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Supplemental Educational Services under NCLB: Charting Implementation

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POLICY BRIEF

Supplemental Educational Services under NCLB: Charting Implementation

THE CIVIL RIGHTS PROJECT/PROYECTO DERECHOS CIVILES, UCLA

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Introduction

The supplemental educational services (SES) provisions exemplify the principles discernable in No Child Left Behind (NCLB) that rely on accountability and competition as mechanisms to improve education and produce better opportunities for disadvantaged students. According to the law, SES should help to enhance student achievement, expand the educational opportunities of students, and also provide an incentive for low-performing schools to improve their instructional program (U.S. Department of Education, 2002). The SES provisions of NCLB build on notions that the private sector can provide services better than the public school sector. It joins other reform ideas, such as charter schools and the management of public schools by private educational companies, as school reform remedies based on ideas about competition and accountability. SES holds out the promise that low-income families will now have access to a market once reserved to those who could pay for services (Henig, 2006). But realizing this promise may be more complicated than anticipated.

Our data shows that demand for supplemental educational services has either declined or leveled off after five years. This has come as federal funds allocated for SES increased and as more students have become eligible to receive services. The increase in the absolute number of students enrolled in SES is related to more schools identified for improvement, and thus, more students eligible to receive services. What is striking is that the increase in the number of eligible students has not translated into an increased demand for SES.

Supplemental services such as tutoring can be beneficial for improving the performance of disadvantaged students. However, there is very little evidence documenting the effectiveness of SES as mandated by NCLB and many reasons, from research on school reform, to question whether the current program will result in performance gains. Because the SES provision will have major consequences for low-income and minority students, its intended beneficiaries, our interest is in understanding how these services are implemented, who takes advantage of them, and what benefits may be derived from participating. The amount of resources devoted to SES, the growth in the number of providers, and the increasing number of students eligible to receive services suggest that the SES program will have significant fiscal implications for districts and consequences for how supplemental Title I services are delivered.

This brief examines trends in the implementation of the NCLB supplemental educational services program over five years (2002-03 to 2006-07). It is based on data collected from six states (Arizona, California, Georgia, Illinois, New York, and Virginia) and eleven districts within those states that enrolled large numbers of minority and low-income students. The sample includes the nation's three largest public schools districts: Los Angeles Unified School District, the Chicago Public Schools, and the New York City Public Schools. Together, these three districts enroll over 2 million students in 1,807 schools. Three districts—Mesa, AZ, Fresno, CA, and DeKalb County, GA—are among the nation's 50 largest school districts (Sable & Young, 2003). The five remaining districts are located in major metropolitan areas in Phoenix, AZ (Washington Elementary School District), Buffalo, NY, Arlington County, VA, Richmond, VA, and Atlanta, GA. The six states and eleven districts are part of a larger study on NCLB.¹ Data was collected from state websites and directly from district officials. A more detailed description of the data sources used in this brief is contained in the appendix.

Core NCLB SES Requirements

How does NCLB define SES?

No Child Left Behind defines SES as “additional academic instruction designed to increase the academic achievement of students in low-performing schools,” and indicates that they “must be high quality, research-based, and specifically designed to increase student achievement.” The federal legislation also requires that SES “be provided outside the regular school day,” which may include after-school and weekend programs (U.S. Department of Education, 2002, December 12) [P.L. 107-110, Sec. 1116(e)(12)(C)]. Districts must offer SES to students in schools that are in the second year of school improvement—that is, schools that have been identified for not meeting the state's adequate yearly progress goals for three consecutive years. Supplemental educational service providers may include non-profit, for-profit, and faith-based organizations, charter schools, private schools, and public and private colleges and universities (U.S. Department of Education, 2003, August 22). Districts can provide services, but only if they have not been identified as needing improvement. Under waivers approved by the U.S. Department of Education, some districts have been allowed to be a provider even though the district was identified as needing improvement (Sunderman, 2006).

What role does the state play in implementing SES?

The law gives state education agencies the primary authority for establishing the rules governing the SES program and holding providers accountable. States establish eligibility requirements for SES providers, approve or deny provider applications, and determine, within federal parameters, the amount the district must make available for SES services. States are required to maintain an updated list of approved providers, and “develop, implement, and publicly report on standards” for “monitoring the quality and

¹ See Sunderman, Kim, & Orfield (2005) for information on state selection criteria. Support for this research provided by the Bill and Melinda Gates Foundation, the Charles Stewart Mott Foundation, and the National Education Association.

effectiveness of the services.” States can, based on the performance of providers in increasing student achievement, remove a provider from the approved list. However, providers must fail to raise student achievement for two consecutive years before the state can withdraw approval. State education agencies must also monitor districts to ensure they are meeting their responsibilities to implement the SES program and can take steps to intervene if they find districts are not implementing SES as required.

Research suggests that states lacked the capacity to effectively monitor either districts or providers or to conduct meaningful evaluations of the SES program (Government Accountability Office, 2006; Sunderman & Orfield, 2006). State monitoring of districts consisted largely of collecting information on the program, such as expenditure data and enrollment information, and limited monitoring of district efforts to notify parents of the program (Government Accountability Office, 2006). The GAO reported that, as of 2005-06, no state had conducted an evaluation on the effects of SES providers on student achievement (Government Accountability Office, 2006). Since then Tennessee has released an evaluation of SES that is summarized later in this brief (Potter et al., 2007). For the most part, states filled a management role by developing criteria (albeit, limited) to identify and approve providers.

What role does the district play in implementing SES?

NCLB relies on districts to implement and manage the program. This gives districts considerable influence over how the program is implemented locally. Districts must inform parents about the availability of these services, process applications, and negotiate an agreement with each provider selected by parents of eligible students that includes payment arrangements. This agreement must include “specific achievement goals for the student,” information on how student progress will be measured, and a “timetable for improving achievement.” (P.L. 107-110, Sec. 1116(e)(3)(A)). It must also include information on how parents and teachers will be informed about a student’s progress in meeting the goals. While districts are required to administer the SES program locally, any costs incurred in fulfilling this requirement are not provided for in the law. Districts may use their Title I funds to cover administrative costs, but this becomes a reallocation of existing funds rather than additional resources for a new mandate. The cost of administering the program can be substantial. For example, the administration budget for SES in 2004-05 for the Chicago Public Schools was over \$2 million dollars (Personal interview, Chicago Public Schools, 9/17/2004).

How are SES services funded?

Districts are required to set aside a portion of their Title I allocation to pay for SES tutoring. Districts must use at least 5% of this set aside for SES unless demand is low. Since this set aside is a reallocation of Title I funds rather than a separate allocation, SES has the potential to shift funds away from other district Title I programs. Vendors are allowed to determine how much they charge students for services, but the U.S. Department of Education establishes a cap on the per pupil expenditure, which varies by

district. Thus the number of hours of service a student receives is directly related to the cost of a particular provider.

Federal funds available (though not necessarily used) for SES increased by 45% over four years, from \$1.75 billion in FY 2001 to approximately \$2.55 billion in FY 2005 (Burch, Steinberg, & Donovan, 2007). There are significant regional variations in SES funds, with more growth in SES funding in the West and Southwestern regions than in the New England and South regions (Burch et al., 2007). Thus the largest SES providers—those with a national presence and greater resources than smaller, local providers—are targeting their services to states with the greatest resources (Burch et al., 2007).

What requirements must the providers meet?

For providers, the basic requirements are minimal. A provider is “responsible for meeting the terms of the agreement” entered into with the district (U.S. Department of Education, 2005, June 13). This includes reaching the achievement goals establish for a student, measuring student progress and informing parents and teachers of that progress, and adhering to a timetable for improving student achievement. States can establish program design criteria for providers to meet (i.e., establish acceptable student/tutor ratios, develop a policy on the use of financial incentives) and a range of acceptable rates that providers may charge to avoid exorbitant fees, but they are discouraged from micro managing the program. The idea was to let the competitive market guide the program and give providers the freedom to compete for students.

What requirements are providers exempt from?

Under guidance issued by the U.S. Department of Education (ED), providers are exempt from meeting the highly qualified teacher requirements of the law and are not subject to federal civil rights law (U.S. Department of Education, 2005, June 13). In exempting providers from civil rights laws, ED asserted that SES providers are not recipients of federal funds, and therefore not directly subject to federal civil rights laws. In addition, while districts and states are obligated to provide services to students with disabilities and those with limited English proficiency, private or non-profit organizations are not required to include services for these students, leaving it to the providers to determine if this is a market they wish to enter.

What happens if a provider is not meeting expectations?

The threshold for removing a provider from a state approved list is quite high—they must fail to raise student achievement for two consecutive years. Since there are few state level evaluations of the SES program, states depend on information submitted by the providers to monitor their performance. In cases where providers have been removed, it has been for engaging in questionable business practices or conduct rather than failing to improve student achievement.

What is the nature of the services offered by SES providers?

Each provider determines the curriculum they offer, the instructional practices they use, and how services are delivered (i.e., small group, individual, computer-based, online). No Child Left Behind emphasizes the importance of aligning the content of services with the state standards, but there is little in the legislation or federal guidance that outlines how to assess this alignment of the content of a provider's instruction with state learning standards (Steinberg, 2006). Nor is there a way to compare the efficacy of different curricula with individual learning needs. Very little research has been conducted on the quality or content of these services.

How effective is SES in raising student achievement?

When NCLB was enacted, there was no research documenting how effective SES might be for improving student achievement. Five years later, a few studies have emerged. These are typically small studies, either in one or a few districts, and the results, while mixed, are not encouraging. States continue to be challenged by the law's requirement to evaluate the program and have not produced rigorous evaluations of the program. At the time of this brief, we found one state evaluation that examined SES effectiveness in terms of student outcomes conducted for the state of Tennessee. Other state studies include one conducted for New Mexico that used pre- and post-test data provided by vendors (Center for the Education and Study of Diverse Populations, 2005) and another for Georgia that administered statewide surveys on implementation, participation, and perceptions of the SES program (Occupational Research Group, 2005).

The Tennessee evaluation examined the implementation progress of six districts required to offer SES and evaluated student outcomes related to participation in the program (Potter et al., 2007). This study found no statistically significant effects for any of the SES providers in 2004-05, and inconclusive results in 2005-06. Controlling for teacher effects resulted in negative effects for two providers in 2005-06. The report cautioned against reaching conclusions based on this analysis because of the small sample sizes used, and because the effects were for only one year. To assess student outcomes, the study used student predicted scores that took into account prior student achievement (based on two years of test data in four subjects) and compared the predicted score with actual outcomes. The model estimated differences between tutored students and a comparison group of non-tutored students, and linked student scores to providers.

A study commissioned by the U.S. Department of Education found that, in five of seven districts studied, participation in SES for one year had a positive and significant average effect in both math and reading (Zimmer, Gill, Razquin, Booker, & Lockwood, 2007). In the other two districts, the gains were not different from zero. This study compared student achievement gains for students enrolled in SES with the district mean.² Achievement gains for African American and Latino students were found in four of the seven districts, and for students with disabilities in three of six districts. The study also

² The study used a student fixed-effect model that compared the achievement gains of students enrolled in SES with his or her achievement gains prior to participating in SES (within subject comparison).

examined the effects of SES by time in treatment. For this analysis, the study estimated average effects across all nine districts and found significant average effects on achievement in both reading and math

A few districts have conducted their own studies on the effect of SES on student performance (Chicago Public Schools, 2005, 2007; Heistad, 2006; Rickles & White, 2006). The study of SES effects in the Los Angeles Unified School District found no significant difference in test scores between students who attended the program and those who applied but did not attend (Rickles & White, 2006). The study did find a statistically significant, but small, program effect depending on attendance (high versus low attendance). The Chicago Public Schools study found that participation in the SES program resulted in a small but significant improvement in reading achievement but a negligible improvement in student math achievement (Chicago Public Schools, 2007). The study compared students participating in the SES program with eligible but non-participating students in the same school. Those students with the lowest achievement scores showed greater improvement. The study of students enrolled in the SES program in the Minneapolis Public Schools calculated the percent of growth achieved by students who received SES services compared to expected growth. None of the providers averaged 100% of the expected growth (Heistad, 2006).

Implementation Trends

What are the trends in the supply of providers and demand for services?

The supply of SES providers has expanded greatly while demand has increased only marginally. As shown in Tables 1 and 2, over 5 years, the supply of providers increased substantially in four of the six states in this study, stayed about the same in one state (Arizona) and declined in another (Georgia). The increase in the number of providers was greater at the district level, with all eleven districts showing substantial increases in the number of providers available to students. These tables show the number of approved providers that students can choose from; there are fewer providers that are actually selected by parents and enter into contracts with districts. In 2004, the U.S. Department of Education reported that 69% of providers were private, 25% were districts, 2% were colleges or universities, and 4% were unknown.

Table 1: Approved Supplemental Educational Service Providers in Six States and Percent Change, 2002-03 to 2006-07.

State	State Approved Providers 2002-03	State Approved Providers 2003-04	State Approved Providers 2004-05	State Approved Providers 2005-06	State Approved Providers 2006-07	Percent 1-Year Change	Percent 5-Year Change
Arizona	26	26	22	33	27	-18.1	3.8
California	120	181	184	199	275	27.6	129.2
Illinois	18	25	60	71	101	42.3	461.1
New York	104	130	176	251	299	19.1	187.5
Virginia	21	27	31	34	48	41.2	128.6
Georgia	170	201	138	168	137	-18.5	-19.4

Source: State education department websites. See appendix.

Table 2: Approved Supplemental Educational Service Providers in Ten Districts and Percent Change, 2002-03 to 2006-07.

District	State Approved Providers 2002-03	State Approved Providers 2003-04	State Approved Providers 2004-05	State Approved Providers 2005-06	State Approved Providers 2006-07	Percent 1-year change	Percent 5-year change
Mesa, AZ†	11	26	0	0	25	n.a.	127.3
Washington, AZ	9	14	12	28	25	-1.1	177.8
Fresno, CA	6	47	55	65	87	33.8	1350.0
Los Angeles, CA	23	68	79	93	129	38.7	460.9
Chicago, IL	18	22	41	50	70	40.0	288.9
Buffalo, NY	17	36	38	54	75	38.9	341.2
New York, NY	47	59	75	132	174	31.8	270.2
Arlington, VA	*N/A	17	20	25	29	16.0	**70.6
Richmond, VA	16	20	24	29	48	65.5	200.0
Atlanta, GA	20	36	64	71	74	4.2	270.0
DeKalb, GA	16	35	59	66	70	6.1	337.5

Sources: State education department websites. See Appendix.

Notes: †In Arizona, the state listed providers for those districts that had schools that were required to offer SES. Since Mesa did not have to offer SES in 2004-05 and 2005-06, there were no eligible providers listed. In 2006-07, the Arizona Department of Education began reporting available providers by county rather than by district.

*Arlington did not have to offer supplemental educational services for 2002-03.

**Calculated percentage represents a 4-year change.

What is the effect of SES on the market for educational services?

Statements and guidance from the U.S. Department of Education characterize the SES market as an open market, where all interested parties can compete for market share, and that by requiring districts to offer SES, the program will expand parental choice. Research by Burch, Steinberg, and Donovan (2007) suggests that large national firms are

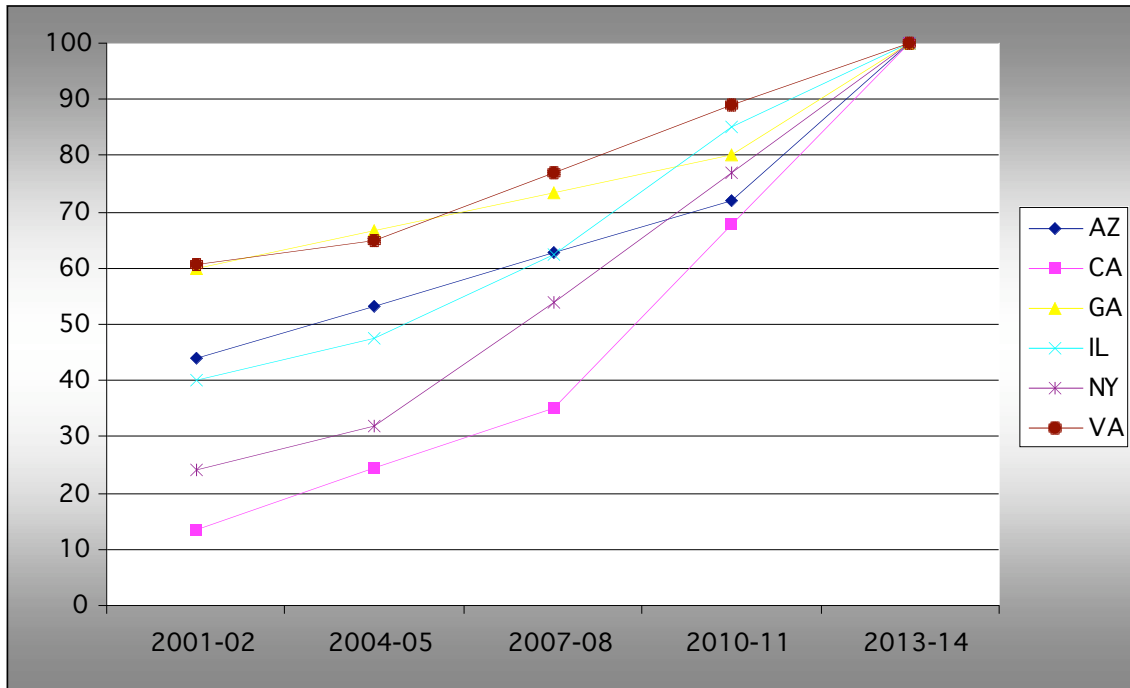
capturing a larger share of the market than smaller, local firms through aggressive marketing, acquisition of smaller firms, and the targeting of a few states where the potential for greater revenues is largest. This is not surprising given the research on the privatization of government services, but it gives a handful of national firms a competitive advantage in the marketplace and positions them to exert a significant influence on industry practices (Burch et al., 2007).

What are the trends in eligibility and participation?

Eligibility: Schools are required to offer students SES if the school is in the second year of school improvement, that is, they have not meet the state's proficiency standards for three consecutive years. NCLB requires that all schools and all students meet the same academic standards in reading and mathematics by the 2013-14 school year. To meet that requirement, states must establish a starting point and "annual measurable objectives" (AMO) that indicate the minimum percentage of students that must demonstrate proficiency on state assessments. Figure 1 shows the starting points and intermediate targets in reading for the six states in this study. In all six states, the performance targets were raised in 2004-05 after remaining the same during the previous three years. The higher target raised concerns that the number of schools needing improvement would increase for the 2005-06 school year.³ In addition, states were required to test students in all grades (grades 3-8) by spring 2006 (affecting the number of schools identified for improvement for the 2006-07 school year). Until then, states tested students in grades 3, 5, and 8 and one grade at the high school level. By 2007-08, states must add science assessments in one elementary, middle, and high school grade.

³ Test scores from the spring administration of state tests are used to determine which schools made AYP. School improvement designations are applied to the following school year. For example, school ratings for the 2005-06 school year are based on tests administered in spring 2005 (during the 2004-05 school year).

Figure 1: Reading proficiency targets from starting point (2001-02) to end (2013-14) of the 12-year timeline in 6 states



Source: “Consolidated State Application Accountability Workbook” for Arizona, California, Georgia, Illinois, New York, and Virginia.

Table 3 shows the number of schools required to offer SES and the number of eligible students for the 2006-07 school year, reflecting data for the year when districts were required to test students in all grades. There is considerable variability among the 11 districts in this study in the number of schools required to offer SES, ranging from no schools in Mesa to half of all schools in Fresno and 45.8% in Chicago. The number of eligible students also varied, with over half of all students in Fresno and Chicago eligible for services, 42.7% eligible in Los Angeles, and about a third of enrolled students eligible for SES in Buffalo. Fewer students were eligible in Arlington (6.0%), Richmond (5.3%), and DeKalb (13.9%).

Table 3: Number and Percentage of Schools Required to Offer Supplemental Educational Services, Number and Percentage of Eligible Students, 2006-07.

District	# of Schools	# Schools Required to Offer Services	% of Total District Schools	Enrollment	# of Eligible Students	% of Total Enrollment
Mesa, AZ	89	0	--	74,626	0	--
Washington, AZ	332	N/A	--	24,832	N/A	--
Fresno, CA	106	53	50.0	79,046	42,404	53.6
Los Angeles, CA	808	200	24.8	727,319	310,544	42.7
Chicago, IL	633	290	45.8	420,982	228,512	54.3
Buffalo, NY	59	24	40.7	36,706	11,809	32.2
New York, NY	1,408	290	20.6	1,014,058	208,016	20.5
Arlington, VA	32	4	12.5	18,463	1,103	6.0
Richmond, VA	56	6	10.7	24,726	1,314	5.3
Atlanta, GA	103	N/A	--	50,770	N/A	---
DeKalb, GA	148	17	11.5	102,310	14,204	13.9

Source: District officials. Number of schools and enrollment is from the National Center for Education Statistics, "Common Core of Data" (2005-06), <http://nces.ed.gov/ccd/districtsearch/>. For the 2006-07 school year, DeKalb was granted a flexibility agreement that permitted eligible students in Title I schools in the first year of school improvement to select SES in lieu of public school choice. Data was not received from Atlanta or Washington for 2006-07.

Table 4 compares the number of eligible students in 2006-07 with the number of eligible students in the previous four years of the program. These data suggest that the higher proficiency standards (2005-06 school year) had a larger impact on increasing the number of students eligible for SES than the requirement for testing all students in grades 3-8 (2006-07 school year). While four districts showed a decrease in the number of eligible students over five years and five districts showed an increase, the change between 2004-05 and 2005-06 shows increasing numbers of eligible students. Six of the nine districts reporting data for 2005-06 show a large increase in the number of eligible students over the preceding year. For Arlington, 2005-06 was the first year the district was required to offer SES. Buffalo and Richmond are exceptions. Buffalo, after three years of increases, saw a decrease in the number of eligible students in 2005-06. After three years of stable numbers of eligible students, Richmond reduced the number of eligible students by 38.7% in 2005-06. For 2006-07, four districts (Fresno, Los Angeles, Chicago, and DeKalb) showed increases over the previous year. Except for DeKalb, these were small.

Table 4: Number of Students Eligible for Supplemental Educational Services and Percent Change over Five Years, 2002-03 to 2006-07.

District	# Eligible Students, 2002-03	# of Eligible Students 2003-04	# Eligible Students, 2004-05	# Eligible Students, 2005-06	# Eligible Students, 2006-07	% 5-Year Increase (decrease)
Mesa, AZ	6,143	857	0	0	0	-100
Washington, AZ	3,314	2,772	1,757	N/A	N/A	--
Fresno, CA	16,831	21,051	29,164	41,949 (43.8%)	42,404 (1.1%)	151.9
Los Angeles, CA	164,434	186,278	245,618	292,607 (19.1%)	310,544 (6.1%)	88.9
Chicago, IL	17,455	133,000	201,600	226,459 (12.3%)	228,512 (0.9%)	1209.1
Buffalo, NY	9,196	8,905	11,922	11,051 (-7.3%)	11,809 (6.8%)	28.4
New York, NY	243,249	212,607	215,797	223,387 (3.5%)	208,016 (-6.8%)	-14.5
Arlington, VA	0	0	0	1,147 (100%)	1,103 (-3.8%)	-3.8*
Richmond, VA	6,033	6,161	6,164	3,700 (-40%)	1,314 (-64.5%)	-78.2
Atlanta, GA	13,448	18,385	8,084	N/A	N/A	--
DeKalb, GA	9,355	9,441	5,318	7,664 (44.1%)	14,204** (85.3%)	51.8

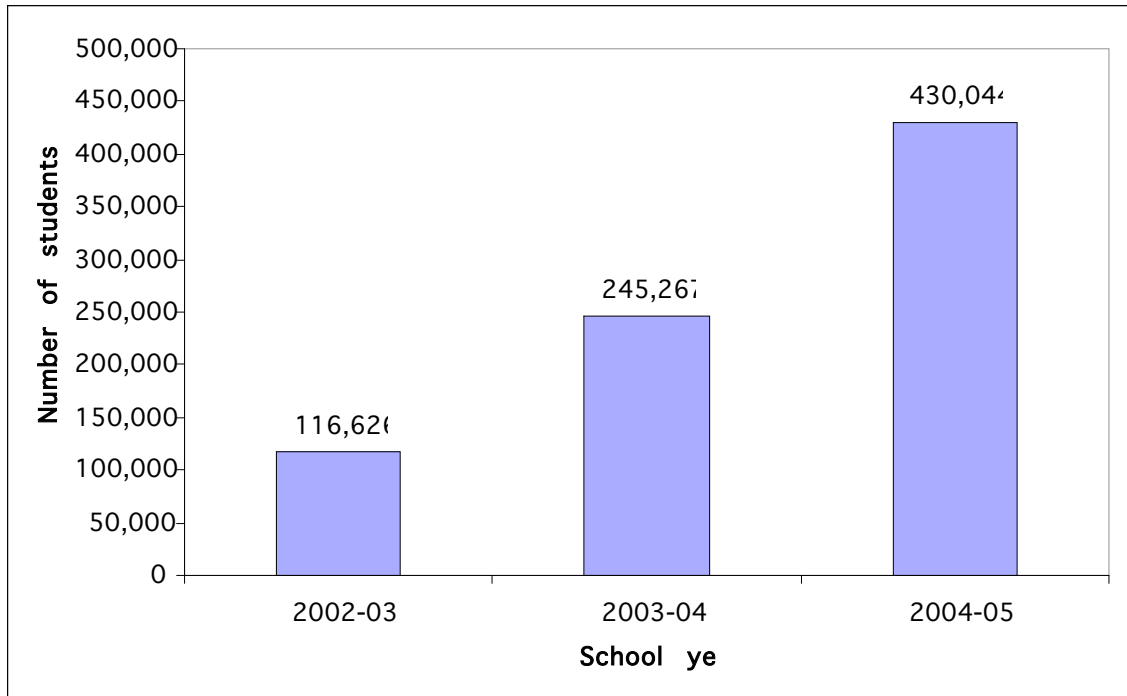
Source: District officials. Data not received from Washington or Atlanta for 2005-06 and 2006-07. One-year percent change in parenthesis. *Two year change. ** For the 2006-07 school year, DeKalb was granted a flexibility agreement that permitted eligible students in Title I schools in the first year of school improvement to select SES in lieu of public school choice. Based on the agreement, 6,903 students were eligible under the flexibility agreement and 7,301 were eligible students in schools in the second year of school improvement.

The variability in trends across districts suggests a more complex picture. In addition to the higher proficiency targets and increase in the number of grades tested, the rules governing how NCLB is implemented have changed. Since 2003, the U.S. Department of Education has announced a series of policy changes to NCLB and approved other state initiated policy changes (Sunderman, 2006). These changes affect how states calculate AYP and the tests used to measure student achievement, and they have a direct impact on the number of schools identified for improvement. Since the number and kinds of changes that states have adopted are not uniform across states, increases or decreases in the number of schools identified for improvement and required to offer SES may have as much to do with changes in the rules governing NCLB as they do with changes in student achievement.

Participation: The GAO reported that nationally, participation in SES increased from 12% of eligible students in 2002-03 to 19% in 2004-05. This increase is attributed in part to the increase in the number of schools required to offer SES, which increased from an estimated 4,509 in 2002-03 to 6,584 in 2005-06 (Government Accountability Office, 2006). The number of students receiving services nationwide increased from 116,626 in 2002-03 to 430,044 in 2004-05, for an increase of 268.7% over three years (Figure 2). The GAO also reported that while there were approximately 1,000 districts required to

offer SES in 2004-05, 56% of eligible students attended school in 21 districts with enrollment over 100,000.

Figure 2: Number of students receiving SES nationwide, 2002-03 to 2004-05.



As with the national trends, the trend in the 11 districts shows, overall, increasing numbers of students receiving services over four years (Table 5). Nonetheless, there are some anomalies to a straight-line increase. For example, the number of students receiving services in Fresno, Chicago, and New York decreased in 2005-06 even though there were more eligible students than the previous year.

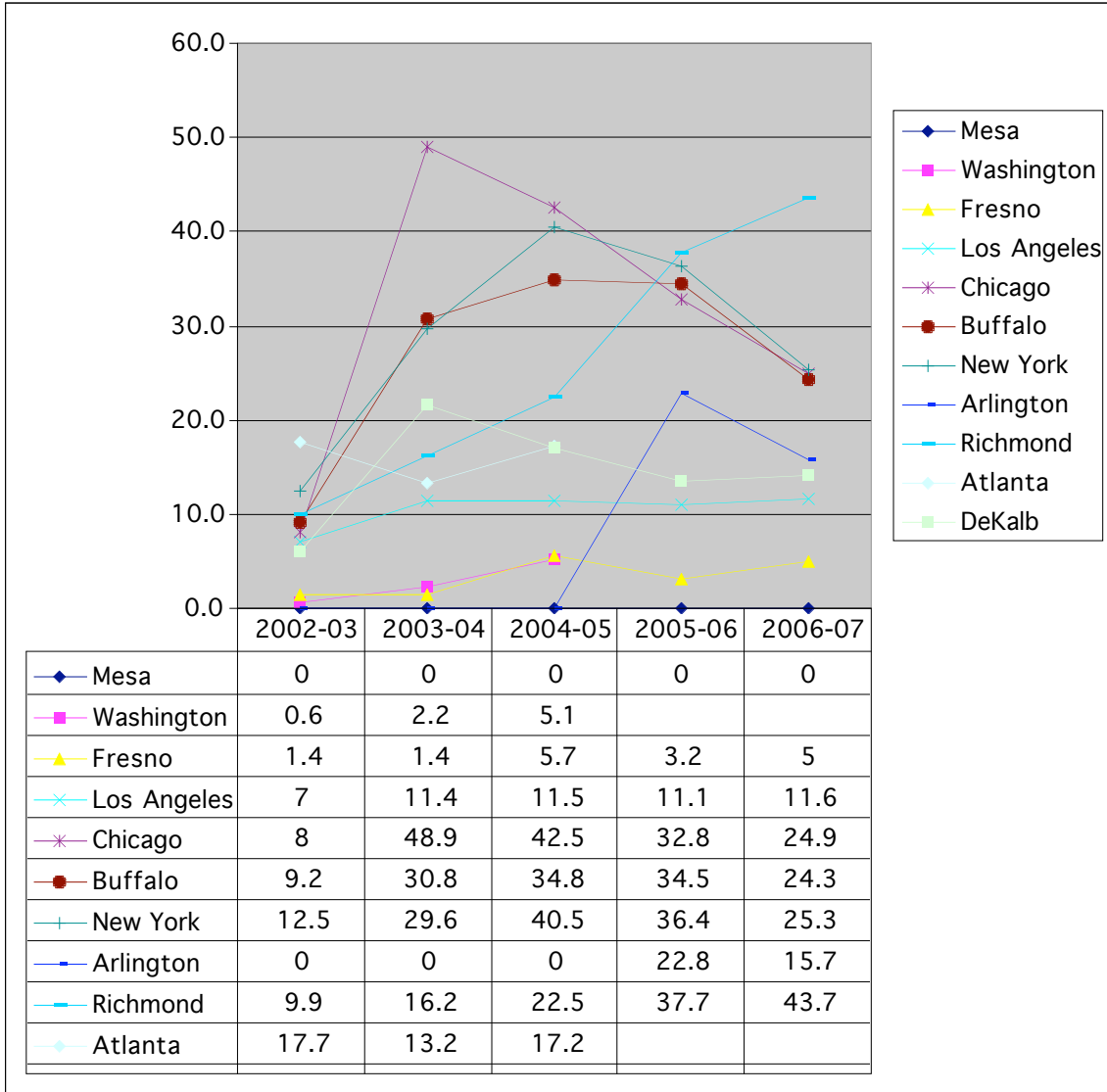
Table 5: Number of Students Receiving Supplemental Educational Services and Percent Change over Five Years, 2002-03 to 2006-07.

District	# Students Receiving SES 2002-03	# Students Receiving SES 2003-04	# Students Receiving SES 2004-05	# Students Receiving SES 2005-06	# Students Receiving SES 2006-07	% 5-Year Increase (decrease)
Mesa, AZ	2	0	0	0	0	(100)
Washington, AZ	20	60	90	N/A	N/A	--
Fresno, CA	36	119	809	674	1,305	3525.0
Los Angeles, CA	10,247	18,556	18,095	19,910	27,559	168.9
Chicago, IL	850	64,500	61,466	36,374	52,570	6084.7
Buffalo, NY	573	2,517	3,338	2,482	1,654	188.7
New York, NY	30,349	63,000	87,366	81,347	52,675	73.6
Arlington, VA	0	0	0	233	173	-25.8*
Richmond, VA	122	673	1,384	1,394	572	368.8
Atlanta, GA	2,380	2,027	715	N/A	N/A	--
DeKalb, GA	575	1,637	789	844	1,478	157.0

Source: District Officials. Data not received from Washington or Atlanta for 2005-06. *Two-year change.

A closer look at the *percentage* of eligible students requesting services shows a decline in demand for services, even though the absolute number of students who received services increased. Figure 3 shows trends in the percentage of eligible students requesting services. These trends suggest that the percentage of eligible students requesting services increased in 2003-04 and then either leveled off or decreased in subsequent years. In other words, the increase in students receiving services is most likely related to the increase in the number of eligible students, but not to an increase in the demand for services. The exception is Richmond where the percentage of eligible students requesting services shows a steady increase, which may be related to the overall decline in eligible students—the program is better able to accommodate a smaller pool of students.

Figure 3: Trends in the percentage of eligible students requesting services in 11 districts, 2002-03 to 2006-07.



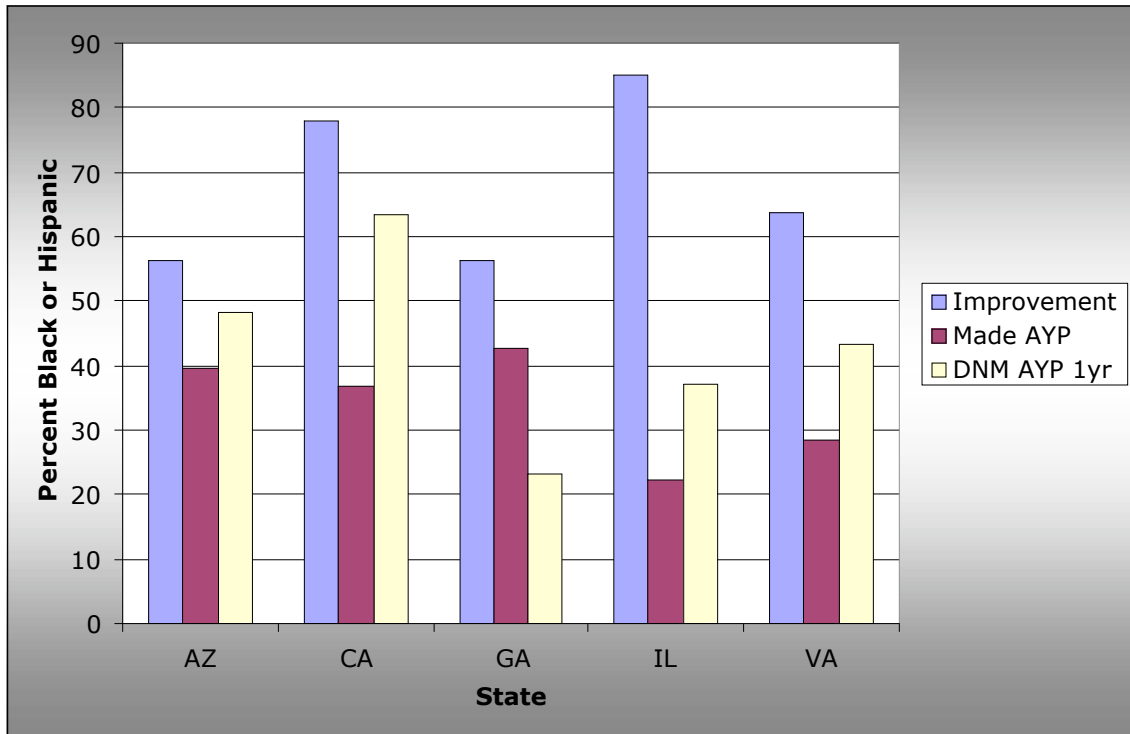
Equity Implications of NCLB Sanctions

What are the demographic characteristics of students in improvement schools?

Examining the demographic characteristics of students enrolled in schools identified for improvement is one way to determine which students are more likely to be subject to the law's sanctions, including SES. We found that improvement schools enroll substantially higher percentages of minority students than schools making adequate progress (Owens & Sunderman, 2006). Figure 4 compares select demographic characteristics of students in three categories of schools: schools making adequate progress, schools identified for improvement, and schools that did not make AYP for one year but are not yet in

improvement status. The comparison between this last type of school and improvement schools highlights differences between schools that have not made AYP for just one year versus those schools that have continual difficulties meeting the standards for AYP. Black and Hispanic students comprise a higher proportion of enrollment for schools identified as needing improvement than schools that made AYP in five of the six states (data was not available for New York). In California and Illinois, for instance, improvement schools serve a student body that is more than 75% to 85% black or Hispanic, while schools that made AYP serve a student body with less than 40% minority students in California and just over 20% in Illinois.

Figure 4. Percent black and Latino student enrollment in improvement schools, adequate progress schools, and schools not making AYP for 1 year in 5 states, 2004-2005



Conclusions/Recommendations

The success of the SES program will be determined as more information becomes available about how it is working and whether it is an option that parents find attractive. So far, there are few evaluations of the effectiveness of SES in improving student performance and no information on how parents view the program. Our data finds that the number of students eligible for SES has increased and that this increase is related to an increase in the number of schools identified for improvement and required to offer SES. However, the percentage of eligible students actually electing to receive services has not shown a corresponding increase, having leveled off or decreased after 2003-04. The low demand

for SES services has continued even though the Administration has exerted strong pressure on districts to expand the program.

Five years after NCLB mandated the SES program, there is very little evidence documenting its effectiveness. Even so, the program continues to receive substantial funding. Until there is better evidence of the effectiveness of these programs, SES should not be required and there should not be a mandated federal set-aside to fund the program. We recommend that the set-aside currently mandated for SES be used to support state school improvement efforts and the implementation of a school's improvement plan. In this way, schools can be encouraged to adopt evidence based school improvement strategies that can be carefully designed to meet identified educational needs.

If Congress decides, as it debates reauthorization of NCLB, to continue the SES program, we suggest requiring a federally mandated evaluation of the entire program that examines the quality of these programs, documents the instructional benefits of the various providers, and identifies the effectiveness of SES for improving student learning and other non-cognitive indicators, such as attendance, graduation rates, and progression through school. Under the current policy, states are primarily responsible for evaluating the quality and effectiveness of SES, but they have not been provided the resources to do so. It is unclear that, even with additional resources, states have the capacity to conduct rigorous evaluations and monitor the performance of SES providers. Clearly, providing rigorous research on SES is an appropriate role for the federal government.

Finally, we recommend that SES instructors be subject to the highly qualified teacher provisions that NCLB requires of all other public school teachers and that federal anti-discrimination laws apply to SES providers by specifically identifying them as recipients of federal funding.

APPENDIX

Data Sources:

Table 1 & 2: Data was collected each year from state education websites and is available from the author. State websites maintain current provider lists. For 2006-07 data:

Arizona: <http://www.ade.state.az.us/asd/Title1/SES/> retrieved 12-8-06.

California: <http://www.cde.ca.gov/ta/ac/ti/ap/sspsearch.asp> retrieved 12-8-06.

Georgia: http://public.doe.k12.ga.us/tss_title_parent.aspx?PageReq=TSSTitleSES retrieved 12-8-06. For all providers, personal communication with Heather Murray, 12-8-06.

Illinois: http://isbe.net/ses/html/service_providers.htm retrieved 12-8-06.

New York: <http://www.emsc.nysed.gov/nyc/SES/ApprovedProviders/SESlist.html> retrieved 12-8-06.

Virginia: <http://www.pen.k12.va.us/VDOE/nclb> retrieved 12-8-06.

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