

Supplemental Educational Services Provider Application  
School Year 2008-2009 (Including Summer 2009)

**A Better Grade Tutoring, LLC**  
Name of Provider (as entered on page 1)

**Part XII: Provisions and Assurances**

By checking each assurance, the provider agrees to comply with the following in order to remain on the state-approved list of providers—

- A. The provider shall provide parents of children receiving supplemental educational services under P.L. 107-110, Section 1116(e) and the appropriate LEA with information on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that the parents can understand.
- B. The provider shall ensure that the instruction provided and the content used by the provider are consistent with the instruction provided and content used by the LEA and state (Texas Essential Knowledge and Skills—TEKS), and are aligned with state student academic achievement standards (Texas Assessment of Knowledge and Skills—TAKS).
- C. The provider shall meet all applicable federal, state, and local health, safety, and civil rights laws.
- D. The provider shall ensure that all instruction and content offered under P.L. 107-110, Section 1116(e) are secular, neutral, and non-ideological.
- E. The provider ensures compliance with the Family Educational Rights and Privacy Act (FERPA) of 1975, as amended (ensures access to educational records for students and parents while protecting the privacy of such records), and any regulations issued thereunder, including Privacy Rights of Parents and Students (34 CFR Part 99), if the contractor is an educational institution.
- F. The provider is financially sound.
- G. In the event of its selection by a parent as the supplemental educational service provider for a child, the provider shall enter into an agreement with the applicable LEA. This agreement shall—
  - be developed by the LEA in consultation with the parent and the provider chosen by the parent, and shall include the following:
    - a statement of specific achievement goals for the student;
    - a description of how the student's progress will be measured; and
    - a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's individualized education program (IEP) under section 614(d) of the Individuals with Disabilities Education Act and in the case of a student covered under Section 504, this must be consistent with the provision of an appropriate education under Section 504.
  - describe how the student's parents and the student's teacher or teachers will be regularly informed of the student's progress.
  - provide for the termination of such agreement if the provider is unable to meet the goals and timetables.
  - contain provisions with respect to the making of payments to the provider by the LEA.
  - prohibit the provider from disclosing to the public the identity of any student eligible for, or receiving, supplemental educational services under P.L. 107-110, Section 1116(e) without the written permission of the student's parents.
- H. The provider shall respond to LEA requests for information within ten business days in order to be considered as a viable provider for that district.
- I. The provider applying for approval as a supplemental educational services provider through this application is the provider that will deliver services to students. SES services to students may not be sub-contracted unless the sub-contractor is also a state-approved SES provider.
- J. The provider shall comply with all requests of the Texas Education Agency and the School Improvement Resource Center regarding provider information, monitoring, evaluation, and compliance processes and procedures.

**TEXAS EDUCATION AGENCY**  
Supplemental Educational Services Provider Application  
School Year 2008-2009 (Including Summer 2009)

**A Better Grade Tutoring, LLC**  
Name of Provider (as entered on page 1)

**Part XII: Provisions and Assurances** (continued)

- K. The provider shall amend the approved application within ten business days of a change in services as outlined within the application.
- L. The provider shall abide by the Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers, adapted from the Education Industry Association Code of Professional Conduct and Business Ethics for Supplemental Educational Services Providers, as outlined on the following page of the application, or the provider may be removed from the list of state-approved providers.
- M. The provider shall adhere to contracted services with LEAs. An LEA's termination of a provider for not adhering to contracted services may result in removal from the state approved list of providers.
- N. Online or distance learning providers shall provide access to tutoring sessions/lessons for monitoring purposes as requested by the Texas Education Agency.
- O. Providers will comply with the policies and procedures of the LEAs regarding criminal background checks for all individuals of the organization having contact with or who are in close proximity to children.
- P. Provider agrees to use the statewide EZSES Management System.