

CHAMBER ACTION

1 The Education Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to supplemental educational services;
7 requiring the Department of Education to establish a
8 committee of practitioners; providing for appointments and
9 authority; authorizing incentives for student performance
10 or attendance and establishing limits; establishing
11 responsibilities of school districts and providers;
12 providing requirements for school district and provider
13 compliance; providing penalties for noncompliance;
14 authorizing application for reallocation of funds and
15 providing for appeal; authorizing adoption of rules and
16 providing for enforcement; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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

22 (1) COMMITTEE OF PRACTITIONERS.--The Department of
23 Education shall establish a committee of practitioners pursuant

HB 1373 CS

2006
CS

24 to federal requirements of the No Child Left Behind Act of 2001.
25 The committee members shall be appointed by the Commissioner of
26 Education and shall annually report to the Governor, the
27 President of Senate, and the Speaker of the House of
28 Representatives by January 1. The committee is authorized to
29 review potential rules that will be considered by the State
30 Board of Education.

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

36 (3) RESPONSIBILITIES OF SCHOOL DISTRICT AND PROVIDER.--

37 (a) School districts must establish processes for eligible
38 students to begin receiving supplemental educational services no
39 later than October 15 of each school year.

40 (b) State-approved supplemental educational services
41 providers must be able to provide services to eligible students
42 no later than October 15 of each school year.

43 (c) School districts, using the same policies applied to
44 other organizations that have access to school sites, shall
45 provide access to school facilities to providers that wish to
46 use these sites for supplemental educational services.

47 (4) COMPLIANCE; PENALTIES FOR NONCOMPLIANCE.--

48 (a) Compliance is met when the school district has
49 obtained a written election to receive or reject services from
50 the parents of at least 80 percent of the students receiving
51 free or reduced-price lunch in Title I schools that are eligible

HB 1373 CS

2006
CS

52 for parental choice of transportation or supplemental
53 educational services unless a waiver is granted by the State
54 Board of Education. A waiver shall only be granted if there is
55 clear and convincing evidence of the district's efforts to
56 secure parents' written election. Requirements for parental
57 election to receive supplemental educational services shall not
58 exceed the election requirements for the free and reduced-price
59 lunch program.

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

72 (5) REALLOCATION OF FUNDS.--If a school district has not
73 spent the required supplemental educational services set-aside
74 funding, the district may apply to the Department of Education
75 after January 1 for authorization to reallocate the funds. If
76 the Commissioner of Education does not approve the reallocation
77 of funds, the district may appeal to the State Board of
78 Education. The State Board of Education must consider the appeal

HB 1373 CS

2006
CS

79 | within 60 days of its receipt and the decision of the state
80 | board shall be final.

81 | (6) RULES.--The State Board of Education may adopt rules
82 | pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
83 | implement the provisions of this section and may enforce the
84 | provisions of this section pursuant to s. 1008.32, Florida
85 | Statutes.

86 | Section 2. This act shall take effect July 1, 2006.