

Committee Substitute for
Committee Substitute for Senate Bill No. 2538

An act relating to supplemental educational services; amending s. 1008.331, F.S.; requiring that each supplemental educational services provider report certain information to the Department of Education regarding services to public school students in the district by a specified date each year; requiring that the department post a uniform survey on its Internet website to be completed online by principals and school districts; requiring that the department evaluate each provider based on such information and assign a service designation; providing an exception for such designation; requiring that the State Board of Education adopt rules specifying the threshold requirements for such designation; requiring that the department report the service designations to the providers, the school districts, parents, and the public by a specified date each year; authorizing school districts to use certain funds to meet the requirements in the act; requiring that the State Board of Education adopt rules; requiring that the board's rules include an internal complaint procedure; providing guidelines for such procedure; requiring that the department approve certain methods for measuring student learning gains; requiring that a provider use acceptable methods for measuring student learning gains as a condition for state approval; requiring that a provider report data on individual student learning gains to the department; providing an exception; requiring that the report contain certain information; providing an effective date.

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

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 services provider must report to the Department of Education, unless a prior agreement has been made with the local school district, in an electronic form prescribed by the department, the following information regarding services provided to public school students in the district:

1. Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards;
2. Student attendance and completion data;
3. Parent satisfaction survey results;

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

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

The department shall post a uniform survey on its Internet website to be completed online by principals and school districts. 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) The department shall evaluate each state-approved provider using the information received pursuant to paragraph (a) and assign a service designation of excellent, satisfactory, or unsatisfactory for the prior school year. However, if the student population served by the provider does not meet the minimum sample size necessary, based on accepted professional practice for statistical reliability and the prevention of the unlawful release of personally identifiable student information, the provider will not receive a service designation. The State Board of Education shall specify, by rule, the threshold requirements for assigning the service designations; however, the service designations must be based primarily on student learning gains. By July 1 of each year, the department must report the service designation to the supplemental educational services providers, the school districts, parents, and the public. 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) School districts may use Title I, Part A funds to meet the requirements, as provided in the Elementary and Secondary Education Act, as amended. 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.

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

(e) The board's rules shall establish an internal complaint procedure to resolve disputes regarding the state approval process, the termination of

state approval, and the assignment of a service designation. The internal complaint procedure must provide for an informal review by a hearing officer who is employed by the department and, if requested, a formal review by a hearing officer who is employed by the department, and shall recommend a resolution of the dispute to the Commissioner of Education. The internal complaint procedure is exempt from the provisions of chapter 120. The decision by the commissioner shall constitute final action.

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

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

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

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

Approved by the Governor June 24, 2009.

Filed in Office Secretary of State June 24, 2009.