



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

4           **(c) "Supplemental educational service providers" or**  
5 **"SES providers" are faith-based organizations, for-profit and**  
6 **nonprofit businesses, local educational agencies, schools,**  
7 **institutes of higher education, community groups, and regional**  
8 **educational service agencies approved by the Department of**  
9 **Education to provide additional academic instruction designed**  
10 **to increase the academic achievement of eligible Title I**  
11 **students.**

12           **(d) "Supplemental educational services" or "SES" means**  
13 **additional academic instruction provided outside the regular**  
14 **school day that is designed to increase the academic**  
15 **achievement of low-income students, as defined by eligibility**  
16 **for free or reduced-price meals, who attend qualifying schools**  
17 **as defined by the No Child Left Behind Act.**

18           **(e) "Title I" is the Elementary and Secondary**  
19 **Education Act of 1965 program that focuses on improving the**  
20 **academic achievement of disadvantaged students by ensuring**  
21 **that all students have a fair, equal, and significant**  
22 **opportunity to obtain a high-quality education and reach, at a**  
23 **minimum, proficiency on challenging state academic standards**  
24 **and assessments.**

25           **(2) The Department of Education is responsible to:**

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

28           **(b) Notify each school district of the approved SES**  
29 **providers for their students located in their district. If**  
30 **there are no state-approved SES providers available for a**  
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1 school district, the department shall contact the district and  
2 offer assistance.

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

5 (a) After the department releases the school-adequate  
6 yearly progress designations, the school district must create  
7 a streamlined, one-step school choice or SES parent  
8 registration and SES provider selection procedures. The  
9 procedures must be user friendly, with one point of contact at  
10 the school district level. The school district application  
11 process for parents selecting school choice with  
12 transportation or SES must not be burdensome and must be  
13 similar to other school-based application procedures, such as  
14 the procedures used to apply for free or reduced price lunch.

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

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

20 a. Be publicly available, be provided in an  
21 understandable and uniform format, and, to the extent  
22 practicable, in a language the parents can understand.

23 b. Include a statement that the child may be eligible  
24 to receive school choice, with transportation provided, to  
25 another public school that has not been identified for school  
26 improvement or the student may be eligible for supplemental  
27 educational tutoring services, provided that the demand for  
28 services does not exceed capacity to provide the services and  
29 the student meets all eligibility requirements.

30 c. Provide a minimum of 30 days from the date of  
31 notification for parents to notify the school district

1 regarding their selection of school choice with transportation  
2 or SES.

3 d. Describe the procedures created in paragraph (a),  
4 any student eligibility requirements that must still be met,  
5 parental expectations and rights, the timeline of the process,  
6 and the school district contact phone number, e-mail address,  
7 and office address.

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

13 2. Provide notice to SES providers requesting their  
14 notice of intent to provide SES services within the school  
15 district as a state-approved provider of SES.

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

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

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1       (e) The school district shall, within 30 days before  
2 the start of the school year, provide to all parents of  
3 potentially eligible students who have not selected school  
4 choice with transportation a list of contact information for,  
5 and a brief description of all the services provided by  
6 locally available state-approved SES providers, as well as the  
7 timeline for the selection of, enrollment in, and commencement  
8 of services. Such assistance must be unbiased and not provide  
9 an advantage for one SES provider over another, including the  
10 school district if the school district is an approved SES  
11 provider.

12       (f) The school district shall provide a central point  
13 of contact for additional assistance, if such assistance is  
14 requested. The school district must ensure that the  
15 assistance is unbiased and does not provide advantage for one  
16 SES provider over another.

17       (g) At least 15 days before the start of the school  
18 year, if a parent selected school choice with transportation,  
19 the parent must be notified of their student's selection or  
20 non-selection by the school district to receive this service,  
21 including that the student may still be eligible to receive  
22 SES if the student does not receive school choice with  
23 transportation.

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

28       (i) No later than 15 days after the start of school,  
29 the parent shall communicate their preferences of SES  
30 providers to the school district. The school district must  
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1 have also already obtained permission from the parents to  
2 release assessment data to the SES provider.

3 (j) No later than 25 days after the start of school,  
4 if the number of parents that select a SES provider's program  
5 is below the district minimum number of students per site as  
6 indicated in their state-approved application and letter of  
7 intent, the school district shall notify the SES provider of  
8 this in writing and the provider has 5 business days to  
9 respond as to whether or not they will provide services. If  
10 the SES provider does not respond or if the SES provider  
11 withdraws, all students who selected this SES provider shall  
12 be automatically placed with the alternate choices selected by  
13 their parents and the parents will be so informed. The  
14 department will be notified of this action taken by the school  
15 district.

16 (k) No later than 35 days after the school start date,  
17 the contract for services between the school district and the  
18 SES provider must be signed and the school district must  
19 provide the provider with the names of the students who have  
20 elected to receive their services. SES providers shall be  
21 afforded at least 15 business days from the date the contract  
22 is executed to start delivering services.

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

25 (m) If the number of students signed up to receive  
26 services 60 days after the start of school is less than the  
27 number eligible, the district must offer at least a second  
28 enrollment period to the parents of all potentially eligible  
29 and unserved students in the same manner as prescribed above.  
30 This second notification shall include a list of the approved  
31 service providers for the school district. A district shall

1 notify all parents of eligible students, even if they failed  
2 to respond to the initial notifications.

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

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

8 (p) If a district is appealing its AYP designation, it  
9 must still prepare to contract with providers in the event the  
10 appeal is denied.

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

16 1. A school district may not prioritize students  
17 before demonstrating that the cost of providing SES services  
18 exceeds the 20 percent obligated for services based on actual  
19 demand; and

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

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

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

29 (t) Each SES provider shall create a specific  
30 statement of achievement goals for each student, which must be  
31 developed in consultation with the student's parent. The

1 development of these goals may not occur before the provider  
2 assesses the student's academic needs or gaps.

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

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

7 2. A timetable for improving the student's  
8 achievement; and

9 3. A description of how each student's progress will  
10 be measured and how each student's parent and public school  
11 instructors will be regularly informed of that progress.

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

18 (4) Penalties for noncompliance.--

19 (a) If a school district has met all demand from  
20 parents and students for transportation and supplemental  
21 education services related to school choice as defined by the  
22 State Board of Education, any unused portion of Title I funds  
23 reserved may be reallocated to other purposes either during  
24 the year in which the reservation was made or, subject to the  
25 15-percent limit, in the following year, subject to the  
26 equitable participation requirements of Title I. If there are  
27 no state-approved SES providers willing to serve in a  
28 district, and the district notified the department, the  
29 department shall release that portion of the 20-percent  
30 set-aside that has not been used for choice with  
31 transportation or supplemental educational services.



1           (b) A SES provider must be prepared to deliver  
2 services to districts in which the SES provider is approved by  
3 the state. If a state-approved SES provider withdraws from  
4 offering services to students in a school district for which  
5 it is approved and in which they have signed a letter of  
6 intent or a contract to provide services, the school district  
7 must report the SES provider to the department and the SES  
8 provider will be immediately removed from the state-approved  
9 list for the current school year for that school district.  
10 Upon a second offense occurring in any school district, the  
11 provider is ineligible to provide SES services in the state  
12 for the following year.

13           (5) The State Board of Education may adopt rules  
14 pursuant to ss. 120.536(1) and 120.54 to implement the  
15 provisions of this section and may enforce the provisions of  
16 this section pursuant to s. 1008.32.

17           Section 2. This act shall take effect July 1, 2006.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   Senate Bill 2616  
4                   The committee substitute revises the responsibilities of the  
5                   Department of Education, school districts, and providers of  
6                   supplemental educational services. The bill:  
7                   -Revises the timelines for the delivery of services;  
8                   -Eliminates the complaint resolution process;  
9                   -Eliminates the requirement that unobligated funds may only be  
10                  spent if 50 percent of demand is met;  
11                  -Eliminates the requirement for parents of eligible students  
12                  to decline services;  
13                  -Requires school districts to meet all demand for supplemental  
14                  educational services before unobligated funds are spent;  
15                  -Allows the Department of Education to release unused funds if  
16                  there are no state-approved providers willing to serve a  
17                  district;  
18                  -Eliminates certain requirements for provider agreements;  
19                  -Eliminates the Department of Education's specific authority  
20                  to remove a provider from the approved list if requirements are  
21                  not met, to annually evaluate a provider, and to directly  
22                  contract with a provider; and  
23                  -Eliminates the criteria for the selection of providers.  
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