



145612

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
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The Committee on Education Pre-K - 12 (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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, state board ~~of Education~~ rules that



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13 relate to ~~district~~ school instruction and ~~school~~ operations,
14 except those rules pertaining to civil rights, and student
15 health, safety, and welfare. The Commissioner of Education is
16 not authorized to grant waivers for any provisions in rule
17 pertaining to the allocation and appropriation of state and
18 local funds for public education; the election, compensation,
19 and organization of school board members and superintendents;
20 graduation and state accountability standards; financial
21 reporting requirements; reporting of out-of-field teaching
22 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
23 public records; or due process hearings governed by chapter 120.
24 No later than January 1 of each year, the commissioner shall
25 report to the Legislature and the State Board of Education all
26 approved waiver requests in the preceding year.

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

30 1002.20 K-12 student and parent rights.—Parents of public
31 school students must receive accurate and timely information
32 regarding their child's academic progress and must be informed
33 of ways they can help their child to succeed in school. K-12
34 students and their parents are afforded numerous statutory
35 rights including, but not limited to, the following:

36 (21) PARENTAL INPUT AND MEETINGS.—

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



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42 to s. 1003.07.

43 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
44 parent of a public school student, the school district must
45 provide to the parent the performance evaluation for each
46 classroom teacher assigned to his or her child, pursuant to s.
47 1012.31.

48 (25) ASSIGNMENT TO TEACHERS.—

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

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

68 Section 3. Paragraph (c) of subsection (7) of section
69 1002.32, Florida Statutes, is amended to read:

70 1002.32 Developmental research (laboratory) schools.—



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71 (7) PERSONNEL.—

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

74 Section 4. Section 1003.07, Florida Statutes, is created to
75 read:

76 1003.07 Parent empowerment.—

77 (1) This section may be cited as the "Parent Empowerment
78 Act."

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

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

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

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

99 (d) The date and location of the publicly noticed district



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100 school board meeting, required under paragraph (4) (a), at which
101 the school board will consider the petition; and

102 (e) School district contact information for additional
103 questions.

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

110 (b) Only one parent per eligible student may sign the
111 petition. An eligible student is a student enrolled in the
112 school in which the school turnaround option will be implemented
113 or a student who is scheduled, the following school year, for
114 assignment to the school in which the school turnaround option
115 will be implemented, according to the district school board's
116 enrollment policies.

117 (c) A parent must date the petition on the day it is signed
118 and identify the eligible student on the petition.

119 (d) If the school district chooses to verify signatures on
120 the petition, the district shall use existing student enrollment
121 documentation or other records containing parent signatures.

122 (4) (a) The school turnaround option selected by parents
123 must be considered for implementation by the district school
124 board at a publicly noticed school board meeting if the petition
125 is signed and dated by a majority of the parents of eligible
126 students. A majority is more than one-half of the parents who
127 are eligible to sign the petition pursuant to paragraph (3) (b).

128 (b) The district school board may adopt the school



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129 turnaround option selected by parents or a different school
130 turnaround option selected by the school board. If the district
131 school board does not adopt the school turnaround option
132 selected by parents, it must include that option with the
133 implementation plan submitted to the State Board of Education
134 under s. 1008.33(5) (b). If the state board determines that the
135 school turnaround option selected by parents is more likely to
136 improve the academic performance of students at the school, it
137 shall remand the district school board's implementation plan to
138 the school board. The district school board shall submit to the
139 state board an implementation plan for the school turnaround
140 option selected by parents.

141 (5) The State Board of Education shall adopt rules pursuant
142 to ss. 120.536(1) and 120.54 to establish a model petition
143 format, petition submission process, standards for verifying
144 signatures, and timelines for district school board
145 consideration of a petition at a publicly noticed meeting.

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

148 1008.33 Authority to enforce public school improvement.—

149 (5) (a) In the school year after a school is initially
150 identified as a school in the lowest-performing category, the
151 school district must submit a plan, which is subject to approval
152 by the State Board of Education, for implementing one of the
153 following school turnaround options at the beginning of the next
154 school year. The plan must be implemented unless the school
155 moves from the lowest-performing category:

156 1. Convert the school to a district-managed turnaround
157 school by means that include implementing a turnaround plan



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158 approved by the Commissioner of Education which shall become the
159 school's improvement plan;

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

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

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

167 (b) If a school does not move from the lowest-performing
168 category during the initial year of implementing one of the
169 school turnaround options in paragraph (a), the school district
170 must submit a plan, which is subject to approval by the State
171 Board of Education, for implementing a different option in
172 paragraph (a) at the beginning of the next school year, unless
173 the State Board of Education determines that the school is
174 likely to move from the lowest-performing category if additional
175 time is provided to implement intervention and support
176 strategies. The State Board of Education shall determine whether
177 a school district may continue to implement a school turnaround
178 ~~an~~ option beyond 1 year while a school remains in the lowest-
179 performing category. Parents of students who are assigned to a
180 public school that is required to implement a different school
181 turnaround option may petition the school district to implement
182 a school turnaround option selected by the parents pursuant to
183 s. 1003.07.

184 Section 6. Section 1012.2315, Florida Statutes, is amended
185 to read:

186 1012.2315 Assignment of teachers.-



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

197 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
198 IMPROVEMENT.—School districts may not assign a higher percentage
199 than the school district average of temporarily certified
200 teachers, teachers in need of improvement, or out-of-field
201 teachers to schools in one of the three lowest-performing
202 categories under s. 1008.33(3)(b). Each school district shall
203 annually certify to the Commissioner of Education that this
204 requirement has been met. If the commissioner determines that a
205 school district is not in compliance with this subsection, the
206 State Board of Education shall be notified and shall take action
207 pursuant to s. 1008.32 in the next regularly scheduled meeting
208 to require compliance.

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

215 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of



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216 chapter 447 relating to district school board collective
217 bargaining, collective bargaining provisions may not preclude a
218 school district from providing incentives to high-quality
219 teachers and assigning such teachers to low-performing schools.

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

221 (a) Each district school board shall adopt rules for
222 implementing an assistance plan for each classroom teacher who
223 is teaching out-of-field. The assistance plan must provide
224 teachers who are teaching out-of-field with priority
225 consideration in professional development activities and require
226 such teachers to participate in a certification or staff
227 development program that provides the competencies required for
228 the assigned duties. The assistance plan must also include
229 duties of administrative personnel and other instructional
230 personnel for assisting a teacher who is teaching out-of-field
231 in providing instructional services to students.

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

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

241
242 The notification must inform the parent that virtual instruction
243 from a certified in-field teacher who has received an annual
244 performance evaluation rating of effective or highly effective



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

247 (6) ~~(5)~~ REPORT.-

248 ~~(a)~~ By July 1, 2012, the Department of Education shall
249 annually report on its website, in a manner that is accessible
250 to the public, the performance rating data reported by district
251 school boards under s. 1012.34. The report must include the
252 percentage of classroom teachers, instructional personnel, and
253 school administrators receiving each performance rating
254 aggregated by school district and by school.

255 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
256 EVALUATIONS.-

257 (a) ~~(b)~~ Notwithstanding the provisions of s.
258 1012.31(3)(a)2., each school district shall annually notify
259 report to the parent of any student who is assigned to a
260 classroom teacher or school administrator having two consecutive
261 annual performance evaluation ratings of unsatisfactory under s.
262 1012.34, two annual performance evaluation ratings of
263 unsatisfactory within a 3-year period under s. 1012.34, or three
264 consecutive annual performance evaluation ratings of needs
265 improvement or a combination of needs improvement and
266 unsatisfactory under s. 1012.34. The notification must inform
267 the parent that virtual instruction from a teacher who has
268 received a performance evaluation rating of highly effective or
269 effective under s. 1012.34 is available to his or her child
270 through the virtual instruction options listed under s.
271 1002.321(4).

272 (b) Upon request by the parent of a public school student,
273 the school district shall provide to the parent the performance



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274 evaluation for each classroom teacher assigned to his or her
275 child, pursuant to s. 1012.31.

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

283 Section 7. Section 1012.42, Florida Statutes, is repealed.

284 Section 8. This act shall take effect July 1, 2012.

285

286 ===== T I T L E A M E N D M E N T =====

287 And the title is amended as follows:

288 Delete everything before the enacting clause
289 and insert:

290 A bill to be entitled
291 An act relating to parent empowerment in education;
292 amending s. 1001.10, F.S.; conforming a cross-
293 reference; amending s. 1002.20, F.S.; authorizing
294 parents of students who are assigned to certain
295 underperforming public schools to submit a petition to
296 the school district requesting implementation of a
297 school turnaround option; requiring a school district,
298 upon request, to provide a parent with a performance
299 evaluation for each classroom teacher assigned to his
300 or her child; requiring notification to the parent of
301 each student who is assigned to a classroom teacher
302 who is teaching out-of-field or who has received



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303 unsatisfactory performance evaluations and of the
304 availability of virtual instruction; amending s.
305 1002.32, F.S.; conforming a cross-reference; creating
306 s. 1003.07, F.S., the Parent Empowerment Act;
307 requiring each school district to notify parents of
308 students attending a lowest-performing school that has
309 been unable to improve performance after
310 implementation of a school turnaround option;
311 authorizing parents to submit a petition requesting
312 implementation of an available school turnaround
313 option; providing requirements for a petition and its
314 consideration and adoption by the district school
315 board; requiring that the State Board of Education
316 adopt rules; amending s. 1008.33, F.S.; identifying
317 the options for improving a school identified in the
318 lowest-performing category as school turnaround
319 options; authorizing parents to submit a petition to
320 the school district to implement a specified school
321 turnaround option; amending s. 1012.2315, F.S.;
322 requiring that each district school board adopt rules
323 to implement an assistance plan for out-of-field
324 classroom teachers and requiring that such teachers
325 participate in certain programs; requiring that the
326 school district annually notify the parent of each
327 student assigned to an out-of-field classroom teacher
328 or an underperforming classroom teacher and of the
329 availability of virtual instruction; requiring that a
330 school district, upon request, provide to a parent the
331 performance evaluation of each classroom teacher



332 assigned to his or her child; prohibiting the
333 consecutive assignment of students to classroom
334 teachers who receive certain performance evaluations;
335 repealing s. 1012.42, F.S., relating to teachers
336 teaching out-of-field; providing an effective date.