

New Jersey Department of Education  
Office of Student Achievement and Accountability

Supplemental Educational Services  
Compliance and Safety Investigation Report

*Please read pages 1-4 prior to submitting this communication document.*

New Jersey Supplemental Educational Services (SES) non-compliance or unsafe practice must be communicated to the New Jersey Department of Education for review. Alleged incidents of SES non-compliance or unsafe practice may be communicated on this NJ SES Compliance and Safety Investigation Report Form available to the public at: <http://www.nj.gov/education/title1/program/ss/>.

Concerns must include documentation of non-compliance with SES requirements listed in one of the reference documents below. When submitting concerns please place a checkmark in front of the reference document listed below and on the reverse side of this document clearly cite the alleged violation or non-compliance.

This document contains personally identifiable information and is considered confidential. During SES investigations, the identifying information and any unrelated comments are redacted and only the alleged violations are entered on the SES Concern/Response Form which is available to the public through the Open Public Records Act (OPRA).

Date: \_\_\_\_\_ Subject of complaint: \_\_\_\_\_

Address of agency that is the subject of complaint: \_\_\_\_\_

**Reference Documents that Include SES Requirements**

- ☐ Alleged Violations of **Federal Statute (NCLB)**,
- ☐ Alleged Violations of **Federal Non-Regulatory Guidance**,
- ☐ Alleged Violations of **New Jersey Assurances for SES Providers**,
- ☐ Alleged Violations of **New Jersey Adopted EIA Code of Ethics for SES Providers**,
- ☐ Alleged Violations of **State Implementation Policy**,
- ☐ Alleged Violations of **District Service Contract**,
- ☐ Alleged Violations of **District Implementation Policy**,
- ☐ Alleged Violations of **Federal, State or Local Laws**,
- ☐ Other Alleged Violations (Cite the reference document) \_\_\_\_\_

Complainant's Name: \_\_\_\_\_

Complainant's Agency or District: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

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Fax: (609) 633-6874

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## 2009 New Jersey Supplemental Educational Services

### NJ SES Compliance and Safety Investigation Reports: Confidentiality, Investigations and Findings

The delivery of student tutoring services, state compliance with the Supplemental Educational Services (SES) provisions of the federal No Child Left Behind Act of 2001 (NCLB) and district support for student achievement is the primary focus of the SES program.

The New Jersey Department of Education is bound by responsibilities listed in the SES provisions of the NCLB statute and non-regulatory guidance, specifically that of annually reporting to the public provider performance that impacts student achievement and revocation of a provider's state approval to deliver services. SES provider performance is communicated to the NJDOE via the Annual SES Provider Report, the Annual District Performance Report, Title I Monitoring Reports, and NJ SES Compliance/Safety Reports.

### **Disclaimer/Confidentiality Policy**

Confidentiality and the protection of communications during the investigation of NJ SES Compliance/Safety Reports are considered an integral component of the integrity of NJDOE work with SES providers. Supplemental Educational Services is a competitive free market system and, within reason, the department recognizes and protects the confidentiality of information, alleged or learned, concerning the company's business practices, representatives and its accounting and financial matters.

During the course of investigating any reported issues of concern or safety we attempt a frank exchange, and do therefore only communicate with the primary and/or secondary organizational contact listed on the SES provider application. This information is contained in the public SES Provider Profile and must be kept current by the provider.

The NJDOE does not conduct communication with providers' attorneys unless that individual is listed as the primary or secondary agency contact. If a provider would like their attorney to participate in due process communications one of the following options must be executed:

1. A provider can send a power of attorney letter, with original signatures, to the following address:  
New Jersey Department of Education  
Office of Student Achievement and Accountability  
Supplemental Educational Services  
P. O. Box 500  
Trenton, NJ 08625-0500
2. When a provider applies for approval or renewal as a New Jersey SES provider, it is possible to list the agency attorney as the secondary contact.

Unless the NJDOE receives an original signature power of attorney document or verification of the name of an agency secondary contact, we will honor confidentiality and limit all communication to the primary agency contact.

## NJ SES Compliance/Safety Reports

The SES Compliance and Safety Investigation Report Form allows concerned individuals to articulate comments through a uniform method of communication to the NJDOE SES staff. Alleged incidents of SES non-compliance may be entered on the NJ SES Compliance/Safety Report Form available at: <http://www.nj.gov/education/title1/program/ss/>. The SES Compliance/Safety Report Form is not intended to be released to the public as it may contain unsubstantiated allegations, personal contact information and other written comments that may be unrelated to the SES allegation.

When an investigation becomes necessary, alleged incidents of SES non-compliance are entered on a document referred to as an SES Concern/Response Form. Personally identifying information is redacted from the Compliance/Safety Report Form and only the alleged violations are entered on the SES Concern/Response Form. This form is used as the vehicle that drives discussion, investigation, a response from the accused, and ultimately, a resolution to any concerns during an SES investigative process. The SES Concern/Response Form is available to the public through the Open Public Records Act (OPRA) with identifying information redacted.

Via a meeting with the NJDOE, the SES Concern/Response Form is presented to the named agency for discussion and response. The named agency is expected to respond to the concerns listed on the SES Concern/Response Form within ten business days. After receipt, the NJDOE reviews the response within ten business days. On or before the tenth day, the NJDOE notifies the accused of its findings and makes any necessary changes to approval status on the Annual State Approved SES Provider List.

Findings may include:

- Revocation of state approval and removal from the Annual State Approved SES Provider List, with cause. (Substantiated student safety issues of a serious nature will result in immediate revocation of state approval.)
- Evidence of provider compliance with a detailed corrective action plan and probationary period in order to remain on the Annual State Approved SES Provider List. Implementation of the corrective action plan is monitored by the NJDOE.
- A probationary period of monitoring.
- Temporary suspension from the Annual State Approved SES Provider List. Suspension entails mandatory cessation of **recruitment and service delivery activities of an SES provider.**

Findings are considered when a provider applies for biennial renewal and the state is required to publically report the revocation of state approval of an SES Provider as well as performance that impacts student achievement.

Questions regarding the above process should be e-mailed to [ses@doe.state.nj.us](mailto:ses@doe.state.nj.us) or 609-943-4283.