

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Attkisson offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Supplemental educational services in Title I
6 schools; school district and provider responsibilities.--

7 (1) INCENTIVES.--A provider or school district may not
8 provide incentives to entice a student or a student's parent to
9 choose a provider. After a provider has been chosen, the student
10 may be awarded incentives for performance or attendance, the
11 total value of which may not exceed \$50 per student per year.

12 (2) RESPONSIBILITIES OF SCHOOL DISTRICT AND PROVIDER.--

13 (a) School districts must create a one-stop parent
14 enrollment and provider selection process for supplemental
15 educational services and ensure that the process enables
16 eligible students to begin receiving supplemental educational
17 services no later than October 15 of each school year.

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18 (b) Supplemental educational services enrollment forms
19 must be made freely available to the parents of eligible
20 students and providers both prior to and after the start of the
21 school year.

22 (c) School districts must provide notification to parents
23 of students eligible to receive supplemental educational
24 services prior to and after the start of the school year.
25 Notification shall include contact information for, and a brief
26 description of, state-approved providers as well as the
27 enrollment form, clear instructions, and timeline for the
28 selection of providers and commencement of services.

29 (d) State-approved supplemental educational services
30 providers must be able to provide services to eligible students
31 no later than October 15 of each school year.

32 (e) In the event that the contract with a state-approved
33 provider is signed less than 20 days prior to October 15, the
34 provider shall be afforded no less than 20 days from the date
35 the contract was executed to begin delivering services.

36 (f) Each provider shall create a specific learning plan
37 for each student that shall be approved by the student's
38 parents. The development of this learning plan shall occur after
39 the tutoring program has begun and after the provider's
40 assessment of the student's academic needs.

41 (g) A school district must hold open student enrollment
42 for supplemental educational services unless or until it has
43 obtained a written election to receive or reject services from
44 parents in accordance with paragraph (3) (a).

45 (h) School districts, using the same policies applied to
46 other organizations that have access to school sites, shall

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47 provide access to school facilities to providers that wish to
48 use these sites for supplemental educational services.

49 (3) COMPLIANCE; PENALTIES FOR NONCOMPLIANCE.--

50 (a) Compliance is met when the school district has
51 obtained a written election to receive or reject services from
52 the parents of at least 80 percent of the students receiving
53 free or reduced-price lunch in Title I schools that are eligible
54 for parental choice of transportation or supplemental
55 educational services unless a waiver is granted by the State
56 Board of Education. Standard of compliance shall be known as the
57 Suwannee/Jefferson factor. A waiver shall only be granted if
58 there is clear and convincing evidence of the district's efforts
59 to secure parents' written election. Requirements for parental
60 election to receive supplemental educational services shall not
61 exceed the election requirements for the free and reduced-price
62 lunch program.

63 (b) A provider must be able to deliver supplemental
64 educational services to school districts in which the provider
65 is approved by the state. If a state-approved provider withdraws
66 from offering services to students in a school district in which
67 it is approved and in which it has signed either a contract to
68 provide services or a letter of intent and the minimums per site
69 set by the provider have been met, the school district must
70 report the provider to the department. The provider shall be
71 immediately removed from the state-approved list for the current
72 school year for that school district. Upon the second such
73 withdrawal in any school district, the provider shall be
74 ineligible to provide services in the state the following year.

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75 (4) REALLOCATION OF FUNDS.--If a school district has not
76 spent the required supplemental educational services set-aside
77 funding, the district may apply to the Department of Education
78 after January 1 for authorization to reallocate the funds. If
79 the Commissioner of Education does not approve the reallocation
80 of funds, the district may appeal to the State Board of
81 Education. The State Board of Education must consider the appeal
82 within 60 days of its receipt and the decision of the state
83 board shall be final.

84 (5) RULES.--The State Board of Education may adopt rules
85 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
86 implement the provisions of this section and may enforce the
87 provisions of this section pursuant to s. 1008.32, Florida
88 Statutes.

89 Section 2. The Department of Education shall establish a
90 committee of practitioners pursuant to federal requirements of
91 the No Child Left Behind Act of 2001. The committee members
92 shall be appointed by the Commissioner of Education and shall
93 annually report to the Governor, the President of Senate, and
94 the Speaker of the House of Representatives by January 1. The
95 committee shall meet regularly and is authorized to review
96 potential rules and policies that will be considered by the
97 State Board of Education.

98 Section 3. This act shall take effect July 1, 2006.

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100 ===== T I T L E A M E N D M E N T =====

101 Remove the entire title and insert:

102 A bill to be entitled

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103 An act relating to supplemental educational services;
104 providing requirements with respect to the awarding of
105 incentives; authorizing incentives for student performance
106 or attendance and establishing limits; establishing
107 responsibilities of school districts and supplemental
108 educational services providers; providing requirements for
109 school district and provider compliance; providing
110 penalties for noncompliance; authorizing application for
111 reallocation of funds and providing for appeal;
112 authorizing adoption of rules and providing for
113 enforcement; requiring the Department of Education to
114 establish a committee of practitioners; providing for
115 appointment and authority; providing an effective date.