

1                   A bill to be entitled  
2     An act relating to parent empowerment in education;  
3     amending s. 1001.10, F.S.; conforming a cross-  
4     reference; amending s. 1002.20, F.S.; authorizing  
5     parents of students who are assigned to certain  
6     underperforming public schools to submit a petition to  
7     the school district requesting implementation of a  
8     school turnaround option; requiring a school district,  
9     upon request, to provide a parent with a performance  
10    evaluation for each classroom teacher assigned to his  
11    or her child; requiring notification to the parent of  
12    each student who is assigned to a classroom teacher  
13    who is teaching out-of-field or who has received  
14    unsatisfactory performance evaluations; requiring such  
15    notification to include information about the  
16    availability of virtual instruction; amending s.  
17    1002.32, F.S.; correcting a cross-reference; amending  
18    s. 1002.33, F.S.; requiring charter schools to be in  
19    compliance with statutes relating to notifications and  
20    assignment of teachers; creating s. 1003.07, F.S., the  
21    Parent Empowerment Act; requiring each school district  
22    to notify parents of students attending a lowest-  
23    performing school that has been unable to improve  
24    performance and must implement a school turnaround  
25    option; authorizing parents to submit a petition  
26    requesting implementation of an available school  
27    turnaround option; providing requirements for  
28    submission of a petition and its consideration and

29 adoption by the district school board; requiring the  
30 State Board of Education to adopt rules for the  
31 petition process and specifying requirements therefor;  
32 amending s. 1008.33, F.S.; identifying the options for  
33 improving a school identified in the lowest-performing  
34 category as school turnaround options; authorizing  
35 parents to submit a petition to the school district to  
36 implement a school turnaround option; amending s.  
37 1012.2315, F.S.; requiring that each district school  
38 board adopt rules to implement an assistance plan for  
39 out-of-field classroom teachers and requiring their  
40 participation in certain programs; requiring that the  
41 school district annually notify the parent of each  
42 student assigned to an out-of-field classroom teacher  
43 or a classroom teacher who has received unsatisfactory  
44 performance evaluations; requiring such notification  
45 to include information about the availability of  
46 virtual instruction; requiring that a school district,  
47 upon request, provide a parent with the performance  
48 evaluation of each classroom teacher assigned to his  
49 or her child; prohibiting the consecutive assignment  
50 of students to classroom teachers who receive certain  
51 performance evaluations; repealing s. 1012.42, F.S.,  
52 relating to teachers teaching out-of-field; providing  
53 an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:  
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57 Section 1. Subsection (3) of section 1001.10, Florida  
 58 Statutes, is amended to read:

59 1001.10 Commissioner of Education; general powers and  
 60 duties.—

61 (3) To facilitate innovative practices and ~~to allow~~ local  
 62 selection of educational methods, the State Board of Education  
 63 may authorize the commissioner to waive, upon the request of a  
 64 district school board, ~~state board of Education~~ rules that  
 65 relate to ~~district~~ school instruction and ~~school~~ operations,  
 66 except those rules pertaining to civil rights, and student  
 67 health, safety, and welfare. The Commissioner of Education is  
 68 not authorized to grant waivers for any provisions in rule  
 69 pertaining to the allocation and appropriation of state and  
 70 local funds for public education; the election, compensation,  
 71 and organization of school board members and superintendents;  
 72 graduation and state accountability standards; financial  
 73 reporting requirements; reporting of out-of-field teaching  
 74 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;  
 75 public records; or due process hearings governed by chapter 120.  
 76 No later than January 1 of each year, the commissioner shall  
 77 report to the Legislature and the State Board of Education all  
 78 approved waiver requests in the preceding year.

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

82 1002.20 K-12 student and parent rights.—Parents of public  
 83 school students must receive accurate and timely information  
 84 regarding their child's academic progress and must be informed

85 of ways they can help their child to succeed in school. K-12  
86 students and their parents are afforded numerous statutory  
87 rights including, but not limited to, the following:

88 (21) PARENTAL INPUT AND MEETINGS.—

89 (d) Parent empowerment.—Parents of students who are  
90 assigned to a public school that is required to implement a  
91 school turnaround option under s. 1008.33 may submit a petition  
92 to the school district requesting implementation of a school  
93 turnaround option pursuant to s. 1003.07.

94 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the  
95 parent of a public school student, the school district must  
96 provide the parent with the performance evaluation for each  
97 classroom teacher assigned to his or her child, pursuant to s.  
98 1012.31.

99 (25) ASSIGNMENT TO TEACHERS.—

100 (a) Out-of-field classroom teachers.—Each school district  
101 shall annually notify the parent of each public school student  
102 assigned to a classroom teacher who is teaching out-of-field  
103 regarding such assignment. The notification must inform the  
104 parent that virtual instruction from a certified in-field  
105 teacher with an annual performance evaluation rating of  
106 effective or highly effective is available pursuant to s.  
107 1012.2315(5).

108 (b) Underperforming classroom teachers.—When a student is  
109 assigned to a classroom teacher who has received two consecutive  
110 annual performance evaluation ratings of unsatisfactory, two  
111 annual performance evaluation ratings of unsatisfactory within a  
112 3-year period, or three consecutive annual performance

113 evaluation ratings of needs improvement or a combination of  
 114 needs improvement and unsatisfactory under s. 1012.34, the  
 115 school district shall notify the parent regarding the  
 116 performance evaluation rating of the classroom teacher. The  
 117 notification must inform the parent that virtual instruction  
 118 from a teacher with an annual performance evaluation rating of  
 119 effective or highly effective is available pursuant to s.  
 120 1012.2315(7).

121 Section 3. Paragraph (c) of subsection (7) of section  
 122 1002.32, Florida Statutes, is amended to read:

123 1002.32 Developmental research (laboratory) schools.—  
 124 (7) PERSONNEL.—

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

127 Section 4. Paragraph (b) of subsection (16) of section  
 128 1002.33, Florida statutes, is amended to read:

129 1002.33 Charter schools.—  
 130 (16) EXEMPTION FROM STATUTES.—

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

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

135 2. Chapter 119, relating to public records.

136 3. Section 1003.03, relating to the maximum class size,  
 137 except that the calculation for compliance pursuant to s.  
 138 1003.03 shall be the average at the school level.

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

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

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

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

147 8. Section 1012.2315(5) and (7), relating to notifications  
 148 and assignment of teachers.

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

151 1003.07 Parent empowerment.—

152 (1) This section may be cited as the "Parent Empowerment  
 153 Act."

154 (2) Each school district must provide written notification  
 155 to the parents of eligible students, as defined in paragraph

156 (3) (b), and the school advisory council when a public school has  
 157 been unable to improve performance and must implement a school  
 158 turnaround option as required under s. 1008.33. The written  
 159 notification shall inform parents that they may, by petition,  
 160 request implementation of a school turnaround option by the  
 161 school in the following school year. The notification shall be  
 162 provided to parents within 30 calendar days after the school  
 163 district receives notice from the Department of Education that  
 164 the school must implement a school turnaround option. The  
 165 notification by the school district shall include:

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

168 (b) A description of the process for implementing school

169 turnaround options, including the date by which the school  
170 district must submit its implementation plan to the State Board  
171 of Education;

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

173 (d) The date and location of the publicly noticed district  
174 school board meeting required under paragraph (4) (a) at which  
175 the school board will consider any school turnaround option,  
176 including a parent petition; and

177 (e) School district contact information for questions.

178 (3) (a) Prior to the school district's selection and  
179 implementation of a school turnaround option for the following  
180 school year, parents may submit a petition selecting an  
181 available school turnaround option, as described pursuant to  
182 paragraph (2) (a), for consideration by the district school  
183 board.

184 (b) Up to one parental vote per eligible student may be  
185 counted with respect to parent signatures on the petition. An  
186 eligible student is a student enrolled in the school in which  
187 the school turnaround option will be implemented or, according  
188 to the district school board's enrollment policies, a student  
189 who is scheduled the following school year for assignment to  
190 that school.

191 1. A parental vote is the signature of one parent unless  
192 the other parent objects in writing to the petition vote, in  
193 which case the parental vote counts for one-half per eligible  
194 student. The objection must be made before the date the petition  
195 is to be submitted pursuant to subsection (2).

196 2. Notwithstanding subparagraph 1., a parental vote is the

CS/CS/CS/HB 1191

2012

197 signature of the parent who has been assigned sole parental  
198 responsibility or ultimate responsibility for education  
199 decisions pursuant to s. 61.13.

200 (c) A parent must date each petition on the day it is  
201 signed and identify each eligible student on the petition. The  
202 parent's signature shall constitute a certification that the  
203 parent has a present intention to enroll each eligible student  
204 in the school if the school turnaround option identified on the  
205 petition is selected. A parent may sign the petition prior to  
206 the initial notification provided to the parents of eligible  
207 students pursuant to subsection (2).

208 (d) The school district shall verify at least a majority  
209 of the signatures on the petition using existing student  
210 enrollment documentation or other records containing parent  
211 signatures. However, a notarized signature of a person who is a  
212 parent of an eligible student shall be treated as valid.  
213 Signatures not verified within the established verification  
214 period shall be treated as valid.

215 (e) A signature gatherer may not be paid per signature  
216 and, if asked, must disclose the organization he or she  
217 represents.

218 (4) (a) The school turnaround option selected by parents  
219 must be considered for implementation by the district school  
220 board at a publicly noticed school board meeting if the petition  
221 is signed and dated by a majority of the parents of eligible  
222 students. A majority is more than one-half of the parents who  
223 are eligible to sign the petition pursuant to paragraph (3) (b).  
224 If petitions for more than one school turnaround option are



225 signed by a majority of the parents, the petition having the  
226 most such signatures shall be deemed the official turnaround  
227 option selected by parents.

228 (b) The district school board may adopt the school  
229 turnaround option selected by parents or a different school  
230 turnaround option selected by the school board. If the district  
231 school board does not adopt the school turnaround option  
232 selected by parents, it must include that option with the  
233 implementation plan submitted to the State Board of Education  
234 under s. 1008.33. If the state board determines that the school  
235 turnaround option selected by parents is more likely to improve  
236 the academic performance of students at the school, it shall  
237 return the district school board's implementation plan to the  
238 school board. The district school board shall submit to the  
239 state board an implementation plan for the school turnaround  
240 option selected by parents.

241 (5) The State Board of Education shall adopt rules to  
242 establish a model petition format, the petition submission  
243 process, standards for verifying signatures, and timelines for  
244 district school board validation and consideration of a petition  
245 at a publicly noticed meeting. The rules must provide a sample  
246 petition form for each school turnaround option available for  
247 selection under s. 1008.33 with easy-to-understand instructions.  
248 Each petition form shall clearly identify only one school  
249 turnaround option on the front page of the petition and each  
250 page thereafter. The petition forms must be provided or made  
251 easily accessible to parents at the time of notification by the  
252 school district pursuant to subsection (2). The rules shall

253 provide for the following:

254 (a) A minimum of 30 days after initial notification,  
255 pursuant to subsection (2), must be provided for the parents of  
256 eligible students to gather petition signatures.

257 (b) A maximum of 30 days after the date the petition is  
258 submitted must be provided for the school district to verify the  
259 signatures.

260 (c) A minimum of 30 days must be provided between the  
261 submission of a petition and the district school board meeting  
262 to consider the petition.

263 (d) A submitted petition may list only one school  
264 turnaround option identified in s. 1008.33 that is not currently  
265 being implemented at the school.

266 (e) A parent may sign a petition for each school  
267 turnaround option.

268 (f) A school district may not reject a parent signature on  
269 a petition based on a lack of conformity to signatures in school  
270 records if the parent's identity and signature can be easily  
271 validated with a photographic identification, a notarized  
272 signature verifying the identity of the signer, or by the  
273 personal knowledge of a school employee.

274 (g) A school district may not reject a parent signature on  
275 a petition on the basis that the parent signed the petition  
276 prior to the initial notification pursuant to subsection (2).

277 Section 6. Subsection (5) of section 1008.33, Florida  
278 Statutes, is amended to read:

279 1008.33 Authority to enforce public school improvement.—

280 (5) (a) In the school year after a school is initially

281 identified as a school in the lowest-performing category, the  
282 school district must submit a plan, which is subject to approval  
283 by the State Board of Education, for implementing one of the  
284 following school turnaround options at the beginning of the next  
285 school year. The plan must be implemented unless the school  
286 moves from the lowest-performing category:

287 1. Convert the school to a district-managed turnaround  
288 school by means that include implementing a turnaround plan  
289 approved by the Commissioner of Education which shall become the  
290 school's improvement plan;

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

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

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

298 (b) If a school does not move from the lowest-performing  
299 category during the initial year of implementing one of the  
300 school turnaround options in paragraph (a), the school district  
301 must submit a plan, which is subject to approval by the State  
302 Board of Education, for implementing a different school  
303 turnaround option in paragraph (a) at the beginning of the next  
304 school year, unless the State Board of Education determines that  
305 the school is likely to move from the lowest-performing category  
306 if additional time is provided to implement intervention and  
307 support strategies. The State Board of Education shall determine  
308 whether a school district may continue to implement a school

CS/CS/CS/HB 1191

2012

309 turnaround ~~an~~ option beyond 1 year while a school remains in the  
310 lowest-performing category.

311 (c) Parents of students who are assigned to a public  
312 school that is required by the State Board of Education to  
313 implement a school turnaround option may petition the school  
314 district to implement one of the school turnaround options in  
315 paragraph (a) selected by the parents pursuant to s. 1003.07. A  
316 school implementing a school turnaround option during the 2011-  
317 2012 or 2012-2013 school year is not subject to the requirements  
318 of s. 1003.07 until the school is required to implement a  
319 different school turnaround option.

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

322 1012.2315 Assignment of teachers.—

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

333 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
334 IMPROVEMENT.—School districts may not assign a higher percentage  
335 than the school district average of temporarily certified  
336 teachers, teachers in need of improvement, or out-of-field

337 teachers to schools in one of the three lowest-performing  
 338 categories under s. 1008.33(3)(b). Each school district shall  
 339 annually certify to the Commissioner of Education that this  
 340 requirement has been met. If the commissioner determines that a  
 341 school district is not in compliance with this subsection, the  
 342 State Board of Education shall be notified and shall take action  
 343 pursuant to s. 1008.32 in the next regularly scheduled meeting  
 344 to require compliance.

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

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

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

357 (a) Each district school board shall adopt rules for  
 358 implementing an assistance plan for each classroom teacher who  
 359 is teaching out-of-field. The assistance plan must provide  
 360 teachers who are teaching out-of-field with priority  
 361 consideration in professional development activities and require  
 362 such teachers to participate in a certification or staff  
 363 development program that provides the competencies required for  
 364 the assigned duties. A district school board may reimburse a

365 teacher who is teaching out-of-field for a certification fee.  
366 The assistance plan must also include duties of administrative  
367 personnel and other instructional personnel for assisting a  
368 teacher who is teaching out-of-field in providing instructional  
369 services to students.

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

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

379  
380 The notification must inform the parent that virtual instruction  
381 from a certified in-field teacher with an annual performance  
382 evaluation rating of effective or highly effective under s.  
383 1012.34 is available to his or her child through the virtual  
384 instruction options listed under s. 1002.321(4).

385 (6) ~~(5)~~ REPORT.—

386 ~~(a)~~ By July 1, 2012, the Department of Education shall  
387 annually report on its website, in a manner that is accessible  
388 to the public, the performance rating data reported by district  
389 school boards under s. 1012.34. The report must include the  
390 percentage of classroom teachers, instructional personnel, and  
391 school administrators receiving each performance rating  
392 aggregated by school district and by school.

393 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE

394 EVALUATIONS.—

395 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.  
396 1012.31(3)(a)2., each school district shall annually notify  
397 ~~report to~~ the parent of any student who is assigned to a  
398 classroom teacher or school administrator having two consecutive  
399 annual performance evaluation ratings of unsatisfactory under s.  
400 1012.34, two annual performance evaluation ratings of  
401 unsatisfactory within a 3-year period under s. 1012.34, or three  
402 consecutive annual performance evaluation ratings of needs  
403 improvement or a combination of needs improvement and  
404 unsatisfactory under s. 1012.34. The notification must inform  
405 the parent that virtual instruction from a teacher with a  
406 performance evaluation rating of highly effective or effective  
407 under s. 1012.34 is available to his or her child through the  
408 virtual instruction options listed under s. 1002.321(4).

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

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

420 Section 8. Section 1012.42, Florida Statutes, is repealed.

CS/CS/CS/HB 1191

2012

421

Section 9. This act shall take effect July 1, 2012.