

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

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BILL: SB 1718

INTRODUCER: Senator Benacquisto

SUBJECT: Parent Empowerment in Education

DATE: January 23, 2012 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Brown	deMarsh-Mathues	ED BC	<b>Pre-meeting</b>
2.			
3.			
4.			
5.			
6.			

### I. Summary:

This bill creates the Parent Empowerment Act to expand the list of rights provided to K-12 students and parents. Through a petition process, this bill enables parents of public school students attending low-performing schools to initiate implementation of a school improvement option.

Parents would also have the right to be informed of performance evaluation ratings of each instructional personnel involved in the child's education.

This bill makes available an option of virtual instruction for a student who is assigned to a classroom teacher who:

- Is teaching out-of-field; or
- Has received poor performance evaluations (i.e., 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).

In these instances, the student would have the option of receiving virtual instruction from a teacher who teaches in-field or who has received an effective or highly effective performance evaluation.

This bill substantially amends sections 1001.10, 1002.20, 1002.32, 1008.33, 1012.2315, creates section 1003.07, and repeals section 1012.42 of the Florida Statutes.

## II. Present Situation:

### **Differentiated Accountability**

Differentiated accountability is the system used by Florida to meet conditions for participation in the federal Elementary and Secondary Education Act<sup>1</sup> that requires states to hold public schools and school districts accountable for making adequate yearly progress toward meeting state proficiency goals. Schools are categorized based upon the school's grade<sup>2</sup> and the level and rate of change in student performance in reading and mathematics, disaggregated into student subgroups.<sup>3</sup>

The law requires the Department of Education (DOE) to provide the most intensive intervention strategies to the lowest performing schools, which are defined as schools that have received:<sup>4</sup>

- An "F" grade in the most recent school year and 4 of the 6 years prior; or
- A "D" or "F" grade in the most recent school year and with three out of four of these criteria:
  - A percentage increase of students who are not reading proficient in comparison to measurements taken 5 years ago;
  - A percentage increase of students not mathematics proficient in comparison to measurements taken 5 years ago;
  - A threshold of at least 65 percent of students whom are not reading proficient; or
  - A threshold of at least 65 percent of students whom are not mathematics proficient.

Florida law requires school districts to submit a school improvement plan in the school year after a school has ranked in the lowest-performing category, to the State Board of Education. The plan must include one of the following options:<sup>5</sup>

- Conversion of the school to a district-managed turnaround school, including implementing a Commissioner of Education-approved turnaround plan that becomes the school's improvement plan;
- Reassignment of students to another school with progress monitoring of each reassigned student;
- Closure of the school with reopening as a charter school with a governing board that has proven effectiveness; or
- Contracting with an outside entity that has a proven record of effectiveness to operate the school.

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<sup>1</sup> 20 U.S.C. ss. 6301 et seq.

<sup>2</sup> s. 1008.34, F.S., requires school grades: "A," making excellent progress, "B," making above average progress, "C," making satisfactory progress, "D," making less than satisfactory progress, or "F," failing to make adequate progress.

<sup>3</sup> ch. 2009-144, codified in s. 1008.33, F.S. Six categories, beginning with the highest performing, comprise the differentiated accountability system: Schools Not Required to Participate in Differentiated Accountability Strategies, Prevent I, Correct I, Prevent II, Correct II, and Intervene. See Rule 6A-1.099811, F.A.C.

<sup>4</sup> s. 1008.33(4)(b), F.S.

<sup>5</sup> s. 1008.33(5)(a), F.S.

### **Teacher Assignments**

In 2009, the Florida Legislature enacted legislation to address the quality of teachers assigned to the lowest performing schools.<sup>6</sup> 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 these schools.

District school boards are required to adopt and implement plans to help teachers teaching out-of-field, and to require participation in a certification or staff development program, with priority consideration given regarding professional development. Written notification is to be provided to parents of the students.

### **Performance Evaluations**

The evaluation system for instructional personnel and school-based administrators must differentiate among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing; and unsatisfactory.<sup>7</sup>

Current law requires the DOE to annually publish online performance rating data, to constitute the percentage of classroom teachers, instructional personnel and school administrators receiving each performance rating aggregated by district and school.<sup>8</sup>

Also, school districts are required to annually report ratings to those parents whose children are assigned to a classroom teacher or school administrator who has received two consecutive annual performance reevaluation ratings of unsatisfactory; two annual performance evaluation ratings of unsatisfactory within three years; or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.<sup>9</sup>

### **III. Effect of Proposed Changes:**

Parents would be authorized, through a petition, to implement a school improvement option, provided that a sufficient percentage of parents support the petition. This expands current law which is school-district directed regarding determination of the plan option. Under the bill, school districts must submit a plan to the State Board of Education for implementing a petition for a parental option. The bill provides that the plan must be submitted for State Board of Education approval. It is unclear what, if any standards would be used by the State Board of Education in reviewing parental petitions. It is also unclear what, if any standards would be used for verifying petition signatures.

For students being taught by an out-of-field teacher, virtual instruction would be available from an in-field teacher. For students currently instructed by personnel receiving poor performance evaluation ratings, virtual instruction would be available from effective or highly effective teachers.

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<sup>6</sup> Ch. 2009-144, L.O.F., codified in section 1012.2315, F.S. Prior to this change, the provision only applied to schools designated as “D” or “F” schools. The lowest performing schools are defined in section 1008.33, F.S.

<sup>7</sup> Ch. 2011-1, L.O.F., codified in s. 1012.34(2)(e), F.S.

<sup>8</sup> s. 1002.2315 (5)(a), F.S.

<sup>9</sup> s. 1012.2315(5)(b), F.S.

This bill provides similar provisions regarding assistance to out-of-field teachers. The bill would additionally require that the district school board implement assistance plans by rule, and that the notice inform the parent that a certified in-field teacher is available through virtual instruction.

This bill requires schools to provide students who have been taught by a teacher who received a “needs improvement” or “unsatisfactory” rating to receive instruction from a teacher with a higher rating the following year.

Public school employee personnel files are considered public records, except for the following:

- Information relating to a complaint and subsequent investigation, until the conclusion of the preliminary investigation or until it ceases to be active; and
- Employee evaluations (prepared, in part, pursuant to s. 1012.34, F.S.) until the end of the school year immediately after the school year in which the evaluation is made.

This bill provides parents the right to be notified of performance evaluation ratings of instructional personnel assigned to the student (lines 89 through 97 and lines 250 through 254 of the bill). Upon request by the parent, the superintendent must provide performance evaluation data collected for each instructional personnel assigned to the student. It is unclear whether this information will be provided through the employee evaluation document itself, in which instance, it appears to move up the date of release of the document from the file that is already provided and made confidential and exempt until a date certain, in s. 1012.31, F.S.

#### **IV. Constitutional Issues:**

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

##### A. Tax/Fee Issues:

None.

##### B. Private Sector Impact:

This bill increases educational options for parents and students.

**C. Government Sector Impact:**

Regarding the petition process, district school boards would be required to provide written notification to parents of the right to participate in the school improvement option.

**VI. Technical Deficiencies:**

On lines 85 and 143, the bill refers to schools as “low-performing” rather than “lowest-performing”. It is recommended that the term “low-performing” appearing on these lines be amended to refer to “lowest-performing” to be consistent with existing law.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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