
Monitoring Handbook: Supplemental Educational Service (SES) Providers

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Wisconsin Department of Public Instruction
Tony Evers, State Superintendent
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Wisconsin Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841
(800) 441-4563
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Contents

SES Program Overview	1
Background	1
Monitoring Authority	1
DPI SES Project Team	1
SES Monitoring Process Overview	2
General Timetable for SES Monitoring	3
Preparing for the SES Monitoring Visit	4
Frequently Asked Questions for SES On-Site Monitoring	5
Monitoring Reports	6
SES Program Compliance Indicators — Monitoring Checklist	7
Progress Reports And Parent Communication	7
Curriculum and Instruction Aligned with District Practice and State Standards	8
Curriculum And Instruction	9
Compliance with Health, Safety, and Civil Rights Laws and Regulations	10
District Agreements	11
Online Providers Requirements	112
Appendices	
Appendix A Wisconsin Model Academic Standards for Mathematics	13
Appendix B Wisconsin Model Academic Standards for English/Language Arts	14
Appendix C Health and Safety Laws for Monitoring Indicator 4	15
Appendix D DPI/SES Incentives Policy	17
Appendix E Assurances Form	18

SES Program Overview

Background

The Elementary and Secondary Education Act (ESEA), originally signed into law in 1965, is the major method of distributing federal aid for public schools. The No Child Left Behind (NCLB) Act is the name given to the current ESEA law, reauthorized in 2001. Title I is the largest aid program under NCLB. When NCLB was enacted, new provisions regarding accountability for student achievement were created as part of the Title I law. Under these new provisions states have to develop academic goals, described as Adequate Yearly Progress (AYP), for all schools to meet. Supplemental Educational Services (SES) are additional academic instruction designed to increase the academic achievement of students in Title I schools that have not met state targets for increasing student achievement (AYP) for three or more years. These services may include tutoring and after-school services. They may be offered through public- or private-sector providers that are approved by the state, such as public schools, public charter schools, local education agencies, educational service agencies, and faith-based organizations. Private-sector providers may be either nonprofit or for-profit entities. Students eligible for Supplemental Educational Services are those students from low-income families in the eligible schools. The cost of tutoring is paid by the school district.

Monitoring Authority

The NCLB law (Title I, Section 1116(e)(4)(B)) requires states to develop and apply objective criteria for evaluating providers and to monitor the quality of services offered. The Wisconsin Department of Public Instruction (DPI) is the state agency charged with the responsibility to administer the SES program and monitor provider compliance with the federal requirements.

DPI SES Project Team

Rachael Bergstrom	(608) 266-2813	rachael.bergstrom@dpi.wi.gov
Jennifer Waldner	(608) 266-5184	jennifer.waldner@dpi.wi.gov

SES Monitoring Process Overview

SES compliance monitoring is an annual process that began in the 2005-06 school year.

- Each fall the DPI identifies between three and five SES providers to be monitored during the school year.
- Providers are selected for monitoring based on:
 - Number of students served
 - Provider type (chosen from a cross-section of non-profit, for-profit, local, national, and online services companies)
 - Results of parent and school staff surveys
 - Feedback from the school district
- Teams consisting of two to four DPI staff members will conduct the monitoring visits.
- Representatives from the school and district are invited to attend.
- Providers will receive notification, logistical information, and preparation materials at least four weeks in advance of the monitoring visit.
- All monitoring visits will include both a document review and on-site observations of the instruction being provided to enrolled students.

The monitoring visits will cover the federal requirements for SES providers and verify compliance with items included within the state application narratives and assurances (see Appendices C, D, and E). The monitoring visits will focus on requirements related to:

- Communicating student progress to parents and the school district.
- Ensuring curriculum consistent with the curriculum of the school and district, and with state standards, as well as consistent with the curriculum described by the provider in the program application.
- Curriculum that is secular and based on proven methods and practices.
- Compliance with health, safety, and civil rights laws and regulations.
- Implementation of tutoring in accordance with the district agreements.
- Appropriate policies and procedures related to computer and internet use by online providers.

In addition to the document review and on-site visit, principals and the business entity of providers who are being monitored are required to pass a complete review of websites with publicly available financial information. Additionally, the principals and business will be reviewed for good standing with the DPI.

General Timetable for SES Monitoring

Task	Approximate Timeline
DPI sends a letter notifying the provider chosen for monitoring, with a copy to the school district	One month prior to visit
DPI reviews publicly available financial soundness information for both the provider (business) and contact person	
DPI makes a follow-up call to the provider to discuss the details of the visit	Three weeks before visit
DPI notifies the district of the date chosen for the monitoring visit, sets up the location and time for the monitoring of provider documents at the district office or other appropriate location	
DPI sends a formal notification to the provider verifying specific times and locations for monitoring, with a copy to the school district	
DPI makes courtesy reminder calls about the monitoring visit to the provider, district representatives, and the DPI monitoring team	Three business days before visit
DPI team discusses preliminary findings with providers	Day of monitoring visit
DPI sends an official Monitoring Report with notice of any corrective action(s) required	One month after visit
DPI sends a letter with the Monitoring Report notifying provider of any financial soundness concerns	
Provider completes corrective actions, if any	One month after Report
DPI posts the report summary on DPI SES website	Upon completion of monitoring cycle

Preparing for the SES Monitoring Visit

DOCUMENT REVIEW

The monitoring team will use the Monitoring Checklist (see pages 7 to 11 in this Handbook) as the basis for the review of program records and documents. SES providers to be monitored might find it helpful to prepare for the document review by doing the following:

- Become familiar with the *Monitoring Checklist*. The indicators in the checklist will be the basis for the document review portion of the monitoring visit. Each monitoring indicator includes a list of required evidence that the DPI team will expect the provider to gather and make available during the visit.
- Make all REQUIRED documentation available during the visit. Required materials not available for the review team may result in a corrective action being included in the monitoring report.
- Gather any additional documentation that addresses any of the six compliance indicators. Although items listed as “Possible Evidence” are not necessary to bring, they may be helpful in highlighting the provider’s overall instructional process and strengths in meeting specific requirements.
- Create an organization system (for example, binder, folder, or files) for compiling documentation for the “Required Evidence” items under each of the six compliance indicators. Make a separate section for the documents related to each of the six indicators.

Ensure that the person who will be representing the provider during the document review understands all of the records and materials and will be able to explain their purpose and relevance to the indicator being discussed.

ON-SITE OBSERVATION

On-site observations are intended to provide the DPI team with a more complete view of the provider’s services, seek out best practices to share with other SES providers, and ensure an opportunity for feedback regarding instructional improvements. SES providers to be monitored might find it helpful to prepare for the on-site observation by doing the following:

- Explain the monitoring process to all the tutors and site coordinators. Ensure that they understand that the intent of the on-site observation is to look for exemplary practices and provide information about improving instructional practices.
- Make the *Frequently Asked Questions for SES On-site Monitoring* section from page 5 of this handbook available to all tutors and site directors. Discuss any questions or concerns they might have about evidence related to the Compliance Indicators.
- Encourage tutors and/or site directors to create a file that contains information helpful for the observation. See pages 7 to 11 in this Handbook for directions about the type of information to include in this file. Ensure that the tutors and/or site directors will be able to explain the purposes of the information and how it documents good teaching and learning in the classrooms.
- Ensure that the students are told that an observation will occur and that they should continue their work as usual.

Frequently Asked Questions for SES On-Site Monitoring

Who will visit my classroom?

Representatives from the state Department of Public Instruction will visit your classroom. They may also be joined by staff members from the district schools or central office. Depending on the class size, there will be two to four observers in the room at once.

Should I stop teaching when the visitors come to the classroom?

No, you should continue to teach as usual. You should also instruct your students to continue to learn and work as usual. If time allows, the visitors may ask you about how the curriculum is developed, how academic progress information is communicated to the students' school and parents, and the training you receive to improve your teaching skills.

How should I prepare for the visit?

Suggestions include, but are not limited to:

- Prepare a folder of relevant documentation to show the observers what students learn in your classroom. Refer to the monitoring checklist on page 7 in the *Monitoring Handbook for Supplemental Educational Services Providers* to help you decide what to put in your folder. Be prepared to answer questions about the folder's contents.
- Be able to answer questions about the curriculum you use and how it addresses the learning needs of your students, including how the curriculum addresses each student's individualized academic plan.
- Be able to answer questions about how you communicate student progress to the student's teacher(s) and parent(s)/guardian(s).
- Be prepared to discuss classroom management, discipline procedures, and safety policies (such as fire drills) to ensure a safe learning environment.

Will the observers interrupt the class?

For most of the visit, the observers will sit or stand quietly in the back or edges of the classroom to observe the lesson. They will not interrupt your teaching. If time allows, the observers may ask students questions, such as:

- What are you learning about today?
- How has your after-school tutoring helped you improve your studies during your regular day-time classes?
- How has your tutor helped you improve your reading/math skills?

Monitoring Reports

Debriefing: As time allows, the DPI monitoring team will provide some preliminary feedback to the provider’s representatives at the end of the visit. Preliminary findings and information about exemplary practices or problems observed will be shared verbally. The provider will have an opportunity to comment on the monitoring process and make recommendations for improvements, both during the discussion and via a follow-up form.

Monitoring Report: A formal written report will be sent to the provider’s designated contact person approximately four weeks after the visit. The report will include information on the degree to which compliance with the requirements was demonstrated, program strengths, possible recommendations for improvement, and, if necessary, descriptions of problems or issues and requests for required corrective action(s).

Exemplary Practices: The report may include descriptions of exemplary organizational management or instructional practices or information about high quality programs and services that might be useful for other providers looking for improvement strategies or demonstrated positive student outcomes.

Corrective Action: If the organization being monitored is unable to produce any of the required documents or information listed under each of the compliance indicators, the monitoring report will include a request for corrective action. The report will specifically describe missing or incomplete documents or information and request that the items or evidence be sent to the DPI monitoring team within 30 working days of receipt of the written report. An SES provider unable to produce required documents or document compliance with all requirements may be removed from the list of organizations approved to provide SES in the state.

Report Summary: An abridged report with the final results of the monitoring visit will be posted on the DPI website - http://www.dpi.wi.gov/esea/ses_provider_monitoring.html - at the end of the annual monitoring cycle, in compliance with federal regulations. Summaries of monitoring reports done since the 2005-06 school year may currently be found at this location.

SES Program Compliance Indicators—Monitoring Checklist

The SES monitoring visit includes both a review of program records and documents and on-site observation of the tutoring process. The purpose of SES monitoring is to ensure that each provider is complying with the requirements in the federal No Child Left Behind (NCLB) law, the Wisconsin DPI Assurances, and with the provider's approved application.

This checklist will be used by the DPI team during the monitoring visit. Each monitoring indicator below is related to a requirement in the law. Listed under each monitoring indicator are documents and information that the DPI team will require the organization being monitored to provide, or that the team will look for during the on-site observation. Also listed are other items that are not required, but may be helpful in explaining the tutoring process and overall organizational strengths demonstrated by the provider. Providers may also bring materials or documents not listed to demonstrate compliance with the requirements.

I. PROGRESS REPORTS AND PARENT COMMUNICATION

SES providers must give parents of children receiving supplemental educational services, and the child's school district, information on the progress of the student in increasing achievement, in a format that is understandable and uniform in a language that parents can understand. [34CFR200.47(b)(2)(i)]

Required evidence:

- Copies of progress reports provided to parents, which include benchmark data that is consistent with students' individualized academic plans
- Copies of written policies and/or procedures that describe the frequency and content of communication with parents
- Copies of written policies and/or procedures for communication with non-English speaking and/or illiterate parents
- Copies of written policies and/or procedures that describe the frequency and content of communication with students' teachers
- Copies of progress reports provided to teachers, which include benchmark data that is consistent with students' individualized academic plans
- Documentation of process used to determine the number of students from each referring school who received FULL services and successfully demonstrated academic progress as reported in SES Provider Year-End Reports

Possible evidence:

- Copies of correspondence sent to parents regarding student progress
- Achievement records shared with parents (student's progress, how progress was measured, a plan for improvement, and others)
- Logs of phone calls and/or other communication made with parents

II. CURRICULUM AND INSTRUCTION ALIGNED WITH DISTRICT PRACTICE AND STATE STANDARDS

SES providers must ensure that instruction provided and content used by the provider are consistent with the instruction provided and content used by the school district and state, and are aligned with the State student academic achievement standards.

[34CFR200.47(b)(2)(ii)(A) and (B)] (see Appendix A and Appendix B for state standards for reading and math)

Required evidence:

- Sample copies of curriculum materials used for reading
 - Documentation of how the materials align with district curriculum
 - Documentation of how the materials align with Wisconsin Model Academic Standards (WMAS for English/Language Arts)
- Sample copies of curriculum materials used for math
 - Documentation of how the materials align with district curriculum
 - Documentation of how the materials align with WMAS for Mathematics
- Sample copies of instructional materials used for reading
 - Documentation of how the materials align with district instructional strategies
 - Documentation of how the materials align with WMAS for English/Language Arts
- Sample copies of instructional materials used for math
 - Documentation of how the materials align with district instructional strategies
 - Documentation of how the materials align with WMAS for Mathematics

Possible evidence:

- Logs of phone calls and/or other communication made with the district to learn about the district curriculum
- Logs of phone calls and/or other communication made with teachers addressing specific achievement goals for the student, a description of how the student's progress was measured, and a timetable for improving achievement
- Site directors' and/or tutors' familiarity with district curriculum and state standards (on-site observation)
- Samples of the students' work (on-site observation)

III. CURRICULUM AND INSTRUCTION

SES providers must ensure that instruction and content provided are secular, neutral, non-ideological [34CFR200.47(b)(2)(ii)(C)], and research-based [34CFR200.45(a)(3)].

Required evidence:

- Copies of written policies and/or procedures that prohibit the use of nonsecular or ideological materials
- Documentation that curriculum is research-based
- Documentation that instructional strategies are research-based
- Consistency with information provided on the application regarding:
 - tutors' use of proposed curriculum (on-site observation)
 - student: tutor ratio (on-site observation)
 - grade levels of students receiving tutoring (on-site observation)

Possible evidence:

- Class time includes combinations of (on-site observation):
 - direct instruction such as lecture and explanation of concepts
 - guided instruction such as tutor-directed practice of concepts
 - independent practice for students
- Sample copies of lesson plans to ensure secular and research-based instruction is taking place (on-site observation)
- Tutors' knowledge of the learning goals for each student (on-site observation)
- Opportunities for students to ask questions (on-site observation)
- Tutors' appropriate verbal and written feedback to students to reinforce learning (on-site observation)
- Students' engagement in the presented learning opportunities (on-site observation)

IV. COMPLIANCE WITH HEALTH, SAFETY, AND CIVIL RIGHTS LAWS AND REGULATIONS

SES providers must meet all applicable federal, state and local health, safety, and civil rights laws. [34CFR200.47(b)(2)(iii)] (See Appendix C for specific state and federal laws)

Required evidence:

- Copies of Wisconsin Department of Justice and FBI/federal criminal background checks completed on all employees working with students
- Copies of written policies and/or procedures on administration of students' medications
- Copies of written policies and/or procedures on student conduct and discipline
- Copies of written policies and/or procedures on emergency evacuation procedures
- Students' emergency contact information that is readily available
- Site directors' and tutors' knowledge of emergency evacuation procedures (on-site observation)

Possible evidence:

- Employee handbooks that include written policies and/or procedures on:
 - protecting student privacy
 - hiring practices
 - pupil discrimination
- Postings promoting good safety practices
- Documented safety drills
- Posted evacuation instructions in response to fire or other emergency situations (on-site observation)
- Students' knowledge of emergency evacuation procedures (on-site observation)
- Tutors' understanding of provider's current discipline policies and/or procedures (on-site observation)
- Students display appropriate classroom behaviors (on-site observation)
- Tutors provide appropriate feedback to students (for example, verbal praise for good behaviors and consistency in correcting behaviors that adversely affect the learning environment) (on-site observation)
- A first-aid kit is available

V. DISTRICT AGREEMENTS

The SES provider shall enter into an agreement with the school district to provide supplemental educational services to students [34CFR200.46(b)].

Required evidence:

- Copies of current district/provider agreements

Possible evidence:

- Examples of achievement goals for students, services to be provided, and a timetable for improving achievement, including the extent of collaboration with school staff in the development of the student's specific achievement goals
- Notes resulting from consultation with parents of students to be served
- Records of services provided (number of students served, attendance records, student-tutor ratios, and others)
- Logs of rewards given for achievement, attendance, and completion of SES services

VI. ONLINE PROVIDERS REQUIREMENTS

Additional requirements for providers who have indicated on their SES application that they provide services online.

Required evidence:

- If using the Internet, copies of written policies and/or procedures prohibiting the transmission of any material in violation of any U.S. or state regulation or school board policy, including—but not limited to—copyrighted, threatening, or obscene material
- If students use a school computer to access information from the provider, evidence that the provider complies with all school and/or district policies and procedures regarding computer and/or Internet use.
- Documentation of parental consent for e-mail and/or Internet communication with students under age 13 (in compliance with Title XIII—Children’s Online Privacy Protection Act of 1998)

Content Standards:

Standard A (Mathematical Processes): Students in Wisconsin will draw on a broad body of mathematical knowledge and apply a variety of mathematical skills and strategies, including reasoning, oral and written communication, and the use of appropriate technology, when solving mathematical, real-world, and non-routine problems.

Standard B (Number Operations and Relationships): Students in Wisconsin will use numbers effectively for various purposes, such as counting, measuring, estimating, and problem solving.

Standard C (Geometry): Students in Wisconsin will be able to use geometric concepts, relationships, and procedures to interpret, represent, and solve problems.

Standard D (Measurement): Students in Wisconsin will select and use appropriate tools (including technology) and techniques to measure things to a specified degree of accuracy. They will use measurements in problem-solving situations.

Standard E (Statistics and Probability): Students in Wisconsin will use data collection and analysis, statistics, and probability in problem-solving situations, employing technology where appropriate.

Standard F (Algebraic Relationships): Students in Wisconsin will discover, describe, and generalize simple and complex patterns and relationships. In the context of real-world problem situations, the student will use algebraic techniques to define and describe the problem to determine and justify appropriate solutions.

Appendix B

Wisconsin's Model Academic Standards for English/Language Arts

Content Standards:

Standard A (Reading/Literature): Students in Wisconsin will read and respond to a wide range of writing to build an understanding of written materials, of themselves, and of others.

Standard B (Writing): Students in Wisconsin will write clearly and effectively to share information and knowledge, to influence and persuade, to create and entertain.

Standard C (Oral Language): Students in Wisconsin will listen to understand and will speak clearly and effectively for diverse purposes.

Standard D (Language): Students in Wisconsin will apply their knowledge of the nature, grammar, and variations of American English.

Standard E (Media and Technology): Students in Wisconsin will use media and technology critically and creatively to obtain, organize, prepare, and share information; to influence and persuade; and to entertain and be entertained.

Standard F (Research and Inquiry): Students in Wisconsin will locate, use, and communicate information from a variety of print and nonprint materials.

Appendix C

Specific Health, Safety, and Civil Rights Laws for Indicator IV

Emergency Procedures

In accordance with Wis. Stats. 118.07(2) and 118.07(1), SES providers must have safety and emergency evacuation procedures including access to first aid kits.

Discipline Procedures

In accordance with Wis. Stats. 120.13 (1)(a), 118.31(1), and 118.32, SES providers must have classroom discipline procedures including criteria for student behavior, procedures for removal of pupils from the classroom when necessary, and parent notification. The procedures prohibit corporal punishment and strip searches.

Procedures for Administration of Medication

In accordance with Wis. Stats. 118.29 (4) and 118.291, SES providers must have a written policy regarding the administration of medication to students, including asthmatic students.

Hiring Procedures

In accordance with Title VII of the Civil Rights Act of 1964, SES providers with 15 or more employees must have a policy or procedure in place prohibiting employment discrimination based on race, color, religion, sex, or national origin.

In accordance with the Equal Pay Act of 1963 (EPA), SES providers must have a policy or procedure in place which protect men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.

In accordance with the Age Discrimination in Employment Act of 1967 (ADEA), SES providers with 20 or more employees must have a policy or procedures in place which protect individuals who are 40 years of age or older.

In accordance with Title I and Title V of the Americans with Disabilities Act of 1973 (ADA), SES providers with 15 or more employees must have a policy or procedures which prohibit employment discrimination against qualified individuals with disabilities.

In accordance with Wis. Stats. 343.12(6)(a) and Wis Stats. 118.25(2)(a), SES providers must have a system in place for conducting Department of Justice (DOJ) criminal background checks and require health examinations of all employees working with students.

Certificate of Occupancy

Providers must hold a current certificate of building occupancy to ensure compliance with current health and safety codes.

Pupil Discrimination

Under Title III of the ADA, which is enforced by the U.S. Department of Justice, private providers that operate places of public accommodation (except for religious entities) must make reasonable modifications to their policies, practices, and procedures to ensure nondiscrimination on the basis of disability, unless to do so would fundamentally alter the nature of the program. Likewise, these providers must take those steps necessary to ensure that students with disabilities are not denied services or excluded because of the absence of auxiliary aids and services, unless taking those steps would fundamentally alter the nature of services, or would result in an undue financial burden (for example, significant difficulty or expense).

A provider will not deny services to any student based on pre-test scores or other related academic performance results.

Appendix D

DPI Policy - The Use of Incentives by SES Providers

The United States Department of Education guidance gives the Wisconsin Department of Public Instruction (DPI) the authority to set parameters on the use of provider incentives and rewards. Providers not in compliance with this document may be removed from the state approved provider list.

ENROLLMENT INCENTIVES OF ANY KIND ARE NOT PERMITTED.

Rewards

Rewards may be given for achievement, attendance, and completion of SES services only. Rewards must be educational in nature.

DPI Approved Rewards

Acceptable Educational Rewards	Non-Acceptable Rewards
Educational games and puzzles	Cash, checks, gift cards, and certificates
Pens, pencils, markers	Handheld electronic games or devices (e.g. iPod, Game Boy)
Books, bookmarks	Pizza parties, picnics, or other food related activities
Educational software	All non-academic gifts or electronic devices
Computers *please see below*	Field trips

In order to provide students with achievement, attendance, or completion rewards, SES providers must submit a written request to DPI for approval. Only rewards that have been approved may be given to students. **Providers seeking first time approval of rewards, or providers making changes to previously approved rewards, must submit a written request to DPI before July 25, 2011.** Any request after this date will be denied. The request must include specific items that will be given as rewards and include criteria required to receive them.

*Computers may only be rewarded to students when the computer has been used by the student as an integral component of tutorial services.

Healthy snacks may be given to students after school and do not fall under this rewards policy.

If you have any questions about the use of incentives, please contact:

Rachael Bergstrom
rachael.bergstrom@dpi.wi.gov
(608) 266-2813

Jennifer Waldner
jennifer.waldner@dpi.wi.gov
(608) 266-5184

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Appendix E

SES Assurances

Due May 10

The assurances and evidence of financial soundness listed below are due annually and must be completed through the online survey by May 10. This paper document is for reference only. Providers may access the required survey each spring. Please note that the assurances and evidence of financial soundness survey will also require providers to verify the following information:

- Supplemental Education Services (SES) Provider Name
- Contact First Name
- Contact Middle Name
- Email
- Phone and Extension

ASSURANCES

By checking the box accompanying each statement, the provider agrees to:

- Ensure that its instruction and content are consistent with instruction and content of the appropriate Local Educational Agency (LEA(s)) and aligned with Wisconsin's academic standards.
- Ensure that all instruction and content are secular, neutral, and non-ideological.
- Provide parents/guardians of children receiving Supplemental Educational Services (SES) and the appropriate LEA with information regarding the child(ren)'s progress in increasing achievement, in a format and, to the extent practicable, a language that the parents/guardians can understand.
- Meet all applicable federal, state, and local health, safety, and civil rights laws, such as:
 - Conduct a federal and state (the state in which the employee resides and provides service from) background check in accordance with the Volunteers with Children Act (VCA) for all individuals who work with students prior to the start of employment and for continuing employees by September 1 of every year. If the employee provides service from an area outside the United States, a background check of equivalent breadth from that employee's local and federal jurisdiction is required. For further information about the VCA, see the Wisconsin Department of Justice's website at http://www.doj.state.wi.us/dles/cib/volunteers_children_act.asp.
 - Ensure that no individual employee has a criminal conviction that would endanger the health, safety, welfare, or education of any pupil, notwithstanding Wis. Stats. §111.335.
 - Ensure compliance with the Family Educational Rights and Privacy Act (FERPA) of 1975, as amended, and any regulations issued thereunder.
 - In accordance with Wis. Stats. §118.07(2) and §118.07(1), SES providers must have safety and emergency evacuation procedures including access to first aid kits.
 - In accordance with Wis. Stats. §120.13(1)(a), §118.31(1), and §118.32, SES providers must have classroom discipline procedures including criteria for student behavior, procedures for removal of pupils from the classroom when necessary, and parent notification. The procedures prohibit corporal punishment and strip searches.
 - In accordance with Wis Stats. §118.29(4) and §118.291, SES providers must have a written policy regarding the administration of medication to students, including asthmatic students.
 - In accordance with Title VII of the Civil Rights Act of 1964, SES providers with 15 or more employees must have a policy or procedure in place prohibiting employment discrimination based on race, color, religion, sex, or national origin.
 - In accordance with the Equal Pay Act of 1963 (EPA), SES providers must have a policy or procedure in place which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.
 - In accordance with the Age Discrimination in Employment Act of 1967 (ADEA), SES providers with 20 or more employees must have a policy or procedures in place which protect individuals who are 40 years of age or older.
 - In accordance with Title I and Title V of the Americans with Disabilities Act of 1973 (ADA), SES providers with 15 or more employees must have a policy or procedures which prohibit employment discrimination against qualified individuals with disabilities.
 - If providing transportation to students, comply with Wis. Stats. §343.12.
 - Comply with Wis. Stats. §118.25(2)(a) regarding health examinations of all employees working with students.
 - Providers must hold a current certificate of building occupancy to ensure compliance with current health and safety codes.
 - Under Title III of the ADA, which is enforced by the U.S. Department of Justice, private providers that operate places of public accommodation (except for religious entities) must make reasonable modifications to their policies, practices, and procedures to ensure nondiscrimination on the basis of disability, unless to do so would fundamentally alter the nature of the program. Likewise, these providers must take those steps necessary to ensure that students with disabilities are not denied services or excluded because of the absence of auxiliary aids and services, unless taking those steps would fundamentally alter the nature of services, or would result in an undue financial burden (i.e., significant difficulty or expense).
 - A provider will not deny services to any student based on pre-test scores or other related academic performance results.

II. ASSURANCES (cont'd.)

5. Enter into an agreement with the LEA. This agreement shall include the following:
- Specific achievement goals for the student, which must be developed in consultation with the student's parents/guardians;
 - A description of how the student's progress will be measured and how the student's parents/guardians and teachers will be regularly informed of that progress;
 - A timetable for improving the student's achievement that, in the case of a student with disabilities, must be consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act (IDEA) and, in the case of a student covered under Section 504, must be consistent with the provision of an appropriate education under Section 504;
 - A provision for termination of the agreement if the provider fails to meet student progress goals;
 - Provisions governing payment for services by the LEA;
 - A provision prohibiting the provider from disclosing to the public the identity of any student eligible for or receiving SES without the written permission of the student's parents/guardians; and
 - An assurance that SES will be provided consistent with applicable civil rights laws.
6. Ensure that it is financially sound.
7. Provide evidence of comprehensive general liability insurance upon request.
8. Refrain from providing incentives to students for signing up to receive services from the provider.
9. Limit incentives for student achievement and attendance to only educational items such as books or educational software.
10. Publish student-to-tutor ratio information on flyers, websites, and any written or verbal communication that is disseminated regarding SES.
11. Publish education level and qualifications of the providers' tutors on flyers, websites, and any written or verbal communication that is disseminated regarding SES.
12. Ensure that the provider has not been removed from any state's approved provider list.
13. Comply with all future requests for additional information from the Department of Public Instruction.

FINANCIAL SOUNDNESS

By checking the box accompanying each statement, the provider agrees to:

14. Provide as proof of financial soundness a copy of a GAAP audit report conducted on behalf of the provider by an independent CPA every three years as scheduled by the Department of Public Instruction.
15. Certify that the business entity and the contact person for that entity are in good financial standing with the State of Wisconsin, are not delinquent in making any local, state, or federal tax, and are not subject to government liens.
16. Certify that the business entity and the contact person for that entity are in good standing with the Department of Public Instruction.

