

By Senator Stargel

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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.; providing that  
5           parents who have a student in a public school that is  
6           implementing a turnaround option may petition to have  
7           a particular turnaround option implemented; requiring  
8           the school district to give parents of public school  
9           students, upon request, a performance evaluation for  
10          each classroom teacher assigned to their child;  
11          requiring the school district to notify parents of a  
12          public school student being taught by an out-of-field  
13          teacher or by a teacher with an unsatisfactory  
14          performance rating; specifying requirements for the  
15          notice; amending s. 1002.32, F.S.; conforming a cross-  
16          reference; amending s. 1002.33, F.S.; requiring a  
17          charter school to comply with certain procedures for  
18          the assignment of teachers; creating s. 1003.07, F.S.;  
19          creating the Parent Empowerment Act; specifying what  
20          constitutes an eligible student and a parental vote;  
21          requiring that a school district send a written notice  
22          to parents of public school students regarding the  
23          parents' options to petition the school for a  
24          particular turnaround option; requiring the notice to  
25          include certain information; authorizing up to one  
26          parental vote per eligible student; establishing the  
27          process to solicit signatures for a petition;  
28          prohibiting a person from being paid for signatures;  
29          prohibiting a for-profit corporation, business, or

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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:

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

61 1001.10 Commissioner of Education; general powers and  
62 duties.—

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

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

85 1002.20 K-12 student and parent rights.—Parents of public  
86 school students must receive accurate and timely information  
87 regarding their child's academic progress and must be informed

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

91 (21) PARENTAL INPUT AND MEETINGS.—

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

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

101 (26) ASSIGNMENT TO TEACHERS.—

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

109 (b) Underperforming classroom teachers.—Each school  
110 district shall annually notify the parent of a public school  
111 student assigned to a classroom teacher or school administrator  
112 who, under s. 1012.34, has two consecutive annual performance  
113 evaluation ratings of "unsatisfactory," two annual performance  
114 evaluation ratings of "unsatisfactory within a 3-year period,"  
115 or three consecutive annual performance evaluation ratings of  
116 "needs improvement" or a combination of "needs improvement" and

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117 "unsatisfactory." The notice must inform the parent that virtual  
118 instruction from a teacher who has an annual performance  
119 evaluation rating of "effective" or "highly effective" is  
120 available pursuant to s. 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 certification  
126 requirements of s. 1012.32 ~~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 comply ~~be in~~  
132 ~~compliance~~ 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 must ~~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

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146 personnel and school administrators.

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

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

151 1003.07 Parent empowerment.—

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

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

155 (a) "Eligible student" means a student enrolled in a school  
156 in which a turnaround option will be implemented or a student  
157 who, under the school district's enrollment policy, is scheduled  
158 for assignment to that school the following school year. A  
159 student who is graduating or being promoted out of a school that  
160 is eligible for a turnaround option and who will not be enrolled  
161 in that school the following school year is not an eligible  
162 student.

163 (b) "Parental vote" means the signature of one parent of an  
164 eligible student.

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

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

173 (3) Each school district shall notify, in writing, the  
174 parents of eligible students and the school advisory council

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175 when a public school has been unable to improve performance and  
176 is required to implement a turnaround option pursuant to s.  
177 1008.33. The written notice must inform parents that, before the  
178 district school board selects a turnaround option, parents may  
179 petition for implementation of a particular turnaround option by  
180 the school the following school year. The notice must be  
181 provided to parents within 30 calendar days after the school  
182 district receives notice from the department that the school is  
183 required to implement a turnaround option. The notice must  
184 include:

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

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

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

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

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

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

203 (5) The State Board of Education shall adopt rules to

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204 establish a petition format, the petition submission process,  
205 standards for verifying signatures, and timeframes for the  
206 verification and consideration of a petition at a publicly  
207 noticed meeting. Petition forms must be easily accessible to  
208 parents. Each petition form must clearly identify only one  
209 turnaround option on the front page of the petition and on each  
210 page thereafter. The school district shall provide clear  
211 instructions and a sample petition form for each turnaround  
212 option available for selection under s. 1008.33.

213 (6) The petition process must provide that:

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

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

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

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

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

230 (f) The school district shall verify at least a majority of  
231 the signatures on the petition using existing student enrollment  
232 documentation or other records containing parent signatures. A



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233 school district may not reject a parent's signature on a  
234 petition based on a lack of conformity to signatures in school  
235 records if the parent's identity and signature can be easily  
236 validated with a photographic identification or a notarized  
237 signature verifying the identity of the signer, or by the  
238 personal knowledge of a school employee. The school district is  
239 not required to verify notarized signatures, and signatures  
240 verified outside an established verification period are valid.

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

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

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

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

261 (b) If the state board determines that the turnaround

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262 option selected by parents is more likely to improve the  
263 academic performance of students at the school, the district  
264 school board shall submit to the state board an implementation  
265 plan for the turnaround option selected by parents.

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

268 1008.33 Authority to enforce public school improvement.—

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

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

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

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

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

289 4. Contract with an outside entity that has a demonstrated  
290 record of effectiveness to operate the school; or

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291 5. Implement a hybrid of turnaround options set forth in  
292 subparagraphs 1.-4. or other turnaround models that have a  
293 demonstrated record of effectiveness.

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

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

306 (e) ~~(d)~~ A school earning a grade of "F" that improves its  
307 letter grade must continue to implement strategies identified in  
308 its school improvement plan pursuant to s. 1001.42(18)(a). The  
309 department must annually review implementation of the school  
310 improvement plan for 3 years to monitor the school's continued  
311 improvement.

312 (f) ~~(e)~~ If a school earning a grade of "F" does not improve  
313 by at least one letter grade after 2 full school years of  
314 implementing the turnaround option selected by the school  
315 district under paragraph (b), the school district must select a  
316 different option and submit another implementation plan to the  
317 department for approval by the state board. Implementation of  
318 the approved plan must begin the school year following the  
319 implementation period of the existing turnaround option, unless

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320 the state board determines that the school is likely to improve  
321 a letter grade if additional time is provided to implement the  
322 existing turnaround option.

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

325 1012.2315 Assignment of teachers.—

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

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

347 (3) SALARY INCENTIVES.—District school boards may ~~are~~  
348 ~~authorized to~~ provide salary incentives to meet the requirement

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349 of subsection (2). A district school board may not sign a  
350 collective bargaining agreement that precludes the school  
351 district from providing sufficient incentives to meet this  
352 requirement.

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

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

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

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

- 374 1. Outside the field in which the teacher is certified;  
375 2. Outside the field that was the teacher's minor field of  
376 study; or  
377 3. Outside the field in which the teacher has demonstrated

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378 sufficient subject area expertise, as determined by district  
379 school board policy, in the subject area to be taught.

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

386 (6) ~~(5)~~ REPORT.—

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

394 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
395 EVALUATIONS.—

396 (a) ~~(b)~~ Notwithstanding the provisions of s.  
397 1012.31(3)(a)2., each school district shall annually notify  
398 ~~report to~~ the parent of a any student who is assigned to a  
399 classroom teacher or school administrator having two consecutive  
400 annual performance evaluation ratings of "unsatisfactory" under  
401 s. 1012.34, two annual performance evaluation ratings of  
402 unsatisfactory within a 3-year period under s. 1012.34, or three  
403 consecutive annual performance evaluation ratings of "needs  
404 improvement" or a combination of "needs improvement" and  
405 "unsatisfactory" under s. 1012.34. The notice must inform the  
406 parent that virtual instruction from a teacher having a

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407 performance evaluation rating of "highly effective" or  
408 "effective" under s. 1012.34 is available to his or her child  
409 through the virtual instruction options specified in s.  
410 1002.321(4).

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

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

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

423 Section 9. This act shall take effect July 1, 2013.