

# No Child Left Behind

THE REAUTHORIZED ELEMENTARY AND SECONDARY EDUCATION ACT

## AFT on Supplemental Educational Services

### What NCLB Says

The No Child Left Behind Act (NCLB), the reauthorized Elementary and Secondary Education Act, requires school districts to make supplemental educational services (SES) available to students from low-income families who attend schools that—according to the law—have not made sufficient academic progress. To be eligible for supplemental services, students must attend schools that have not made what the law terms “adequate yearly progress” for at least three consecutive years. Districts must give priority to the lowest-achieving low-income students, and districts must use objective criteria in making these determinations. SES are opportunities provided outside the regular school day and may include tutoring, remediation, or other education interventions.

NCLB requires states to select and approve SES providers based on specific criteria, including a provider’s demonstrated record of effectiveness in increasing student achievement. Once a parent has selected a provider for his or her child, the district enters into a contract with the provider and must develop, in consultation with the parents and the provider, a plan for the student’s academic progress. Providers must regularly communicate with parents and teachers about the student’s progress.

### Where the AFT Stands

The AFT supports targeting resources to students who need the most assistance in reaching state standards. Academic assistance provided outside the regular school day must be grounded in research-based strategies and must be provided by personnel with appropriate qualifications.

The AFT is concerned that SES providers are not being held to the same standards required of public schools and public school teachers. NCLB regulations do not require providers to hire staff who meet the definition of a “highly qualified” teacher, as defined by the law, or even to be state-certified. SES providers are not required to use instructional strategies based on scientifically based research. Additionally, states don’t have the resources to adequately monitor and evaluate SES providers. (See our NCLB recommendations for more information on SES.)

Because the regulations do not require SES providers to serve students with disabilities or limited English skills, the AFT is concerned that providers will choose to serve the “easiest to educate” children, while those with the greatest needs will be left behind. Additionally, the U.S. Department of Education has prohibited many school districts from serving as providers.

Also troubling is that the Education Department has issued guidance stating that SES providers are not required to follow federal nondiscrimination laws. This is counterproductive. It is essential that all providers follow NCLB’s nondiscrimination requirements to ensure that everyone’s civil rights are protected.

For more information on the No Child Left Behind Act, visit our Web site at [www.aft.org/topics/nclb](http://www.aft.org/topics/nclb).



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