

Bill No. SB 2616

Barcode 510272

CHAMBER ACTION

Senate

House

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The Committee on Education (Wise) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Supplemental educational services in Title I schools; student access and provider accountability.--

(1) As used in this section:

(a) "Eligible student" means a student from a low-income family, as evidenced by eligibility for free or reduced price lunch, and who attends a Title I school in the school's second year of school improvement, corrective action, or restructuring, as defined by the No Child Left Behind Act.

(b) "Parent" means the person or persons legally responsible for the guardianship of the student, including a legal guardian.

(c) "Supplemental educational service providers" or "SES providers" are faith-based organizations, for-profit and nonprofit businesses, local educational agencies, schools,

1 institutes of higher education, community groups, and regional
 2 educational service agencies approved by the Department of
 3 Education to provide additional academic instruction designed
 4 to increase the academic achievement of eligible Title I
 5 students.

6 (d) "Supplemental educational services" or "SES" means
 7 additional academic instruction provided outside the regular
 8 school day that is designed to increase the academic
 9 achievement of low-income students, as defined by eligibility
 10 for free or reduced-price meals, who attend qualifying schools
 11 as defined by the No Child Left Behind Act.

12 (e) "Title I" is the Elementary and Secondary
 13 Education Act of 1965 program that focuses on improving the
 14 academic achievement of disadvantaged students by ensuring
 15 that all students have a fair, equal, and significant
 16 opportunity to obtain a high-quality education and reach, at a
 17 minimum, proficiency on challenging state academic standards
 18 and assessments.

19 (2) The Department of Education is responsible to:

20 (a) Annually make available to the public a list of
 21 all approved SES providers in the state no later than June 1.

22 (b) Notify each school district of the approved SES
 23 providers for their students located in their district. If
 24 there are no state-approved SES providers available for a
 25 school district, the department shall contact the district and
 26 offer assistance.

27 (3) At a minimum, a school district must do the
 28 following:

29 (a) After the department releases the school-adequate
 30 yearly progress designations, the school district must create
 31 a streamlined, one-step school choice or SES parent

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1 registration and SES provider selection procedures. The
2 procedures must be user friendly, with one point of contact at
3 the school district level. The school district application
4 process for parents selecting school choice with
5 transportation or SES must not be burdensome and must be
6 similar to other school-based application procedures, such as
7 the procedures used to apply for free or reduced price lunch.

8 (b) No later than 10 days after the official state
9 release of adequate yearly progress designations, each school
10 district must:

11 1. Provide notification to the parents of all
12 potentially eligible students. The notice must:

13 a. Be publicly available, be provided in an
14 understandable and uniform format, and, to the extent
15 practicable, in a language the parents can understand.

16 b. Include a statement that the child may be eligible
17 to receive school choice, with transportation provided, to
18 another public school that has not been identified for school
19 improvement or the student may be eligible for supplemental
20 educational tutoring services, provided that the demand for
21 services does not exceed capacity to provide the services and
22 the student meets all eligibility requirements.

23 c. Provide a minimum of 30 days from the date of
24 notification for parents to notify the school district
25 regarding their selection of school choice with transportation
26 or SES.

27 d. Describe the procedures created in subsection (a),
28 any student eligibility requirements that must still be met,
29 parental expectations and rights, the timeline of the process,
30 and the school district contact phone number, e-mail address,
31 and office address.

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1 e. Include the statement that, "Your child may be
 2 eligible to receive one of these additional education services
 3 from the school district. These programs will not cost you
 4 additional money and may greatly benefit your child. Your
 5 prompt reply will enable us to serve you better."

6 2. Provide notice to SES providers requesting their
 7 notice of intent to provide SES services within the school
 8 district as a state-approved provider of SES.

9 (c) Within 20 days after the release of the adequate
 10 yearly progress designations, the SES provider must sign a
 11 letter of intent with each school district in which they
 12 intend to provide services. The letter of intent must specify
 13 the minimum and maximum number of students the SES provider
 14 agrees to serve at each school building or other site. The
 15 minimum and maximum number of students they agree to serve
 16 must be the same as that used to secure state approval. If
 17 there are no SES providers willing to serve a district, the
 18 district shall contact the department for assistance.

19 (d) The school district shall, within 15 days before
 20 the start of the school year, ask parents of potentially
 21 eligible students who have not requested services whether they
 22 need assistance in selecting school choice with transportation
 23 or SES. Such assistance shall be unbiased.

24 (e) The school district shall, within 30 days before
 25 the start of the school year, provide to all parents of
 26 potentially eligible students who have not selected school
 27 choice with transportation a list of contact information for,
 28 and a brief description of all the services provided by
 29 locally available state-approved SES providers, as well as the
 30 timeline for the selection of, enrollment in, and commencement
 31 of services. Such assistance must be unbiased and not provide

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1 an advantage for one SES provider over another, including the
2 school district if the school district is an approved SES
3 provider.

4 (f) The school district shall provide a central point
5 of contact for additional assistance, if such assistance is
6 requested. The school district must ensure that the
7 assistance is unbiased and does not provide advantage for one
8 SES provider over another.

9 (g) At least 15 days before the start of the school
10 year, if a parent selected school choice with transportation,
11 the parent must be notified of their student's selection or
12 non-selection by the school district to receive this service,
13 including that the student may still be eligible to receive
14 SES if the student does not receive school choice with
15 transportation.

16 (h) On or around the first day of school, each school
17 district must send home with potentially eligible students
18 information reminding parents of their opportunity to enroll
19 their children in supplemental educational services.

20 (i) No later than 15 days after the start of school,
21 the parent shall communicate their preferences of SES
22 providers to the school district. The school district must
23 have also already obtained permission from the parents to
24 release assessment data to the SES provider.

25 (j) No later than 25 days after the start of school,
26 if the number of parents that select a SES provider's program
27 is below the district minimum number of students per site as
28 indicated in their state-approved application and letter of
29 intent, the school district shall notify the SES provider of
30 this in writing and the provider has 5 business days to
31 respond as to whether or not they will provide services. If

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1 the SES provider does not respond or if the SES provider
2 withdraws, all students who selected this SES provider shall
3 be automatically placed with the alternate choices selected by
4 their parents and the parents will be so informed. The
5 department will be notified of this action taken by the school
6 district.

7 (k) No later than 35 days after the school start date,
8 the contract for services between the school district and the
9 SES provider must be signed and the school district must
10 provide the provider with the names of the students who have
11 elected to receive their services. SES providers shall be
12 afforded at least 15 business days from the date the contract
13 is executed to start delivering services.

14 (l) No later than 60 days after the start of school,
15 the student must begin receiving services.

16 (m) If the number of students signed up to receive
17 services 60 days after the start of school is less than the
18 number eligible, the district must offer at least a second
19 enrollment period to the parents of all potentially eligible
20 and unserved students in the same manner as prescribed above.
21 This second notification shall include a list of the approved
22 service providers for the school district. A district shall
23 notify all parents of eligible students, even if they failed
24 to respond to the initial notifications.

25 (n) This section does not preclude students who are
26 new to the district or school from receiving SES services.

27 (o) If a student receiving SES services moves to
28 another school within the district, the services may continue
29 at the discretion of the parent.

30 (p) If a district is appealing its AYP designation, it
31 must still prepare to contract with providers in the event the

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1 appeal is denied.

2 (q) If funding required to provide services to every
3 eligible student who has enrolled to participate exceeds 20
4 percent of Title I funds that must be allocated toward such
5 services, districts may prioritize students according to
6 federal guidelines. However:

7 1. A school district may not prioritize students
8 before demonstrating that the cost of providing SES services
9 exceeds the 20 percent obligated for services based on actual
10 demand; and

11 2. Prioritization may not result in less than 20
12 percent of Title I funding to be spent on supplemental
13 educational services.

14 (r) Districts must provide access to school facilities
15 to SES providers who wish to use these sites for supplemental
16 educational services on the same basis and terms as other
17 organizations that seek access to the school building.

18 (s) Each SES provider must begin providing services no
19 later than 60 days after the start of school.

20 (t) Each SES provider shall create a specific
21 statement of achievement goals for each student, which must be
22 developed in consultation with the student's parent. The
23 development of these goals may not occur before to the
24 provider assessing the student's academic needs and/or gaps.

25 (u) The statement of goals the provider prepares for
26 each student must include:

27 1. An analysis of student's skill gaps identified
28 through provider's pre-assessment instrument, if available;

29 2. A timetable for improving the student's
30 achievement; and

31 3. A description of how each student's progress will

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1 be measured and how each student's parent and public school
2 instructors will be regularly informed of that progress.

3 (3) Providers or school districts may not provide
4 incentives to entice student or a student's parent or guardian
5 to choose them as a provider. After a provider has been
6 chosen, the student may be awarded for performance or
7 attendance with incentives, the total value of which may not
8 exceed \$50.

9 (4) Penalties for noncompliance.--

10 (a) If a school district has met all demand from
11 parents and students for school choice related transportation
12 and supplemental education services as defined by the State
13 Board of Education, any unused portion of Title I funds
14 reserved may be reallocated to other purposes either during
15 the year in which the reservation was made or, subject to the
16 15-percent limit, in the following year, subject to the
17 equitable participation requirements of Title I. If there are
18 no state-approved SES providers willing to serve in a
19 district, and the district notified the department, the
20 department shall release that portion of the 20-percent
21 set-aside that has not been used for choice with
22 transportation or supplemental educational services.

23 (b) A SES provider must be prepared to deliver
24 services to districts in which the SES provider is approved by
25 the state. If a state-approved SES provider withdraws from
26 offering services to students in a school district for which
27 it is approved and in which they have signed a letter of
28 intent or a contract to provide services, the school district
29 must report the SES provider to the department and the SES
30 provider will be immediately removed from the state-approved
31 list for the current school year for that school district.

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1 Upon a second offense occurring in any school district, the
2 provider is ineligible to provide SES services in the state
3 for the following year.

4 (5) The State Board of Education may adopt rules
5 pursuant to ss. 120.536(1) and 120.54 to implement the
6 provisions of this section and may enforce the provisions of
7 this section pursuant to s. 1008.32.

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

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

12 And the title is amended as follows:

13 Delete everything before the enacting clause

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15 and insert:

16 A bill to be entitled
17 An act relating to supplemental educational
18 services; providing for student access to and
19 provider accountability for supplemental
20 educational services in Title I schools;
21 providing definitions; providing
22 responsibilities of the Department of
23 Education, local educational agencies,
24 providers of supplemental educational services,
25 and parents to provide additional academic
26 instruction designed to increase the academic
27 achievement of eligible students; providing
28 criteria that must be met by a provider
29 approved by the department; providing for
30 department monitoring and evaluation of
31 provider performance; providing a complaint

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1 process for determination of provider and local
2 educational agency compliance with law;
3 providing an effective date.
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