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MEMORANDUM

TO: District Superintendents
State-Approved SES Providers

FROM: Cheri Pierson Yecke, Ph.D.

DATE: June 9, 2006

SUBJECT: 2006 LEGISLATIVE CHANGES REGARDING SUPPLEMENTAL EDUCATIONAL SERVICES (SES) IN TITLE I SCHOOLS

The 2006 Legislature passed Committee Substitute for Committee Substitute for Senate Bill 772 to create a new section of law related to supplemental educational services in Title I schools. The purpose of the new law is to provide policy related to the responsibilities of school districts and providers relative to supplemental educational services as required in section 1116 of the No Child Left Behind (NCLB) Act. The purpose of this memo is to provide summary and general information related to the new law.

The bill states that 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.

CHERI PIERSON YECKE, PH.D.
CHANCELLOR, K-12 PUBLIC SCHOOLS

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The bill establishes responsibilities of school districts and providers:

- 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.
- 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.
- 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, which 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.
- Service providers must be able to provide services to eligible students no later than October 15 of each school year contingent upon receipt of their district-approved student enrollment lists at least 20 days prior to the start date.
- In the event that a contract with a state-approved provider is signed less than 20 days prior to October 15, the provider shall have no less than 20 days from the date the contract was executed to begin delivering services.
- Each 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 the parents of at least a majority of eligible students unless a waiver is granted by the State Board of Education.
- 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.

The bill defines school district and provider compliance, provisions for a waiver, and penalties for noncompliance:

- The school district has met compliance when it has obtained evidence of reception or rejection of services from the parents of at least a majority of eligible students 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.

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- Providers 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 minimum per site set by the provider has 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.

The bill provides for reallocation of funds such that 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.

The bill also authorizes the State Board of Education to adopt rules to implement and enforce the provisions of this section.

Department staff are developing technical assistance materials to provide additional guidance for implementing this legislation. If you have questions or need additional information, please contact the Bureau of Public School Options at 850.245.0479.

CY:MJB:seo

cc: Assistant Superintendents for Instruction
Title I Contacts
SES Contacts