

May 30, 2007

Dear Chief State School Officer:

Over the past several years, hundreds of thousands of students across the country have taken advantage of free tutoring opportunities available under Title I of the Elementary and Secondary Education Act, as reauthorized by the No Child Left Behind Act of 2001 (NCLB). These tutoring opportunities, known as supplemental educational services (SES), provide students from low-income families with access to State-approved tutoring providers, at no charge to families.

In the 2005-06 school year, Secretary Spellings began a pilot program to study whether it was to families' advantage to be able to access SES one year earlier than the law currently allows – i.e., to make SES available to students attending Title I schools in their first year of improvement. In that year, the Secretary granted four local educational agencies (LEAs) in Virginia the flexibility to offer SES to students one year early in exchange for the LEAs and the State meeting a set of conditions to ensure quality SES implementation. The response to this flexibility was positive, with the State, LEAs, and families receptive to obtaining earlier access to SES. As a result, the Secretary extended the pilot in the 2006-07 school year by adding LEAs in Alaska, Delaware, Indiana, and North Carolina. Additionally, in the Administration's reauthorization proposal for NCLB, we have proposed that for all districts, SES be offered to students from low-income families who attend any Title I school in school improvement status from the first year forward.

In keeping with this spirit of flexibility around SES, the Secretary is again extending the pilot for the 2007-08 school year and is inviting States to apply on behalf of selected LEAs to offer SES to eligible students attending Title I schools in year one of school improvement. The positive results we have seen in the pilot LEAs to date are evidence that offering States and LEAs this flexibility, in return for the States and LEAs meeting certain conditions of quality SES implementation, is an effective policy approach to helping students and providing families with quality choices.

To be eligible for this pilot program, a State must meet the four criteria described below:

- **Timely notification of adequate yearly progress (AYP) results.** A State must have made AYP determinations, on which Title I schools in improvement were expected to act, before the start of the school year for years 2004-05, 2005-06, and 2006-07.
- **State SES evaluation in progress.** A State currently must have underway its evaluation of SES providers. More specifically, a State must have developed an evaluation of the extent to which its SES providers are contributing to student achievement and must have at least begun the process of collecting data for the evaluation.

- **State assessment system with “Full Approval,” “Full Approval with Recommendations,” or “Approval Expected.”** A State must have its assessment systems reviewed by the Department and rated in one of these top three categories.
- **Waiver conditions.** A State must provide assurances that it can meet the conditions for participation outlined in the pilot agreement, including that the State can meet the waiver requirements of ESEA, as specified in section 9401. A complete list of conditions for participation is included in the appendix.

States may apply for this flexibility on behalf of up to seven LEAs in their State, of which at least two should be rural LEAs. Participating LEAs must have issued timely public choice and SES notification letters to parents over the past two years and should be located throughout the State.

In the enclosed attachment, we provide guidance on the process by which States may submit proposals to the Department for this flexibility and the conditions that participating States and LEAs will need to meet during the 2007-08 school year.

Please do not hesitate to contact me, or have your staff contact Stacy Kreppel at 202-401-5938, with any additional questions or concerns. We look forward to working with interested States in this pilot.

Sincerely,

Morgan S. Brown

Enclosure