A bill to be entitled
An act relating to parent empowerment in education;
amending s. 1001.10, F.S.; conforming a cross-reference;
amending s. 1002.20, F.S.; providing that parents who have a student in a public school that is implementing a turnaround option may petition to have a particular turnaround option implemented; requiring the school district to give parents of public school students, upon request, a performance evaluation for each classroom teacher assigned to their child; requiring the school district to notify parents of a public school student being taught by an out-of-field teacher or by a teacher with an unsatisfactory performance rating; specifying requirements for the notice; amending s. 1002.32, F.S.; conforming a cross-reference; amending s. 1002.33, F.S.; requiring a charter school to comply with certain procedures for the assignment of teachers; creating s. 1003.07, F.S.; creating the Parent Empowerment Act; specifying what constitutes an eligible student and a parental vote; requiring that a school district send a written notice to parents of public school students regarding the parents’ options to petition the school for a particular turnaround option; requiring the notice to include certain information; authorizing up to one parental vote per eligible student; establishing the process to solicit signatures for a petition; prohibiting a person from being paid for signatures; prohibiting a for-profit corporation, business, or
entity from soliciting signatures or paying a person
to solicit signatures; establishing criteria to verify
the signatures on a petition; requiring the State
Board of Education to adopt rules for filing a
petition; specifying that a petition is valid if it is
signed and dated by a majority of the parents of
eligible students and those signatures are verified;
requiring the school district to consider the
turnaround option on the valid petition with the most
signatures at a publicly noticed school board meeting;
requiring the school district to submit an
implementation plan to the state board; amending s.
1008.33, F.S.; authorizing a parent to petition the
school district to implement a turnaround option
selected by the parent; amending s. 1012.2315, F.S.;
providing for assistance to teachers teaching out-of-
field; requiring the school district to notify parents
and inform them of their options if a student is being
taught by an out-of-field teacher; requiring the
school district to give to a parent a teacher’s
performance evaluation upon request; providing that a
student may not be assigned to an unsatisfactory
teacher in a single subject for two consecutive school
years; repealing s. 1012.42, F.S., relating to
teachers who are teaching out-of-field; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Subsection (3) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(3) To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, rules of the State Board of Education relating rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The commissioner is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.2315 s. 1012.42; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year.

Section 2. Paragraph (d) is added to subsection (21) of section 1002.20, Florida Statutes, and subsections (25) and (26) are added to that section, to read:

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

(21) PARENTAL INPUT AND MEETINGS.—
  (d) Parent empowerment.—Parents of students who are
assigned to a public school that is required to implement a
turnaround option pursuant to s. 1008.33 may submit a petition
to the school district requesting implementation of a turnaround
option pursuant to s. 1003.07.

(25) PERSONNEL EVALUATION REPORTS.—Upon request by the
parent of a public school student, the school district shall
provide the parent with a performance evaluation for each
classroom teacher assigned to his or her child.

(26) ASSIGNMENT TO TEACHERS.—
  (a) Out-of-field classroom teachers.—Each school district
shall annually notify the parent of a public school student who
is assigned to a classroom teacher teaching out-of-field. The
notice must inform the parent that virtual instruction from a
certified in-field teacher having an annual performance
evaluation rating of “effective” or “highly effective” is
available pursuant to s. 1012.2315(5).

  (b) Underperforming classroom teachers.—Each school
district shall annually notify the parent of a public school
student assigned to a classroom teacher or school administrator
who, under s. 1012.34, has two consecutive annual performance
evaluation ratings of “unsatisfactory,” two annual performance
evaluation ratings of “unsatisfactory within a 3-year period,”
or three consecutive annual performance evaluation ratings of
“needs improvement” or a combination of “needs improvement” and
“unsatisfactory.” The notice must inform the parent that virtual instruction from a teacher who has an annual performance evaluation rating of “effective” or “highly effective” is available pursuant to s. 1012.2315(7).

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

1002.32 Developmental research (laboratory) schools.—

(7) PERSONNEL.—

(c) Lab school faculty members shall meet the certification requirements of ss. 1012.32, 1012.32, and 1012.42.

Section 4. Paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall comply be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 must shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional
personnel and school administrators.

8. Section 1012.2315(5) and (7), relating to the assignment of teachers and notification to parents.

Section 5. Section 1003.07, Florida Statutes, is created to read:

1003.07 Parent empowerment.—

(1) This section may be cited as the “Parent Empowerment Act.”

(2) As used in this section, the term:

(a) “Eligible student” means a student enrolled in a school in which a turnaround option will be implemented or a student who, under the school district’s enrollment policy, is scheduled for assignment to that school the following school year. A student who is graduating or being promoted out of a school that is eligible for a turnaround option and who will not be enrolled in that school the following school year is not an eligible student.

(b) “Parental vote” means the signature of one parent of an eligible student.

1. If the other parent objects in writing to the parental vote before the date the petition is scheduled to be submitted, and if the parents have equal parental rights, the parental vote counts for one-half of a vote.

2. If one parent has sole parental responsibility or holds the right to make educational decisions for the student pursuant to s. 61.13, only that parent can vote regarding the eligible student.

(3) Each school district shall notify, in writing, the parents of eligible students and the school advisory council
when a public school has been unable to improve performance and
is required to implement a turnaround option pursuant to s. 1008.33. The written notice must inform parents that, before the
district school board selects a turnaround option, parents may petition for implementation of a particular turnaround option by
the school the following school year. The notice must be provided to parents within 30 calendar days after the school
district receives notice from the department that the school is required to implement a turnaround option. The notice must include:

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

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

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

(d) The date and location of the publicly noticed district school board meeting required in this section at which the school board will consider the available turnaround options; and

(e) The contact information of the district school board.

(4) A person who solicits signatures may not offer monetary compensation, a promise of employment, or any other reward to a parent for signing a petition. A person who solicits signatures may not be paid per signature and, if asked, must disclose the organization he or she represents. A for-profit corporation, business, or entity is prohibited from gathering signatures or paying others to solicit signatures.

(5) The State Board of Education shall adopt rules to
establish a petition format, the petition submission process, standards for verifying signatures, and timeframes for the verification and consideration of a petition at a publicly noticed meeting. Petition forms must be easily accessible to parents. Each petition form must clearly identify only one turnaround option on the front page of the petition and on each page thereafter. The school district shall provide clear instructions and a sample petition form for each turnaround option available for selection under s. 1008.33.

(6) The petition process must provide that:

(a) Parents of eligible students have at least 30 days after initial notification to gather petition signatures.

(b) The school district shall verify signatures no more than 30 days after the date the petition is submitted.

(c) The district school board may not meet sooner than 30 days after the petition is submitted.

(d) A submitted petition may list only one turnaround option identified in s. 1008.33 which is not currently being implemented at the school. A parent may sign more than one petition for a turnaround option.

(e) A parent signature constitutes a certification that the parent has a present intention to enroll his or her child, who must be identified on the petition, if the turnaround option identified on the petition is selected. A school district may not reject a parent’s signature on a petition on the basis that the parent signed the petition before the initial notice.

(f) The school district shall verify at least a majority of the signatures on the petition using existing student enrollment documentation or other records containing parent signatures. A
school district may not reject a parent’s signature on a petition based on a lack of conformity to signatures in school records if the parent’s identity and signature can be easily validated with a photographic identification or a notarized signature verifying the identity of the signer, or by the personal knowledge of a school employee. The school district is not required to verify notarized signatures, and signatures verified outside an established verification period are valid.

(g) For a petition to be valid, it must bear the dated signatures of a majority of the parents of eligible students. For purposes of this section, a majority is more than one-half of the parents who are eligible to sign the petition. Only one parental vote per eligible student may be counted with respect to each petition.

(h) If valid petitions for more than one turnaround option are submitted, the petition having the most signatures is the official turnaround option selected by parents.

(7) The turnaround option selected by parents must be considered for implementation by the school district at a publicly noticed district school board meeting. The district school board may adopt the turnaround option selected by parents or a different turnaround option selected by the district school board. Pursuant to s. 1008.33, an implementation plan for the adopted turnaround option must be submitted to the state board.

(a) If the district school board adopts a turnaround option that is different from the turnaround option selected by parents, it shall identify with its submission the turnaround option selected by parents.

(b) If the state board determines that the turnaround
option selected by parents is more likely to improve the academic performance of students at the school, the district school board shall submit to the state board an implementation plan for the turnaround option selected by parents.

Section 6. Subsection (4) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—

(4)(a) The state board shall apply the most intense intervention and support strategies to schools earning a grade of “F.” In the first full school year after a school initially earns a grade of “F,” the school district must implement intervention and support strategies prescribed in rule under paragraph (3)(c), select a turnaround option from those provided in subparagraphs (b)1.-5., and submit a plan for implementing the turnaround option to the department for approval by the state board. Upon approval by the state board, the turnaround option must be implemented in the following school year.

(b) Except as provided in subsection (5), the turnaround options available to a school district to address a school that earns a grade of “F” are:

1. Convert the school to a district-managed turnaround school;

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

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

4. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school; or
5. Implement a hybrid of turnaround options set forth in subparagraphs 1.-4. or other turnaround models that have a demonstrated record of effectiveness.

(c) Parents of students who are assigned to a public school that is required by the State Board of Education to implement a turnaround option may petition the school district to implement one of the turnaround options in paragraph (b) selected by the parents pursuant to s. 1003.07.

(d) Except for schools required to implement a turnaround option pursuant to subsection (5), a school earning a grade of “F” shall have a planning year followed by 2 full school years to implement the initial turnaround option selected by the school district and approved by the state board. Implementation of the turnaround option is no longer required if the school improves by at least one letter grade.

(e) A school earning a grade of “F” that improves its letter grade must continue to implement strategies identified in its school improvement plan pursuant to s. 1001.42(18)(a). The department must annually review implementation of the school improvement plan for 3 years to monitor the school’s continued improvement.

(f) If a school earning a grade of “F” does not improve by at least one letter grade after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must select a different option and submit another implementation plan to the department for approval by the state board. Implementation of the approved plan must begin the school year following the implementation period of the existing turnaround option, unless
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the state board determines that the school is likely to improve
a letter grade if additional time is provided to implement the
existing turnaround option.

Section 7. Section 1012.2315, Florida Statutes, is amended
to read:

1012.2315 Assignment of teachers.—

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

(2) ASSIGNMENT TO SCHOOLS GRADED “D” or “F”.—School
districts may not assign a higher percentage than the school
district average of temporarily certified teachers, teachers in
need of improvement, or out-of-field teachers to schools graded
“D” or “F” pursuant to s. 1008.34. Each school district shall
annually certify to the commissioner of Education that this
requirement has been met. If the commissioner determines that a
school district is not in compliance with this subsection, the
State Board of Education must shall be notified and shall take
action pursuant to s. 1008.32 in the next regularly scheduled
meeting to require compliance.

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

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

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

(a) Each district school board shall adopt rules for administering an assistance plan for each classroom teacher who is teaching out-of-field. The assistance plan must provide teachers who are teaching out-of-field with priority consideration in professional development activities and require such teachers to participate in a certification or staff development program that provides the competencies required for the assigned duties. A school district may reimburse a teacher who is teaching out-of-field for a certification fee. The assistance plan must also include duties of administrative personnel and other instructional personnel for assisting a teacher who is teaching out-of-field.

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

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

The notice must inform the parent that virtual instruction from a certified in-field teacher who has an annual performance evaluation rating of “effective” or “highly effective” under s. 1012.34 is available to his or her child through the virtual instruction options specified in s. 1002.321(4).

(6) REPORT.—
(a) By July 1, 2012, the department of Education shall annually report on its website, in a manner that is accessible to the public, the performance rating data reported by district school boards under s. 1012.34. The report must include the percentage of classroom teachers, instructional personnel, and school administrators receiving each performance rating aggregated by school district and by school.

(7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE EVALUATIONS.—
(a) Notwithstanding the provisions of s. 1012.31(3)(a)2., each school district shall annually notify the parent of any student who is assigned to a classroom teacher or school administrator having two consecutive annual performance evaluation ratings of “unsatisfactory” under s. 1012.34, two annual performance evaluation ratings of unsatisfactory within a 3-year period under s. 1012.34, or three consecutive annual performance evaluation ratings of “needs improvement” or a combination of “needs improvement” and “unsatisfactory” under s. 1012.34. The notice must inform the parent that virtual instruction from a teacher having a
performance evaluation rating of “highly effective” or
“effective” under s. 1012.34 is available to his or her child
through the virtual instruction options specified in s.
1002.321(4).

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

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

Section 8. Section 1012.42, Florida Statutes, is repealed.
Section 9. This act shall take effect July 1, 2013.