(a)(1) of this section to transfer to another public school, the LEA must, consistent with §200.49, provide or pay for the student’s transportation to the school.

(2) The limitation on funding in §200.48 applies only to the provision of choice-related transportation, and does not affect in any way the basic obligation to provide an option to transfer as required by paragraph (a) of this section.

(3) The LEA’s obligation to provide transportation for the student ends at the end of the school year in which the school from which the student transferred is no longer identified by the LEA for school improvement, corrective action, or restructuring.

(j) Students with disabilities and students covered under Section 504 of the Rehabilitation Act of 1973 (Section 504). For students with disabilities under the IDEA and students covered under Section 504, the public school choice option must provide a free appropriate public education as that term is defined in section 602(8) of the IDEA or 34 CFR 104.33, respectively.

(Authority: 20 U.S.C. 6316)

§ 200.45 Supplemental educational services.

(a) Definition. “Supplemental educational services” means tutoring and other supplemental academic enrichment services that are—

(1) In addition to instruction provided during the school day;

(2) Specifically designed to—

(i) Increase the academic achievement of eligible students as measured by the State’s assessment system; and

(ii) Enable these children to attain proficiency in meeting State academic achievement standards; and

(3) Of high quality and research-based.

(b) Eligibility. (1) Only students from low-income families are eligible for supplemental educational services.

(2) The LEA must determine family income on the same basis that the LEA uses to make allocations to schools under subpart A of this part.

(c) Requirement. (1) If an LEA identifies a school for a second year of improvement under §200.32, corrective action under §200.33, or restructuring under §200.34, the LEA must arrange, consistent with paragraph (d) of this section, for each eligible student in the school to receive supplemental educational services from a State-approved provider selected by the student’s parents.

(2) Except as described in §§200.32(d) and 200.33(c), if a school was in school improvement status for two or more consecutive school years or subject to corrective action on January 7, 2002, the State must ensure that the LEA makes available, consistent with paragraph (d) of this section, supplemental educational services to all eligible students not later than the first day of the 2002–2003 school year.

(3) The LEA must, consistent with §200.48, continue to make available supplemental educational services to eligible students until the end of the school year in which the LEA is making those services available.

(d) Priority. If the amount of funds available for supplemental educational services is insufficient to provide services to each student whose parents request these services, the LEA must
give priority to the lowest-achieving students.

(Approved by the Office of Management and Budget under control number 1810–0581)

(Authority: 20 U.S.C. 6316)

[67 FR 71723, Dec. 2, 2002]

§ 200.47 SEA responsibilities for supplemental educational services.

(a) If one or more LEAs in a State are required to make available supplemental educational services under §200.39(b)(3), §200.42(b)(3), or §200.43(b)(2), the SEA for that State must do the following:

(i) Describe procedures for regularly informing the student’s parents and teachers of the student’s progress;

(ii) Provide for the termination of the agreement if the provider is unable to meet the goals and timetables specified in the agreement;

(iii) Specify how the LEA will pay the provider; and

(iv) Prohibit the provider from disclosing to the public, without the written permission of the student’s parents, the identity of any student who is eligible for, or receiving, supplemental educational services.

(b) In the case of a student with disabilities under IDEA or a student covered under Section 504, the provisions of the agreement referred to in paragraph (b)(2)(i) of this section must be consistent with the student’s individualized education program under section 614(d) of the IDEA or the student’s individualized services under Section 504.

(c) The LEA may not pay the provider for religious worship or instruction.

(Approved by the Office of Management and Budget under control number 1810–0581)

(Authority: 20 U.S.C. 6316(e))

[67 FR 71725, Dec. 2, 2002]