

1 A bill to be entitled
 2 An act relating to supplemental educational services;
 3 amending s. 1008.331, F.S.; requiring each school district
 4 to report to the Department of Education information
 5 regarding certain supplemental educational services
 6 providers; requiring the department to evaluate each
 7 state-approved provider and assign a service designation;
 8 providing an exception; requiring rulemaking and reporting
 9 relating to service designations; authorizing the use of
 10 certain funds; requiring rulemaking for implementation;
 11 requiring rules to include an internal complaint procedure
 12 to resolve certain disputes; providing for a review
 13 process and final agency action; providing an effective
 14 date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Subsections (5) and (6) of section 1008.331,
 19 Florida Statutes, are amended to read:

20 1008.331 Supplemental educational services in Title I
 21 schools; school district, provider, and department
 22 responsibilities.--

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

24 (a) By May 1 of each year, each school district must
 25 report to the department, on the form prescribed by the
 26 department, the following information regarding each
 27 supplemental educational services provider that provides service
 28 to public school students in the district:

29 1. Student learning gains as demonstrated by mastery of
 30 applicable benchmarks or access points set forth in the Sunshine
 31 State Standards.

32 2. Student attendance and completion data provided to the
 33 district by each provider.

34 3. Parent satisfaction survey results.

35 4. School district satisfaction survey results.

36 5. Principal satisfaction survey results.

37 (b) The department shall evaluate each state-approved
 38 provider using the information received pursuant to paragraph
 39 (a) and assign a service designation of excellent, satisfactory,
 40 or unsatisfactory for the prior school year. However, if the
 41 student population served by the provider does not meet the
 42 minimum sample size necessary, based on accepted professional
 43 practice for statistical reliability and prevention of the
 44 unlawful release of personally identifiable student information,
 45 the department may not assign the provider a service
 46 designation. The State Board of Education shall specify, in
 47 rule, the threshold requirements for assigning the service
 48 designations. By July 1 of each year, the department must report
 49 the service designations to the supplemental educational
 50 services providers, the school districts, parents, and the
 51 public.

52 (c) School districts may use Title I, Part A funds to meet
 53 the requirements of this subsection, as provided in the
 54 Elementary and Secondary Education Act, as amended.

55 ~~(a) The Department of Education shall assign to each~~
 56 ~~state-approved supplemental educational services provider one of~~

57 ~~the following grades, defined according to rules of the State~~
58 ~~Board of Education:~~

- 59 ~~1. "A," providing superior service.~~
60 ~~2. "B," providing above satisfactory service.~~
61 ~~3. "C," providing satisfactory service.~~
62 ~~4. "D," providing below satisfactory service.~~
63 ~~5. "F," providing unsatisfactory service.~~

64 ~~(b) A state-approved supplemental educational services~~
65 ~~provider's grade shall be based on a combination of student~~
66 ~~learning gains and student proficiency levels, as measured by~~
67 ~~the statewide assessment pursuant to s. 1008.22, and norm-~~
68 ~~referenced tests approved by the Department of Education for~~
69 ~~students in kindergarten through grade 3.~~

70 ~~(c) Beginning with the 2007-2008 school year, the~~
71 ~~Department of Education shall assign a grade to each state-~~
72 ~~approved supplemental educational services provider and by March~~
73 ~~1 report the grades to the supplemental educational services~~
74 ~~providers, the school districts, parents, and the public.~~

75 (6) RULES.--

76 (a) The State Board of Education shall ~~may~~ adopt rules
77 pursuant to ss. 120.536(1) and 120.54 to implement the
78 provisions of this section and may enforce the provisions of
79 this section pursuant to s. 1008.32.

80 (b) Agency rules shall include an internal complaint
81 procedure to resolve disputes regarding the state approval
82 process, termination of state approval, and assignment of a
83 service designation. The internal complaint procedure shall
84 afford an informal review by a hearing officer employed by the

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85 department and, if requested, a formal review by a hearing
86 officer employed by the department who shall recommend a
87 resolution of the dispute to the Commissioner of Education. The
88 internal complaint procedure is exempt from the provisions of
89 chapter 120. The decision of the Commissioner of Education
90 constitutes final agency action.

91 Section 2. This act shall take effect July 1, 2009.