

3512.5400 [Expired, 28 SR 271]

3512.5400 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.

Subpart 1. **Provider requirements.** A provider of supplemental educational services must be a nonprofit entity, a for-profit entity, or a local educational agency, and may include public or private schools, public or private postsecondary institutions, and faith-based organizations. A provider:

- A. has a tutorial program with a demonstrated record of effectiveness in increasing student academic achievement;
- B. can document that its instructional strategies are of high quality, based upon research, and designed to increase student academic achievement;
- C. is capable of providing supplemental educational services that are aligned with state academic standards and demonstrate an understanding of the instructional program of the local educational agency; and
- D. is financially sound.

Subp. 2. **Application.**

A. Providers applying to the commissioner of education must complete a written application provided by the commissioner which must include that the provider will:

- (1) provide parents of children receiving supplemental educational services under this part and the appropriate local educational agency with information on the progress of the children in increasing achievement, in a format, and to the extent practicable, a language that the parents can understand;
- (2) ensure that the instruction provided and content used by the provider are aligned with state academic standards and demonstrate an understanding of the instruction provided and content used by the local educational agency;
- (3) meet all applicable federal, state, and local health, safety, and civil rights laws;
- (4) ensure that all instruction and content under this part are secular, neutral, and nonideological; and
- (5) meet the federal requirement that supplemental educational services are delivered in addition to instruction provided during the school day.

B. A potential provider also must inform the commissioner of education of:

- (1) the subject areas in which the provider plans to provide instruction, in addition to the required areas of language arts, mathematics, or both;
- (2) the provider's approach or model of instruction;

(3) how a standard tutoring session will be structured, in terms of number of minutes and times per week;

(4) how student needs are assessed or diagnosed and how an instructional program is prescribed based on the student's individual needs;

(5) how services offered will help academically at-risk students improve their achievement;

(6) the specific strategies the provider uses to work with parents and families;

(7) the facilities, equipment, and materials used and supplied by the provider and used and supplied by the student; and

(8) the recruitment and development of staff to deliver the high-quality program required by the No Child Left Behind Act of 2001, United States Code, title 20, section 6301, et seq.

Subp. 3. Application review and approval.

A. The commissioner of education shall approve applications based on evidence of:

(1) a high-quality research base;

(2) program effectiveness in increasing student achievement;

(3) alignment with Minnesota academic standards in language arts, mathematics, or both, and a demonstrated understanding of the instructional program of the local educational agency;

(4) capability and willingness to provide educational services for children with disabilities consistent with the child's individualized education program and with the need for accommodations for the child's disabilities;

(5) evaluation of student progress;

(6) communication with parents and school staff;

(7) quality of instructional staff;

(8) financial and organizational capacity; and

(9) compliance with health, safety, and civil rights laws, rules, and regulations.

B. An application must be reviewed and scored by a team of three individuals. Reviewers will be selected from the Department of Education, school districts, Title I programs, and public and private organizations that have experience in the area of providing supplemental services.

C. A quality threshold score of 70 points out of 100 possible points on the application is required for a provider to be on the state's approved list. To ensure the merits of each applicant's responses are discussed, reviewers must reach consensus within three points on each section.

D. A successful applicant shall remain on the approved list for three school years, beginning with the next school year after the application is reviewed, unless the provider does not meet the requirements under subpart 2 or the provider requests to be removed from the list. A provider whose application is not approved may resubmit an application in the next round of applications.

E. The application and approval process must be repeated annually, with the timeline to be modified by the commissioner of education if warranted by the need for additional providers.

Statutory Authority: *MS s 14.388*

History: *28 SR 271; L 2007 c 146 s 35*

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