

## **NOTICE OF APPLICATION**

### **SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS FOR NEW JERSEY**

#### **Application and Approval Process For NEW Applicants**

**Due date: February 28, 2007**

Applications received AFTER February 28, 2007, 4:00 p.m. EST  
will NOT be considered for this application period.



**Prepared by  
New Jersey Department of Education**

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# TABLE OF CONTENTS

<b>A. BACKGROUND.....</b>	<b>4</b>
<b>B. WHAT ARE SUPPLEMENTAL EDUCATIONAL SERVICES .....</b>	<b>4</b>
<b>C. NJDOE’S RESPONSIBILITY .....</b>	<b>5</b>
<b>D. THE DISTRICT’S RESPONSIBILITY .....</b>	<b>5</b>
<b>E. THE PARENT’S RESPONSIBILITY .....</b>	<b>5</b>
<b>F. SELECTION CRITERIA FOR PROVIDERS .....</b>	<b>6</b>
<b>G. PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES .....</b>	<b>6</b>
<b>H. PER-PUPIL SPENDING LIMIT .....</b>	<b>8</b>
<b>I. DURATION OF SERVICES AND MONITORING.....</b>	<b>8</b>
<b>J. REPORTING .....</b>	<b>8</b>
<b>K. CONFIDENTIALITY, PROPRIETARY INFORMATION OR TRADE SECRETS.....</b>	<b>8</b>
<b>L. APPLICATION PROCESS AND TIMELINE .....</b>	<b>9</b>
<b>M. APPLICATION EVALUATION AND SCORING.....</b>	<b>10</b>
<b>PART I. SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER FACT SHEET .....</b>	<b>11</b>
<b>PART II. PROVIDER PROFILE .....</b>	<b>18</b>
<b>A. PROGRAM DESIGN AND ALIGNMENT WITH STATE AND LOCAL STANDARDS AND CURRICULUM.....</b>	<b>18</b>
<b>B. EVIDENCE OF LINKS BETWEEN RESEARCH AND PROGRAM DESIGN .....</b>	<b>19</b>
<b>C. EVIDENCE OF EFFECTIVENESS .....</b>	<b>19</b>
<b>D. ASSESSMENT AND PROGRESS .....</b>	<b>20</b>
<b>E. COMMUNICATION WITH PARENTS AND SCHOOL .....</b>	<b>20</b>
<b>F. QUALIFICATIONS OF INSTRUCTIONAL STAFF AND PROFESSIONAL DEVELOPMENT .....</b>	<b>21</b>
<b>G. DISCIPLINE, HEALTH AND SAFETY .....</b>	<b>21</b>
<b>H. FINANCIAL AND ORGANIZATIONAL CAPACITY.....</b>	<b>22</b>
<b>PART III. ASSURANCES AND SIGNATURE.....</b>	<b>24</b>
<b>APPENDIX A. EIA: CODE OF PROFESSIONAL CONDUCT AND BUSINESS ETHICS FOR SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER.....</b>	<b>26</b>
<b>APPENDIX B. ON-LINE RESOURCES TO ASSIST PROVIDERS IN DEVELOPING EFFECTIVE SUPPLEMENTAL EDUCATIONAL SERVICES PROGRAM.....</b>	<b>29</b>
<b>APPENDIX C. SES PROVIDER APPLICATION SCORING PROCESS.....</b>	<b>30</b>
<b>APPENDIX D. LEGAL ENTITY DEFINITION.....</b>	<b>31</b>

## **A. Background**

The *No Child Left Behind Act* (NCLB) was enacted by Congress in December 2001 and signed into law by President George W. Bush on January 8, 2002. It reauthorizes the Elementary and Secondary Education Act (ESEA) and provides federal funding for many educational programs such as Title I programs for economically disadvantaged youth, 21st Century Community Learning Centers, and Title III programs for English language learners. The act will be in effect through 2007.

Key focuses of NCLB are accountability provisions and an emphasis on analysis of assessment data as a tool to help all students meet state proficiency standards for mastery of language arts literacy and mathematics. Also key are parental involvement options that will help low-performing students close the achievement gap.

The goal of NCLB is for all students to be proficient based upon each state's assessment program at the end of 12 years, or 2014. Each school's progress toward meeting proficiency targets is measured annually to ensure this goal is met. Schools that do not meet adequate yearly progress (AYP) for two consecutive school years are identified as schools in need of improvement. These schools are required to offer public school choice. If choice is not available, supplemental educational services (SES) must be offered. If these schools do not make AYP the following year, they must continue to offer public school choice to all their students and also offer parents the option of SES for income-eligible students.

## **B. What Are Supplemental Educational Services**

The U.S. Department of Education (USDE) defines SES as additional academic instruction for all students from low-income families who attend Title I schools that are in their second year of school improvement, in corrective action or in restructuring. This additional academic assistance is designed to ensure that students increase their level of academic achievement, particularly in language arts literacy and mathematics.

SES includes academic assistance before school, after school, on weekends and holidays, or during the summer, in the form of tutoring, remediation and other educational interventions, provided that such approaches are consistent with the content and instruction used by the local educational agency (LEA) and are aligned with the State's academic content standards. Supplemental educational services must take place outside of the regular school day. A portion of a district's Title I funds must be used for school choice and SES if any of its Title I schools are identified for improvement. For more information about SES, visit the following NJDOE Web address: [www.nj.gov/njded/title1/program/ss/](http://www.nj.gov/njded/title1/program/ss/). The USDE non-regulatory guidance on SES is available on this site.

### **C. NJDOE's Responsibility**

The New Jersey Department of Education (NJDOE) has implemented the SES requirements as defined by NCLB. To determine the schools required to offer SES, the NJDOE calculates AYP and identifies schools in improvement status. This application fulfills many of the law's provisions, which include the state's responsibility in developing and applying objective criteria for identifying an array of SES providers so that parents and families have a wide variety of provider choices. The NJDOE updates its list of approved providers at least annually and posts the list on the NJDOE Web site. The approved list is available to school districts, which can inform parents of providers available in their geographic locations and across the state (see [www.nj.gov/njded/title1/program/ss/search.shtml](http://www.nj.gov/njded/title1/program/ss/search.shtml)). NCLB requires states to evaluate the services of identified SES providers. Both provider evaluations and district evaluations have been developed and implemented by the NJDOE as part of this evaluation process. Providers may be re-approved or removed from the approved list due to just cause.

### **D. The District's Responsibility**

Districts must arrange for the provision of supplemental educational services to eligible children from a provider on the state approved list. This provider is to be selected by the parents of the eligible child in consultation with the school district [NCLB Section 1116(e)(1)]. Additionally, qualifying school districts are required to do the following:

- Notify parents, at least annually (in a clear and uniform format and, to the extent practicable, in a language the parents can understand), of the availability of supplemental educational services and provide the following:
  - A list of the approved providers, identifying those within the geographic region and accessible through technology.
  - The procedures to follow for requesting supplemental educational services and the deadline, if applicable.
  - A brief description of the services, qualifications, and demonstrated effectiveness of each approved provider to assist the parent in selecting a provider.
- Help parents choose a provider, if requested.
- Contact providers selected by the parents and enter into a contractual agreement on behalf of the student.
- Ensure providers are in compliance with their contractual agreement.
- Maintain procedures for providers to report on the progress of students receiving supplemental educational services.
- Protect the privacy of students who receive supplemental educational services.

### **E. The Parent's Responsibility**

Parents have a role in the facilitation of supplemental educational services to their child by doing the following:

- Assuring their child attends and receives services as scheduled.
- Communicating regularly with the provider.
- Assuring the provider also communicates with the child’s school and teacher.

**F. Selection Criteria for Providers**

Under NCLB, criteria developed by states for identification of providers must include the following:

- A demonstrated record of effectiveness in improving student academic achievement.
- Documentation that the instructional strategies used by the provider are high quality, evidence-based, and designed to increase student academic achievement.
- Evidence that services are consistent with the instructional program of the district and state academic content standards.
- Evidence that the provider is financially sound.
- Ensure services are consistent with applicable federal, state, and local health, safety and civil rights laws.

With respect to the first criterion, each state is responsible for defining what would be acceptable evidence of effectiveness. Acceptable evidence may include significant improvement in student academic achievement; successful use of instructional practices based on sound research or documented success by other providers using these practices; successful and sustained remediation of reading or math difficulties; use of a program that others have successfully implemented to improve student academic achievement; and/or evidence of positive impact on additional outcomes (school grades, student discipline, attendance, etc.)

**G. Providers of Supplemental Educational Services**

Entities eligible to apply to provide SES may include, but are not limited to the following:

- Community agencies
- Charter schools (except those identified as in need of improvement)
- Public schools (except those identified as in need of improvement)
- LEAs (except those identified as districts in need of improvement)
- Private schools
- Faith-based organizations
- Individuals
- Child care centers
- Libraries
- Community colleges and universities
- Private companies
- On-line schools
- Family literacy programs

Often, large providers have multiple franchise operations that provide services. New Jersey requires that each “legal entity” submit a separate application. In most cases, this means that each franchise must apply separately. See Appendix D for definition of “legal entity.”

**Note:**

High-performing schools [not designated as “Schools in Need of Improvement (SINI)”] may apply to become approved SES providers. In so doing, the school applicant must show evidence that the proposed SES program reflects the high-performing school in terms of instructional strategies, curriculum, staff, and/or professional development. The contact person must be a school-based coordinator. If more than one high-performing school in a district applies to become a provider, each must identify its own school-based coordinator as the primary contact.

In order for a provider program to be included on the NJDOE list, the provider must agree to carry out the following:

- Meet the terms of its agreement with the LEA.
- Enable the student to attain specific achievement goals adhering to the timetable developed (as established by the LEA, in consultation with the student’s parents and the provider).
- Provide parents of children receiving supplemental educational services, the school district, and school with reports, at least monthly, on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that parents can understand.
- Provide the district/school with a summary progress report.
- Ensure that instruction provided and content used by the provider is consistent with the instruction provided and content used by the district and state, and are aligned with state student academic achievement standards.
- Meet all applicable federal, state, and local health, safety, and civil rights laws.
- Provide services that are secular, neutral, and non ideological.
- Ensure the privacy of the student.
- Sign assurances attesting to their responsibilities.
- Must be registered with the New Jersey Department of Treasury (<http://www.state.nj.us/treasury/revenue/index.html>) before SES can be offered.
- Must offer proof of adequate liability insurance before SES can be offered.
- Must not be a “school in need of improvement” or a “district in need of improvement.”
- Must agree to comply with the NJDOE, Office of Title I Program Planning and Accountability’s policy as described by the Education Industry Association/Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers at [www3.ksde.org/sfp/nclb/code\\_of\\_standards\\_and\\_ethics\\_11\\_15\\_05.doc](http://www3.ksde.org/sfp/nclb/code_of_standards_and_ethics_11_15_05.doc) (see Appendix A).

## **H. Per-Pupil Spending Limit**

A district is limited as to how much it can spend to provide SES for each eligible student. Specifically, the per-pupil spending limit that a district must provide for SES is the lesser of the following:

- The district's SES per-pupil allocation as calculated by the NJDOE.
- The actual cost of SES provided to each eligible student.

As set forth in federal law, the district must reserve at least 20 percent of its Title I allocation for choice transportation and/or SES, with at least 5 percent reserved for SES. The 2006-2007 SES maximum per-pupil amounts by district are available on the following Web site: [www.nj.gov/njded/title1/program/ss/max2.shtml](http://www.nj.gov/njded/title1/program/ss/max2.shtml).

## **I. Duration of Services and Monitoring**

The NJDOE, in cooperation with the applicable school districts, is required to monitor the quality and effectiveness of the services offered by approved SES providers and to withdraw approval from providers that do not, for two years, contribute to increased academic proficiency of the students to whom they provide services or that do not meet other eligibility requirements or assurances. Please note that after not meeting the standards for one school year, the provider must submit a corrective action plan to the state for approval. A district must continue to offer SES until the school(s) in question is no longer identified in need of improvement, according to the NCLB requirements.

More information about SES provider monitoring and reporting is posted on the NJDOE SES Web site at [www.nj.gov/njded/title1/program/ss/](http://www.nj.gov/njded/title1/program/ss/).

## **J. Reporting**

Each year, providers approved for the previous year must submit to the NJDOE a final self-evaluation that summarizes the progress of all students the provider served with SES. In addition, each year, school districts must submit to the NJDOE an evaluation for each provider that served eligible students with SES.

More information about SES provider monitoring and reporting is posted on the NJDOE SES Web site at [www.nj.gov/njded/title1/program/ss/](http://www.nj.gov/njded/title1/program/ss/).

## **K. Confidentiality, Proprietary Information, or Trade Secrets**

Open Public Records Act. Provider applicants should give specific attention to the identification of those portions of their proposals that they deem to be confidential, proprietary commercial or financial information or trade secrets, and to provide any justification why such materials, upon

request, may not be disclosed by the NJDOE under the Open Public Records Act referenced in N.J.S.A. 47:1A-1.1. <http://www.state.nj.us/opra/>.

## **L. Application Process and Timelines**

The NJDOE uses an application review process that ensures objectivity and meets the intent of Title I, Part A, and Section 1116(e) to develop a state-approved list of SES providers.

Three copies of the application and any mailed attachments **must be received by 4:00 p.m. EST on Tuesday, February 28, 2007**. Note that the application deadline is not a postmark deadline.

- Applications received at the NJDOE after the 4:00 pm, February 28, 2007, deadline will NOT be considered.
- Faxes are not accepted and the *complete* application must be received by the deadline.
- It is the responsibility of the sender to ensure and verify that the mailed portion of the application is received by the deadline.
- Include only the information requested and answer all questions thoroughly. Binders, special covers, marketing materials, etc., will not be reviewed in order to determine if an applicant meets the criteria but may be included as corroborating material. Reviewers will not check Web sites to verify or review documentation. All supplemental materials must be incorporated into the application.0

Address or deliver the application no later than **4:00 p.m. on February 28, 2007**, to the following address:

New Jersey Department of Education  
Application Control Center  
100 River View Plaza  
P.O. Box 500  
Trenton, New Jersey 08625-0500

### **The following apply for each narrative question:**

- Do not exceed the requested page limit.  
(Attachments do not count towards the total page limit. Provide examples, if appropriate.)
- All responses must be typed, one-sided, in 12-pt. font or larger.

### **A complete application packet includes the following:**

- Completed Supplemental Educational Services Provider Fact Sheet (Part I)
- Completed Provider Profile (Part II)
- Completed Assurances and Signature form (Part III)
- Allowable attachments

## **M. Application Evaluation and Rating**

**Application and Rating:** Incomplete applications are not considered for review, and will not be approved. No material beyond what is specifically requested in the application is considered in the review process nor evaluated using the scaled criteria. A review panel evaluates and scores the completed eligible application based upon the quality of the narrative questions and the requested attachments. Quality is determined using a scaled criterion that assigns point values as demonstrated in the application. See Appendix C for additional information on the SES Provider Application Scoring Process.

**Applicants Who Are Not Approved:** Applicants who are not approved will be notified in writing. Applicants may request their average rating scores based upon the review criteria. This request must be made in writing within 30 days of the date of the NJDOE notification sent to the applicant.

Applicants not approved may apply during the next application cycle. There are no appeals for applications not approved.

The NJDOE notifies all applicants of the status of their applications. Applicants are not considered approved unless officially notified of approval on NJDOE letterhead.

**Approval:** Approval is for the NCLB project period from September 1, 2007 - August 31, 2008. Approval may be revoked during this project period by the NJDOE for cause.

Approved providers are required to complete an annual SES provider self-evaluation and submit additional documentation including an assurance page to maintain their approved status. Approved providers are notified in advance about renewal procedures.

**For more information e-mail [SESAPP@doe.state.nj.us](mailto:SESAPP@doe.state.nj.us).**

[Note: The New Jersey Department of Education reserves the right to re-open the application period or extend the current deadline. NJDOE reserves the right to request additional information from an applicant. NJDOE reserves the right to protect the integrity of the application process. NJDOE reserves the right to accept or reject any or all proposals, in whole or in part, received in response to this notice of application, to waive or permit cure of minor irregularities, and to conduct discussions with qualified applicants in any manner necessary to serve the best interest of the LEAs and the parents. Applicants who submit proposals may be required to make presentations to NJDOE representatives in order to clarify their proposals.]

**SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS  
NOTICE OF APPLICATION  
Deadline: February 28, 2007**

**PART I. SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDER FACT SHEET**

SECTION 1: PROVIDER IDENTIFICATION	
<b>Provider name:</b>	
<b>Address:</b>	
<b>Address:</b>	
<b>City, State, Zip:</b>	
<b>Primary contact:</b>	
<b>Primary contact title:</b>	
<b>Primary contact phone:</b>	
<b>Primary contact fax:</b>	
<b>Primary contact email:</b>	
<b>Secondary contact:</b>	
<b>Secondary contact title:</b>	
<b>Secondary contact phone:</b>	
<b>Secondary contact fax:</b>	
<b>Secondary contact email:</b>	

**Type of provider:** *(Check one.)*

- |   |   |
|---|---|
| <input type="checkbox"/> Non-profit/Community agency<br><input type="checkbox"/> Public school (non-charter)<br><input type="checkbox"/> Charter school<br><input type="checkbox"/> Private/parochial school<br><input type="checkbox"/> Individual<br><input type="checkbox"/> Child care center<br><input type="checkbox"/> Library<br><input type="checkbox"/> 21 <sup>st</sup> Century Center | <input type="checkbox"/> Two-year college<br><input type="checkbox"/> Four-year college/university<br><input type="checkbox"/> For-profit/private company<br><input type="checkbox"/> On-line school<br><input type="checkbox"/> Family literacy program/Even Start program<br><input type="checkbox"/> Educational Services Commission<br><input type="checkbox"/> Faith-based organization<br><input type="checkbox"/> Other: _____ |
|---|---|



**Place of service:** *[Check the location(s) that best describes where you deliver services to students.]*

- School
- Business
- Community center
- On-line
- Your home
- Student's home
- Site owned or operated by a faith-based organization (e.g., church, synagogue, mosque, temple)
- Other (explain) \_\_\_\_\_

**Can transportation be provided?** Yes \_\_\_\_\_ No \_\_\_\_\_ **Radius:** \_\_\_\_\_

*[Note: Transportation, if provided by providers or districts, is an unallowable SES charge.]*

<b>SECTION 3: PROVIDER ACADEMIC/INSTRUCTIONAL INFORMATION</b>
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**Program description:** *[Indicate which keywords best match your program's offerings.]*

- Language Arts Literacy/Reading
- English language acquisition
- Mathematics
- Other: \_\_\_\_\_

**Grade levels served:** *[Check all that apply.]*

- Pre-K
- Grade 1
- Grade 2
- Grade 3
- Grade 4
- Grade 5
- Grade 6
- Grade 7
- Grade 8
- Grade 9
- Grade 10
- Grade 11
- Grade 12

**Ability to serve students:**

Number of students served in 2006-2007:	
Maximum number of students able to be served in 2007-2008:	

**Specific student populations served:** *[If your organization has provided supplemental services to any of the following groups, please check the corresponding box(es) below.]*

- Economically disadvantaged
- Ethnic/racial minorities
- Migrant students
- Students with disabilities
- Limited English proficient students (indicate particular language(s) with which you have expertise):  
\_\_\_\_\_
- Other: \_\_\_\_\_

**Time of service availability:** *[Check the time(s) that best describes when you will deliver services to students. Note that if your program exceeds more than three consecutive hours at any given time, you must submit a schedule depicting what occurs during that timeframe with this application. Only the portion of time dedicated to SES/tutoring is an allowable charge. For example, if tutoring occurs during the morning portion of a summer program, only the tutoring portion is an allowable SES charge.]*

- Before school       Weekends/school holidays
- After school       Summer

**Mode of instructional delivery:** *[Check all methods of instructional delivery that you offer to students. The NJDOE now requires that approved SES providers must not exceed a student/instructor ratio of 12:1.]*

- Individual tutoring
- Small group instruction (3-5)
- Large group instruction (6 or more)
- On-line/Web-based tutoring
- On-site Computer-based tutoring
- Other: \_\_\_\_\_

**Student/instructor ratio:** *[List the ratio of students to instructors in your program. Student/instructor ratio may not exceed 12:1.]*

\_\_\_\_ Students for every 1 instructor

**Minimum education level of tutors** *[The NJDOE requires that all instructional staff have minimum qualifications of 60 college credits or an Associate's degree. However, your program may exceed these minimum requirements.]*

<input type="checkbox"/> 60 college credits or an Associates degree <input type="checkbox"/> College graduate <input type="checkbox"/> Certified teacher	Other; please specify:
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**Describe how SES services are scheduled:** *[e.g., 2.5 hr. sessions per week, 1 time per week, etc.]*

Number of sessions per week:	
Number of hours per session* *If any SES session exceeds 3 consecutive hours, you must submit a schedule detailing typical SES activities for that period with this application:	
Specific times per session (if available):	
Number of weeks in the program (approximately, or range of weeks, depending on need):	

**Specific days of the week instruction will be provided:** *[Check all that apply.]*

- Monday   
  Tuesday   
  Wednesday   
  Thursday   
  Friday   
  Saturday   
  Sunday  
 Summer   
  Holidays

**Method and frequency of communication used to report progress to parents:**

Method	Frequency
Reports	
Meetings	
Phone Conferences	
Other Communications (specify)	

**Method and frequency of communication used with the district/sending school:**

Method	Frequency
Reports	
Meetings with Teacher	
Phone Conferences	
Other Communications (specify)	

**SECTION 4: RECRUITMENT**

**Recruiting Strategy:** *[Providers are required to adhere to the EIA/Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers (Appendix A). As such, you must comply with this code in your agency’s recruitment strategies (i.e., you may NOT fill in your agency’s name on district enrollment forms and your agency may NOT offer incentives to parents and students for enrolling in your program.)]*

Describe your strategy to recruit students for your services:	
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**SECTION 5: STATEMENT OF QUALIFICATIONS AND EFFECTIVENESS**

**Statement of Qualifications and Effectiveness: (maximum 300 characters including spaces):** (If applicant is approved as a provider, this statement will appear on the SES Approved Provider listing on the NJDOE Web site.)

**SECTION 6: PROVIDER FEES**

**Fee/cost structure:** *[Complete the fee/cost structure. Fees must be listed on a per-student/per-hour basis and may include a reasonable cost range per hour. This is the cost to provide the agency's proposed SES program to each child according to that individual child's achievement plan. All assessment costs must be calculated into the hourly rate].*

Cost per student per hour. Explain any variations in costs per student per hour (i.e., 1:1 tutoring cost per hour vs. small group tutoring cost per hour):	\$
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<b>SECTION 7: PROVIDER REGISTRATION AND LIABILITY INFORMATION</b>
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**Registration with the NJ Department of Treasury**

Confirmation of registration with the NJ Department of Treasury must be received by NJDOE prior to placement on the state-approved list.		
<b>Federal EIN/Social Security #</b>		
<b>Registered with the NJ Department of Treasury</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO	<b>ID#:</b>
<b>Evidence of Business Registration Certificate Attached:</b> Copies can be downloaded from the New Jersey Department of Treasury, Division of Revenue On-line Inquiry Web site at <a href="https://www1.state.nj.us/TYTR_BRC/jsp/BRCLLoginJsp.jsp">https://www1.state.nj.us/TYTR_BRC/jsp/BRCLLoginJsp.jsp</a> . Note: LEAs and high-performing schools that apply to be providers do not have to provide this documentation.	<input type="checkbox"/> YES <input type="checkbox"/> NO (if no, submit statement below)	
<b>If NO, submit statement that registration will be obtained and submitted before services begin.</b>	<b>Statement:</b>	

**Evidence of Liability Insurance**

The applicant/provider must submit proof of adequate liability insurance. Enclose a copy of the policy cover page depicting amounts per incident and per occurrence. If the applicant does not currently have liability insurance, include a statement that liability insurance will be obtained and submitted to NJDOE before services begin. Confirmation that insurance has been obtained must be received by NJDOE prior to placement on the state-approved list	
<b>Evidence of Liability Insurance Attached:</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO (if no, submit statement below)
<b>If NO, submit statement that liability insurance will be obtained and submitted before services begin.</b>	<b>Statement:</b>

## **PART II. PROVIDER PROFILE**

Provide complete and detailed responses to all areas and attach corroborating material, if applicable. Points will be assigned based on the information and documentation you provide. Reviewers will *not* be searching on-line for information about your program, so provide all pertinent materials with your application.

### **A. Program Design and Alignment with State and Local Standards and Curriculum (limit 4 pages)      MAXIMUM SCORE: 40 POINTS**

Your application in this area will be evaluated on the extent to which the key instructional practices of your program are high quality, evidence-based, and specifically designed to increase student academic achievement. The application will also be evaluated on the extent to which you clearly and specifically describe your program's connection to the New Jersey's academic standards, the Core Curriculum Content Standards (CCCS), and the district(s) instructional program(s). For more information on New Jersey's CCCS, see the NJDOE's Academic and Professional Standards Web site at [www.nj.gov/njded/aps/cccs/](http://www.nj.gov/njded/aps/cccs/).

1. Describe in detail the nature of the supplemental services to be provided. Describe the instruction, curriculum and content, methodology, and format. If applicant is a high-performing school (not designated as a "school in need of improvement") indicate, if applicable, how your proposed SES program reflects your high-performing school's instruction and content, methodology, and format. In this section, include a typical schedule for your agency's supplemental educational services. This schedule must be included for any proposed program that exceeds three consecutive hours of instruction in one time period. (10 points)
2. Describe the organizational structure of service delivery (location, supervision, staff). For Web-based programs, describe the interaction between students and instructors. If applicant is a high-performing school (not designated as a "school in need of improvement") describe, if applicable, how the organizational structure of service delivery reflects aspects of the high-performing school. (5 points)
3. Describe methods and strategies for serving eligible students from special populations (economically disadvantaged students, ethnic/racial minorities, students with disabilities, English language learners, homeless, etc.). (10 points)
4. Describe how the services you offer are aligned with language arts literacy and mathematics standards as outlined in the New Jersey CCCS as well as the local school district's instructional program. (If your program differs from the district's prevailing instructional program, describe how your program meets student academic needs.)

Describe your alignment process and when it was completed. When possible, cite examples of specific standards your program addresses. (10 points)

5. Demonstrate a clear link between the academic program a student experiences during the regular school day and the instruction and content of the SES program provided. Explain how you utilize and complement the regular day's instruction. (5 points)

**B. Evidence of Links between Research and Program Design (limit 1 page)**  
**MAXIMUM SCORE: 10 POINTS**

Your application in this area will be evaluated on the extent to which you clearly and specifically explain how the key instructional practices and major design elements of your program are (1) high quality, (2) based on research, and (3) specifically designed to increase student academic achievement.

- Explain how the key instructional practices and major design elements of your program are (1) high quality, (2) based on research, and (3) specifically designed to increase student academic achievement. Major design elements may include mode of instruction, staff/pupil ratio, mastery learning, time on task, etc. Research citations must be included. (10 points)

**C. Evidence of Effectiveness (limit 2 pages)**  
**MAXIMUM SCORE: 25 POINTS**

Provide descriptions of your program's evidence of effectiveness. Applications will be evaluated on the extent to which there is a demonstrated record of effectiveness in improving academic achievement. The strongest consideration is given to evidence of positive impact on student achievement on state and district assessments, particularly for low-income, underachieving students. Evidence of positive impact on additional outcomes (e.g., school grades, family/parent satisfaction, student discipline, student attendance, and/or retention/promotion rates) will also be considered as well as provider conducted studies, database information on student outcomes, and other sources of evidence. Please note that priority will be given to third-party, independent research. (See the USDE Web site on "Doing What Works" for more information at <http://www.ed.gov/nclb/methods/whatworks/edpicks.jhtml>.)

1. Provide evidence that your program has a positive impact on student achievement as demonstrated through a state, district, and/or other independent, valid, and reliable performance test, particularly for low-income, underachieving students. Other forms of evidence will also be considered such as: (a) evidence that your program has a positive impact on student performance using a measure that is not national or statewide (i.e., a test you developed) OR using school grades, homework completion, or school/teacher

administered subject area tests; (b) letters of reference from previous clients; (c) additional evidence of improved outcomes, such as student attendance, retention/promotion rates, graduation rates, family/parent satisfaction, and/or student behavior/discipline. In all cases, cite available research studies, as appropriate, and provide specific data. (20 points)

2. Provide specific evidence that your program has accelerated the academic achievement of identified economically disadvantaged students, at-risk students, students with disabilities, students from ethnic/racial minorities, students with limited English proficiency, and other special populations. (5 points)

**D. Assessment and Progress (limit 1 page)**

**MAXIMUM SCORE: 15 POINTS**

Your application in this area will be evaluated on the extent to which you clearly describe the specific programs and practices you use to diagnose a student's needs, prescribe an instructional program to meet that student's needs, and evaluate and monitor that student's progress towards clearly identified goals. Your description should address all of the following indicators.

1. Describe the specific process used to assess/diagnose student needs; identify skills or knowledge gaps; and prescribe an instructional program based on a student's individual needs. List specific diagnostic tests if applicable. (5 points)
2. Describe the specific process you use to evaluate, monitor, and track student progress on a continuous and regular basis. (5 points)
3. Describe the process of developing an instructional plan for each student, based on needs, with clear goals and a timetable for achievement gains. Provide a sample, if available. (5 points)

**E. Communication with Parents and School (limit 1 page)**

**MAXIMUM SCORE: 10 POINTS**

Your application in this area will be evaluated on the extent to which your program provides a consistent and specific process for informing the parents and families of your students with information on the progress of their children.

- Describe the specific procedures you will use to report on student progress to parents, teachers, and appropriate school district staff (in the native language, if necessary). Applicants may wish to attach a sample student progress report, if available, in English or other languages. (10 points)

- Explain how frequently student progress will be communicated to teachers and appropriate local school district staff in accordance with confidentiality provisions as set forth in NCLB.
- Describe how you include parents and schools in the planning process and how this communication assists you in helping students to meet their academic goals.

**F. Qualifications of Instructional Staff and Professional Development (limit 1 page)**  
**MAXIMUM SCORE: 10 POINTS**

Your application will be evaluated on the extent to which you offer strong evidence of qualified staff (**at least two years of college or an associate’s degree**) and have demonstrated commitment to ongoing professional development and improvement of your services. You may use the following sources as evidence: the amount and quality of training provided to program staff; the years and level of work experiences, particularly in working with Title I students; the highest degree attained; and/or certification of staff.

1. Explain the process by which you select qualified supervisory and instructional staff. Submit the application and rating system you use to select possible candidates. *(4 points)*
2. Explain how your staff is trained to work with a diverse student population, e.g., limited English proficient, migrant, homeless, socio-economically disadvantaged, and students with disabilities. *(2 points)*
3. Explain your plan for ongoing professional development to increase the effectiveness of your staff. If applicant is a high-performing school (not designated as a “school in need of improvement”), indicate, if applicable, whether professional development reflects professional development of the high-performing school. *(4 points)*

**G. Discipline, Health and Safety (2 pages)**  
**MAXIMUM SCORE: 20 points**

Your application in this area will be evaluated on the evidence that your program complies with federal, State, and local health and safety standards and has a plan to address discipline problems and emergency situations to ensure the safety of students while in your program.

1. Explain your discipline policy for student behavior. Describe the steps you have in place, the resources you have for teachers, and how you include parents and classroom teachers with any student difficulties. *(4 points)*
2. Describe your plan for emergency situations or temporary suspension of service such as fire, severe weather, or other disasters. Include emergency exit plans and notification procedures for emergency closure. *(4 points)*

3. Explain how your agency documents criminal background/fingerprinting checks, before hiring, on all employees working directly with children. Indicate whether your employees are bonded and identify any other background checks you use. (4 points)
4. Provide evidence of a student attendance policy. Describe your student sign-in procedure and notification of student absences. (3 points)
5. Provide evidence of safe facilities for SES use. (5 points)

If using your agency's own facilities, or any facility other than an approved school building, provide a copy of the following:

- a. Certificate of occupancy.
- b. Current annual inspection report from the local fire officials approving use of the facility.
- c. Current annual inspection report from the local health official approving use of the facility.

If your agency uses facilities other than its own, describe how you ensure the location and facilities are safe.

## **H. Financial and Organizational Capacity**

### **MAXIMUM SCORE: 10 POINTS**

Your application will be evaluated on the extent to which your program has the capacity to deliver effective services.

*Note: If the applicant is a Public School District, you must submit the most recent financial audit conducted on behalf of the school district by an independent Certified Public Accountant (CPA) instead of the following.*

Please attach one of the following documents demonstrating that your entity is financially sound.

**This is required.**

- Tax returns (e.g., Form 1120 for for-profits, Form 990 for non-profits) for the last two years.
- Audited financial statements for the last two years.
- Credit rating from an independent rating agency.
- Organizational budgets that account for all revenues, expenses, and cash flow activity.

Please attach one of the following documents demonstrating that your entity has a sound management structure. **This is required.**

- Contracts, warranties, or guarantees for services provided.
- Annual report describing the entity's major business activities.
- Business plans or profiles.

The application must be received no later than **February 28, 2007**, at the following address:

New Jersey Department of Education  
Application Control Center  
100 River View Plaza  
P.O. Box 500  
Trenton, New Jersey 08625-0500

For additional information or questions, e-mail [SESAPP@doe.state.nj.us](mailto:SESAPP@doe.state.nj.us).

### **PART III. ASSURANCES AND SIGNATURE**

The following assurances are required of all Supplemental Educational Services providers. As the duly authorized representative of this applicant, I certify compliance with all of the following assurances:

1. Provider will ensure that the instruction and content used are consistent with the instruction provided and content used by the local educational agency and state and are aligned with New Jersey Core Curriculum Content Standards in language arts/literacy (including reading) and/or mathematics.
2. Services will be provided outside of the regular school day.
3. Provider agrees to provide, at a minimum, monthly academic achievement progress reports to parents/guardians and to the students' home school district, as well as an annual report summarizing student progress upon completion of services, in a format, and to the extent practicable, in a language or other mode of communication such that parents can understand.
4. Provider will collaborate with the school to provide appropriate services for the student.
5. Provider will ensure that the staff providing supplemental educational services to students are qualified and have at least two years of college or an associate's degree.
6. Provider will ensure the confidentiality of students' needs and progress, and share this information only with parents/guardians and appropriate school personnel.
7. Provider will not disclose to the public the identity of any student who is eligible for, or receiving, supplemental educational services without the written permission of the parents/guardians of the student.
8. Provider will make every effort to involve parents/guardians in developing the needs assessment for the student, developing a plan of services, and exchanging information on the progress of the student.
9. Provider is fiscally sound and will be able to complete services to the eligible student and the local education agency.
10. Provider will not impose additional admission criteria on eligible students.
11. Provider will provide a healthy, safe, and clean environment in which to serve students.
12. Provider will follow the procedure for registering eligible students set forth by the school district.
13. Provider agrees to meet all applicable federal, state, and local health, safety, and civil rights laws.
14. All instruction and content will be secular, neutral, and non-ideological.

15. Eligible students with disabilities and eligible students with limited English proficiency will have equal access to services offered by the organization.
  16. Provider has adequate insurance for liability, property loss, and personal injury of students receiving services from the provider.
  17. Provider will assure that supplemental educational services are available in locations accessible to individuals with disabilities, to the extent required by section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and the Americans with Disabilities Act (42 U.S.C. §§12101 et seq.).
  18. All individuals employed by or otherwise associated with the organization, who will have direct contact with eligible students, will be subject to all of the fingerprint and criminal history record check requirements as mandated pursuant to N.J.S.A. 18A-6-7.1 et seq., N.J.S.A.39-17 et seq., or N.J.S.A.18A: 6-4.13 et seq.
  19. Provider agrees to abide by the conditions of the contract with the district including the fee that must be in compliance with Section 1116(e)(6)(A)(B) NCLB.
  20. Provider agrees to comply with the New Jersey Department of Education, Office of Title I Program Planning and Accountability's policy with regard to the use of incentives by supplemental educational services providers as described by the Education Industry Association/Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers at [http://www3.ksde.org/sfp/nclb/code\\_of\\_standards\\_and\\_ethics\\_11\\_15\\_05.doc](http://www3.ksde.org/sfp/nclb/code_of_standards_and_ethics_11_15_05.doc).
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*The undersigned hereby certifies that I am an individual authorized to act on behalf of the organization in submitting this application and assurances. I certify that all of the information provided herein is true and accurate, to the best of my knowledge. I understand that, if any of the information contained herein is found to have been deliberately misrepresented, that may constitute grounds for denying the applicant's request for approval to be placed on the New Jersey List of Approved Supplemental Educational Services Providers or for removal from that same list. I further certify that the organization will comply with all the assurances set forth herein.*

Name of Organization (PLEASE PRINT/TYPE)	
Name of Authorized Representative (PLEASE PRINT/TYPE)	Signature of Authorized Representative
Title of Authorized Representative	Date Signed

## APPENDIX A



### *Code of Professional Conduct and Business Ethics For Supplemental Educational Services Providers Amended November 15, 2005*

*This revised code of ethics, as adopted by the EIA Board of Directors on November 15, 2005, shall become effective November 15, 2005.*

SES Providers (and other education service providers) operate in an environment that touches communities, school officials, parents, students and other providers. The importance of the activities and complexity of the interactions make it paramount that EIA member organizations adhere to the highest standards of professional conduct and business ethics. In its role of providing critical leadership to the education industry, both public and private, EIA has adopted this voluntary code to describe key organizational behaviors and policies that will guide its member companies.

High quality educational programs delivered by trained professionals represent the core value that is to be reflected throughout all of our partnerships with schools, parents and students. The following structure represents the collective judgment of what constitutes ethical behavior. EIA members are committed to using it to guide to decision-making and performance at all levels of their organizations—from the CEO to the employee in the classroom. Accountability for achieving desired results consistent with these guidelines and standards is the ultimate benchmark upon which EIA member service providers will be judged.

We encourage States and Local School Districts to adopt these guidelines into their governance, contractual and oversight systems and apply all appropriate sanctions when the guidelines have been breached.

### *General Guidelines*

#### **In the conduct of business and discharge of responsibilities, Providers commit to:**

1. Conduct business honestly, openly, fairly, and with integrity.

2. Comply with applicable laws, statutes, regulations and ordinances.
  3. Avoid known conflict of interest situations.
  4. Never offer or accept illegal payments for services rendered.
  5. Apply these guidelines and standards throughout the company by insuring all employees understand them and act accordingly.
  6. Refrain from publicly criticizing or disparaging other providers.
  7. In the case of any conflict, first attempt resolution directly with each other. However, the parties involved may ask EIA to help mediate potential disputes.
8. Comply with the confidentiality and non-disclosure provisions of all applicable federal, state and local laws, including those relating to student identity, records, reports, data, scores and other sensitive information.
  9. Be factual and forthright in reporting and documenting attendance rates, effectiveness of their programs, and in explaining the theoretical/empirical rationale behind major elements of its program, as well as the link between research and program design.
  10. Take appropriate corrective action against provider employees, consultants or contractors who act in a manner detrimental to the letter or spirit of this code.
  11. Take immediate steps to correct any actions on its part that willfully or inadvertently violate of the letter or spirit of this code.

### *Standards Specific to SES*

**EIA Members will consistently implement the NCLB Supplemental Services provisions and promote full access to SES services. To that end,**

**Providers will NOT:**

1. Compensate school district employees personally in exchange for access to facilities, to obtain student lists, to assist with marketing or student recruitment, to promote enrollment in a provider's program at the exclusion of other providers, to obtain other similar benefits for their SES program, or for any illegal purpose.
2. Employ any district employees who currently serve the districts in the capacity of Principal, Assistant Principal, or school or district SES Coordinator.
3. Employ any individuals, including teachers, parents or community leaders, who have any governing authority over a school district or school site.
4. Hire school-employed personnel for any purpose other than instruction-related services or program coordination, as described in item #3 in the next section below.
5. Make payments or in-kind contributions to schools or school personnel, exclusive of customary fees for facility utilization in exchange for access to facilities, to obtain student lists, to increase student enrollment, to obtain other similar benefits for their SES program or for any illegal purpose.
6. Misrepresent to anyone, including parents (during student recruitment), the location of a

provider's program, principal/district or state's approval of a provider, or the likelihood of becoming so approved.

7. Offer a student any form of incentive for signing-up with a provider.

8. Employ any District-enrolled student.

9. Use a district enrollment form that has the selected provider's name pre-printed as part of the form.

10. Encourage students/parents to switch providers once enrolled. A student is considered enrolled once the District has issued the formal student / Provider selection list.

### **Providers MAY:**

1. Provide simple door prizes of a nominal value (approximately \$5 per prize) and refreshments to potential students and their families, while attending informational sessions

2. Offer enrolled students performance rewards with a maximum value of 5% of the district's PPA that are directly linked to documented meaningful attendance benchmarks and/or the completion of assessment and program objectives.

3. Employ school district employees (subject to items #2, #3 and #4 in the previous section above) for instruction-related services or program coordination purposes as long as the person does not restrict the marketing or enrollment opportunities of other providers, subject to District policies governing conflict of interests and other District-imposed requirements.

4. Include in tutor compensation, incentives for student achievement consistent with a company's written policy.

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\* All approved SES providers must be in compliance with this policy, which was adopted by the NJDOE.

## APPENDIX B

### On-line Resources to Assist Providers in Developing Effective Supplemental Educational Services Programs

1. New Jersey Department of Education Supplemental Educational Services Web link:  
[www.nj.gov/njded/title1/program/ss/](http://www.nj.gov/njded/title1/program/ss/)  
This page provides links to many of the resources below and more....
2. New Jersey Department of Education information on school improvement and accountability:  
[www.nj.gov/njded/title1/accountability/](http://www.nj.gov/njded/title1/accountability/)
3. New Jersey Department of Education, Academic and Professional Standards Web site with information on the NJ Core Curriculum Content Standards: <http://www.nj.gov/njded/aps/cccs/>
4. *No Child Left Behind Supplemental Educational Services Non-Regulatory Guidance*:  
[www.ed.gov/policy/elsec/guid/suppsvcsguid.doc](http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc)
5. Center for Faith-Based and Community Initiatives hosts free regional workshops. Visit [www.ed.gov/about/inits/list/fbci/suppserv-workshops.html](http://www.ed.gov/about/inits/list/fbci/suppserv-workshops.html)
6. Supplemental Educational Services Quality Center produced a comprehensive guide for entities interested in becoming providers. Download guide from [www.tutors4kids.org/documents/SESProvidersToolkit\\_002.pdf](http://www.tutors4kids.org/documents/SESProvidersToolkit_002.pdf)
7. Supplemental Educational Services Quality Center produced a comprehensive toolkit for parents and community leaders, *SES in Action: A Toolkit for Parents and Community Leaders*. Download toolkit from [www.tutors4kids.org/documents/SES\\_Action\\_Toolkit\\_Color\\_Web\\_FINAL.pdf](http://www.tutors4kids.org/documents/SES_Action_Toolkit_Color_Web_FINAL.pdf)
8. United States Department of Education (USDE):  
<http://www.ed.gov/admins/comm/suppsvc/edpicks.jhtml?src=ln>
9. SES Guidance and Resources for private schools (NJDOE)  
<http://www.nj.gov/njded/title1/program/ss/private.shtml>
10. New Jersey Department of Education information on Criminal History Review when Contracted Service Providers are Functioning in Multiple Districts  
<http://www.nj.gov/njded/educators/crimhist/>

## APPENDIX C

### SES Provider Application Scoring Process

The New Jersey Department of Education uses an objective process for scoring supplemental educational services provider applications.

#### Step One

1. A reader panel of two experts reviews each application using a scoring rubric based on the application criteria.
2. Each reader scores the application and writes comments, if appropriate, to clarify a score.
3. Applicants must achieve a certain minimum score by each reader to be considered approved.
4. If averaged scores are close to the minimum, an applicant may be asked to submit revisions or additional material.

#### Step Two

1. If one reader scores above the required minimum and the other scores below the minimum, a third reader is assigned for a second tier review.
2. Scores of the three reviews are averaged and compared against the minimum.
3. If the average is below the required minimum, the results of each reader's final score are compared to avoid skewing. For example, even though an average of all three scores is below the minimum, if two out of the three readers scored above the minimum (approved the application), then the application is approved.

Applicants who do not meet the criteria for approval are encouraged to attend an NJDOE SES technical assistance session for providers, and reapply during the next application cycle.

Note: See Section M. Application Evaluation and Rating for additional information.

## APPENDIX D

### Legal Entity

A **legal entity** is a legal construct through which the law allows a group of natural persons to act as if it were a single composite individual for certain purposes. The most common purposes are lawsuits, property ownership, and contracts. Sometimes referred to as corporate personhood or legal personality, this concept allows for easy conduct of business by having ownership, lawsuits, and agreements under the name of the legal entity instead of the several names of the people making up the entity.

A legal entity is not necessarily distinct from the natural persons of which it is composed. Most legal entities are simply amalgamations of the persons that make it up for convenience's sake. A legal entity that does have a separate existence from its members is called a company or corporation. This distinction gives the corporation its unique perpetual succession privilege and is usually also the source of the limited liability of corporate members. Some other legal entities also enjoy limited liability of members, but not on account of separate existence.<sup>[1]</sup>

Some examples of legal entities include:

- banks
- collectives
- companies
- cooperatives (co-ops)
- corporations
- estates of deceased persons
- European economic interest groupings (EEIGs)
- flow-through entities (FTEs)
- limited liability companies
- municipalities
- natural persons
- offices of a certain nature can have a legal personality separate from the office holder<sup>[2]</sup>
- partnerships
- political parties
- political action committees (PACs)

- states
- temples, in some legal systems, have separate legal personality<sup>[3]</sup>
- trade unions
- trusts
- unincorporated associations
- ship or vessel

Some of these examples may overlap in some countries. For example, in many jurisdictions, banks are not separate entities, but merely companies or partnerships which hold the requisite banking license. Similarly, trade unions and political parties are often legally unincorporated associations.

### Limitations

There are limitations to the legal recognition of artificial persons. Legal entities cannot marry, they cannot vote or hold public office, and in most jurisdictions there are certain positions which they cannot occupy.<sup>[4]</sup> The extent to which a legal entity can commit a crime varies from country to country. Certain countries provide the a legal entity cannot have human rights, whilst other countries permit artificial persons to enjoy certain protections from the state that are traditional described as human rights.<sup>[5]</sup>

### See also

- Company (law)

### Footnotes

1. <sup>^</sup> For example, Limited Liability Partnerships
2. <sup>^</sup> Most commonly religious offices, but also certain political offices. Such legal personality is referred to as a *corporation sole* (as distinct from a *corporation aggregate*).
3. <sup>^</sup> *Williams v The Shipping Corporation of India* (US District Court, Eastern District Virginia), 10 March 1980, 63 ILR 363
4. <sup>^</sup> This varies from country to country. Some countries do not permit a corporate entity to be a director or a liquidator whilst others do.
5. <sup>^</sup> Most commonly in the area of taxation and in relation to search warrants.

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