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Federal Government Allows California Districts Flexibility in Spending About $233 Million to Help Students

SACRAMENTO—State Superintendent of Public Instruction Tom Torlakson announced today that the federal government has granted California flexibility on rules regarding Supplemental Educational Services (SES) for the 2016–17 school year, the last year those rules would have been in effect.

SES funds are used to provide tutoring or other academic instruction outside the regular school day for academically deficient students at certain Title I schools, which have high numbers and high percentages of low-income students. Programs are often away from school grounds and require travel.

The decision, contained in a letter from the U.S. Department of Education last week, allows California school districts to have the flexibility to make their own decisions about how to spend an estimated $233 million in SES and transportation funds for public school choice. The estimate is based on the amount of funding allocated by California districts this year: $222 million for SES and $11 million for transportation.

Eight large California districts had already received flexibility on SES funds from the federal government.

"This decision is a big win for our most vulnerable students. It will improve learning and teaching by allowing districts to more easily set up tutoring and academic intervention programs that are more effective and more accessible," said Torlakson. "It recognizes that a one-size-fits-all approach doesn't work. Districts know best how to serve their own students."

Torlakson also said that the SES rules set up by the federal government under NCLB "tied the hands" of California and its districts and set up a system dominated by private providers that led to high per-pupil costs and little evidence of academic improvement. In the three school years, 2011–14, California spent about $507 million combined on SES.

Under the federal system, providers—certified by the California Department of Education—marketed their services to parents. Districts then had to contract with chosen providers.

The California Department of Education carries out its role in approving providers vigorously but has received numerous complaints from parents, educators, and provider employees alleging questionable marketing practices; failure to deliver services, and falsifying enrollment, attendance, and invoice documents. Investigating complaints and terminating providers often took months—and sometimes years.

The SES program is not contained in the new federal Every Student Succeeds Act (ESSA), which follows California's lead in emphasizing local decision-making and allowing accountability systems that look at multiple measures of success rather than relying so heavily on test scores.

But until this federal guidance, states that had not been granted waivers by the federal government had to adhere to the SES rules for the 2016–17 school year.

Torlakson thanked the U.S. Department of Education for providing this guidance and said he looks forward to working with the federal government on implementing ESSA. "We are very appreciative of the U.S. Department of Education's efforts to support some of California's most vulnerable students," he said.

The U.S. Department of Education is going to require California to have a one-year transition plan. Details are not yet known, but the plan will give districts flexibility as long as they spend the money to improve academic performance of academically deficient students in designated Title I schools.

With this new flexibility, districts can design their own tutoring or expanded learning programs on their own school sites, making them more accessible to more students. It will also allow teachers and administrators to participate, facilitate, and monitor the programs. .

California was just one of eight states that did not have flexibility in spending SES funds. Last year, California's request for flexibility was turned down by the U.S. Department of Education.

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