

By the Committee on Education Pre-K - 12; and Senator Detert

581-03501-09

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1                   A bill to be entitled  
2           An act relating to supplemental educational services;  
3           amending s. 1008.331, F.S.; requiring that the  
4           department evaluate and approve student assessment  
5           instruments for use by providers; requiring that each  
6           state-approved supplemental educational services  
7           provider report certain information to the Department  
8           of Education regarding services to public school  
9           students in the district by a specified date each  
10          year; requiring that the department evaluate each  
11          provider based on such information and assign a  
12          service designation; providing an exception for such  
13          designation; requiring that the department adopt rules  
14          specifying the threshold requirements for such  
15          designation; requiring that the department report the  
16          service designations to the providers, the school  
17          districts, parents, and the public by a specified date  
18          each year; authorizing school districts to use certain  
19          funds to meet the requirements in the act; requiring  
20          that the State Board of Education adopt rules;  
21          requiring that the board's rules include certain  
22          procedures; requiring that the department review and  
23          evaluate the school districts' diagnostic and  
24          assessment instruments to measure student learning  
25          gains; requiring that a supplemental educational  
26          services provider report data on individual student  
27          learning gains to the department; providing for  
28          exceptions; providing an effective date.

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

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

34 1008.331 Supplemental educational services in Title I  
35 schools; school district, provider, and department  
36 responsibilities.—

37 (5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.—

38 (a) By May 1 of each year, each supplemental educational  
39 services provider must report to the department, in an  
40 electronic form prescribed by the department, the following  
41 information regarding services provided to public school  
42 students in the district:

43 1. Student learning gains as demonstrated by mastery of  
44 applicable benchmarks or access points set forth in the Sunshine  
45 State Standards;

46 2. Student attendance and completion data;

47 3. Parent satisfaction survey results;

48 4. School district satisfaction survey results; and

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

51 ~~The Department of Education shall assign to each state approved~~  
52 ~~supplemental educational services provider one of the following~~  
53 ~~grades, defined according to rules of the State Board of~~  
54 ~~Education:~~

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

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

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

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

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

60 (b) The department shall evaluate each state-approved  
61 provider using the information received pursuant to paragraph  
62 (a) and assign a service designation of excellent, satisfactory,  
63 or unsatisfactory for the prior school year. However, if the  
64 student population served by the provider does not meet the  
65 minimum sample size necessary, based on accepted professional  
66 practice for statistical reliability and the prevention of the  
67 unlawful release of personally identifiable student information,  
68 the provider will not receive a service designation. The  
69 department shall specify, by rule, the threshold requirements  
70 for assigning the service designations; however, the service  
71 designations must be based primarily on student learning gains.  
72 By July 1 of each year, the department must report the service  
73 designation to the supplemental educational services providers,  
74 the school districts, parents, and the public. A state-approved  
75 supplemental educational services provider's grade shall be  
76 based on a combination of student learning gains and student  
77 proficiency levels, as measured by the statewide assessment  
78 pursuant to s. 1008.22, and norm-referenced tests approved by  
79 the Department of Education for students in kindergarten through  
80 grade 3.

81 (c) School districts may use Title I, Part A funds to meet  
82 the requirements, as provided in the Elementary and Secondary  
83 Education Act, as amended. Beginning with the 2007-2008 school  
84 year, the Department of Education shall assign a grade to each  
85 state-approved supplemental educational services provider and by  
86 March 1 report the grades to the supplemental educational  
87 services providers, the school districts, parents, and the

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88 ~~public.~~

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

92 (e) The board's rules shall include an internal complaint  
93 procedure to resolve disputes regarding the state approval  
94 process, termination of state approval, and assignment of a  
95 service designation. The internal complaint procedure shall  
96 afford an informal review by a hearing officer employed by the  
97 department and, if requested, a formal review by a hearing  
98 officer employed by the department who shall recommend a  
99 resolution of the dispute to the Commissioner of Education. The  
100 internal complaint procedure is exempt from the provisions of  
101 chapter 120. The decision by the Commissioner of Education shall  
102 constitute final action.

103 (f) By September 1, 2009, the department shall complete a  
104 review and evaluation of the diagnostic and assessment  
105 instruments currently used by local school districts and  
106 supplemental educational services providers to measure student  
107 learning gains.

108 (g) Based on the review and evaluation, the department  
109 shall select cost-efficient and effective diagnostic and  
110 assessment instruments. As a condition for state approval, a  
111 provider must use a diagnostic and assessment instrument  
112 selected by the department. A diagnostic and assessment  
113 instrument, which is aligned to a provider's curriculum, shall  
114 be considered effective by the department if the provider can  
115 demonstrate the diagnosis of student skills gaps and assessment  
116 of benchmarks or access points set forth in the Sunshine State

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117 Standards.

118 (h) The provider shall report data on individual student  
119 learning gains to the department, unless a prior agreement has  
120 been made with the local school district to report such student  
121 achievement data. The report must include individual student  
122 learning gains as demonstrated by mastery of applicable  
123 benchmarks or access points set forth in the Sunshine State  
124 Standards.

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