

20092538er

1
2 An act relating to supplemental educational services;
3 amending s. 1008.331, F.S.; requiring that each
4 supplemental educational services provider report
5 certain information to the Department of Education
6 regarding services to public school students in the
7 district by a specified date each year; requiring that
8 the department post a uniform survey on its Internet
9 website to be completed online by principals and
10 school districts; requiring that the department
11 evaluate each provider based on such information and
12 assign a service designation; providing an exception
13 for such designation; requiring that the State Board
14 of Education adopt rules specifying the threshold
15 requirements for such designation; requiring that the
16 department report the service designations to the
17 providers, the school districts, parents, and the
18 public by a specified date each year; authorizing
19 school districts to use certain funds to meet the
20 requirements in the act; requiring that the State
21 Board of Education adopt rules; requiring that the
22 board's rules include an internal complaint procedure;
23 providing guidelines for such procedure; requiring
24 that the department approve certain methods for
25 measuring student learning gains; requiring that a
26 provider use acceptable methods for measuring student
27 learning gains as a condition for state approval;
28 requiring that a provider report data on individual
29 student learning gains to the department; providing an

20092538er

30 exception; requiring that the report contain certain
31 information; providing an effective date.

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

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

37 1008.331 Supplemental educational services in Title I
38 schools; school district, provider, and department
39 responsibilities.—

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

41 (a) By May 1 of each year, each supplemental educational
42 services provider must report to the Department of Education,
43 unless a prior agreement has been made with the local school
44 district, in an electronic form prescribed by the department,
45 the following information regarding services provided to public
46 school students in the district:

47 1. Student learning gains as demonstrated by mastery of
48 applicable benchmarks or access points set forth in the Sunshine
49 State Standards;

50 2. Student attendance and completion data;

51 3. Parent satisfaction survey results;

52 4. School district satisfaction survey results received
53 directly from the school district; and

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

57
58 The department shall post a uniform survey on its Internet

20092538er

59 website to be completed online by principals and school
60 districts. The Department of Education shall assign to each
61 state-approved supplemental educational services provider one of
62 the following grades, defined according to rules of the State
63 Board of Education:

- 64 1. "A," providing superior service.
- 65 2. "B," providing above satisfactory service.
- 66 3. "C," providing satisfactory service.
- 67 4. "D," providing below satisfactory service.
- 68 5. "F," providing unsatisfactory service.

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

20092538er

88 ~~referenced tests approved by the Department of Education for~~
89 ~~students in kindergarten through grade 3.~~

90 (c) School districts may use Title I, Part A funds to meet
91 the requirements, as provided in the Elementary and Secondary
92 Education Act, as amended. Beginning with the 2007-2008 school
93 year, the Department of Education shall assign a grade to each
94 state-approved supplemental educational services provider and by
95 March 1 report the grades to the supplemental educational
96 services providers, the school districts, parents, and the
97 public.

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

101 (e) The board's rules shall establish an internal complaint
102 procedure to resolve disputes regarding the state approval
103 process, the termination of state approval, and the assignment
104 of a service designation. The internal complaint procedure must
105 provide for an informal review by a hearing officer who is
106 employed by the department and, if requested, a formal review by
107 a hearing officer who is employed by the department, and shall
108 recommend a resolution of the dispute to the Commissioner of
109 Education. The internal complaint procedure is exempt from the
110 provisions of chapter 120. The decision by the commissioner
111 shall constitute final action.

112 (f) By September 1, 2009, the department shall approve
113 acceptable pre-methods and post-methods for measuring student
114 learning gains, including standardized assessments, diagnostic
115 assessments, criterion-referenced and skills-based assessments,
116 or other applicable methods appropriate for each grade level,

20092538er

117 for use by supplemental educational services providers and local
118 school districts in determining student learning gains. Each
119 method must be able to measure student progress toward mastering
120 the benchmarks or access points set forth in the Sunshine State
121 Standards and the student's supplemental educational services
122 plan. The use of a diagnostic and assessment instrument, which
123 is aligned to a provider's curriculum, is an acceptable pre-
124 method and post-method if the provider can demonstrate that the
125 assessment meets the requirements in this paragraph and is not
126 deemed unreliable or invalid by the department.

127 (g) As a condition for state approval, a provider must use
128 a method for measuring student learning gains which results in
129 reliable and valid results as approved by the department.

130 (h) The provider shall report data on individual student
131 learning gains to the department, unless a prior agreement has
132 been made with the local school district to report such student
133 achievement data. The report must include individual student
134 learning gains as demonstrated by mastery of applicable
135 benchmarks or access points set forth in the Sunshine State
136 Standards.

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