

Committee Substitute for Senate Bill No. 1414

An act relating to supplemental educational services; amending s. 1008.331, F.S.; providing restrictions on charges by specified school districts for facility rental fees paid by a state-approved supplemental educational services provider; requiring the Department of Education to annually evaluate and grade supplemental educational services providers; specifying evaluation criteria; providing reporting requirements; providing an effective date.

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

Section 1. Section 1008.331, Florida Statutes, is amended to read:

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

(1) INCENTIVES.—A provider or school district may not provide incentives to entice a student or a student's parent to choose a provider. After a provider has been chosen, the student may be awarded incentives for performance or attendance, the total value of which may not exceed \$50 per student per year.

(2) RESPONSIBILITIES OF SCHOOL DISTRICT AND PROVIDER.—

(a) School districts must create a streamlined parent enrollment and provider selection process for supplemental educational services and ensure that the process enables eligible students to begin receiving supplemental educational services no later than October 15 of each school year.

(b) Supplemental educational services enrollment forms must be made freely available to the parents of eligible students and providers both prior to and after the start of the school year.

(c) School districts must provide notification to parents of students eligible to receive supplemental educational services prior to and after the start of the school year. Notification shall include contact information for state-approved providers as well as the enrollment form, clear instructions, and timeline for the selection of providers and commencement of services.

(d) State-approved supplemental educational services providers must be able to provide services to eligible students no later than October 15 of each school year contingent upon their receipt of their district-approved student enrollment lists at least 20 days prior to the start date.

(e) In the event that the contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall be afforded no less than 20 days from the date the contract was executed to begin delivering services.

(f) A school district must hold open student enrollment for supplemental educational services unless or until it has obtained a written election to receive or reject services from parents in accordance with paragraph (3)(a).

(g) School districts, using the same policies applied to other organizations that have access to school sites, shall provide access to school facilities to providers that wish to use these sites for supplemental educational services. A school district with a student population in excess of 300,000 may only charge a state-approved supplemental educational services provider facility rental fees for the actual hours that the classrooms are used for tutoring by the provider.

(3) COMPLIANCE; PENALTIES FOR NONCOMPLIANCE.—

(a) Compliance is met when the school district has obtained evidence of reception or rejection of services from the parents of at least a majority of the students receiving free or reduced-price lunch in Title I schools that are eligible for parental choice of transportation or supplemental educational services unless a waiver is granted by the State Board of Education. A waiver shall only be granted if there is clear and convincing evidence of the district's efforts to secure evidence of the parent's decision. Requirements for parental election to receive supplemental educational services shall not exceed the election requirements for the free and reduced-price lunch program.

(b) A provider must be able to deliver supplemental educational services to school districts in which the provider is approved by the state. If a state-approved provider withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent and the minimums per site set by the provider have been met, the school district must report the provider to the department. The provider shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year.

(4) REALLOCATION OF FUNDS.—If a school district has not spent the required supplemental educational services set-aside funding, the district may apply to the Department of Education after January 1 for authorization to reallocate the funds. If the Commissioner of Education does not approve the reallocation of funds, the district may appeal to the State Board of Education. The State Board of Education must consider the appeal within 60 days of its receipt, and the decision of the state board shall be final.

(5) RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION.—

(a) The Department of Education shall assign to each state-approved supplemental educational services provider one of the following grades, defined according to rules of the State Board of Education:

1. “A,” providing superior service.
2. “B,” providing above satisfactory service.
3. “C,” providing satisfactory service.
4. “D,” providing below satisfactory service.

5. “F,” providing unsatisfactory service.

(b) A state-approved supplemental educational services provider’s grade shall be based on a combination of student learning gains and student proficiency levels, as measured by the statewide assessment pursuant to s. 1008.22, and norm-referenced tests approved by the Department of Education for students in kindergarten through grade 3.

(c) Beginning with the 2007-2008 school year, the Department of Education shall assign a grade to each state-approved supplemental educational services provider and by March 1 report the grades to the supplemental educational services providers, the school districts, parents, and the public.

~~(6)~~(5) RULES.—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section and may enforce the provisions of this section pursuant to s. 1008.32.

Section 2. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.