

By the Committee on Education Pre-K - 12; and Senators Benacquisto, Flores, Altman, and Gaetz

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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 and of the
15 availability of virtual instruction; amending s.
16 1002.32, F.S.; conforming a cross-reference; creating
17 s. 1003.07, F.S., the Parent Empowerment Act;
18 requiring each school district to notify parents of
19 students attending a lowest-performing school that has
20 been unable to improve performance after
21 implementation of a school turnaround option;
22 authorizing parents to submit a petition requesting
23 implementation of an available school turnaround
24 option; providing requirements for a petition and its
25 consideration and adoption by the district school
26 board; requiring that the State Board of Education
27 adopt rules; amending s. 1008.33, F.S.; identifying
28 the options for improving a school identified in the
29 lowest-performing category as school turnaround

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30 options; authorizing parents to submit a petition to
31 the school district to implement a specified school
32 turnaround option; amending s. 1012.2315, F.S.;
33 requiring that each district school board adopt rules
34 to implement an assistance plan for out-of-field
35 classroom teachers and requiring that such teachers
36 participate in certain programs; requiring that the
37 school district annually notify the parent of each
38 student assigned to an out-of-field classroom teacher
39 or an underperforming classroom teacher and of the
40 availability of virtual instruction; requiring that a
41 school district, upon request, provide to a parent the
42 performance evaluation of each classroom teacher
43 assigned to his or her child; prohibiting the
44 consecutive assignment of students to classroom
45 teachers who receive certain performance evaluations;
46 repealing s. 1012.42, F.S., relating to teachers
47 teaching out-of-field; providing an effective date.
48

49 Be It Enacted by the Legislature of the State of Florida:
50

51 Section 1. Subsection (3) of section 1001.10, Florida
52 Statutes, is amended to read:

53 1001.10 Commissioner of Education; general powers and
54 duties.—

55 (3) To facilitate innovative practices and ~~to allow~~ local
56 selection of educational methods, the State Board of Education
57 may authorize the commissioner to waive, upon the request of a
58 district school board, state board ~~of Education~~ rules that

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

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

76 1002.20 K-12 student and parent rights.—Parents of public
77 school students must receive accurate and timely information
78 regarding their child's academic progress and must be informed
79 of ways they can help their child to succeed in school. K-12
80 students and their parents are afforded numerous statutory
81 rights including, but not limited to, the following:

82 (21) PARENTAL INPUT AND MEETINGS.—

83 (d) Parent empowerment.—Parents of students who are
84 assigned to a public school that does not improve performance
85 following implementation of a school turnaround option under s.
86 1008.33(5) (a) may submit a petition to the school district
87 requesting implementation of a school turnaround option pursuant

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88 to s. 1003.07.

89 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
90 parent of a public school student, the school district must
91 provide to the parent the performance evaluation for each
92 classroom teacher assigned to his or her child, pursuant to s.
93 1012.31.

94 (25) ASSIGNMENT TO TEACHERS.—

95 (a) Each school district shall annually notify the parent
96 of each public school student assigned to a classroom teacher
97 who is teaching out-of-field regarding such assignment. The
98 notification must inform the parent that virtual instruction
99 from a certified in-field teacher with an annual performance
100 evaluation rating of effective or highly effective is available
101 pursuant to s. 1012.2315(5).

102 (b) When a student is assigned to a classroom teacher who
103 has received two consecutive annual performance evaluation
104 ratings of unsatisfactory, two annual performance evaluation
105 ratings of unsatisfactory within a 3-year period, or three
106 consecutive annual performance evaluation ratings of needs
107 improvement or a combination of needs improvement and
108 unsatisfactory under s. 1012.34, the school district shall
109 notify the parent regarding the performance evaluation rating of
110 the classroom teacher. The notification must inform the parent
111 that virtual instruction from a teacher who has received an
112 annual performance evaluation rating of effective or highly
113 effective is available pursuant to s. 1012.2315(7).

114 Section 3. Paragraph (c) of subsection (7) of section
115 1002.32, Florida Statutes, is amended to read:

116 1002.32 Developmental research (laboratory) schools.—

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117 (7) PERSONNEL.—

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

120 Section 4. Section 1003.07, Florida Statutes, is created to
121 read:

122 1003.07 Parent empowerment.—

123 (1) This section may be cited as the "Parent Empowerment
124 Act."

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

127 (3) (b), when a public school has been unable to improve
128 performance following implementation of a school turnaround
129 option and must implement a different option, as required under

130 s. 1008.33(5). The written notification shall inform parents
131 that they may, by petition, request implementation of a school
132 turnaround option by the school in the following school year.

133 The notification shall be provided to parents within 30 calendar
134 days after the school district receives notice from the

135 Department of Education that the school must implement a
136 different school turnaround option. The notification by the
137 school district shall include:

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

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

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

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

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

148 (e) School district contact information for additional
149 questions.

150 (3) (a) Prior to the school district's selection and
151 implementation of a different school turnaround option for the
152 following school year, parents may submit a petition selecting
153 an available school turnaround option, as described in the
154 notification provided pursuant to paragraph (2) (a), for
155 consideration by the district school board.

156 (b) Only one parent per eligible student may sign the
157 petition. An eligible student is a student enrolled in the
158 school in which the school turnaround option will be implemented
159 or a student who is scheduled, the following school year, for
160 assignment to the school in which the school turnaround option
161 will be implemented, according to the district school board's
162 enrollment policies.

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

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

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

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

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175 turnaround option selected by parents or a different school
176 turnaround option selected by the school board. If the district
177 school board does not adopt the school turnaround option
178 selected by parents, it must include that option with the
179 implementation plan submitted to the State Board of Education
180 under s. 1008.33(5)(b). If the state board determines that the
181 school turnaround option selected by parents is more likely to
182 improve the academic performance of students at the school, it
183 shall remand the district school board's implementation plan to
184 the school board. The district school board shall submit to the
185 state board an implementation plan for the school turnaround
186 option selected by parents.

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

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

194 1008.33 Authority to enforce public school improvement.—

195 (5) (a) In the school year after a school is initially
196 identified as a school in the lowest-performing category, the
197 school district must submit a plan, which is subject to approval
198 by the State Board of Education, for implementing one of the
199 following school turnaround options at the beginning of the next
200 school year. The plan must be implemented unless the school
201 moves from the lowest-performing category:

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

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204 approved by the Commissioner of Education which shall become the
205 school's improvement plan;

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

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

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

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

230 Section 6. Section 1012.2315, Florida Statutes, is amended
231 to read:

232 1012.2315 Assignment of teachers.-

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

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

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

261 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of

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262 chapter 447 relating to district school board collective
263 bargaining, collective bargaining provisions may not preclude a
264 school district from providing incentives to high-quality
265 teachers and assigning such teachers to low-performing schools.

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

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

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

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

287
288 The notification must inform the parent that virtual instruction
289 from a certified in-field teacher who has received an annual
290 performance evaluation rating of effective or highly effective

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

293 (6) ~~(5)~~ REPORT.—

294 ~~(a)~~ By July 1, 2012, the Department of Education shall
295 annually report on its website, in a manner that is accessible
296 to the public, the performance rating data reported by district
297 school boards under s. 1012.34. The report must include the
298 percentage of classroom teachers, instructional personnel, and
299 school administrators receiving each performance rating
300 aggregated by school district and by school.

301 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
302 EVALUATIONS.—

303 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.
304 1012.31(3)(a)2., each school district shall annually notify
305 ~~report to~~ the parent of any student who is assigned to a
306 classroom teacher or school administrator having two consecutive
307 annual performance evaluation ratings of unsatisfactory under s.
308 1012.34, two annual performance evaluation ratings of
309 unsatisfactory within a 3-year period under s. 1012.34, or three
310 consecutive annual performance evaluation ratings of needs
311 improvement or a combination of needs improvement and
312 unsatisfactory under s. 1012.34. The notification must inform
313 the parent that virtual instruction from a teacher who has
314 received a performance evaluation rating of highly effective or
315 effective under s. 1012.34 is available to his or her child
316 through the virtual instruction options listed under s.
317 1002.321(4).

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

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

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

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

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