

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.
.
.

Representative(s) Attkisson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

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

292765

4/27/2006 9:56:24 AM

Amendment No. (for drafter's use only)

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 state-
26 approved providers as well as the enrollment form, clear
27 instructions, and timeline for the selection of providers and
28 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 contingent upon
32 their receipt of their district-approved student enrollment
33 lists at least 20 days prior to the start date.

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

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

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

292765

4/27/2006 9:56:24 AM

Amendment No. (for drafter's use only)

47 (h) School districts, using the same policies applied to
48 other organizations that have access to school sites, shall
49 provide access to school facilities to providers that wish to
50 use these sites for supplemental educational services.

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

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

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

292765

4/27/2006 9:56:24 AM

Amendment No. (for drafter's use only)

75 withdrawal in any school district, the provider shall be
76 ineligible to provide services in the state the following year.

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

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

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

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

101
102 ===== T I T L E A M E N D M E N T =====

103 Remove the entire title and insert:
292765
4/27/2006 9:56:24 AM

Amendment No. (for drafter's use only)

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