Using Federal Flexibility Waivers to Enhance Tutoring Quality and Effectiveness
EIA/Draft Oct. 6, 2011

States, with the offer of new flexibility using waivers from the Administration, have the opportunity to correct specific provisions of NCLB Section 1116 related to after school tutoring known as Supplemental Education Services. These remedies will:

- *Create a state-organized competitive grant process for LEAs that seek new funds that come with an optional tutoring program; or*
- *Utilize a mandated set-aside funds of Title I funds for the lowest performing set of schools;*
- *Empower LEAs to match high-quality providers with schools most in need while respecting the role of parents to select their preferred service provider;*
- *Raise the quality of SES providers and hold them accountable for student achievement through rigorous evaluation;*
- *Equip States and LEAs with the administrative infrastructure to conduct more rigorous provider oversight and monitoring.*

Improved State and Administration Oversight

- Allow States and Districts to better target tutoring services to students most in need using a state-organized competitive grant process for LEAs that seek new funds that come with an optional tutoring program. This approach must also include requirements that unused tutoring funds be re-allocated to other school districts in that state; or

- States shall set-aside sufficient Title I funds for after school tutoring to target funding on a per-pupil basis to all low-income students that attend *Focus and Priority* schools as part of a comprehensive school turn-around strategy.

- States may invest additional Title I resources for after school tutoring in other Title I schools with subgroups of students (e.g. ELL and special education) that have substantial achievement gaps between the higher performing students and the lowest performing students.

- Tutoring may be offered before, after-school and during the summer and scheduled to maximize the available instructional hours to help increase student achievement as measured by State assessments for College and Career Readiness.

- States shall develop policies for LEAs that carry-over for one additional year, any unused tutoring funds from the first year that a federal waiver was granted.

Following that second year, those original unused funds may be re-allocated at the LEA level for other Title I purposes.

- To ensure a quality educational experience for individual students and families, high standards should be established for approving tutoring service providers. These standards should include:
    - evidence that the provider's curricula are aligned to State academic standards;
    - evidence that they have at least five years of continuous operating experience providing education instruction to youth;
    - use instructional methods and materials that are research- based;
    - demonstrate financial stability, which may include a financial audit, evidence of sufficient working capital, or other means; and
    - employ tutors that meet state-determined qualifications;

- States should be responsible for approving providers, program and compliance monitoring and evaluating program quality.

- States should be able to increase their administrative funding up to 2% of the reservation for SES, to ensure they are able to administer these new responsibilities effectively.

Focus on High Quality and Long Term Investment

(1) Providers should be granted a 5-year contract there-by providing the stability and predictability necessary for investment. This is also consistent with the typical accreditation term. Such a contract would be contingent on meeting annual performance measures.

(2) States should develop a common student application form to be used by local educational agencies that is completed by parents of eligible students when enrolling in high quality academic tutoring.

(3) States should conduct program monitoring of grant recipients' implementation of high quality academic tutoring to assure compliance waiver application requirements.

(4) States should develop and implement a system to evaluate each approved provider of high quality academic tutoring which system--

(A) shall be based primarily upon the extent to which a provider improved student academic achievement, as measured by student progress toward meeting challenging State academic standards for all students

enrolled in the high quality academic tutoring of the provider under this subsection—

(i) in each subject for which the provider provides high quality academic tutoring under this subsection to such students;

(ii) regardless of whether such students are in a grade level that is subject to a State assessment;

(iii) accounting for the length of each course of high quality academic tutoring offered by the provider; and

(iv) including academic data for all students in a provider's program who have completed that provider's program.

(B) shall be supplemented with additional criteria, such as—

(i) local educational agency evaluations of the high quality academic tutoring provided under this subsection;

(ii) student, parent, principal, or teacher satisfaction with the provider, except that, if a State elects to include this criterion in the State evaluation system, the satisfaction levels shall be measured by a survey that uniformly evaluates all such providers in the State;

(iii) the attendance rates of the students enrolled in the high quality academic tutoring offered by the provider under this subsection; and

(iv) any additional criteria determined to be necessary by the State educational agency;

(C) determines the value added by each provider in improving the student academic achievement of participating students, as measured by an appropriate assessment that is capable of measuring provider value-added student growth relative to the targeted intervention provided; and

(D) be operational not later than the last day of the 2012-13 school year.

(5) States should establish a fair mechanism for the removal of a provider who –

(A) fails, for 2 consecutive years, to contribute to increasing the academic

proficiency of students served under this section based upon the evaluations required under paragraph (10);

(B) is found, after a full and fair investigation, to have repeatedly violated any requirements of subsection (h) or been subject to allegations proven true as submitted through the process required in paragraph (6); and

(C) does not serve students in a state for any two-year continuous interval

LEA and School Role

- Districts may be allowed to serve as tutoring service providers. However, schools seeking to provide tutoring services under the program must meet the same approval, monitoring and evaluation criteria as all other State-approved providers. Further, where a school or district is approved as a provider, under the program, the state must be required to enforce rules necessary to ensure that LEAs do not exert unfair advantages from their control of schools, administrators, facilities and teachers.

- School principals are ultimately accountable for their schools. Principals should have greater input into the number of providers who can operate in their specific schools by setting a limit on the number of providers per school site taking into consideration the providers' preferences for space (based on the Chicago Public Schools model.)

- LEAs and tutoring service providers should be required to share student achievement data to ensure better communication with the District, school, and with parents and to better track student performance and maximize attendance.

- LEAs shall make space on school grounds available to providers on the same terms and conditions offered to other community organizations.

- LEAs shall create a plan to inform eligible students of the availability of high quality academic tutoring which shall include, but not be limited to:

  (A) Posting the common statewide student application on the agency's website;

  (B) Conduct enrollment of eligible students throughout the year in conjunction with approved providers and community-based organizations to ensure that eligible students have full opportunities to participate; and

(C) A description of how the LEA will ensure tutoring services are provided in a timely manner, including notification to eligible families, enrolling students, and contracting with providers, to ensure that services begin no later than 60 days after the start of the school year.

Parental Choice and Empowerment

- States and LEAs, together with providers, will adopt policies and procedures that maximize parent participation in after school tutoring, including preserving the NCLB tenet that parents shall select their preferred provider.

For more information, please contact the Education Industry Association at spines@educationindustry.org