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1
2 An act relating to supplemental educational services;
3 amending s. 1008.331, F.S.; providing restrictions on
4 charges by specified school districts for facility rental
5 fees paid by a state-approved supplemental educational
6 services provider; requiring the Department of Education
7 to annually evaluate and grade supplemental educational
8 services providers; specifying evaluation criteria;
9 providing reporting requirements; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 1008.331, Florida Statutes, is amended
15 to read:

16 1008.331 Supplemental educational services in Title I
17 schools; school district, ~~and~~ provider, and department
18 responsibilities.--

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

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

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

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

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

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

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

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

52 (g) School districts, using the same policies applied to
53 other organizations that have access to school sites, shall
54 provide access to school facilities to providers that wish to use
55 these sites for supplemental educational services. A school
56 district with a student population in excess of 300,000 may only
57 charge a state-approved supplemental educational services
58 provider facility rental fees for the actual hours that the

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59 classrooms are used for tutoring by the provider.

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

61 (a) Compliance is met when the school district has obtained
62 evidence of reception or rejection of services from the parents
63 of at least a majority of the students receiving free or reduced-
64 price lunch in Title I schools that are eligible for parental
65 choice of transportation or supplemental educational services
66 unless a waiver is granted by the State Board of Education. A
67 waiver shall only be granted if there is clear and convincing
68 evidence of the district's efforts to secure evidence of the
69 parent's decision. Requirements for parental election to receive
70 supplemental educational services shall not exceed the election
71 requirements for the free and reduced-price lunch program.

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

84 (4) REALLOCATION OF FUNDS.--If a school district has not
85 spent the required supplemental educational services set-aside
86 funding, the district may apply to the Department of Education
87 after January 1 for authorization to reallocate the funds. If the

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88 Commissioner of Education does not approve the reallocation of
89 funds, the district may appeal to the State Board of Education.
90 The State Board of Education must consider the appeal within 60
91 days of its receipt, and the decision of the state board shall be
92 final.

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

94 (a) The Department of Education shall assign to each state-
95 approved supplemental educational services provider one of the
96 following grades, defined according to rules of the State Board
97 of Education:

- 98 1. "A," providing superior service.
99 2. "B," providing above satisfactory service.
100 3. "C," providing satisfactory service.
101 4. "D," providing below satisfactory service.
102 5. "F," providing unsatisfactory service.

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

109 (c) Beginning with the 2007-2008 school year, the
110 Department of Education shall assign a grade to each state-
111 approved supplemental educational services provider and by March
112 1 report the grades to the supplemental educational services
113 providers, the school districts, parents, and the public.

114 (6) ~~(5)~~ RULES.--The State Board of Education may adopt rules
115 pursuant to ss. 120.536(1) and 120.54 to implement the provisions

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116 | of this section and may enforce the provisions of this section
117 | pursuant to s. 1008.32.

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