



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

TO: District Superintendents, Superintendents and Principals of Public Schools, Charter School Principals, Title I Coordinators, and NYS Approved Supplemental Educational Services (SES) Providers

FROM: Roberto Reyes, State Title I Director 

DATE: October 4, 2010

SUBJECT: Public School Choice, School Improvement, and Supplemental Educational Services (SES) Parent Notification Requirements – Title I and Code of Federal Regulations (CFR) 34 – Education – Section 200

In the fall of 2008 the U.S. Department of Education (USDE) instituted additional regulations for State Educational Agencies (SEA) and Local Educational Agencies (LEA) on the new implementation requirements of Public School Choice and SES when an LEA or school has been identified for improvement, corrective action, and/or restructuring. These changes are to be implemented in the 2010-2011 school year.

- *Section 200.37(b)(4)(iv) and 200.44(a)(2):* LEAs must notify parents of eligible students about public school choice options sufficiently in advance of, but no later than 14 calendar days before, the start of the school year. Although SED was granted a waiver by the USDE regarding release of 2009-10 assessment data in time to meet the School Choice notification deadline for the 2010-11 school year, it's important to note that LEAs must prepare to provide notifications of the availability of School Choice, including information on the academic achievement of the school or schools to which the child may transfer, to parents of students in Year 2 of School Improvement or more advanced accountability status no later than 14 days prior to the start of the 2011-12 school year.
- *Section 200.37(b)(5)(ii)(c):* SES notification must include an explanation of the benefits of receiving SES. The notification must be clear, concise, and clearly distinguishable from other information sent to parents on school improvement.
- *Section 200.37(b)(5)(ii)(B)(iii):* The notification must include an indication of those providers who are able to serve students with disabilities (SWD), and limited English proficient (LEP) students.

LEA Must Prominently Display on its Web Site,* In a Timely Manner:

- *The number of students who were eligible for and the number of students who participated in school choice & SES, beginning with data from the 2007-2008 school year and each subsequent school year.*

- For the current school year, a list of SES providers approved by the State to serve the LEA and the locations where services are provided.
- For the current school year, a list of available schools to which students eligible to participate in public school choice may transfer [§200.39(c)(1)].

**If an LEA does not have its own Web Site, the State (i.e. NYSED) must include the information for the LEA on its Web Site [§200.39(c)(2)].*

The information below is a reminder of school improvement, public school choice and SES notification and implementation requirements still currently in effect per NCLB Section 1116 and related regulations.

- Section 1116: LEAs must promptly notify parents of students enrolled in schools identified for improvement, corrective action, or restructuring and must ensure that the notifications include all components required under Section 1116 (b) (6), which are outlined in the Notifications section of SED’s Parental Involvement website at <http://www.P-12.nysed.gov/nclb/programs/titleia/pi>
- *Section 200.37(b)(5)(i):* SES Notification must also include information/instructions on how parents can obtain SES for their child.
- *Section 200.37(b)(5)(ii)(A):* Notification must identify each approved SES provider available within the LEA or in its general geographic location, including providers that are accessible through technology, such as distance learning.
- *Section 200.37(b)(5)(ii)(B):* Notification must briefly describe the services, qualifications, and evidence of effectiveness for each provider. Additionally, the LEA’s notice should describe the procedures and timelines that parents must follow in selecting a provider to serve their child. As an example the notification materials should describe where and when to return a completed application, when and how the LEA will notify parents about enrollment dates and start dates, and whom to contact in the LEA for more information.

If the LEA anticipates that it will not have sufficient funds to serve all eligible students, it should also include information on how it will set priorities in order to determine which eligible students receive services.

Section 200.48(d)(2)(i)(B): Schools required to offer SES must provide a minimum of two “enrollment windows,” at separate points in the school year, that are of sufficient length to enable parents of eligible students to make informed decisions about requesting SES and selecting a provider.

Questions or concerns about these requirements can be addressed by contacting the Title I Office at (518)-473-0295.