

CS/CS/HB 1377

2009

1 A bill to be entitled
2 An act relating to supplemental educational services;
3 amending s. 1008.331, F.S.; requiring supplemental
4 educational services providers to report certain
5 information to the Department of Education regarding
6 services provided to public school students; requiring the
7 department to evaluate each state-approved provider and
8 assign a service designation; providing an exception for
9 assignment of a service designation; requiring the
10 adoption of rules specifying the threshold requirements
11 for the service designations; requiring the department to
12 report the service designations to the providers, the
13 school districts, parents, and the public; requiring the
14 department to approve methods for measuring student
15 learning gains; requiring the reporting of data on
16 individual student learning gains; authorizing school
17 districts to use certain funds to meet requirements;
18 requiring the State Board of Education to adopt rules,
19 including certain complaint procedures; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (5) of section 1008.331, Florida
25 Statutes, is amended to read:

26 1008.331 Supplemental educational services in Title I
27 schools; school district, provider, and department
28 responsibilities.--

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

30 (a)1. By May 1 of each year, each supplemental educational
31 services provider must report to the Department of Education,
32 unless a prior agreement has been made with the local school
33 district, in an electronic form prescribed by the department,
34 the following information regarding services provided to public
35 school students in the district:

36 a. Student learning gains as demonstrated by mastery of
37 applicable benchmarks or access points set forth in the Sunshine
38 State Standards.

39 b. Student attendance and completion data.

40 c. Parent satisfaction survey results.

41 d. School district satisfaction survey results received
42 directly from the school district.

43 e. Satisfaction survey results received directly from the
44 school district from principals in whose schools supplemental
45 educational services were provided on site.

46 2. The department shall provide a uniform survey to be
47 completed online for principals and school districts.

48 (b) The department shall evaluate each state-approved
49 supplemental educational services provider using the information
50 received pursuant to subparagraph (a)1. and assign a service
51 designation of excellent, satisfactory, or unsatisfactory for
52 the prior school year. However, if the student population served
53 by the provider does not meet the minimum sample size necessary,
54 based on accepted professional practice for statistical
55 reliability and prevention of the unlawful release of personally
56 identifiable student information, the provider will not receive

57 a service designation. The State Board of Education shall
58 specify, by rule, the threshold requirements for assigning the
59 service designations; however, the service designations must be
60 based primarily on student learning gains. By July 1 of each
61 year, the department must report the service designation to the
62 supplemental educational services provider, the school district,
63 parents, and the public.

64 (c) By September 1, 2009, the department shall approve
65 acceptable pretest and posttest methods for measuring student
66 learning gains, to include standardized assessments, diagnostic
67 assessments, criterion-referenced and skill-based assessments,
68 or other applicable methods appropriate for each grade level,
69 for use by supplemental educational services providers and
70 school districts in determining student learning gains. Each
71 method must be able to measure student progress toward mastering
72 the targeted benchmarks or access points set forth in the
73 Sunshine State Standards and the student's supplemental
74 educational services plan. The use of a diagnostic assessment
75 instrument that is aligned to a provider's curriculum is an
76 acceptable pretest or posttest method if the provider can
77 demonstrate that the assessment meets the requirements of this
78 paragraph and is not deemed unreliable or invalid by the
79 department.

80 (d) As a condition for state approval, a supplemental
81 educational services provider must use a method for measuring
82 student learning gains that results in reliable and valid
83 results as approved by the department.

84 (e) A supplemental educational services provider shall
 85 report data on individual student learning gains to the
 86 department, unless a prior agreement has been made with the
 87 local school district to report such student achievement data.
 88 The report must include individual student learning gains as
 89 demonstrated by mastery of applicable benchmarks or access
 90 points set forth in the Sunshine State Standards.

91 (f) School districts may use Title I, Part A funds to meet
 92 the requirements of this subsection, as provided in the
 93 Elementary and Secondary Education Act, as amended.

94 (g) The State Board of Education shall adopt rules
 95 pursuant to ss. 120.536(1) and 120.54 to administer the
 96 provisions of this subsection. The rules shall include an
 97 internal complaint procedure to resolve disputes regarding the
 98 state approval process, termination of state approval, and
 99 assignment of a service designation. The internal complaint
 100 procedure shall afford an informal review by a hearing officer
 101 employed by the department and, if requested, a formal review by
 102 a hearing officer employed by the department who shall recommend
 103 a resolution of the dispute to the Commissioner of Education.
 104 The internal complaint procedure is exempt from the provisions
 105 of chapter 120. The decision by the commissioner shall
 106 constitute final action.

107 ~~(a) The Department of Education shall assign to each~~
 108 ~~state-approved supplemental educational services provider one of~~
 109 ~~the following grades, defined according to rules of the State~~
 110 ~~Board of Education:~~

111 ~~1. "A," providing superior service.~~

112 2. ~~"B," providing above satisfactory service.~~

113 3. ~~"C," providing satisfactory service.~~

114 4. ~~"D," providing below satisfactory service.~~

115 5. ~~"F," providing unsatisfactory service.~~

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

122 (c) ~~Beginning with the 2007-2008 school year, the~~
 123 ~~Department of Education shall assign a grade to each state-~~
 124 ~~approved supplemental educational services provider and by March~~
 125 ~~1 report the grades to the supplemental educational services~~
 126 ~~providers, the school districts, parents, and the public.~~

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