

1 A bill to be entitled
 2 An act relating to supplemental educational services;
 3 providing requirements with respect to the awarding of
 4 incentives; authorizing incentives for student performance
 5 or attendance and establishing limits; establishing
 6 responsibilities of school districts and supplemental
 7 educational services providers; providing requirements for
 8 school district and provider compliance; providing
 9 penalties for noncompliance; authorizing application for
 10 reallocation of funds and providing for appeal;
 11 authorizing adoption of rules and providing for
 12 enforcement; requiring the Department of Education to
 13 establish a committee of practitioners; providing for
 14 appointment and authority; providing an effective date.

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

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

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

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

26 (a) School districts must create a streamlined parent
 27 enrollment and provider selection process for supplemental

28 educational services and ensure that the process enables
29 eligible students to begin receiving supplemental educational
30 services no later than October 15 of each school year.

31 (b) Supplemental educational services enrollment forms
32 must be made freely available to the parents of eligible
33 students and providers both prior to and after the start of the
34 school year.

35 (c) School districts must provide notification to parents
36 of students eligible to receive supplemental educational
37 services prior to and after the start of the school year.
38 Notification shall include contact information for state-
39 approved providers as well as the enrollment form, clear
40 instructions, and timeline for the selection of providers and
41 commencement of services.

42 (d) State-approved supplemental educational services
43 providers must be able to provide services to eligible students
44 no later than October 15 of each school year contingent upon
45 their receipt of their district-approved student enrollment
46 lists at least 20 days prior to the start date.

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

51 (f) Each provider shall create a specific learning plan
52 for each student that shall be approved by the student's
53 parents. The development of this learning plan shall occur after

54 the tutoring program has begun and after the provider's
55 assessment of the student's academic needs.

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

60 (h) School districts, using the same policies applied to
61 other organizations that have access to school sites, shall
62 provide access to school facilities to providers that wish to
63 use these sites for supplemental educational services.

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

65 (a) Compliance is met when the school district has
66 obtained a written election to receive or reject services from
67 the parents of at least 80 percent of the students receiving
68 free or reduced-price lunch in Title I schools that are eligible
69 for parental choice of transportation or supplemental
70 educational services unless a waiver is granted by the State
71 Board of Education. Standard of compliance shall be known as the
72 Suwannee/Jefferson factor. A waiver shall only be granted if
73 there is clear and convincing evidence of the district's efforts
74 to secure parents' written election. Requirements for parental
75 election to receive supplemental educational services shall not
76 exceed the election requirements for the free and reduced-price
77 lunch program.

78 (b) A provider must be able to deliver supplemental
79 educational services to school districts in which the provider
80 is approved by the state. If a state-approved provider withdraws

81 from offering services to students in a school district in which
82 it is approved and in which it has signed either a contract to
83 provide services or a letter of intent and the minimums per site
84 set by the provider have been met, the school district must
85 report the provider to the department. The provider shall be
86 immediately removed from the state-approved list for the current
87 school year for that school district. Upon the second such
88 withdrawal in any school district, the provider shall be
89 ineligible to provide services in the state the following year.

90 (4) REALLOCATION OF FUNDS.--If a school district has not
91 spent the required supplemental educational services set-aside
92 funding, the district may apply to the Department of Education
93 after January 1 for authorization to reallocate the funds. If
94 the Commissioner of Education does not approve the reallocation
95 of funds, the district may appeal to the State Board of
96 Education. The State Board of Education must consider the appeal
97 within 60 days of its receipt and the decision of the state
98 board shall be final.

99 (5) RULES.--The State Board of Education may adopt rules
100 pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to
101 implement the provisions of this section and may enforce the
102 provisions of this section pursuant to s. 1008.32, Florida
103 Statutes.

104 Section 2. The Department of Education shall establish a
105 committee of practitioners pursuant to federal requirements of
106 the No Child Left Behind Act of 2001. The committee members
107 shall be appointed by the Commissioner of Education and shall

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108 | annually report to the Governor, the President of Senate, and
109 | the Speaker of the House of Representatives by January 1. The
110 | committee shall meet regularly and is authorized to review
111 | potential rules and policies that will be considered by the
112 | State Board of Education.

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