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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 535 - 592

and insert:

Section 8. Paragraph (d) of subsection (2), paragraphs (d), (h), (i), (j), and (l) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended, and paragraphs (p) and (q) are added to subsection (5) of that section, to read:

1002.385 The Gardiner Scholarship.—



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11 (2) DEFINITIONS.—As used in this section, the term:  
12 (d) "Disability" means, for a 3- or 4-year-old child or for  
13 a student in kindergarten to grade 12, autism spectrum disorder,  
14 as defined in the Diagnostic and Statistical Manual of Mental  
15 Disorders, Fifth Edition, published by the American Psychiatric  
16 Association; cerebral palsy, as defined in s. 393.063(6); Down  
17 syndrome, as defined in s. 393.063(15); an intellectual  
18 disability, as defined in s. 393.063(24); Phelan-McDermid  
19 syndrome, as defined in s. 393.063(28); Prader-Willi syndrome,  
20 as defined in s. 393.063(29); spina bifida, as defined in s.  
21 393.063(40); being a high-risk child, as defined in s.  
22 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare  
23 disease, a disorder that affects ~~diseases which affect~~ patient  
24 populations of ~~fewer than~~ 200,000 individuals or fewer in the  
25 United States, as defined by the Orphan Drug Act of 1983, Pub.  
26 L. No. 97-414 ~~National Organization for Rare Disorders~~;  
27 anaphylaxis; deaf; visually impaired; traumatic brain injured;  
28 hospital or homebound; or identification as dual sensory  
29 impaired, as defined by rules of the State Board of Education  
30 and evidenced by reports from local school districts. The term  
31 "hospital or homebound" includes a student who has a medically  
32 diagnosed physical or psychiatric condition or illness, as  
33 defined by the state board in rule, and who is confined to the  
34 home or hospital for more than 6 months.  
35 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be  
36 used to meet the individual educational needs of an eligible  
37 student and may be spent for the following purposes:  
38 (d) ~~Enrollment in, or~~ Tuition or fees associated with full-  
39 time or part-time enrollment in, a home education program, an



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40 eligible private school, an eligible postsecondary educational  
41 institution or a program offered by the postsecondary  
42 ~~institution, a private tutoring program authorized under s.~~  
43 ~~1002.43~~, a virtual program offered by a department-approved  
44 private online provider that meets the provider qualifications  
45 specified in s. 1002.45(2)(a), the Florida Virtual School as a  
46 private paying student, or an approved online course offered  
47 pursuant to s. 1003.499 or s. 1004.0961.

48 (h) Tuition and fees for part-time tutoring services  
49 provided by a person who holds a valid Florida educator's  
50 certificate pursuant to s. 1012.56; a person who holds a valid  
51 professional standard teaching certificate issued by another  
52 state; a person who holds an adjunct teaching certificate  
53 pursuant to s. 1012.57; a person who has a bachelor's degree or  
54 a graduate degree in the subject area in which instruction is  
55 given; or a person who has demonstrated a mastery of subject  
56 area knowledge pursuant to s. 1012.56(5). As used in this  
57 paragraph, the term "part-time tutoring services" does not  
58 qualify as regular school attendance as defined in s.  
59 1003.01(13) ~~s. 1003.01(13)(e)~~.

60 (i) Fees for ~~specialized~~ summer education programs.

61 (j) Fees for ~~specialized~~ after-school education programs.

62 (l) Fees for an annual evaluation of educational progress  
63 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~  
64 ~~1002.41(1)(e)~~, if this option is chosen for a home education  
65 student.

66 (p) Fees for art, music, or sports lessons.

67 (q) Tuition or fees associated with enrollment in a  
68 nationally or internationally recognized research-based training



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69 program for a child with a neurological disorder or brain  
70 damage.

71  
72 A provider of any services receiving payments pursuant to this  
73 subsection may not share, refund, or rebate any moneys from the  
74 Gardiner Scholarship with the parent or participating student in  
75 any manner. A parent, student, or provider of any services may  
76 not bill an insurance company, Medicaid, or any other agency for  
77 the same services that are paid for using Gardiner Scholarship  
78 funds.

79 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
80 private school may be sectarian or nonsectarian and shall:

81 (a) Comply with all requirements for private schools  
82 participating in state school choice scholarship programs  
83 pursuant to s. 1002.421.

84 (b) Provide to the organization, upon request, all  
85 documentation required for the student's participation,  
86 including the private school's and student's fee schedules.

87 (c) Be academically accountable to the parent for meeting  
88 the educational needs of the student by:

89 1. At a minimum, annually providing to the parent a written  
90 explanation of the student's progress.

91 2. Annually administering or making provision for students  
92 participating in the program in grades 3 through 10 to take one  
93 of the nationally norm-referenced tests identified by the  
94 Department of Education or the statewide assessments pursuant to  
95 s. 1008.22. Students with disabilities for whom standardized  
96 testing is not appropriate are exempt from this requirement. A  
97 participating private school shall report a student's scores to



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98 the parent.

99 3. Cooperating with the scholarship student whose parent  
100 chooses to have the student participate in the statewide  
101 assessments pursuant to s. 1008.22 or, if a private school  
102 chooses to offer the statewide assessments, administering the  
103 assessments at the school.

104 a. A participating private school may choose to offer and  
105 administer the statewide assessments to all students who attend  
106 the private school in grades 3 through 10.

107 b. A participating private school shall submit a request in  
108 writing to the Department of Education by March 1 of each year  
109 in order to administer the statewide assessments in the  
110 subsequent school year.

111 (d) Employ or contract with teachers who have regular and  
112 direct contact with each student receiving a scholarship under  
113 this section at the school's physical location.

114 (e) Provide a report from an independent certified public  
115 accountant who performs the agreed-upon procedures developed  
116 under s. 1002.395(6)(o) if the private school receives more than  
117 \$250,000 in funds from scholarships awarded under this chapter  
118 ~~section~~ in a state fiscal year. A private school subject to this  
119 paragraph must annually submit the report by September 15 to the  
120 organization that awarded the majority of the school's  
121 scholarship funds. The agreed-upon procedures must be conducted  
122 in accordance with attestation standards established by the  
123 American Institute of Certified Public Accountants.

124

125 If a private school fails or refuses ~~is unable~~ to meet the  
126 requirements of this subsection or has consecutive years of



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127 material exceptions listed in the report required under  
128 paragraph (e), the commissioner may determine that the private  
129 school is ineligible to participate in the program.

130 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
131 PARTICIPATION.—A parent who applies for program participation  
132 under this section is exercising his or her parental option to  
133 determine the appropriate placement or the services that best  
134 meet the needs of his or her child. The scholarship award for a  
135 student is based on a matrix that assigns the student to support  
136 Level III services. If a parent receives an IEP and a matrix of  
137 services from the school district pursuant to subsection (7),  
138 the amount of the payment shall be adjusted as needed, when the  
139 school district completes the matrix.

140 (a) To satisfy or maintain program eligibility, including  
141 eligibility to receive and spend program payments, the parent  
142 must sign an agreement with the organization and annually submit  
143 a notarized, sworn compliance statement to the organization to:

144 1. Affirm that the student is enrolled in a program that  
145 meets regular school attendance requirements as provided in s.  
146 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

147 2. Affirm that the program funds are used only for  
148 authorized purposes serving the student's educational needs, as  
149 described in subsection (5).

150 3. Affirm that the parent is responsible for the education  
151 of his or her student by, as applicable:

152 a. Requiring the student to take an assessment in  
153 accordance with paragraph (8)(c);

154 b. Providing an annual evaluation in accordance with s.  
155 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or



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156 c. Requiring the child to take any preassessments and  
157 postassessments selected by the provider if the child is 4 years  
158 of age and is enrolled in a program provided by an eligible  
159 Voluntary Prekindergarten Education Program provider. A student  
160 with disabilities for whom a preassessment and postassessment is  
161 not appropriate is exempt from this requirement. A participating  
162 provider shall report a student's scores to the parent.

163 4. Affirm that the student remains in good standing with  
164 the provider or school if those options are selected by the  
165 parent.

166  
167 A parent who fails to comply with this subsection forfeits the  
168 Gardiner Scholarship.

169 Section 9. Section 1002.411, Florida Statutes, is created  
170 to read:

171 1002.411 Reading scholarship accounts.-

172 (1) READING SCHOLARSHIP ACCOUNTS.-Reading scholarship  
173 accounts are established to provide educational options for  
174 students.

175 (2) ELIGIBILITY.-Contingent upon available funds, and on a  
176 first-come, first-served basis, each student in grades 3 through  
177 5 who is enrolled in a Florida public school is eligible for a  
178 reading scholarship account if the student scored below a Level  
179 3 on the grade 3 or grade 4 statewide, standardized English  
180 Language Arts (ELA) assessment in the prior school year. An  
181 eligible student who is classified as an English Learner and is  
182 enrolled in a program or receiving services that are  
183 specifically designed to meet the instructional needs of English  
184 Learner students shall receive priority.



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185 (3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

186 (a) For an eligible student to receive a reading  
187 scholarship account, the student's parent must:

188 1. Submit an application to an eligible nonprofit  
189 scholarship-funding organization by the deadline established by  
190 such organization; and

191 2. Submit eligible expenses to the eligible nonprofit  
192 scholarship-funding organization for reimbursement of qualifying  
193 expenditures, which may include:

194 a. Instructional materials.

195 b. Curriculum. As used in this sub-subparagraph, the term  
196 "curriculum" means a complete course of study for a particular  
197 content area or grade level, including any required supplemental  
198 materials and associated online instruction.

199 c. Tuition and fees for part-time tutoring services  
200 provided by a person who holds a valid Florida educator's  
201 certificate pursuant to s. 1012.56; a person who holds a  
202 baccalaureate or graduate degree in the subject area; a person  
203 who holds an adjunct teaching certificate pursuant to s.  
204 1012.57; or a person who has demonstrated a mastery of subject  
205 area knowledge pursuant to s. 1012.56(5).

206 d. Fees for summer education programs.

207 e. Fees for after-school education programs.

208  
209 A provider of any services receiving payments pursuant to this  
210 subparagraph may not share any moneys from the reading  
211 scholarship with, or provide a refund or rebate of any moneys  
212 from such scholarship to, the parent or participating student in  
213 any manner. A parent, student, or provider of any services may





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214 not bill an insurance company, Medicaid, or any other agency for  
215 the same services that are paid for using reading scholarship  
216 funds.

217 (b) The parent is responsible for the payment of all  
218 eligible expenses in excess of the amount in the account in  
219 accordance with the terms agreed to between the parent and any  
220 providers and may not receive any refund or rebate of any  
221 expenditures made in accordance with paragraph (a).

222 (4) ADMINISTRATION.—An eligible nonprofit scholarship-  
223 funding organization participating in the Florida Tax Credit  
224 Scholarship Program established by s. 1002.395 may establish  
225 reading scholarship accounts for eligible students in accordance  
226 with the requirements of eligible nonprofit scholarship-funding  
227 organizations under this chapter.

228 (5) DEPARTMENT OBLIGATIONS.—The department shall have the  
229 same duties imposed by this chapter upon the department  
230 regarding oversight of scholarship programs administered by an  
231 eligible nonprofit scholarship-funding organization.

232 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By  
233 September 30, the school district shall notify the parent of  
234 each student in grades 3 through 5 who scored below a level 3 on  
235 the statewide, standardized ELA assessment in the prior school  
236 year of the process to request and receive a reading  
237 scholarship, subject to available funds.

238 (7) ACCOUNT FUNDING AND PAYMENT.—

239 (a) For the 2018-2019 school year, the amount of the  
240 scholarship shall be \$500 per eligible student. Thereafter, the  
241 maximum amount awarded an eligible student shall be provided in  
242 the General Appropriations Act.



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243 (b) One hundred percent of the funds appropriated for the  
244 reading scholarship accounts shall be released to the department  
245 at the beginning of the first quarter of each fiscal year.

246 (c) Upon notification from the eligible nonprofit  
247 scholarship-funding organization that a student has been  
248 determined eligible for a reading scholarship, the department  
249 shall release the student's scholarship funds to such  
250 organization to be deposited into the student's account.

251 (d) Accrued interest in the student's account is in  
252 addition to, and not part of, the awarded funds. Account funds  
253 include both the awarded funds and accrued interest.

254 (e) The eligible nonprofit scholarship-funding organization  
255 may develop a system for payment of scholarship funds by funds  
256 transfer, including, but not limited to, debit cards, electronic  
257 payment cards, or any other means of payment that the department  
258 deems to be commercially viable or cost-effective. A student's  
259 scholarship award may not be reduced for debit card or  
260 electronic payment fees. Commodities or services related to the  
261 development of such a system shall be procured by competitive  
262 solicitation unless they are purchased from a state term  
263 contract pursuant to s. 287.056.

264 (f) Payment of the scholarship shall be made by the  
265 eligible nonprofit scholarship-funding organization no less  
266 frequently than on a quarterly basis.

267 (g) In addition to funds appropriated for scholarships and  
268 subject to a separate, specific legislative appropriation, an  
269 organization may receive an amount equivalent to not more than 3  
270 percent of the amount of each scholarship from state funds for  
271 administrative expenses if the organization has operated as a



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272 nonprofit entity for at least the preceding 3 fiscal years and  
273 did not have any findings of material weakness or material  
274 noncompliance in its most recent audit under s. 1002.395. Such  
275 administrative expenses must be reasonable and necessary for the  
276 organization's management and distribution of scholarships under  
277 this section. Funds authorized under this paragraph may not be  
278 used for lobbying or political activity or expenses related to  
279 lobbying or political activity. An organization may not charge  
280 an application fee for a scholarship. Administrative expenses  
281 may not be deducted from funds appropriated for scholarships.

282 (h) Moneys received pursuant to this section do not  
283 constitute taxable income to the qualified student or his or her  
284 parent.

285 (i) A student's scholarship account must be closed and any  
286 remaining funds shall revert to the state after:

287 1. Denial or revocation of scholarship eligibility by the  
288 commissioner for fraud or abuse, including, but not limited to,  
289 the student or student's parent accepting any payment, refund,  
290 or rebate, in any manner, from a provider of any services  
291 received pursuant to subsection (3); or

292 2. Three consecutive fiscal years in which an account has  
293 been inactive.

294 (8) LIABILITY.—No liability shall arise on the part of the  
295 state based on the award or use of a reading scholarship  
296 account.

297 Section 10. Paragraph (a) of subsection (1) of section  
298 1003.436, Florida Statutes, is amended to read:

299 1003.436 Definition of "credit."—

300 (1) (a) For the purposes of requirements for high school



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301 graduation, one full credit means a minimum of 135 hours of bona  
302 fide instruction in a designated course of study that contains  
303 student performance standards, except as otherwise provided  
304 through the Credit Acceleration Program (CAP) under s.  
305 1003.4295(3). One full credit means a minimum of 120 hours of  
306 bona fide instruction in a designated course of study that  
307 contains student performance standards for purposes of meeting  
308 high school graduation requirements in a district school that  
309 has been authorized to implement block scheduling by the  
310 district school board. In lieu of the 135- and 120-hour  
311 instruction requirements, district school boards participating  
312 in the Mastery-Based Education Pilot Program under s. 1003.4996,  
313 may determine and award credit based on a student's mastery of  
314 the core content and skills, consistent with s. 1003.41, as  
315 approved by the district school board. The State Board of  
316 Education shall determine the number of postsecondary credit  
317 hours earned through dual enrollment pursuant to s. 1007.271  
318 that satisfy the requirements of a dual enrollment articulation  
319 agreement according to s. 1007.271(21) and that equal one full  
320 credit of the equivalent high school course identified pursuant  
321 to s. 1007.271(9).

322 Section 11. Section 1003.437, Florida Statutes, is amended  
323 to read:

324 1003.437 Middle and high school grading system.—

325 (1) The grading system and interpretation of letter grades  
326 used to measure student success in grade 6 through grade 12  
327 courses for students in public schools shall be as follows:

328 (a)~~(1)~~ Grade "A" equals 90 percent through 100 percent, has  
329 a grade point average value of 4, and is defined as "outstanding



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330 progress."

331 (b)~~(2)~~ Grade "B" equals 80 percent through 89 percent, has  
332 a grade point average value of 3, and is defined as "above  
333 average progress."

334 (c)~~(3)~~ Grade "C" equals 70 percent through 79 percent, has  
335 a grade point average value of 2, and is defined as "average  
336 progress."

337 (d)~~(4)~~ Grade "D" equals 60 percent through 69 percent, has  
338 a grade point average value of 1, and is defined as "lowest  
339 acceptable progress."

340 (e)~~(5)~~ Grade "F" equals zero percent through 59 percent,  
341 has a grade point average value of zero, and is defined as  
342 "failure."

343 (f)~~(6)~~ Grade "I" equals zero percent, has a grade point  
344 average value of zero, and is defined as "incomplete."

345 (2) District school boards participating in the Mastery-  
346 Based Education Pilot Program under s. 1003.4996 may use an  
347 alternative interpretation of letter grades to measure student  
348 success in grades 6 through 12.

349  
350 For the purposes of class ranking, district school boards may  
351 exercise a weighted grading system pursuant to s. 1007.271.

352 Section 12. Section 1003.4996, Florida Statutes, is amended  
353 to read:

354 1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot  
355 Program. ~~Beginning with the 2016-2017 school year,~~ The Mastery-  
356 Based ~~Competency-Based~~ Education Pilot Program is created within  
357 the Department of Education to be administered for a period of 5  
358 years. The purpose of the pilot program is to provide an



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359 educational environment that allows students to advance to  
360 higher levels of learning upon the mastery of concepts and  
361 skills through statutory exemptions relating to student  
362 progression and the awarding of credits.

363 (1) PARTICIPATION.—The P.K. Yonge Developmental Research  
364 School and public school districts, including, but not limited  
365 to, the Lake, Palm Beach, Pinellas, and Seminole County School  
366 Districts, may submit an application in a format prescribed by  
367 the department to participate in the pilot program.

368 (2) APPLICATION.—The application to participate in the  
369 pilot program must, at a minimum, include:

370 (a) The vision and timelines for the implementation of  
371 mastery-based ~~competency-based~~ education within the school  
372 district, including a list of the schools that will participate  
373 in the pilot program during the first school year and the list  
374 of schools that will be integrated into the program in  
375 subsequent school years.

376 (b) The annual goals and performance outcomes for  
377 participating schools, including, but not limited to:

- 378 1. Student performance as defined in s. 1008.34.  
379 2. Promotion and retention rates.  
380 3. Graduation rates.  
381 4. Indicators of college and career readiness.

382 (c) A communication plan for parents and other  
383 stakeholders, including local businesses and community members.

384 (d) The scope of and timelines for professional development  
385 for school instructional and administrative personnel.

386 (e) A plan for student progression based on the mastery of  
387 content, including mechanisms that determine and ensure that a



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388 student has satisfied the requirements for grade-level promotion  
389 and content mastery.

390 (f) A plan for using technology and digital and blended  
391 learning to enhance student achievement and facilitate the  
392 mastery-based ~~competency-based~~ education system.

393 (g) The proposed allocation of resources for the pilot  
394 program at the school and district levels.

395 (h) The recruitment and selection of participating schools.

396 (i) The rules to be waived for participating schools  
397 pursuant to subsection (3) to implement the pilot program.

398 (3) EXEMPTION FROM RULES.—In addition to the waivers  
399 authorized in s. 1001.10(3), the State Board of Education may  
400 authorize the commissioner to grant an additional waiver of  
401 rules relating to student progression and the awarding of  
402 credits.

403 (4) ALTERNATE CREDIT AND LETTER GRADE SYSTEMS.—

404 (a) Beginning with the 2018-2019 school year, participating  
405 school districts may amend their applications to include  
406 alternatives for awarding credit, as authorized under s.  
407 1003.436, and for the interpretation of middle and high school  
408 letter grades, as authorized under s. 1003.437.

409 1. Alternatives to awarding credit must include a  
410 verification of the student's mastery of the applicable course  
411 content using rigorous scoring rubrics to evaluate the student's  
412 work.

413 2. Alternatives to the interpretation of middle and high  
414 school letter grades may substitute the applicable language from  
415 the school district's rigorous scoring rubric.

416 (b) An application that is amended pursuant to this



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417 subsection must be approved by the district school board.

418 (5)(4) STUDENT FUNDING.—Students enrolled in a  
419 participating school shall be reported for and generate funding  
420 pursuant to s. 1011.62.

421 (6)(5) DEPARTMENT DUTIES.—The department shall:

422 (a) Compile the student and staff schedules of  
423 participating schools before and after implementation of the  
424 pilot program.

425 (b) Provide participating schools with access to statewide,  
426 standardized assessments required under s. 1008.22.

427 (c) Annually, by June 1, provide to the Governor, the  
428 President of the Senate, and the Speaker of the House of  
429 Representatives a report summarizing the activities and  
430 accomplishments of the pilot program and any recommendations for  
431 statutory revisions.

432 ~~(6) RULES. The State Board of Education shall adopt rules~~  
433 ~~to administer this section.~~

434 Section 13. Subsection (7) is added to section 1007.23,  
435 Florida Statutes, to read:

436 1007.23 Statewide articulation agreement.—

437 (7) The articulation agreement must ensure fair and  
438 equitable access for high school graduates with mastery-based,  
439 nontraditional diplomas and transcripts.

440 Section 14. For the 2018-2019 fiscal year, the sum of \$9.7  
441 million in recurring funds from the General Revenue Fund is  
442 appropriated to the Department of Education to fund reading  
443 scholarship accounts pursuant to s. 1002.411, Florida Statutes,  
444 and \$300,000 in recurring funds from the General Revenue Fund  
445 shall be provided as an administrative fee pursuant to s.





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446 1002.411(7)(g), Florida Statutes.

447

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

449 And the title is amended as follows:

450 Delete line 51

451 and insert:

452 F.S.; revising the meaning of a rare disease within  
453 the definition of the term "disability" for purposes  
454 of the Gardiner Scholarship Program; revising eligible  
455 expenditures for the program; revising requirements  
456 for private schools that participate in the program;  
457 specifying that the failure or refusal, rather than  
458 the inability of, a private school to meet certain  
459 requirements constitutes a basis for program  
460 ineligibility; conforming cross-references; creating  
461 s. 1002.411, F.S.; establishing reading scholarship  
462 accounts for specified purposes; providing for  
463 eligibility for scholarships; providing for  
464 administration; providing duties of the Department of  
465 Education; providing school district obligations;  
466 specifying options for parents; providing that maximum  
467 funding shall be specified in the General  
468 Appropriations Act; providing for payment of funds;  
469 specifying that no state liability arises from the  
470 award or use of such an account; amending s. 1003.436,  
471 F.S.; authorizing a district school board  
472 participating in the Mastery-Based Education Pilot  
473 Program to award credit based on student mastery of  
474 certain content and skills; amending s. 1003.437,



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475 F.S.; authorizing a district school board  
476 participating in the Mastery-Based Education Pilot  
477 Program to use an alternative interpretation of letter  
478 grades for certain students; amending s. 1003.4996,  
479 F.S.; renaming the Competency-Based Education Pilot  
480 Program as the Mastery-Based Education Pilot Program;  
481 authorizing public school districts to submit  
482 applications for the program; authorizing  
483 participating school districts to amend their  
484 applications to include alternatives for the award  
485 credits and interpretation of letter grades; providing  
486 requirements for such alternatives; deleting a  
487 requirement that the State Board of Education adopt  
488 rules; amending s. 1007.23, F.S.; requiring the  
489 statewide articulation agreement to ensure fair and  
490 equitable access for students with mastery-based,  
491 nontraditional diplomas and transcripts; providing an