

Bill No. CS for CS for SB 772

Barcode 952386

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Floor: WD/2R
05/03/2006 06:35 PM

11 Senator Wise moved the following amendment:

13 **Senate Amendment (with title amendment)**

14 On page 18, bewteen lines 9 and 10,

16 insert:

17 Section 8. Supplemental educational services in Title
18 I schools; school district and provider responsibilities.--

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

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

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

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1 (b) Supplemental educational services enrollment forms
 2 must be made freely available to the parents of eligible
 3 students and providers both prior to and after the start of
 4 the school year.

5 (c) School districts must provide notification to
 6 parents of students eligible to receive supplemental
 7 educational services prior to and after the start of the
 8 school year. Notification shall include contact information
 9 for state-approved providers as well as the enrollment form,
 10 clear instructions, and timeline for the selection of
 11 providers and commencement of services.

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

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

23 (f) Each provider shall create a specific learning
 24 plan for each student that shall be approved by the student's
 25 parents. The development of this learning plan shall occur
 26 after the tutoring program has begun and after the provider's
 27 assessment of the student's academic needs.

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

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1 (h) School districts, using the same policies applied
 2 to other organizations that have access to school sites, shall
 3 provide access to school facilities to providers that wish to
 4 use these sites for supplemental educational services.

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

6 (a) Compliance is met when the school district has
 7 obtained a written election to receive or reject services from
 8 the parents of at least 80 percent of the students receiving
 9 free or reduced-price lunch in Title I schools that are
 10 eligible for parental choice of transportation or supplemental
 11 educational services unless a waiver is granted by the State
 12 Board of Education. Standard of compliance shall be known as
 13 the Suwannee/Jefferson factor. A waiver shall only be granted
 14 if there is clear and convincing evidence of the district's
 15 efforts to secure parents' written election. Requirements for
 16 parental election to receive supplemental educational services
 17 shall not exceed the election requirements for the free and
 18 reduced-price lunch program.

19 (b) A provider must be able to deliver supplemental
 20 educational services to school districts in which the provider
 21 is approved by the state. If a state-approved provider
 22 withdraws from offering services to students in a school
 23 district in which it is approved and in which it has signed
 24 either a contract to provide services or a letter of intent
 25 and the minimums per site set by the provider have been met,
 26 the school district must report the provider to the
 27 department. The provider shall be immediately removed from the
 28 state-approved list for the current school year for that
 29 school district. Upon the second such withdrawal in any school
 30 district, the provider shall be ineligible to provide services
 31 in the state the following year.

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1 (4) REALLOCATION OF FUNDS.--If a school district has
2 not spent the required supplemental educational services
3 set-aside funding, the district may apply to the Department of
4 Education after January 1 for authorization to reallocate the
5 funds. If the Commissioner of Education does not approve the
6 reallocation of funds, the district may appeal to the State
7 Board of Education. The State Board of Education must consider
8 the appeal within 60 days of its receipt and the decision of
9 the state board shall be final.

10 (5) RULES.--The State Board of Education may adopt
11 rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes,
12 to implement the provisions of this section and may enforce
13 the provisions of this section pursuant to s. 1008.32, Florida
14 Statutes. Section 2. The Department of Education shall
15 establish a committee of practitioners pursuant to federal
16 requirements of the No Child Left Behind Act of 2001. The
17 committee members shall be appointed by the Commissioner of
18 Education and shall annually report to the Governor, the
19 President of Senate, and the Speaker of the House of
20 Representatives by January 1. The committee shall meet
21 regularly and is authorized to review potential rules and
22 policies that will be considered by the State Board of
23 Education.

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

27 And the title is amended as follows:

28 On page 2, line 18, after the semicolon

30 insert:

31 providing requirements with respect to the

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

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