

**Title I Accountability & Partnerships Office
Regulations Review**

Title 5. EDUCATION

Division 1. California Department of Education

Chapter 12. Compensatory Education

Subchapter 13. Supplemental Educational Services

§ 13075.1. Definitions.

- Basic Program: minimum number of sessions and hours per session including pre and post test as defined in the application.
- Pre and post tests: administered at the beginning and end of the program as defined in the application.
- STAR and CAHSEE do not meet the requirement for pre and post tests.
- Ineligible applicant includes individuals with an ownership interest in a debarred or terminated provider (2 years).

§ 13075.2. Application-for SBE Approval.

- Business license: to provide statewide services the provider must have a valid license issued by the California Secretary of State; or local license from the local licensing entity where it intends to provide service.
- Subcontracting must be identified within the application if anticipated.
- Online tutors not in physical proximity exempt from TB test requirement.
- Assurance:

Provider shall provide LEA with specific procedures to ensure student safety prior to, during and following each tutoring session; including drop off and pick up policies.

Provider shall provide LEA with specific procedures used to notify students and parents/guardians when sessions are cancelled or rescheduled.

- Applicants not recommended for approval-appeal timeline:

Applicants must file written appeal within 30 calendar days of receiving notification of a failed application; CDE shall have 30 calendar days to review the appeal.

§ 13075.3. Subcontracts.

- Approved provider may enter into a subcontract not already identified in its application, if CDE receives written notification 30 calendar days prior to the subcontractor providing services.

§ 13075.4. Submission of an Annual SES Accountability Report (posted May 2010) and Retention of Records by Approved Providers.

- Accountability Report new submission date of August 1.
- Approved providers who submit incomplete Accountability Reports by the August 1 deadline may be allowed to correct upon approval by the SBE.

§ 13075.5. Termination of an Approved Provider.

- Approved providers that fail to meet its contractual terms with one or more LEAs during the same fiscal year, including withdrawing from offering program services when the LEA has provided, for each site, the required number of students to be served.
- Approved providers that fail to deliver the basic program to at least 75 percent of the students for whom the provider has an approved LEA contract. This calculation shall apply to providers with at least 10 students that attend at least one tutoring session.

§ 13075.6. Appealing SBE Termination.

- Providers have within 30 calendar days of receipt of termination notification to file a written appeal.
- CDE has 30 calendars to investigate appeal and has the right to reasonably extend the investigation period up to an additional 30 calendar days. Upon completion CDE shall make a recommendation to SBE, and notify the provider of the recommendation forwarded to SBE.

§ 13075.7. Responsibilities of LEAs for SES.

- Conflict of interest: employees of an LEA, who also administers or provide SES services, may not use their position to encourage students and/or parents to use the services of that provider.
- Consultation may include telephone, e-mail, home visits, and parent meeting and/or parent/guardian signatures.
- If consultation does not take place, but a provider has been selected, the LEA or provider action on the LEAs' behalf must show evidence of at least three separate attempts to contact the parent/guardian for consultation.

§ 13075.8. SES Implementation by Approved Providers.

- Approved provider agrees to hire tutors with the following qualifications:
 - Two years of study at an institution of higher education
 - Obtained an associate's degree or higher
 - One year of education-related experience in ELA, math and/or science prior to being hired
- Program monitor must reside in California, supervise teachers and tutors, and provide on-going staff development.

§ 13075.9. Enrolling Students.

- An LEA may not prohibit or limit an approved provider from promoting its program or the general availability of SES to members of the community. Approved providers may distribute LEA's enrollment forms and submit completed forms to the LEA within two business days.
- Incentives shall be limited to educational materials that support program delivery and shall not exceed \$50 per student per fiscal year.
- The limitation of the \$50 value shall not apply to computers or other technical equipment used as the primary instructional tool for the delivery of SES and given to a student after he/she completes the basic program.

