to meet its goal of being proficient in math and science by 2014.

Also testing provides information to teachers and to school personnel about what is needed to help students progress. Where does the instruction need to be targeted? What areas are lacking in the student's knowledge. So there are a number of reasons for having assessments in addition to identifying poor and minority students who need help.

Ms. CHAFIN. I think we most certainly could identify those students that need help without the test. However, the test to me is what makes the school and the districts accountable for the quality of work that is presented to that student. SES is one small piece of school improvement.

If all you do is SES and everything stays the same, I don't think you will see the effect. But as it is folded into a full school improvement plan that has the accountability of the test at the end, I think that we are in Maryland having discussions about students that we may never have discussed as fully as we do now.

Ms. ROBERTS. I would say the district of Boston is not opposed to the testing. I think what we take issue with is the fact that growth is not factored into AYP. For example, Boston and San Diego performed similarly on the national assessment of core educational progress. But Boston has 60 schools identified for having failed to make AYP for 3 or more years while San Diego has 15 schools.

There is clearly a wide variety across the states in terms of the level of rigor and the starting lines for sub-groups. And so, until you address that and develop a national standard so that you are able to compare one state to the next, there are some problems with this model.

Ms. MURRAY. I do agree that NCLB has brought accountability to school districts and to states for those sub-groups of ESL and special education students. I do think that growth models need to be taken into account.

Ms. HIRONO. Did you want to add something?

Ms. PICHÉ. I served on the secretary of education's growth model peer review process. And I would say that growth models are going

to be a very important component in moving forward. But the bottom line is that the tests are needed for purposes of accountability. And, in fact, what you find is that you can also use these assessment results to identify schools that are doing a good job.

For example, several years ago, we identified a school in Prince George's County in Maryland where minority males who were also low-income were doing phenomenally well in science. So that school had been written up as an exemplary school for other schools to look at in terms of what are they doing, why is it that their scores for this particular sub-group of students were so much higher than the rest of the state.

Ms. HIRONO. I am probably going to want to follow up with some of you regarding where I am going with these questions because, yes, I agree that at some point we ought to assess whether or not the supplemental services is having a positive impact. But I think what I am concerned about is, you know, how do we get to that point in the least costly and yet effective way.

Thank you.

Chairman KILDEE. The gentleman from Puerto Rico, Mr. Fortuño?

Mr. FORTUÑO. Thank you, Mr. Chairman. And I want to thank you and certainly Governor Castle and the staff for today's hearing.

But most importantly, I want to thank all five of you. And it has been a truly interesting and enlightening session for us as we move forward in trying to reauthorize No Child Left Behind. I know that educational standards and performance are major challenges that we are facing as a committee.

And, Mr. Chairman, you are doing a superb job in steering us in the right direction and trying to understand what is being done out there, best practices and so on.

Unfortunately, in my district, the district of Puerto Rico, we have been falling way short across the board in terms of the educational standards and the implementation of NCLB standards. I had mentioned earlier on March 7th the U.S. Department of Education had sent a letter to the Puerto Rico Department of Education stating that it is in violation of NCLB by failing to submit AYP determinations in a timely fashion. And Puerto Rico was fined for that.

Now on March 21st, the U.S. Department of Education sent a subsequent letter to the Puerto Rico Department of Education, where the department stated its concerns regarding "the alignment of Puerto Rico's academic achievement tests to grade level content standards and the performance level descriptors for Puerto Rico alternative evaluation tests." And it states that actually Puerto Rico may lose 50 percent of the Title I part A administrative funds for fiscal year 2006.

And, Mr. Chairman, I ask unanimous consent to introduce into the record the March 21st letter sent by the Department of Education, if I may.

Chairman KILDEE. Without objection.

[The letter follows:]

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAR 2 1 2007

The Honorable Rafael Aragunde Torres
Secretary of Education
Puerto Rico Department of Education
P.O. Box 190759
San Juan, Puerto Rico 00919-0759

Dear Secretary Aragunde:

Thank you for submitting additional assessment materials for peer review under the standards and assessment requirements of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). We appreciate the efforts required to prepare for the peer review and hope that the process provides useful feedback that will support Puerto Rico's efforts to monitor student progress toward challenging standards.

In the Department's letter to you on June 29, 2006, Assistant Secretary Johnson enumerated the fundamental components as well as a number of additional technical issues that had not met the standards and assessment requirements of the ESEA after the first peer review in May 2006. Specifically, the Department could not approve Puerto Rico's standards and assessment system due to outstanding concerns with the alignment of Las Pruebas de Aprovechamiento Académico (PPAA) to grade-level content standards and the performance level descriptors for the alternate assessment based on alternate achievement standards (Las Pruebas Puertorriqueñas de Evaluación Alterna, or PPEA). The peer reviewers and Department staff evaluated Puerto Rico's additional evidence and found, based on the evidence received, that it still does not meet all the statutory and regulatory requirements of Section 1111(b)(1) and (3) of the ESEA. Specifically, the peer review of this evidence suggests that there remain concerns regarding the alignment of the PPAA to grade-level content standards and the performance level descriptors for the PPEA.

Because Puerto Rico's additional submission of evidence did not resolve all outstanding issues, the status of its standards and assessment system remains *Approval Pending*. Please note that Puerto Rico must address all outstanding issues in order to have a fully compliant standards and assessment system under the ESEA by the end of the 2006–07 school year. Please refer to the enclosure for a detailed list of the evidence Puerto Rico must still submit to meet the requirements for an approved standards and assessment system.

Because the status of Puerto Rico's standards and assessment system is still *Approval Pending*, Puerto Rico continues to be under *Mandatory Oversight*, as authorized under 34 C.F.R. §80.12. Under this status, we placed specific conditions on Puerto Rico's fiscal year 2006 Title I, Part A grant award. If, at any time, Puerto Rico does not meet the timeline set forth in its plan, the Department will initiate proceedings, pursuant to Section 1111(g)(2) of the ESEA, to withhold

15 percent of Puerto Rico's fiscal year 2006 Title I, Part A administrative funds, which will then revert to public schools in Puerto Rico.

I appreciate the steps Puerto Rico has taken toward meeting the requirements of the ESEA, and I know you are anxious to receive full approval of your standards and assessment system. We are committed to helping you get there. We remain available to provide technical assistance regarding additional issues that you identify. We will schedule another peer review when you have evidence available to further evaluate your system. If you have any questions or would like to discuss this further, please do not hesitate to contact Valeria Ford (Valeria.Ford@ed.gov) or Patrick Rooney (Patrick.Rooney@ed.gov) of my staff.

Sincerely,

Kerri L. Briggs, Ph.D.
Acting Assistant Secretary

Enclosure

cc: Governor Aníbal Acevedo Vilá
Waldo Torres Vázquez

Summary of Additional Evidence that Puerto Rico Must Submit to Meet ESEA Requirements for the Puerto Rico Assessment System

2.0 – ACADEMIC ACHIEVEMENT STANDARDS

1. Performance level descriptors for Science, grade 8.
2. Performance level descriptors for Spanish at grades 3-8 and 11.
3. Performance level descriptors for the English as a second language assessment aligned to grade-level content standards.
4. Description of content-based competencies associated with the Basic level for the alternate assessment and cut scores for that level.

4.0 – TECHNICAL QUALITY

1. Interpretation or analysis to accompany data summaries of the inter-correlations of subdomains.
2. An analysis of the efficacy and validity of accommodations for Las Pruebas de Aprovechamiento Académico (PPAA).
3. An analysis of consequential and concurrent validity for the PPAA.

5.0 – ALIGNMENT

1. A detailed plan to address gaps identified from the alignment study.
2. Administration of an assessment aligned to academic content standards by April 2007.
3. Evidence that the Depth of Knowledge (DOK) level of the items matches the DOK level of the academic content standards (rather than writing items at a range of DOK levels) and that the full range of knowledge, skills, and abilities described in the academic content standards is covered on the tests.
4. Documentation for the alignment of non-academic indicators as components of the score on Las Pruebas Puertorriqueñas de Evaluación Alterna (PPEA).
5. A plan to review and maintain alignment over time.

6.0 – INCLUSION

1. An expansion of linguistic accommodations for limited Spanish proficient (LSP) students, such as English versions and simplified Spanish versions of the mathematics and science assessments.
2. An explanation for the apparent exclusion of students eligible to take the PPEA.
3. Clarification of the eligibility criteria concerning age for participation in the PPEA.

7.0 – REPORTING

1. Description of the weighting procedure used to derive PPEA scores.
2. Reports should include definitions of the proficiency levels in the individual content areas.

Mr. FORTUÑO. Thank you very much.

And in preparing for today's hearing for SES, the department was unable to furnish us adequate data on the program implementation in Puerto Rico prior to this hearing. I am certain that we are facing the same concerns and same problems.

The first question that I have for Ms. Chafin—if you could elaborate further in your division service contracts with outside or in other jurisdictions, as you were mentioning. How do you structure that, and what exactly are you doing? And maybe the second question there—will you be willing to do the same thing for Puerto Rico?

Ms. CHAFIN. You are talking about our external evaluations?

Mr. FORTUÑO. Exactly, yes.

Ms. CHAFIN. Yes, again, we already have a very strong database under the direction of Dr. Jane Fleming, who is our coordinator. We actually helped the U.S. Department of Education construct the guidance around the elements of a monitoring system. So when that guidance came to us last year, we were already collecting those pieces. So that is a very essential part.

You must know who is participating, when they are participating, and you must have that close tie with the vendor. What we are adding on with this external evaluator is that connection to achievement and being able to look at—we have vendors who do one-on-one tutoring with students.

We have vendors who go into homes. Then we have vendors who work at schools. And they work with groups of five to six. We have so many different configurations of this that we feel that we need this external independent evaluation of it to make that connection.

Mr. FORTUÑO. Okay.

Ms. CHAFIN. So that is the structure that we are having right now.

Mr. FORTUÑO. Okay, I see. I have a feeling that your student body is pretty similar to mine in the sense that it tends to be not rural, but more based on cities. And you were probably facing some of the same challenges. Could you elaborate even further on how you brought up those numbers in terms of participation-wise and otherwise?

Ms. CHAFIN. One of the tools that a state has is to look each year at the Title I carryover money. Right now you get 20 percent of your funds. And then when the 15 months are over, the state, at least in Maryland, we have exercised the option to say we see how hard you are working, and we see the improvement in your participation rate, your attendance, your removal of barriers for parents. So we will this year allow you to carry over that money into your general Title I funding.

We have also said in this year we do not see that you have made that effort, you have actually gone down in participation. So we are asking that you carry over that money and leave it earmarked for SES.

Mr. FORTUÑO. Okay. Specifically for SES. Okay.

Ms. CHAFIN. Yes. So we feel that each time we have done that we have seen an increase in participation and an increase in the communication. They are doing a really good job. I don't want to make that sound like districts don't care until you push them. But they need to understand the seriousness and the consequences of it sometimes. But they also need you there holding their hand to address these issues.

We never just say go away and do this better. We always say what can we do to help. What are the issues here?

I have to point out that one of the biggest barriers to SES participation is the fact that these children at ages, you know, 4th, 5th, 6th and 7th grade don't see this as something that is really good.

Mr. FORTUÑO. I know. I am the father of triplets, so I know what you are talking about.

Ms. CHAFIN. They see this as something they are being sent to. We are trying very hard to say—and I am a baseball fan. When

Cal Ripken had a batting slump, he took extra batting practice. Okay? We are trying to instill in them you have some control here. You go and snatch all the education you can out of every opportunity. That is missing. That is not really the atmosphere that SES is in.

Mr. FORTUÑO. Yes.

Ms. CHAFIN. So it is touching all of the people involved. And we would be glad to help you.

Mr. FORTUÑO. Thank you. Thank you again.

My time is up. But again, I commend you, all five of you.

And, Mr. Chairman, again, likewise, thank you.

Chairman KILDEE. Thank you very much.

The gentleman from Maryland, Mr. Sarbanes?

Mr. SARBANES. Thank you, Mr. Chairman.

Mr. Chairman, I had the opportunity to work at the Maryland State Department of Education for 8 years, part of that time with Ms. Chafin.

And I am reminded again of why I learned so much from you when I was there from your testimony today.

I want to thank everyone on the panel for your testimony.

I had a couple of questions. So I will jump right into them.

First of all, what is your view—and anyone can answer this question if they would like. But what is your view on what the minimum qualifications should be of the instructional personnel that are in these SES? And we have talked about how if they are going to be teachers, then they probably ought to meet the highly qualified standard.

But we have also pointed out that in many instances they are not teachers. And I am just trying to get a sense of where you think the standard ought to be and, I guess, where you think it is trending right now.

So we could start with you, Ann.

Ms. CHAFIN. Okay. I think it is trending toward vendors using highly qualified teachers. It is not there yet. And because there is no mandate and because of access, school systems are not able to get all the highly qualified teachers they need. So the vendors would suffer from the same situations.

I think that it is the more qualifications with the tutor, the better off we are. But I guess I would hold out one little piece. I have a 16-year-old. And sometimes if she hears it from a 17-year-old, she is more willing to listen to it.

So I think there is a role involved here for support and tutoring that may not always fall under that characteristic. But I do think our vendors are moving more in that direction. And I think that our districts are much more comfortable when they know that those actual teachers are the highly qualified teachers.

Mr. SARBANES. Any others agree with that?

Ms. ROBERTS. Yes. I would not say that the tutors have to be teachers. But they should meet the definition of a highly qualified teacher. Particularly in Massachusetts we have a number of colleges and universities where our providers can draw from.

This is particularly important for us for our English language learners and our special needs students because what we are finding is that a number of our providers are not equipped to provide

services for them and eventually drop them, and then we have to take them into the district program where we are equipped to do so. So it would be very helpful particularly when you are looking at those two categories if the tutors were at least meeting the definition of highly qualified, even if they weren't teachers.

Mr. SARBANES. Well, let me ask you—let me follow up on that because working with systems like the Baltimore City Schools—and I know other urban districts are facing huge shortages in qualified teachers, unless things have changed dramatically in the last couple of years.

And so, aren't we heading towards a situation where we are going to have all these private SES providers competing of the same pool of qualified candidates? And isn't that going to create more pressure and problems potentially for the traditional districts in terms of where they are getting their teachers?

Ms. ROBERTS. I think depending on the availability of individuals within your city. As I said, Boston is very university-rich. And so, we have a number of higher education programs from which our providers can withdraw tutors as well as our district. That may not be the case in other cities and other states. But it most certainly is an option.

Mr. SARBANES. Yes.

Ms. PICHÉ. You know, there probably is going to be some regional variation in your available labor market. But what we know about the teaching population in this country is that many highly qualified teachers are not actually teaching. There are many teachers who have left the profession for a variety of reasons. There are also—I think we can't rule out the possibility of people who have credentials and have capabilities to perform tutoring under the supervision of highly trained, capable super-teachers, if you will, the folks who administer and run these programs.

But we know from the research about effective reading programs—I will take the success for all program, for example—is that the program can actually be run—and its one-on-one tutoring and small group tutoring can be done successfully by highly trained paraprofessionals. And we put this program into place in a school district where we worked, Fort Wayne, Indiana.

It was highly successful. It was actually also evaluated by Steve Ross from the University of Memphis. So I think as we get more of the results from these evaluations, we know more about the quality and what is working and what is not, we will probably have better data about that. But I would say across the board that it might not be realistic to expect that every single tutor would have those highly qualified credentials as they exist now under NCLB.

I guess I would also say——

Mr. SARBANES. I just lost the yellow light, so I want to get a question in real quick before the chairman takes my time back.

And that is particularly in these situations where the district is the provider, which is a fascinating sort of in some ways Kafka-esque result.

Ms. Chafin and others, Ms. Roberts, do you ever wake up in the morning and scratch your head and say we are sort of creating an alternative shadow school system in a way that has these special features to it that make it more attractive in many ways but, we

have got the same teachers providing the services, it is in the same building, et cetera? And where is that heading? What are the implications of that?

Or is it okay because you are sort of jostling the system a bit and, yes, people are walking out one door and coming back in the other? But maybe it heightens the awareness of the kinds of services that need to be provided and creates other dynamics that are positive. So if you could just quickly respond to that.

Ms. CHAFIN. I guess I do have concerns about that. Currently in Maryland we have two schools, districts that are in improvement. And they are not allowed to offer SES services. I think it is an issue of training, however. If I were confident that a teacher participating with a vendor would receive extra-professional development that might actually make them do a better job during the day, too, this would be more palatable.

Mr. SARBANES. Ms. Roberts?

Ms. ROBERTS. Boston is selecting its most highly qualified teachers for its program so that our instruction is in the after-school SES program is hopefully at a higher quality than what is offered, in some cases, in the school day. It is also more connected because you are able to ensure that the SES teachers are connected with the school day curriculum and with the school day teachers.

In terms of how that affects the school districts and our ability to work with external providers, I think that we have come to a happy medium where we are able to provide services, we are able to do it in a highly qualified way. We are able to show some improvement.

And we have been looking at our preliminary data. We see that students that attend 75 percent or more of the time in the district program do show improvement. We cannot say the same for external providers because we don't have enough data.

Mr. SARBANES. Thank you.

Chairman KILDEE. Thank you.

The gentleman from Arizona, Mr. Grijalva?

Mr. GRIJALVA. Thank you, Mr. Chairman. And thank you for this excellent panel.

Let me just follow up on the point that you were just making, Ms. Roberts. Have Boston Public Schools done any monitoring to see how well private providers—their tutoring program is matching up with the classroom strategy, with the curriculum? Is that monitoring being conducted?

Ms. ROBERTS. The state requires us to approve all of the students and parents home contracts, which do outline what the student will cover. In most cases, there is very little alignment on the front end between what is happening in the school and what is happening with the SES provider, although we do provide that information. Most providers offer a pre-packaged program which they are following. And so, they are using their own pre and post-assessments by which they offer a student success plan.

Mr. GRIJALVA. Wouldn't a continuum of instruction be good in terms of if we are trying to bring these kids to a certain level? I have always heard that a continuum is a very important factor in that improvement.

Ms. ROBERTS. Yes. We most certainly would like to see better alignment between what is going on in the school day and what is going on with the SES providers. We found that that is difficult to do when you already have a pre-packaged program.

Mr. GRIJALVA. Got it. I think the other one I was going to ask you about, if I may, Ms. Roberts, is how much does your school district as an example spend on disseminating all the SES information about the providers in the district. How much does that cost?

Ms. ROBERTS. This year we spent nearly $100,000. We did newspaper advertisements. We have done things on our cable channel. We sent packages home through the school and by mail. We have held SES provider fairs for parents. And so, we have tried to reach out to parents through a number of ways as do most large urban districts. And that data is available at the end of my written testimony.

Mr. GRIJALVA. Okay. And I think one more and then I will shift to another question.

Ms. Piché from the Citizens Commission on Civil Rights—I think we heard her say or in her testimony that she believes school districts must make a case to the Department of Education that their involvement does not detract from the school improvement needs.

You cite Boston Public Schools commendable record on participation and serving all eligible children at a lower cost than the private providers. Do you have any comments about making the case statement that Ms. Piché made, number one? And number two, do you know the other four districts that are in the pilot program if they have had the same record that you have in terms of participation cost?

Ms. ROBERTS. I cannot answer the question about the other four districts. I believe that for most of us our participation rate meets at least the national standard, if not higher.

What was your first question again? I am sorry.

Mr. GRIJALVA. The first part of the question having to do with the comment that before getting involved in the SES improvement services that a case must be made to the Department of Education that you are not detracting from the improvement plan.

Ms. ROBERTS. In Massachusetts our state department works very closely with us to ensure that the quality of the program is there but also that the schools are able to continue with their school improvement process. And so, while it is not explicitly done, it is implicitly done.

Mr. GRIJALVA. Thank you.

Mr. Chairman, I think Ms. Piché made a very good point. And it dealt with the two groups of students that all of us know are not doing as well under the mandates. And that is English learners and special education.

Let me use the example of my state. There are 33 providers. I think all but three are private providers in the state of Arizona. Every one of them claim that they have expertise in being able to work with children who need a second language acquisition. From my information, there is no way to verify that expertise.

I mention that, Mr. Chairman, because I really think that in those two populations that private providers that are part of this SES improvement process have to be monitored and evaluated on

English learners, special education, outreach, expertise of their staff, parent communication. Because if that is supposed to be a support base for a lot of these children and it is not working and all you need to do, at least in the state of Arizona is check a box that you have expertise in the area, I don't think that is enough.

And I appreciate the comments that the witness made because I really feel that that is a glaring gap in holding these private providers or any provider of SES services accountable for reaching every one of the kids that we are supposed to be reaching. And I yield back. I have no further questions, Mr. Chairman.

Chairman KILDEE. Thank you very much.

The gentleman from Texas, Mr. Hinojosa?

Mr. HINOJOSA. Thank you, Mr. Chairman.

And thank you to the presenters here today on our panel.

I have always been a very strong proponent of parental involvement. And at every level, pre-K through the 12th I think that where we see parental involvement, those children seem to do better than those who do not have parents involved.

My question to Ms. Chafin is, could you describe your efforts to ensure that limited English proficient parents understand the opportunities available for supplemental services?

Ms. CHAFIN. I certainly can. I would never say to you that we are doing everything that could possibly be done. But we do translate all of our documents into the five major languages in Maryland. We have community outreach members in each of our districts that are making concerted efforts to have personal contact with parents.

We were just shown—we had a parent advisory council meeting yesterday for the superintendent. We had a wonderful presentation where the woman talked to us about we don't really send too much written. It is verbal. It is phone. It is having translators. It is having interpreters there for people so that they can understand all of the issues available to them.

You must have those printed materials, but you must also be able to contact them where they are in community centers. And I think across Maryland you can find that happening. I won't tell you that it is happening everywhere that it could. But it is increasing on a regular basis. We must get to the parents where they are so they understand the options.

Mr. HINOJOSA. Can you tell me the difference in the daily attendance, average daily attendance in the schools in Maryland where we have a high level of parental involvement versus school districts where we don't have it?

Ms. CHAFIN. I am sure there is a difference. We do not have statistics there, but we are confident through our work with our Maryland Parent Advisory Council that there is more to be done in making sure that parents understand access to schools.

I have to tell you that, in working with these, they have come clear with, if there is nothing else that happens, make that school secretary be nice to us when we come in.

Mr. HINOJOSA. Well, there are some folks in the administration which are not friendly to parents. And I can say that the private providers who are offering the tutoring, it seems to me, at least from parents that have spoken to me about this, that they aren't

getting enough information that would make it easy for them to identify the tutors for the core courses for their children to do better on standardized tests.

What can you all do to improve that?

Because the money is there. It is not being utilized. And I believe that there must be a problem. It could be language. It could be communication. But somehow the parents that are involved are having trouble getting the tutors.

Ms. CHAFIN. For one thing, we would follow up on any report of that individually. But again, it is pushing at all of the points, making sure you have the materials translated, making sure you have people who are instrumental in the different international communities who themselves understand SES and can teach that. It is making sure that the school itself, which is the parents' first thought for anything, understands those services.

Mr. HINOJOSA. Know that that is going to be important if we are going to improve the issue that we are working on today on No Child Left Behind.

My last question to Cornelia Ashby. Can you tell me what percentage of students are receiving supplemental services in middle schools and what percentage are receiving those supplemental services in high school?

Ms. ASHBY. I do not have that information. I don't know if that is something that I could get. And perhaps——

Mr. HINOJOSA. Would you try to get me an answer in writing to my question?

Ms. ASHBY. I will try to do that, yes.

Mr. HINOJOSA. And how have states and school districts worked to ensure that appropriate services were available for secondary school students? And what has been most effective in serving the population of the English language learners so that they could do better on standardized tests?

Ms. ASHBY. Let me say with regard to evaluations of all types they are—they haven't been done for SES. That is true for English language learners as well as other students. There are states that are in the process of trying to do that. Ms. Chafin has talked about in Maryland.

The difficulty is in having the data available and controlling for other factors that can influence a student's progress. And that is the difficult thing that hasn't been overcome. The Department of Education has stepped up its efforts to help states in this regard. It is too soon, or I don't know how effective they have been.

There is a special center within the department that is providing assistance this school year to 16 states who have asked for it. And that should improve states' ability, at least to collect data. But controlling for other factors will still be difficult. So I can't answer your question with regard to limited English proficient students or any other group of students right now.

Mr. HINOJOSA. That seems to be the answer on so many of the problems that we are having, that they don't have the data, they don't have—they are not tracking it. And I think that No Child Left Behind after 6 years has done very poorly and those excuses that there isn't enough data—there should have been from the very beginning when you started having complaints from states, includ-

ing Virginia and Texas and California. There should have been somebody in the department who would have said, well, then let's start collecting data so that we can track it and see where the gaps are.

Ms. ASHBY. The difficulty is the department's data comes from the states. States issue reports to the department.

Mr. HINOJOSA. Yes, but our money from the federal government is coming to the states and to the school districts. And it seems to me that we ought to exercise some leadership and get them to collect that data. It is not your fault. I realize that. But the message has to get up to the folks above you.

Ms. ASHBY. Thank you.

Mr. HINOJOSA. I yield back, Mr. Chairman.

Chairman KILDEE. Thank you very, very much.

Governor Castle and I have been commenting to ourselves up here that what a great panel this is. There has not been a scintilla of politics, very straight and knowledgeable answers from people who really know what is going on. This has been very helpful.

And I think I can predict that there will be some changes in No Child Left Behind from the testimony that we received here today. It has been very, very helpful.

So as previously ordered, the members will have 7 calendar days to submit additional materials for the hearing record. Any members who wish to submit follow-up questions in writing to the witnesses should coordinate with the majority staff within the requisite time.

And without objection, unless you have something to say, the hearing is adjourned.

[Additional questions for the record submitted by Mr. Scott follow:]

COMMITTEE ON EDUCATION AND LABOR,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 20, 2007.

CORNELIA ASHBY, *Director,*
Education, Workforce, and Income Security Issues, U.S. Government Accountability Office, Washington, DC.

RUTH MURRAY, *Director,*
Federal Grants, Newport News Public Schools, Newport News, VA.

ANN CHAFIN, *Maryland Assistant State Superintendent,*
Student, Family, and School Support, Baltimore, MD.

DIANNE M. PICHÉ, *Executive Director,*
Citizens' Commission on Civil Rights, Washington, DC.

MONICA ROBERTS, *Director,*
Office of Federal and State Programs, Boston Public Schools, Boston, MA

DEAR MS. ASHBY, MS. CHAFIN, MS. ROBERTS, MS. MURRAY, AND MS. PICHÉ: Thank you for testifying at the April 18, 2007 hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education.

Representative Robert C. Scott (D-VA), a Member of the Subcommittee, has asked that you respond in writing to the following questions:

Under current law, SES services are only provided to low-income students, regardless of whether this subgroup is making AYP. In an effort to make the responses to failure to make AYP under NCLB more responsive, should SES services be targeted to subgroups that fail to make AYP? Also, should these services be available to everyone in a subgroup that failed to make AYP regardless of their income?

Given the low participation in school choice, should more resources be devoted to targeted SES programs? Additionally, why should school choice be made available to subgroups who are not underperforming? For example, if a school is failing a cer-

tain group of students, why are students other than that group permitted to transfer schools?

Please send an electronic version of your written response to the question to the Committee staff by COB on Wednesday, April 25—the date on which the hearing record will close. If you have any questions, please contact the Committee.

Sincerely,

GEORGE MILLER, *Chairman,*
Committee on Education and Labor.

DALE E. KILDEE, *Chairman,*
Subcommittee on Early Childhood, Elementary and Secondary Education.

[Response to Mr. Scott's questions from Director Ashby follows:]

EDUCATION, WORKFORCE, AND INCOME SECURITY,
U.S. GOVERNMENT ACCOUNTABILITY OFFICE,
Washington, DC, April 25, 2007.

Hon. GEORGE MILLER, *Chairman,*
Committee on Education and Labor, U.S. House of Representatives.

Hon. DALE KILDEE, *Chairman,*
Subcommittee on Early Childhood, Elementary and Secondary Education, Committee on Education and Labor, U.S. House of Representatives.

SUBJECT: *Responses to Questions for the Record Related to the Supplemental Educational Services Provisions of the No Child Left Behind Act*

This letter responds to your April 20, 2007, request that we provide responses to questions related to our recent testimony before the Subcommittee on Early Childhood Education, Elementary and Secondary Education on early implementation of the supplemental educational services (SES) provisions of the No Child Left Behind Act (NCLBA).[1] Our testimony discussed (1) how the proportion of eligible students receiving services has changed in recent years and actions that have been taken to increase participation; (2) how providers are working with districts and schools to provide services that increase student achievement; (3) the extent to which states and districts are monitoring and evaluating SES; and (4) how Education monitors state SES implementation and assists state and district efforts. This testimony was based on our recent report on these topics.[2] Your questions, along with our responses, follow.

1. Under current law, SES services are only provided to low-income students, regardless of whether this subgroup is making AYP. In an effort to make the responses to failure to make AYP under NCLB more responsive, should SES services be targeted to subgroups that fail to make AYP? Also, should these services be available to everyone in a subgroup that failed to make AYP regardless of their income?

While students from low-income families who attend Title I schools that have missed adequate yearly progress (AYP) goals for 3 consecutive years are the only students currently eligible to receive SES, the law also allows for SES to be targeted to students within that cohort who are the lowest achieving, and potentially in the sub-groups that fail to make AYP. Specifically, under current law, districts in which the demand for SES exceeds the level that the 20 percent Title I set-aside can support are required to give priority to the lowest-achieving eligible students. In this situation, the district has some flexibility in determining which students to prioritize for services. For example, the district might decide to focus services on students who are lowest-achieving in the subject or subjects that caused the school to be identified for improvement, or it might decide that services will be most effective if they are concentrated on the lowest-performing students in particular grades.

However, because of low participation in SES across the country, it is unlikely that many districts have had to prioritize eligible students for services. In our August 2006 report, we estimated that 19 percent of students who were eligible for SES in 2004-2005 received services nationwide. Further, no students received services in about 20 percent of the approximately 1,000 districts required to offer SES in 2004-2005.

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[1] GAO, No Child Left Behind Act: Education Actions May Help Improve Implementation and Evaluation of Supplemental Educational Services, GAO-07-738T (Washington, D.C.: April 18, 2007).

[2] GAO, No Child Left Behind Act: Education Actions Needed to Improve Local Implementation and State Evaluation of Supplemental Educational Services, GAO-06-758 (Washington, D.C.: Aug. 4, 2006).

Concerning the academic achievement level of students that have received SES, we also gathered information in our August 2006 report on this issue. Specifically, we estimated that 91 percent of districts that reviewed the academic records of students receiving SES classified most or all of these students as academically low-achieving. While we did not independently verify this information, it suggests that the lowest achieving students, potentially including those in the sub-groups that failed to make AYP, are receiving SES.

Since a subgroup's AYP status is based on the performance of each student in the sub-group—regardless of income—to the extent that funds permit, an argument could be made for providing SES to everyone in a sub-group that fails to make AYP in order to raise the academic achievement of the sub-group, with the lowest-achieving low-income students in the sub-group having first priority. However, without additional evaluation of SES's impact on student academic achievement, the extent to which these services are accomplishing this goal is unknown. Consequently, the extent to which these services would be able to increase the academic achievement of students in subgroups that have failed to make AYP is also unknown.

2. Given the low participation in school choice, should more resources be devoted to targeted SES programs? Additionally, why should school choice be made available to sub-groups who are not underperforming? For example, if a school is failing a certain group of students, why are students other than that group permitted to transfer schools?

Because of low school choice participation rates, school choice-related transportation costs likely do not account for a significant portion of the 20 percent Title I set-aside that districts are required to use for choice-related transportation and SES. Both our report on school choice[3] and the U.S. Department of Education's most recent report on Title I[4] found that nationwide only 1 percent of students transferred schools under the No Child Left Behind Act's school choice provisions in 2003-2004. Low participation may be in part the result of parents' preferring to keep students in neighborhood schools that are close to their homes, as well as the limited availability of schools for students to transfer into. Because of low participation rates, we found that less than 5 percent of the Title I set-aside was spent on choice-related transportation costs in 5 of the 7 districts we visited.

Regarding the availability of the school choice option to all students in schools that have failed to meet AYP for 2 consecutive years, this program design provides all students in these schools with the ability to transfer to schools that may better meet their academic needs, and it also provides schools with an incentive to increase student academic achievement in order to retain students. If the school choice provisions are targeted to certain underperforming sub-groups, rather than all students, these program goals may not be as effectively achieved. In addition, as we noted in our report on school choice, little is known about the academic performance of students who have chosen to transfer schools under the choice provisions. Without that data, it is unknown whether students currently exercising the option to transfer are those in the sub-groups that have failed to make AYP or those in the larger student population.

If you have any questions about the content of this letter, please contact me.

Sincerely yours,

CORNELIA M. ASHBY, *Director,*
Education, Workforce, and Income Security,
U.S. Government Accountability Office.

[Response to Mr. Scott's questions from Ms. Chafin follows:]

Response to Questions by Ann E. Chafin, Assistant State Superintendent for Student, Family and School Support, Maryland State Department of Education

Under current law, SES services are only provided to low-income students, regardless of whether this subgroup is making AYP. In an effort to make the responses to failure to make AYP under NCLB more responsive, should SES services be targeted to subgroups that fail to make AYP? Also, should these services be

[3] GAO, No Child Left Behind Act: Education Needs to Provide Additional Technical Assistance and Conduct Implementation Studies for School Choice Provision, GAO-05-7 (Washington, D.C.: Dec. 10, 2004).

[4] U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, Policy and Program Studies Service, Title I Accountability and School Improvement From 2001-2004 (Washington, DC.: April 2006).

available to everyone in a subgroup that failed to make AYP regardless of their income?

Within the current structure of NCLB, when school districts have more requests for SES than they can fund with the 20% Title I set aside, they must give priority to those economically disadvantaged students who have the more severe academic need. Thus when there are more requests than money, the students with the most serious academic need get first service under SES. If the law was changed so that only those economically disadvantaged students in subgroups that are NOT meeting AYP are allowed to participate in SES, we may address the immediate need in the school but lose an opportunity to invest in the future performance of students. However, since many students fall in multiple subgroups, prioritizing by subgroup rather than individual may address many of the same students.

SES services are provided by Title I funds. Title I was established and continues to be for the mitigation of the effects of poverty on learning. If these funds are made available to any student not making AYP, regardless of poverty status, we are changing the mission of Title I. Poor parents and students do not have the same options as those parents and students who are not economically disadvantaged. Title I funds should not be redirected in this manner.

Given the low participation in school choice, should more resources be devoted to targeted SES programs? Additionally, why should school choice be made available to subgroups who are not underperforming? For example, if a school is failing a certain group of students, why are students other than that group permitted to transfer schools?

In Maryland, the SES option has received more attention from parents than the transfer option. Any additional funds in this area could be included in direct services to students. The transfer option, although it may meet the parents' needs and desires for their child, does not carry with it the powerful intervention strategies that exist in their home school.

Because of this, the money might be better spent on SES.

As I said in my previous answer, the subgroups currently making AYP may not make it the next year. Some investment in the future of students who are borderline or non-proficient regardless of their subgroup membership could play a part in a long term solution. However, some clever parents are trying to game the system to buy a house in a poor district and opt to have their kindergarten child attend the school in the more affluent attendance zone. We have curbed this practice by saying that only students currently enrolled in schools can exercise the transfer.

[Response to Mr. Scott's questions from Ms. Murray follows:]

Response to Questions by Ruth D. Murray, Director, Federal Grants, Newport News Public Schools

Thank you for the opportunity to respond to your questions regarding SES and Public School Choice. My responses are below:

Under current law, SES services are only provided to low-income students, regardless of whether this subgroup is making AYP. In an effort to make the responses to failure to make AYP under NCLB more responsive, should SES services be targeted to subgroups that fail to make AYP? Also, should these services be available to everyone in a subgroup that failed to make AYP regardless of their income?

The current requirement of offering SES services to all low-income students regardless of AYP performance has cause concern and alarm among parents in our division. Parents of high-performing students have had many questions on why they were being asked to participate in SES. Because in our division the goal is 100% participation in SES, these parents are often asked many times in many ways to participate. This is frustrating for them and the school division.

Currently the funds for SES services are taken from the school division's Title I allocation. Setting aside this 20% reduces the funding to all Title I schools and therefore reduces services in high-poverty schools. Schools having not less than 40% poverty can operate as Title I School-wide programs and provide services to all students in the building. I believe this same concept could be used with SES. All students, regardless of income or subgroup, who fail to achieve proficiency on the state assessments, should be offered the opportunity to receive SES services. This would target the students who need the help.

Given the low participation in school choice, should more resources be devoted to targeted SES programs? Additionally, why should school choice be made available to subgroups who are not underperforming? For example, if a school is failing a cer-

tain group of students, why are students other than that group permitted to transfer schools?

Public School Choice and SES Set-Aside is an amount equal to 20% of Title I, Part A allocation. The breakdown is 5% Public School Choice, 5% Supplemental Education Services; and 10% either as needed. In Newport News we allocate the entire amount for SES because the low participation in Public School Choice makes the expenses minimal.

Offering all students the opportunity to leave a low-performing school and then the next year (after students have left) providing extra help through tutoring, does not seem the best way to help a low-performing school. Often the students who leave the school are the ones who are performing well and whose parents are the most involved. Reversing the order of SES and Public School Choice would allow the school to offer tutoring first and then if students are still not performing and parents are still not satisfied, they could choose another school. Limiting Public School Choice to only students who are not performing academically would eliminate students transferring for reasons other than achievement.

[The prepared statement of Steven Pines follows:]

Prepared Statement of Steven Pines, Executive Director, Education Industry Association

Chairman Kildee, Ranking Member Castle, Members of the Subcommittee on Early Childhood, Elementary and Secondary Education: I am Steve Pines, the executive director of the Education Industry Association (EIA), the nation's leading professional association for private providers of education services and suppliers/developers of educational content for students spanning Pre-K through college. Our 500+ members serve individual families, communities and partner with schools, and it is the latter group that I am addressing today: specifically, providers of Supplemental Education Services (SES).

Thanks to the bi-partisan No Child Left Behind Act (NCLB), children attending schools that fail to make adequate yearly progress toward academic proficiency in reading and math have access to tutoring services paid for with federal dollars. With this provision, low income students can now access the same high-quality tutoring that middle-class parents have sought for their children for years.

EIA welcomed the Subcommittee's examination of the supplemental educational services (SES) provision of "No Child Left Behind" (NCLB), particularly its focus on accountability, widening access to more students, and ensuring the availability of high-quality SES programs.

I appreciate the opportunity to comment on these three important issues.

• Accountability—EIA fully supports SES accountability, and has called for additional funding to be made available to States to assist with the implementation of comprehensive SES evaluation programs. The witnesses at the hearing, as well as the Members in attendance, made it clear that while some progress has been made, States must do more to monitor and evaluate the effectiveness of SES. Meantime, EIA has tracked third-party SES evaluations done to date, and found that federally funded tutoring is highly regarded by parents (with typically 8 in 10 parents citing evidence that the tutoring has helped their children in school), and is having a positive effect on standardized test scores. A report on our findings can be accessed at the EIA website, www.educationindustry.org.

• Accessibility—EIA was pleased to hear of the efforts of the state of Maryland, as well as the Newport News, VA school district, to make SES available to the greatest number of eligible families possible. However, both the Government Accountability Office (GAO) and the Citizens Commission on Civil Rights testified that SES enrollment rates continue to be unacceptably low, the latter calling for greater efforts to improve outreach and earlier promotion of SES, including the further opening of school sites to SES programs.

• Quality—Once again, Maryland leads by example, describing State policies that ensure delivery of high-quality SES services. EIA believes that the current NCLB quality standards which guide the States' provider approval process are effective and appropriate, including those covering curriculum alignment, instructional methods, tutor qualifications and instructional materials. All providers, as a condition of state-approval, must align their tutoring curricula to the state's academic standards—the same standards to which local school districts must align.

To address these broad issues, EIA encourages the Subcommittee to consider EIA's NCLB reauthorization policy recommendations, issued on March 29, available at www.educationindustry.org, and summarized below:

• Increase student access and participation by requiring that unspent SES funds are carried over by states and districts for SES use only.

• Expand administrative resources for States and school districts to better market, manage and evaluate SES programs.

• Require states to appoint a third-party administrator of SES in situations where school districts are permitted to provide SES services to ensure fair-play.

• Expand research and evaluation of SES effectiveness at the national level.

• Provide incentives to increase access to services for underserved student groups, including limited English proficiency (LEP) students, students residing in rural areas and those with disabilities.

EIA also offers the following comments on additional issues raised by Subcommittee Members during the hearing:

• SES providers must align tutoring curricula with state learning standards—The alignment of SES curricula with such standards is a requirement for provider selection by states. These same state standards guide local school districts, thus completing the sequence of linking tutoring to academic standards used in the classroom. All instruction and methods used by tutors must be research-based as well.

• SES tutors are selected by parents for academic support which supplements the instruction of the regular school day, often filling skill gaps not taught in the classroom. Tutors are often, but not always, certified teachers, and it is this variety of instructors that creates an enriched and innovative array of academic supports that are responsive to the diverse needs of low-performing students. Requiring all tutors to meet the Highly Qualified Teacher (HQT) standard will substantially limit the supply of tutoring organizations and reduce the overall participation rate of students. Overall program quality is best regulated through rigorous evaluations of program impacts.

• SES providers are using innovative means to address the needs of students residing in rural locations; the needs of English language learners and students with learning disabilities—The number and variety of SES providers offering services nationwide ensures that these students are receiving the special services they require. More must be done to increase the participation rates of these subgroups, including increasing to resources that may be needed to accommodate their unique learning needs and environments.

• Costs and therefore service fees cited by school district-managed SES providers vs. private SES providers are not comparable—Private SES providers face and must account for a host of costs not borne by district-managed programs, including rental of school facilities, costs for instructional materials, supervisory and professional development expenses, data-entry and other administrative expenses. A true "apples to apples" cost comparison would show no differences in the costs of service delivery between the local schools and an external organization.

Finally, while EIA observed the witnesses at today's hearing offering good and timely information, we hope that Congress will seek comment from some of the hundreds of thousands of families who have been given hope and needed support by the after-school tutoring program.

On behalf of EIA and especially our members who are SES providers, thank you for the opportunity to submit my comments for the record. I welcome any questions or followup requests for information Members of the Subcommittee may have.

[Whereupon, at 11:23 a.m., the subcommittee was adjourned.]

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