



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
Office of P-12 Education

Office of Accountability
Title I School & Community Services
Room 365 EBA
Albany, New York 12234
Tel. (518) 473-0295 / Fax: (518) 486-1762

New York State SES Providers

Intent to Re-Apply Form

Dear SES Provider:

In May 2012, the U.S. Department of Education (USDE) approved New York State's ESEA Flexibility waiver application. The USDE approval required changes in the provision of supplemental educational services (SES) for districts with schools in accountability status starting in the 2012-2013 school year. As a result, the New York State Board of Regents has approved amendments to Commissioner's Regulation 8 NYCRR Section 120.4 to reflect those changes. Pursuant to 8 NYCRR §120.4(d)(4), all providers on NYSED's list of approved SES providers as of July 1, 2012 are required to submit evidence to NYSED that, commencing with the 2013-2014 school year, the instruction provided and content used by such providers are aligned with the New York State Common Core Learning Standards in English language arts and mathematics. Any provider who fails to comply with this requirement shall be subject to termination.

Please indicate your intention to re-apply as a New York State SES Provider for 2013-14 that will provide instruction and content aligned with the New York State Common Core Learning Standards in English language arts and math by checking the appropriate response below. You must complete this form regardless of whether or not you intend to re-apply. Following your selection, please read the subsequent directions based on the decision you made.

Yes, I intend to re-apply as an SES Provider

No, I do not intend to re-apply as an SES Provider

If you responded "**Yes**" please follow the directions below to determine what materials to submit with your application. In order for you to continue to be approved to offer SES, your submission must demonstrate that the instruction you will provide and the content you will use are aligned with the New York State Common Core Learning Standards in English language arts and math. Submissions that do not demonstrate such alignment will result in the Department beginning procedures to remove your organization from the list of approved SES providers pursuant to 8 NYCRR Section 120.4(e). A full description of those procedures is provided at the end of this document. Please be aware that once a provider is removed from the approved SES provider list, there will be no opportunity to reapply for inclusion on such list during the life of the ESEA Flexibility Waiver, which is currently in effect through the 2013-14 school year and may be extended with USDE permission through the 2014-15 school year.

If you are re-applying and will be using the same materials, please follow the general directions in the ***Directions for Submission of Materials*** document.

If you are re-applying and will be using modified materials, please go to our website at this address <http://www.p12.nysed.gov/accountability/T1/ses/home.html> and complete the 2013-14 Substantial Change Form. This form is to be submitted with your application materials as described in the ***Directions for Submission of Materials*** document.

If you respond **“No” to the above question or fail to respond**, the New York State Education Department will begin procedures to remove your organization from the list of approved SES providers pursuant to 8 NYCRR Section 120.4(e)(2). A full description of those procedures is provided at the end of this document. Please be aware that once a provider is removed from the approved SES provider list, there will be no opportunity to reapply for inclusion on such list during the life of the ESEA Flexibility Waiver, which is currently in effect through the 2013-14 school year and may be extended with USDE permission through the 2014-15 school year.

Please complete the following:

Name of SES Provider: _____

Address: _____

Contact Person: _____ Title: _____

Phone: _____ E-Mail: _____

Please submit this form by August 23*, 2013 to:

**NYS Education Department
Attn: Leon Hovish, Program Associate**

EBA – 365A

89 Washington Avenue

Albany, New York 12234

LHovish@mail.nysed.gov

1-(518)-473-0295

***Notification sent by regular mail must be post-marked no later than August 23, 2013. If sending the Letter of Intent form by e-mail, it must be received by the Department no later than August 23, 2013. Notifications after this date will not be accepted and the Department will begin proceedings to remove providers from the Department’s approved list of SES providers as described below.**

8 NYCRR Section 120.4

(e) Termination of provider approval. ...

(2) Termination of provider approval shall be conducted in accordance with the following procedures:

(i) The commissioner or his/her designee shall notify the provider in writing of the intent to terminate approval at least 30 calendar days prior to the effective date of the termination, including a list of the identified deficiencies and/or violations of State or Federal laws or regulations that are believed to exist.

(ii) The provider may reply in writing within 10 calendar days of receipt of the commissioner's notification, addressing the commissioner's statement of reasons, indicating whether deficiencies and/or violations exist, what steps have been taken to correct conceded deficiencies and/or violations, and the time period and steps by which deficiencies and/or violations will be corrected. If no reply is received, termination and removal from the list will become effective 30 calendar days from the date of receipt of the commissioner's notification.

(iii) Within three business days of receipt of the commissioner's notification, the provider may request oral argument before the commissioner or his/her designee.

(iv) After consideration of any written response and of any oral argument, a determination shall be made whether approval shall be terminated. Notice of such determination shall be provided in writing to the provider.

(3) Notwithstanding the provisions of paragraph (2) of this subdivision, the commissioner may issue an emergency order immediately suspending the provision of services under this section, pending a final determination of the provider's approval status, upon the commissioner's determination that an immediate threat exists to the health and/or safety of students.