

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1191 (2012)

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Rulemaking & Regulation  
2 Subcommittee  
3 Representative Patronis offered the following:  
4

5 **Amendment**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Subsection (3) of section 1001.10, Florida  
8 Statutes, is amended to read:

9 1001.10 Commissioner of Education; general powers and  
10 duties.—

11 (3) To facilitate innovative practices and ~~to allow~~ local  
12 selection of educational methods, the State Board of Education  
13 may authorize the commissioner to waive, upon the request of a  
14 district school board, state board of ~~Education~~ rules that  
15 relate to ~~district~~ school instruction and ~~school~~ operations,  
16 except those rules pertaining to civil rights, and student  
17 health, safety, and welfare. The Commissioner of Education is  
18 not authorized to grant waivers for any provisions in rule  
19 pertaining to the allocation and appropriation of state and

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20 local funds for public education; the election, compensation,  
21 and organization of school board members and superintendents;  
22 graduation and state accountability standards; financial  
23 reporting requirements; reporting of out-of-field teaching  
24 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;  
25 public records; or due process hearings governed by chapter 120.  
26 No later than January 1 of each year, the commissioner shall  
27 report to the Legislature and the State Board of Education all  
28 approved waiver requests in the preceding year.

29 Section 2. Paragraph (d) is added to subsection (21) of  
30 section 1002.20, Florida Statutes, and subsections (24) and (25)  
31 are added to that section, to read:

32 1002.20 K-12 student and parent rights.—Parents of public  
33 school students must receive accurate and timely information  
34 regarding their child's academic progress and must be informed  
35 of ways they can help their child to succeed in school. K-12  
36 students and their parents are afforded numerous statutory  
37 rights including, but not limited to, the following:

38 (21) PARENTAL INPUT AND MEETINGS.—

39 (d) Parent empowerment.—Parents of students who are  
40 assigned to a public school that does not improve performance  
41 following implementation of a school turnaround option under s.  
42 1008.33(5)(a) may submit a petition to the school district  
43 requesting implementation of a school turnaround option pursuant  
44 to s. 1003.07.

45 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the  
46 parent of a public school student, the school district must  
47 provide the parent with the performance evaluation for each

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48 classroom teacher assigned to his or her child, pursuant to s.  
49 1012.31.

50 (25) ASSIGNMENT TO TEACHERS.—

51 (a) Each school district shall annually notify the parent  
52 of each public school student assigned to a classroom teacher  
53 who is teaching out-of-field regarding such assignment. The  
54 notification must inform the parent that virtual instruction  
55 from a certified in-field teacher with an annual performance  
56 evaluation rating of effective or highly effective is available  
57 pursuant to s. 1012.2315(5).

58 (b) When a student is assigned to a classroom teacher who  
59 has received two consecutive annual performance evaluation  
60 ratings of unsatisfactory, two annual performance evaluation  
61 ratings of unsatisfactory within a 3-year period, or three  
62 consecutive annual performance evaluation ratings of needs  
63 improvement or a combination of needs improvement and  
64 unsatisfactory under s. 1012.34, the school district shall  
65 notify the parent regarding the performance evaluation rating of  
66 the classroom teacher. The notification must inform the parent  
67 that virtual instruction from a teacher with an annual  
68 performance evaluation rating of effective or highly effective  
69 is available pursuant to s. 1012.2315(7).

70 Section 3. Paragraph (c) of subsection (7) of section  
71 1002.32, Florida Statutes, is amended to read:

72 1002.32 Developmental research (laboratory) schools.—

73 (7) PERSONNEL.—

74 (c) Lab school faculty members shall meet the  
75 certification requirements of s. ~~ss.~~ 1012.32 and 1012.42.

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76 Section 4. Section 1003.07, Florida Statutes, is created  
77 to read:

78 1003.07 Parent empowerment.—

79 (1) This section may be cited as the "Parent Empowerment  
80 Act."

81 (2) Each school district must provide written notification  
82 to the parents of eligible students, as defined in paragraph  
83 (3) (b), when a public school has been unable to improve  
84 performance following implementation of a school turnaround  
85 option and must implement a different option, as required under  
86 s. 1008.33(5). The written notification shall inform parents  
87 that they may, by petition, request implementation of a school  
88 turnaround option by the school in the following school year.  
89 The notification shall be provided to parents within 30 calendar  
90 days after the school district receives notice from the  
91 Department of Education that the school must implement a  
92 different school turnaround option. The notification by the  
93 school district shall include:

94 (a) A description of each school turnaround option  
95 available for selection under s. 1008.33(5) (a);

96 (b) A description of the process for implementing school  
97 turnaround options, including the date by which the school  
98 district must submit its implementation plan to the State Board  
99 of Education;

100 (c) The date and location for submission of the petition;

101 (d) The date and location of the publicly noticed district  
102 school board meeting required under paragraph (4) (a), at which

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103 the school board shall consider any school turnaround option,  
104 including a parent petition; and

105 (e) School district contact information for additional  
106 questions.

107 (3) (a) Prior to the school district's selection and  
108 implementation of a different school turnaround option for the  
109 following school year, parents may submit a petition selecting  
110 an available school turnaround option, as described in the  
111 notification provided pursuant to paragraph (2) (a), for  
112 consideration by the district school board.

113 (b) Up to one parental vote per eligible student may be  
114 counted with respect to parental signatures on the petition. An  
115 eligible student is a student enrolled in the school in which  
116 the school turnaround option will be implemented or a student  
117 who is scheduled, the following school year, for assignment to  
118 the school in which the school turnaround option will be  
119 implemented, according to the district school board's enrollment  
120 policies.

121 1. A parental vote is the signature of one parent unless  
122 the other parent objects in writing to the petition vote in  
123 which case the parental vote counts for one-half per eligible  
124 child. The objection must be made before the date of submission  
125 of the petition in subsection (2).

126 2. Notwithstanding subparagraph 1., a parental vote is the  
127 signature of the parent who has been assigned sole parental  
128 responsibility or ultimate responsibility for education  
129 decisions pursuant to s. 61.13.

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130       (c) A parent must date the petition on the day it is  
131 signed and identify each eligible student on the petition. The  
132 parent's signature shall constitute a certification that the  
133 parent has a present intention to enroll each eligible student  
134 in the school if the turnaround option identified on the  
135 petition is selected. A parent may sign the petition prior to  
136 the initial notification provided to the parents of eligible  
137 students pursuant to subsection (2).

138       (d) If the school district chooses to verify signatures on  
139 the petition, the district shall use existing student enrollment  
140 documentation or other records containing parent signatures.  
141 However, a notarized signature of a person who is a parent of an  
142 eligible student shall be treated as valid. Signatures not  
143 verified within the established verification period shall be  
144 treated as valid.

145       (4) (a) The school turnaround option selected by parents  
146 must be considered for implementation by the district school  
147 board at a publicly noticed school board meeting if the petition  
148 is signed and dated by a majority of the parents of eligible  
149 students. A majority is more than one-half of the parents who  
150 are eligible to sign the petition pursuant to paragraph (3) (b).  
151 If petitions for more than one turnaround option are signed by a  
152 majority of the parents, that petition having the most such  
153 signatures shall be treated as the turnaround option selected by  
154 parents.

155       (b) The district school board may adopt the school  
156 turnaround option selected by parents or a different school  
157 turnaround option selected by the school board. If the district

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158 school board does not adopt the school turnaround option  
159 selected by parents, it must include that option with the  
160 implementation plan submitted to the State Board of Education  
161 under s. 1008.33(5)(b). If the state board determines that the  
162 school turnaround option selected by parents is more likely to  
163 improve the academic performance of students at the school, it  
164 shall remand the district school board's implementation plan to  
165 the school board. Upon remand, the district school board shall  
166 submit to the state board an implementation plan for the school  
167 turnaround option selected by parents.

168 (5) The State Board of Education shall adopt rules  
169 pursuant to ss. 120.536(1) and 120.54 to establish a model  
170 petition format, petition submission process, standards for  
171 verifying signatures, and timelines for district school board  
172 validation and consideration of a petition at a publicly noticed  
173 meeting. Such rules must provide the following:

174 (a) a sample petition form for each school turnaround  
175 option available for selection under s. 1008.33(5)(a) with  
176 simple instructions. Such sample petition form must be provided  
177 or made easily accessible at the time of the notification,

178 (b) a minimum of 30 days after initial notification  
179 provided to the parents of eligible students pursuant to  
180 subsection (2) for gathering petition signatures,

181 (c) a maximum of 30 days from the date the petition is  
182 submitted for the school district to verify the signatures,

183 (d) a minimum of 30 days must be provided between the  
184 submission of petitions and the district school board meeting to  
185 consider the plan,

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186 (e) a submitted petition form may list only one school  
187 turnaround option identified in s. 1008.33(5) (a) that is not  
188 presently being implemented at the school,

189 (f) a parent may sign a petition for each turnaround  
190 option,

191 (g) a parent signature may not be rejected based on a lack  
192 of conformity to school records if the parent's identity and  
193 signature can be easily validated with a photo ID, a notarized  
194 signature verifying the identity of the signer, or the personal  
195 knowledge of a school employee, and

196 (h) a school district may not reject a parent signature on  
197 a petition selecting a turnaround option on the basis that the  
198 parent signed the petition prior to the initial notification in  
199 subsection (2).

200 Section 5. Subsection (5) of section 1008.33, Florida  
201 Statutes, is amended to read:

202 1008.33 Authority to enforce public school improvement.—

203 (5) (a) In the school year after a school is initially  
204 identified as a school in the lowest-performing category, the  
205 school district must submit a plan, which is subject to approval  
206 by the State Board of Education, for implementing one of the  
207 following school turnaround options at the beginning of the next  
208 school year. The plan must be implemented unless the school  
209 moves from the lowest-performing category:

210 1. Convert the school to a district-managed turnaround  
211 school by means that include implementing a turnaround plan  
212 approved by the Commissioner of Education which shall become the  
213 school's improvement plan;

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214 2. Reassign students to another school and monitor the  
215 progress of each reassigned student;

216 3. Close the school and reopen the school as one or more  
217 charter schools, each with a governing board that has a  
218 demonstrated record of effectiveness; or

219 4. Contract with an outside entity that has a demonstrated  
220 record of effectiveness to operate the school.

221 (b) If a school does not move from the lowest-performing  
222 category during the initial year of implementing one of the  
223 school turnaround options in paragraph (a), the school district  
224 must submit a plan, which is subject to approval by the State  
225 Board of Education, for implementing a different option in  
226 paragraph (a) at the beginning of the next school year, unless  
227 the State Board of Education determines that the school is  
228 likely to move from the lowest-performing category if additional  
229 time is provided to implement intervention and support  
230 strategies. The State Board of Education shall determine whether  
231 a school district may continue to implement a school turnaround  
232 ~~an~~ option beyond 1 year while a school remains in the lowest-  
233 performing category. Parents of students who are assigned to a  
234 public school that is required to implement a different school  
235 turnaround option may petition the school district to implement  
236 a school turnaround option selected by the parents pursuant to  
237 s. 1003.07.

238 Section 6. Section 1012.2315, Florida Statutes, is amended  
239 to read:

240 1012.2315 Assignment of teachers.—

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241 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
242 disparities between teachers assigned to teach in a majority of  
243 schools that do not need improvement and schools that do need  
244 improvement pursuant to s. 1008.33. The disparities may be found  
245 in the assignment of temporarily certified teachers, teachers in  
246 need of improvement, and out-of-field teachers and in the  
247 performance of the students. It is the intent of the Legislature  
248 that district school boards have flexibility through the  
249 collective bargaining process to assign teachers more equitably  
250 across the schools in the district.

251 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
252 IMPROVEMENT.—School districts may not assign a higher percentage  
253 than the school district average of temporarily certified  
254 teachers, teachers in need of improvement, or out-of-field  
255 teachers to schools in one of the three lowest-performing  
256 categories under s. 1008.33(3)(b). Each school district shall  
257 annually certify to the Commissioner of Education that this  
258 requirement has been met. If the commissioner determines that a  
259 school district is not in compliance with this subsection, the  
260 State Board of Education shall be notified and shall take action  
261 pursuant to s. 1008.32 in the next regularly scheduled meeting  
262 to require compliance.

263 (3) SALARY INCENTIVES.—District school boards may ~~are~~  
264 ~~authorized to~~ provide salary incentives to meet the requirement  
265 of subsection (2). A district school board may not sign a  
266 collective bargaining agreement that precludes the school  
267 district from providing sufficient incentives to meet this  
268 requirement.

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269 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
270 chapter 447 relating to district school board collective  
271 bargaining, collective bargaining provisions may not preclude a  
272 school district from providing incentives to high-quality  
273 teachers and assigning such teachers to low-performing schools.

274 (5) ASSISTANCE TO OUT-OF-FIELD TEACHERS.—

275 (a) Each district school board shall adopt rules for  
276 implementing an assistance plan for each classroom teacher who  
277 is teaching out-of-field. The assistance plan must provide  
278 teachers who are teaching out-of-field with priority  
279 consideration in professional development activities and require  
280 such teachers to participate in a certification or staff  
281 development program that provides the competencies required for  
282 the assigned duties. The assistance plan must also include  
283 duties of administrative personnel and other instructional  
284 personnel for assisting a teacher who is teaching out-of-field  
285 in providing instructional services to students.

286 (b) The school district shall annually notify the parent  
287 of each student who is assigned to a classroom teacher who is  
288 teaching subject matter that is:

- 289 1. Outside the field in which the teacher is certified;  
290 2. Outside the field that was the teacher's minor field of  
291 study; or  
292 3. Outside the field in which the teacher has demonstrated  
293 sufficient subject area expertise, as determined by district  
294 school board policy in the subject area to be taught.

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296 The notification must inform the parent that virtual instruction  
297 from a certified in-field teacher with an annual performance  
298 evaluation rating of effective or highly effective under s.  
299 1012.34 is available to his or her child through the virtual  
300 instruction options listed under s. 1002.321(4).

301 ~~(6)(5)~~ REPORT.—

302 ~~(a)~~ By July 1, 2012, the Department of Education shall  
303 annually report on its website, in a manner that is accessible  
304 to the public, the performance rating data reported by district  
305 school boards under s. 1012.34. The report must include the  
306 percentage of classroom teachers, instructional personnel, and  
307 school administrators receiving each performance rating  
308 aggregated by school district and by school.

309 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
310 EVALUATIONS.—

311 ~~(a)(b)~~ Notwithstanding ~~the provisions of~~ s.  
312 1012.31(3)(a)2., each school district shall annually notify  
313 ~~report to~~ the parent of any student who is assigned to a  
314 classroom teacher or school administrator having two consecutive  
315 annual performance evaluation ratings of unsatisfactory under s.  
316 1012.34, two annual performance evaluation ratings of  
317 unsatisfactory within a 3-year period under s. 1012.34, or three  
318 consecutive annual performance evaluation ratings of needs  
319 improvement or a combination of needs improvement and  
320 unsatisfactory under s. 1012.34. The notification must inform  
321 the parent that virtual instruction from a teacher with a  
322 performance evaluation rating of highly effective or effective

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323 under s. 1012.34 is available to his or her child through the  
324 virtual instruction options listed under s. 1002.321(4).

325 (b) Upon request by the parent of a public school student,  
326 the school district shall provide the parent with the  
327 performance evaluation for each classroom teacher assigned to  
328 his or her child, pursuant to s. 1012.31.

329 (c) If a student is currently taught by a classroom  
330 teacher who receives, in that school year, a performance  
331 evaluation rating of needs improvement or unsatisfactory under  
332 s. 1012.34, the student may not be assigned the following school  
333 year to a classroom teacher, in the same subject area, who  
334 received a performance evaluation rating of needs improvement or  
335 unsatisfactory in the preceding school year.

336 Section 7. Section 1012.42, Florida Statutes, is repealed.  
337 Section 8. This act shall take effect July 1, 2012.