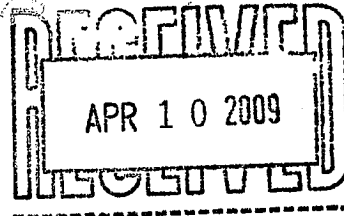




UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

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APR 8 2009



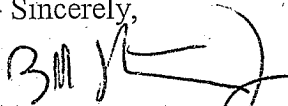
Dear Mr. Manasevit:

I am responding to your letter to Dr. Joseph Conaty, Delegated Authority to Perform the Functions and Duties of the Assistant Secretary for Elementary and Secondary Education, requesting clarification as to whether a State educational agency (SEA) may approve, under section 1116(e)(1) of the Elementary and Secondary Education Act, as amended, a supplemental educational services (SES) provider that offers services only during the summer. Specifically, you raised two questions related to this issue: First, may an SEA approve stand-alone SES summer programs? Second, may an SEA, as a matter of policy, require all SES to take place during the school year and not approve any summer SES programs?

As you know, the SEA has a number of responsibilities related to SES. These responsibilities include approving SES providers and maintaining a list of approved providers. As part of its responsibility to approve SES providers, an SEA has flexibility in developing its approval process and may establish program design parameters for providers, including parameters that relate to the timing of services. In accordance with J-2 of the Department's *Supplemental Educational Services Non-Regulatory Guidance* issued on January 14, 2009 (SES Guidance), those parameters may allow for the approval of a provider that offers SES only in the summer. However, if it so chooses, an SEA may establish parameters that limit SES only to the regular school year and that, consequently, prohibit a provider that offers SES only in the summer from gaining approval. An SEA should inform prospective SES providers about its program design parameters, including policies regarding the timing of services, and can include this information in its request for applications. Please see Questions B-3 through B-7 in the Department's SES Guidance for additional information about program design parameters.

I hope this information clarifies these issues for you. Please do not hesitate to contact the Department if you have any further questions regarding the SES requirements.

Sincerely,


Zollie Stevenson, Jr., Ph.D.
Director
Student Achievement and School
Accountability Programs

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