

STATE BOARD OF EDUCATION
Consent Item
March 26, 2010

SUBJECT: Approval of New Rule 6A-1.0391, Evaluation of Supplemental Educational Services Providers

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1008.331, Florida Statutes

EXECUTIVE SUMMARY

Section 1008.331, Florida Statutes, requires supplemental educational services (SES) providers to submit, by May 1 of each year, in an electronic form provided by the Department, student learning gains as demonstrated by mastery of goals established by the Local Educational Agency (LEA), student attendance and completion data, and parent satisfaction survey results, unless a prior agreement has been made with an LEA. The Florida Department of Education will use this information and satisfaction survey results of LEAs and principals to assign services designations of unsatisfactory, satisfactory, and excellent to each state-approved SES provider by July 1. The rule will establish guidelines for SES providers for collection and submission of required information and detail the process of calculating data for assigning service designations.

Supporting Documentation Included: Proposed New Rule 6A-1.0391, Evaluation of Supplemental Educational Services Providers, Form SES 300, Data Entry for LEAs and SES Providers, Form SES 301, Supplemental Educational Services Survey FOR PARENTS, Form SES 302, Supplemental Educational Services Survey FOR DISTRICTS and Form SES 303, Supplemental Educational Services Survey FOR PRINCIPALS

Facilitator: Dr. Frances Haithcock, Chancellor, Division of Public Schools and Nikolai Vitti, Deputy Chancellor, K-12 School Improvement and Student Achievement

This is a new rule.

6A-1.0391 Evaluation of Supplemental Educational Service Providers.

(1) Purpose. This rule implements an evaluation system for state-approved supplemental educational service providers, in accordance with Section 1008.331(5), Florida Statutes.

(2) Definitions. For the purpose of this rule, the following definitions will be used:

(a) “Local Educational Agency” or “LEA” means the school district responsible for the administration of supplemental educational services.

(b) “Pre-assessment” means the valid and reliable assessment instrument capable of identifying a student’s deficiencies in mastering the Sunshine State Standards Benchmarks or Access Points, as defined in Section 1003.41, Florida Statutes.

(c) “Post-assessment” means the valid and reliable assessment instrument capable of measuring a student’s achievement on the same set of Sunshine State Standards Benchmarks or Access Points as adopted in Rule 6A-1.09401, FAC., measured in the pre-assessment and as identified in the student learning plan.

(d) “Provider” means the individual or organization approved by the Department to provide supplemental educational services.

(e) “Supplemental Educational Services” means the services as defined in Rule 6A-1.039(2), FAC.

(f) “Student learning plan” means the plan as defined in Rule 6A-1.039(2), FAC.

(g) “Length of prescribed program” means the number of hours of services to be provided to each student based on the provider’s rate and LEA’s per pupil allocation.

(f) “Student” means a student who was enrolled, placed, or assigned to a supplemental education services provider and has a district approved student learning plan for the current year.

(g) “Attendance” means the SES student hours submitted by the provider and approved by the LEA.

(h) “Completion” means an SES student that has expended the total per-pupil allocation and has participated in the provider administered post-assessment.

(i) “Per-pupil allocation” means the maximum amount of funds that may be expended for each eligible student for supplemental educational services based on the Title I, Part A allocation.

(j) “Prior agreement” means that the provider and the LEA have an agreement that the LEA will submit the required data on behalf of the provider to the Department by May 1.

(3) Documentation of data.

(a) A provider shall thoroughly document all student data, including student learning gains and attendance and completion data, and make all student data available to the Department or LEA upon request.

(b) A false statement made by a provider in conjunction with the information required by this rule will be reported by the Department to the appropriate law enforcement agency for prosecution pursuant to Section 837.06, Florida Statutes, (false official statements).

(c) Should the Department find evidence that a provider submitted any falsified data required by this rule, the Department shall open a complaint and investigate the matter in accordance with Rule 6A-1.039(7), F.A.C.

(4) Minimum sample size for provider evaluation. In order to ensure statistical reliability and to avoid the inadvertent release of personally identifiable student data prohibited by section 1002.22, Florida Statutes, providers that serve ten or fewer students in an academic year will not receive a service designation.

(5) Student assigned after April 1. Any student enrolled with a provider's program after April 1 shall be considered in the following year's service designation.

(6) Evaluation method. The evaluation method for a service designation is comprised of the following five factors, of which a total of 500 points may be earned:

(a) Student learning gains as demonstrated by mastery of applicable benchmarks or access points set forth in the Sunshine State Standards as adopted in Rule 6A-1.09401, FAC., worth 300 points;

(b) Attendance and completion data worth 75 points;

(c) Parent surveys worth 25 points;

(d) LEA surveys worth 50 points; and

(e) Principal surveys worth 50 points.

(7) Student learning gains. Student learning gains will be determined in the following manner:

(a) The LEA, in collaboration with the provider and the parent, shall identify a maximum of five measurable goals for each student in each subject area, based on provider-administered pre-assessment data and available LEA data that identify the student's deficiencies. The goals shall be included in the student learning plan. The LEA shall have authority over the content of these goals.

(b) Upon student completion of the length of prescribed program with a provider, the provider shall administer a post-assessment to determine the number of goals that were mastered by the student. The provider shall report the

outcome of the services on the final progress report and submit the final progress report to the student's parents and LEA.

(c) The LEA shall review final progress reports and maintain them for use in the verification phase outlined in subsection (15) of this rule.

(d) The provider shall use Form SES 300, Data Entry for LEAs and SES Providers, which is hereby incorporated by reference to become effective with the effective date of this rule, to report the number of goals identified in the student learning plan and the number of goals mastered by the student directly to the Department on its Web site at: <http://fldoe.org/flbpso> by May 1 of each school year, unless a prior agreement has been made with the LEA.

(e) Within 30 days of the May 1 deadline, the Department shall calculate for each provider:

1. The total number of goals by subject area pursuant to paragraph (7)(a) of this rule for all students completing the length of prescribed program;

2. The total number of goals by subject area that were mastered pursuant to paragraph (b) for all students receiving supplemental educational services; and

3. The percentage of goals mastered using the data from paragraphs (a) and (b) as described in paragraph (7)(d) of this rule.

(f) The Department shall determine a raw score based upon the percentage of goals mastered multiplied by 300. The raw score constitutes the points for the total student learning gains mastered.

(8) Attendance and completion data. Attendance and completion data shall be calculated in the following manner:

(a) The LEA shall include the length of prescribed program for each student in the student learning plan based on each provider's hourly rate and the LEA's per-pupil allocation.

(b) Verified attendance rosters and invoices shall be maintained by the provider to ensure the hours of tutoring delivered to each student are correct. The attendance rosters and invoices shall be available to the district and the Department upon request.

(c) For each student enrolled with the provider at any time during the school year, the provider shall use Form SES 300 to report the length of prescribed program and the actual number of hours provided directly to the

Department on its Website at <http://fldoe.org/flbpso> by May 1 of each school year, unless a prior agreement has been made with the school LEA.

(d) The Department shall calculate for each provider:

1. The length of prescribed program pursuant to paragraph (8)(a) of this rule of all students enrolled in Supplemental Educational Services;

2. The total number of hours delivered pursuant to paragraph (8)(b) of this rule to all students enrolled before April 1 of each school year; and

3. The percentage of hours that were completed.

(e) A raw score shall be calculated by the Department for each provider based upon the percentage determined in subparagraph (8)(d)3. of this rule multiplied by 75. The raw score constitutes the total attendance and completion points achieved.

(9) Surveys. The Department shall survey three separate populations: parents, LEAs, and principals where supplemental educational services are provided on site.

(a) All survey questions will have five response levels, to be scored as follows:

1. An answer of “strongly disagree” is worth zero points.

2. An answer of “disagree” is worth one point.

3. An answer of “neither agree nor disagree” is worth two points.

4. An answer of “agree” is worth three points.

5. An answer of “strongly agree” is worth four points.

(b) Parent survey. By May 1 of each school year, parents may submit satisfaction results of provider performance using Form SES 301, Supplementary Educational Services Survey for Parents, which is hereby incorporated by reference and made a part of this rule to become effective with the effective date of the rule on the Department’s Web site at <http://fldoe.org/flbpso> or in hard-copy.

1. The provider shall make Form SES 301 available to parents electronically and in hard-copy at the tutoring site. Hard-copy surveys shall be collected by the provider and submitted electronically on behalf of the parent on the Department’s Web site at <http://fldoe.org/flbpso>. Hard-copy surveys shall be mailed by the provider to the Department at 325 West Gaines Street, Suite 348, Tallahassee, FL 32399-0400. Only one parent survey per child will be permitted.

2. Parent survey results shall be calculated by the Department for each provider based upon the percentage of possible points compared to earned points, multiplied by 25.

3. In the event that the Department does not receive parent survey data for a provider, the Department shall modify the calculation to account for the missing survey data by subtracting the number of possible points for the missing survey population from 500, to modify the overall number of points possible as defined in subsection (6) of this rule.

(c) LEA survey. By May 1 of each school year, each LEA shall submit a uniform online survey on the Department's Web site at <http://fldoe.org/flbpso> using Form SES 302, Supplemental Educational Services Survey for Districts, which is hereby incorporated by reference to become effective with the effective date of this rule to evaluate each provider's performance. In the event that the LEA is also acting as a provider, the LEA shall not submit a survey evaluating its performance.

1. LEA survey results shall be calculated by the Department for each provider based upon the percentage of possible points compared to earned points, multiplied by 50.

2. In the event that the Department does not receive LEA survey data for a provider, the Department shall modify the calculation to account for the missing survey data by subtracting the number of possible points for the missing survey population from 500, to modify the overall number of points possible as defined in subsection (5) of this rule.

(d) Principal survey. By May 1 of each school year, each principal of a school where SES is provided on site shall submit a uniform online survey on the Department's Web site at <http://mail.fldoe.org/flbpso> using Form SES 303, Supplemental Educational Services Survey for Principals, which is hereby incorporated by reference to become effective with the effective date of this rule, to evaluate each provider's performance.

1. Principal survey results shall be calculated by the Department for each provider based upon the percentage of possible points compared to earned points, multiplied by 50.

2. In the event that the Department does not receive principal survey data for a provider, the Department shall modify the calculation to account for the missing survey data by subtracting the number of possible points for the missing survey population from 500, to modify the overall number of points possible as defined in subsection (5) of this rule.

(10) Calculation of service designation percentage. To calculate the services designation percentage for each provider, the Department shall:

(a) Round each raw score in subsections (7) through (9) of this rule to the nearest whole number.

(b) Determine the sum of all raw scores.

(c) Divide the sum of the raw scores by 500 points pursuant to subsection (5) of this rule to determine the total earned points.

(d) Multiply the total earned points by 100. The product will determine a provider's services designation percentage.

(11) Service Designation Scale. To assign provider service designations, the Department shall use the following scale:

(a) Providers receiving a score of 80% or above will be classified as "excellent."

(b) Providers receiving a score of at least 50% and less than 80% will be classified as "satisfactory".

(c) Providers receiving a score of less than 50% will be classified as "unsatisfactory."

(12) Reporting timeline. To facilitate timely processing of data and data verification, May 1 of each year shall serve as the deadline for all data submission from providers, LEAs, and principals. The Department shall only accept data submitted after May 1 if the provider demonstrates in writing that unforeseen and uncontrollable circumstances took place prohibiting the provider from complying with the reporting timeline.

(13) Incomplete data. If the Department determines that unforeseen and uncontrollable circumstances prohibited the provider from submitting data by the deadline, the Department shall assign a service designation of "incomplete" to the provider. The provider must submit the data within 45 days of the Department's determination. If the provider fails to submit the data by the deadline the service designation will be assigned pursuant to paragraph (14).

(14) Failure to submit data. Notwithstanding subparagraphs (9)(a)3., (b)2., and (c)2., of this rule to ensure compliance with the reporting deadline by providers, in the event that a provider fails to submit any data, in whole or in part, within 14 days of the May 1 submission deadline, the Department shall assign a score of zero for any missing data based on 500 possible points.

(15) Verification of Data. To ensure accurate and correct data, prior to the announcement of service designations the Department will provide an opportunity to all LEAs and providers to verify the data submitted by

the provider and the LEA using Form SES 300 and correct any data reporting errors. The length of verification phase will be determined at the discretion of the Department, and shall not last more than 14 days.

(16) Method of announcement of service designation. By July 1 of each year, service designations will be made available to providers, LEAs, parents, and the public on the Department’s Web site, found at <http://fldoe.org/flbpo>.

(17) Improvement Plan.

(a) The Department shall establish an improvement plan for any provider with an “unsatisfactory” service designation. The improvement plan must include goals for improvement, and may include, but is not limited to, the following:

1. Improvement of the provider assessment tool;
2. A student attendance improvement plan;
3. A parent outreach action plan;
4. Improvement in the implementation of the assessment mechanism;
5. Improvement in the curriculum and instructional materials; and
6. Improvement in the quality of provider staff.

(b) The provisions for removal as set forth in Rule 6A-1.039(8), F.A.C., shall apply to a provider awarded an unsatisfactory service designation for two consecutive years.

(18) Grievance procedure. A provider shall utilize the Grievance Procedures for Providers, found in Rule 6A-1.039, F.A.C., to resolve complaints about service designations.

Rulemaking Authority 1001.02(i), 1008.331(5)(d) F.S. Law Implemented 1008.331(5), F.S.
History – New

**Florida Department of Education
Data Entry for LEAs and SES Providers**

Provider/LEA Data Entry

Provider	District	Student ID	Student Last Name	Student First Name	Grade Level	Contact Hours READING/LA*	Contact Hours MATH*	Contact Hours SCIENCE*	Length Prescribed Program	Delete record?
BSA Tutoring	FAMU Lab School 74	002233	Moore	Anna	2	0	0	0	0	

Provider Data Entry

Provider	District	Student ID	Student Last Name	Student First Name	Grade Level	Total Prescribed Goals in MATH*	# Goals Mastered MATH*	Total Prescribed Goals in READING/LA*	# Goals Mastered READING/LA*	Total Prescribed Goals in SCIENCE*	# Goals Mastered in SCIENCE*
BSA Tutoring	Cecels 49	002233	Moore	Anna	2	0	0	0	0	0	0

*LEA will report with prior agreement.

**Florida Department of Education
Supplemental Educational Services Survey for
PARENTS**

We would like your input. Please tell us about your experience with the SES tutoring program. Please complete a **separate survey for each child.** *Your responses will be kept confidential.*

Name of Provider/Tutoring Company: _____

School District: _____

School Name: _____

Please check one box per question.					
	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
1. I received a progress report every month.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The progress report was easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. I was able to contact my child's tutor whenever I needed assistance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. My child was supervised during the tutoring sessions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. My child's tutors were courteous a professional.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. My child is performing better in schools as a result of tutoring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Overall, I am satisfied with my child's tutors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THANK YOU!

**Florida Department of Education
Supplemental Educational Services Survey
FOR DISTRICTS**

Our records show that your district was eligible to offer Supplemental Educational Services (SES). We would like your feedback on the performance of the SES providers serving your districts. Please complete a **separate survey for each SES provider** with whom the district has contracted by *[insert date]* at *[insert website]*.

Name of SES Provider Company: _____
School District: _____
District Contact: _____
Telephone: _____
E-mail: _____

Please check the appropriate box.					
This provider...	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
1. provided services that were aligned to the district's instructional program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. used the curriculum(s) described in the state-approved application.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. met the specific needs of each student served.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. tailored instruction to meet the needs of students with disabilities, including students with 504 plans and ELL plans, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. tracked students' progress on the goals outlined in the SLP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. reported students' progress to parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. communicated with parents in the parents' native language.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. reported students' progress to the classroom teachers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. began services to students by October 15 th .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. provided adequate supervision for students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. provided services that were consistent with the state-approved application.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. followed all confidentiality requirements for the disclosure of student information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. was professional and courteous to parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. was accessible when I needed to contact them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Overall, I am satisfied with this provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THANK YOU!

**Florida Department of Education
Supplemental Educational Services Survey
FOR PRICIPALS**

*Our records show that your school was eligible to offer Supplemental Educational Services (SES). We would like your feedback on the performance of the SES providers serving your school. Please complete a **separate survey for each SES provider** by [insert date] at [insert website].*

Name of SES Provider Company: _____

School District: _____

Name of Principal: _____

Name of School: _____

Please check the appropriate box.					
This provider...	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
1. provided services that were aligned to the district's instructional program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. used the curriculum(s) described in the state-approved application.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. met the specific needs of each student served.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. tailored instruction to meet the needs of students with disabilities, including students with 504 plans and ELL plans, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. tracked students' progress on the goals outlined in the SLP.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. reported students' progress to parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. communicated with parents in the parents' native language.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. reported students' progress to the classroom teachers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. provided adequate supervision for students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. was professional and courteous to parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. was accessible when I needed to contact them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Overall, I am satisfied with this provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THANK YOU!