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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on Education Pre-K - 12 Appropriations (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 of Education,
13 unless a prior agreement has been made with the local school
14 district, in an electronic form prescribed by the department,
15 the following information regarding services provided to public
16 school students in the district:

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

20 2. Student attendance and completion data;

21 3. Parent satisfaction survey results;

22 4. School district satisfaction survey results received
23 directly from the school district; and

24 5. Satisfaction survey results received directly from the
25 school district which were completed by principals in whose
26 schools on-site supplemental educational services were provided.

27
28 The department shall post a uniform survey on its Internet
29 website to be completed online by principals and school
30 districts. ~~The Department of Education shall assign to each~~
31 ~~state-approved supplemental educational services provider one of~~
32 ~~the following grades, defined according to rules of the State~~
33 ~~Board of Education:~~

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

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

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

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

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

39 (b) The department shall evaluate each state-approved
40 provider using the information received pursuant to paragraph



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41 (a) and assign a service designation of excellent, satisfactory,
42 or unsatisfactory for the prior school year. However, if the
43 student population served by the provider does not meet the
44 minimum sample size necessary, based on accepted professional
45 practice for statistical reliability and the prevention of the
46 unlawful release of personally identifiable student information,
47 the provider will not receive a service designation. The
48 department shall specify, by rule, the threshold requirements
49 for assigning the service designations; however, the service
50 designations must be based primarily on student learning gains.
51 By July 1 of each year, the department must report the service
52 designation to the supplemental educational services providers,
53 the school districts, parents, and the public. A state-approved
54 supplemental educational services provider's grade shall be
55 based on a combination of student learning gains and student
56 proficiency levels, as measured by the statewide assessment
57 pursuant to s. 1008.22, and norm-referenced tests approved by
58 the Department of Education for students in kindergarten through
59 grade 3.

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

68 (d) The State Board of Education shall adopt rules pursuant
69 to ss. 120.536(1) and 120.54 to administer the provisions of



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70 this subsection.

71 (e) The board's rules shall establish an internal complaint
72 procedure to resolve disputes regarding the state approval
73 process, the termination of state approval, and the assignment
74 of a service designation. The internal complaint procedure must
75 provide for an informal review by a hearing officer who is
76 employed by the department and, if requested, a formal review by
77 a hearing officer who is employed by the department, and shall
78 recommend a resolution of the dispute to the Commissioner of
79 Education. The internal complaint procedure is exempt from the
80 provisions of chapter 120. The decision by the commissioner
81 shall constitute final action.

82 (f) By September 1, 2009, the department shall approve
83 acceptable pre-methods and post-methods for measuring student
84 learning gains, including standardized assessments, diagnostic
85 assessments, criterion-referenced and skills-based assessments,
86 or other applicable methods appropriate for each grade level,
87 for use by supplemental educational services providers and local
88 school districts in determining student learning gains. Each
89 method must be able to measure student progress toward mastering
90 the benchmarks or access points set forth in the Sunshine State
91 Standards and the student's supplemental educational services
92 plan. The use of a diagnostic and assessment instrument, which
93 is aligned to a provider's curriculum, is an acceptable pre-
94 method and post-method if the provider can demonstrate that the
95 assessment meets the requirements in this paragraph and is not
96 deemed unreliable or invalid by the department.

97 (g) As a condition for state approval, a provider must use
98 a method for measuring student learning gains which results in



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99 reliable and valid results as approved by the department.

100 (h) The provider shall report data on individual student
101 learning gains to the department, unless a prior agreement has
102 been made with the local school district to report such student
103 achievement data. The report must include individual student
104 learning gains as demonstrated by mastery of applicable
105 benchmarks or access points set forth in the Sunshine State
106 Standards.

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

108
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete everything before the enacting clause
112 and insert:

113 A bill to be entitled
114 An act relating to supplemental educational services;
115 amending s. 1008.331, F.S.; requiring that each
116 supplemental educational services provider report
117 certain information to the Department of Education
118 regarding services to public school students in the
119 district by a specified date each year; requiring that
120 the department post a uniform survey on its Internet
121 website to be completed online by principals and
122 school districts; requiring that the department
123 evaluate each provider based on such information and
124 assign a service designation; providing an exception
125 for such designation; requiring that the department
126 adopt rules specifying the threshold requirements for
127 such designation; requiring that the department report



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128 the service designations to the providers, the school
129 districts, parents, and the public by a specified date
130 each year; authorizing school districts to use certain
131 funds to meet the requirements in the act; requiring
132 that the State Board of Education adopt rules;
133 requiring that the board's rules include an internal
134 complaint procedure; providing guidelines for such
135 procedure; requiring that the department approve
136 certain methods for measuring student learning gains;
137 requiring that a provider use acceptable methods for
138 measuring student learning gains as a condition for
139 state approval; requiring that a provider report data
140 on individual student learning gains to the
141 department; providing an exception; requiring that the
142 report contain certain information; providing an
143 effective date.