



194052

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2009	.	
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The Committee on Education Pre-K - 12 (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

1008.331 Supplemental educational services in Title I
schools; school district, provider, and department
responsibilities.—

(5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.—

(a) By May 1 of each year, each supplemental educational



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12 services provider must report to the department, in an
13 electronic form prescribed by the department, the following
14 information regarding services provided to public school
15 students in the district:

16 1. Student learning gains as demonstrated by mastery of
17 applicable benchmarks or access points set forth in the Sunshine
18 State Standards;

19 2. Student attendance and completion data;

20 3. Parent satisfaction survey results;

21 4. School district satisfaction survey results; and

22 5. Satisfaction survey results from principals in whose
23 schools supplemental educational services were provided on site.

24 ~~The Department of Education shall assign to each state-approved~~
25 ~~supplemental educational services provider one of the following~~
26 ~~grades, defined according to rules of the State Board of~~
27 ~~Education:~~

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

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

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

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

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

33 (b) The department shall evaluate each state-approved
34 provider using the information received pursuant to paragraph
35 (a) and assign a service designation of excellent, satisfactory,
36 or unsatisfactory for the prior school year. However, if the
37 student population served by the provider does not meet the
38 minimum sample size necessary, based on accepted professional
39 practice for statistical reliability and the prevention of the
40 unlawful release of personally identifiable student information,



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41 the provider will not receive a service designation. The
42 department shall specify, by rule, the threshold requirements
43 for assigning the service designations; however, the service
44 designations must be based primarily on student learning gains.
45 By July 1 of each year, the department must report the service
46 designation to the supplemental educational services providers,
47 the school districts, parents, and the public. A state-approved
48 supplemental educational services provider's grade shall be
49 based on a combination of student learning gains and student
50 proficiency levels, as measured by the statewide assessment
51 pursuant to s. 1008.22, and norm-referenced tests approved by
52 the Department of Education for students in kindergarten through
53 grade 3.

54 (c) School districts may use Title I, Part A funds to meet
55 the requirements, as provided in the Elementary and Secondary
56 Education Act, as amended. Beginning with the 2007-2008 school
57 year, the Department of Education shall assign a grade to each
58 state-approved supplemental educational services provider and by
59 March 1 report the grades to the supplemental educational
60 services providers, the school districts, parents, and the
61 public.

62 (d) The State Board of Education shall adopt rules pursuant
63 to ss. 120.536(1) and 120.54 to administer the provisions of
64 this subsection.

65 (e) The board's rules shall include an internal complaint
66 procedure to resolve disputes regarding the state approval
67 process, termination of state approval, and assignment of a
68 service designation. The internal complaint procedure shall
69 afford an informal review by a hearing officer employed by the



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70 department and, if requested, a formal review by a hearing
71 officer employed by the department who shall recommend a
72 resolution of the dispute to the Commissioner of Education. The
73 internal complaint procedure is exempt from the provisions of
74 chapter 120. The decision by the Commissioner of Education shall
75 constitute final action.

76 (f) By September 1, 2009, the department shall complete a
77 review and evaluation of the diagnostic and assessment
78 instruments currently used by local school districts and
79 supplemental educational services providers to measure student
80 learning gains.

81 (g) Based on the review and evaluation, the department
82 shall select cost-efficient and effective diagnostic and
83 assessment instruments. As a condition for state approval, a
84 provider must use a diagnostic and assessment instrument
85 selected by the department. A diagnostic and assessment
86 instrument, which is aligned to a provider's curriculum, shall
87 be considered effective by the department if the provider can
88 demonstrate the diagnosis of student skills gaps and assessment
89 of benchmarks or access points set forth in the Sunshine State
90 Standards.

91 (h) The provider shall report data on individual student
92 learning gains to the department, unless a prior agreement has
93 been made with the local school district to report such student
94 achievement data. The report must include individual student
95 learning gains as demonstrated by mastery of applicable
96 benchmarks or access points set forth in the Sunshine State
97 Standards.

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



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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to supplemental educational services;
amending s. 1008.331, F.S.; requiring that the
department evaluate and approve student assessment
instruments for use by providers; requiring that each
state-approved supplemental educational services
provider report certain information to the Department
of Education regarding services to public school
students in the district by a specified date each
year; requiring that the department evaluate each
provider based on such information and assign a
service designation; providing an exception for such
designation; requiring that the department adopt rules
specifying the threshold requirements for such
designation; requiring that the department report the
service designations to the providers, the school
districts, parents, and the public by a specified date
each year; authorizing school districts to use certain
funds to meet the requirements in the act; requiring
that the State Board of Education adopt rules;
requiring that the board's rules include certain
procedures; requiring that the department review and
evaluate the school districts' diagnostic and



128 assessment instruments to measure student learning
129 gains; requiring that a supplemental educational
130 services provider report data on individual student
131 learning gains to the department; providing for
132 exceptions; providing an effective date.