

By the Committee on Education Pre-K - 12; and Senator Diaz de la Portilla

581-05399-08

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1 A bill to be entitled

2 An act relating to supplemental educational services;  
3 amending s. 1008.331, F.S.; requiring the Department of  
4 Education to annually evaluate and grade supplemental  
5 educational services providers; specifying evaluation  
6 criteria; providing reporting requirements; providing an  
7 effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Section 1008.331, Florida Statutes, is amended  
12 to read:

13 1008.331 Supplemental educational services in Title I  
14 schools; school district, ~~and provider,~~ and department  
15 responsibilities.--

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

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

22 (a) School districts must create a streamlined parent  
23 enrollment and provider selection process for supplemental  
24 educational services and ensure that the process enables eligible  
25 students to begin receiving supplemental educational services no  
26 later than October 15 of each school year.

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

581-05399-08

20081414c1

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

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

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

45 (f) A school district must hold open student enrollment for  
46 supplemental educational services unless or until it has obtained  
47 a written election to receive or reject services from parents in  
48 accordance with paragraph (3) (a).

49 (g) School districts, using the same policies applied to  
50 other organizations that have access to school sites, shall  
51 provide access to school facilities to providers that wish to use  
52 these sites for supplemental educational services.

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

54 (a) Compliance is met when the school district has obtained  
55 evidence of reception or rejection of services from the parents  
56 of at least a majority of the students receiving free or reduced-  
57 price lunch in Title I schools that are eligible for parental  
58 choice of transportation or supplemental educational services

581-05399-08

20081414c1

59 unless a waiver is granted by the State Board of Education. A  
60 waiver shall only be granted if there is clear and convincing  
61 evidence of the district's efforts to secure evidence of the  
62 parent's decision. Requirements for parental election to receive  
63 supplemental educational services shall not exceed the election  
64 requirements for the free and reduced-price lunch program.

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

77 (4) REALLOCATION OF FUNDS.--If a school district has not  
78 spent the required supplemental educational services set-aside  
79 funding, the district may apply to the Department of Education  
80 after January 1 for authorization to reallocate the funds. If the  
81 Commissioner of Education does not approve the reallocation of  
82 funds, the district may appeal to the State Board of Education.  
83 The State Board of Education must consider the appeal within 60  
84 days of its receipt, and the decision of the state board shall be  
85 final.

86 (5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.--

87 (a) The Department of Education shall assign to each state-

581-05399-08

20081414c1

88 approved supplemental educational services provider one of the  
89 following grades, defined according to rules of the State Board  
90 of Education:

- 91 1. "A," providing superior service.
- 92 2. "B," providing above satisfactory service.
- 93 3. "C," providing satisfactory service.
- 94 4. "D," providing below satisfactory service.
- 95 5. "F," providing unsatisfactory service.

96 (b) A state-approved supplemental educational services  
97 provider's grade shall be based on a combination of student  
98 learning gains and student proficiency levels, as measured by the  
99 statewide assessment pursuant to s. 1008.22, and norm-referenced  
100 tests approved by the Department of Education for students in  
101 kindergarten through grade 3.

102 (c) Beginning with the 2007-2008 school year, the  
103 Department of Education shall assign a grade to each state-  
104 approved supplemental educational services provider and by March  
105 1 report the grades to the supplemental educational services  
106 providers, the school districts, parents, and the public.

107 (6)-(5) RULES.--The State Board of Education may adopt rules  
108 pursuant to ss. 120.536(1) and 120.54 to implement the provisions  
109 of this section and may enforce the provisions of this section  
110 pursuant to s. 1008.32.

111 Section 2. This act shall take effect July 1, 2008.