

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  
30 | entity from soliciting signatures or paying a person  
31 | to solicit signatures; establishing criteria to verify  
32 | the signatures on a petition; requiring the State  
33 | Board of Education to adopt rules for filing a  
34 | petition; specifying that a petition is valid if it is  
35 | signed and dated by a majority of the parents of  
36 | eligible students and those signatures are verified;  
37 | requiring the school district to consider the  
38 | turnaround option on the valid petition with the most  
39 | signatures at a publicly noticed school board meeting;  
40 | requiring the school district to submit an  
41 | implementation plan to the state board; amending s.  
42 | 1008.33, F.S.; authorizing a parent to petition the  
43 | school district to implement a turnaround option  
44 | selected by the parent; amending s. 1012.2315, F.S.;  
45 | providing for assistance to teachers teaching out-of-  
46 | field; requiring the school district to notify parents  
47 | and inform them of their options if a student is being  
48 | taught by an out-of-field teacher; requiring the  
49 | school district to give to a parent a teacher's  
50 | performance evaluation upon request; providing that a  
51 | student may not be assigned to an unsatisfactory  
52 | teacher in a single subject for two consecutive school  
53 | years; repealing s. 1012.42, F.S., relating to  
54 | teachers who are teaching out-of-field; providing an  
55 | effective date.  
56 |

57 | Be It Enacted by the Legislature of the State of Florida:

58 |

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:

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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  
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  
 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  
 126 certification requirements of s. 1012.32 ~~ss. 1012.32 and~~  
 127 ~~1012.42~~.

128 Section 4. Paragraph (b) of subsection (16) of section  
 129 1002.33, Florida Statutes, is amended to read:

130 1002.33 Charter schools.—

131 (16) EXEMPTION FROM STATUTES.—

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

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

136 2. Chapter 119, relating to public records.

137 3. Section 1003.03, relating to the maximum class size,  
 138 except that the calculation for compliance pursuant to s.  
 139 1003.03 must ~~shall~~ be the average at the school level.

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

141 salary schedules.

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

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

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

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

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

152 1003.07 Parent empowerment.—

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

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

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

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

166 1. If the other parent objects in writing to the parental  
167 vote before the date the petition is scheduled to be submitted,  
168 and if the parents have equal parental rights, the parental vote

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169 | counts for one-half of a vote.

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

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

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

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

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

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

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

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

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

214       (6) The petition process must provide that:

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

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

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

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

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

231 (f) The school district shall verify at least a majority  
232 of the signatures on the petition using existing student  
233 enrollment documentation or other records containing parent  
234 signatures. A school district may not reject a parent's  
235 signature on a petition based on a lack of conformity to  
236 signatures in school records if the parent's identity and  
237 signature can be easily validated with a photographic  
238 identification or a notarized signature verifying the identity  
239 of the signer, or by the personal knowledge of a school  
240 employee. The school district is not required to verify  
241 notarized signatures, and signatures verified outside an  
242 established verification period are valid.

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

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

252 (7) The turnaround option selected by parents must be

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

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

263 (b) If the state board determines that the turnaround  
264 option selected by parents is more likely to improve the  
265 academic performance of students at the school, the district  
266 school board shall submit to the state board an implementation  
267 plan for the turnaround option selected by parents.

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

270 1008.33 Authority to enforce public school improvement.—

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

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

284 1. Convert the school to a district-managed turnaround  
285 school;

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

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

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

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

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

301 (d)-(e) Except for schools required to implement a  
302 turnaround option pursuant to subsection (5), a school earning a  
303 grade of "F" shall have a planning year followed by 2 full  
304 school years to implement the initial turnaround option selected  
305 by the school district and approved by the state board.

306 Implementation of the turnaround option is no longer required if  
307 the school improves by at least one letter grade.

308 (e)-(d) A school earning a grade of "F" that improves its

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309 letter grade must continue to implement strategies identified in  
310 its school improvement plan pursuant to s. 1001.42(18)(a). The  
311 department must annually review implementation of the school  
312 improvement plan for 3 years to monitor the school's continued  
313 improvement.

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

325 Section 7. Section 1012.2315, Florida Statutes, is amended  
326 to read:

327 1012.2315 Assignment of teachers.—

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

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337 across the schools in the district.

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

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

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

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

361 (a) Each district school board shall adopt rules for  
362 administering an assistance plan for each classroom teacher who  
363 is teaching out-of-field. The assistance plan must provide  
364 teachers who are teaching out-of-field with priority

365 consideration in professional development activities and require  
366 such teachers to participate in a certification or staff  
367 development program that provides the competencies required for  
368 the assigned duties. A school district may reimburse a teacher  
369 who is teaching out-of-field for a certification fee. The  
370 assistance plan must also include duties of administrative  
371 personnel and other instructional personnel for assisting a  
372 teacher who is teaching out-of-field.

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

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

382  
383 The notice must inform the parent that virtual instruction from  
384 a certified in-field teacher who has an annual performance  
385 evaluation rating of "effective" or "highly effective" under s.  
386 1012.34 is available to his or her child through the virtual  
387 instruction options specified in s. 1002.321(4).

388 (6) ~~(5)~~ REPORT.—

389 ~~(a)~~ By July 1, 2012, the department of Education shall  
390 annually report on its website, in a manner that is accessible  
391 to the public, the performance rating data reported by district  
392 school boards under s. 1012.34. The report must include the

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393 percentage of classroom teachers, instructional personnel, and  
394 school administrators receiving each performance rating  
395 aggregated by school district and by school.

396 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
397 EVALUATIONS.—

398 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.  
399 1012.31(3)(a)2., each school district shall annually notify  
400 ~~report to~~ the parent of a ~~any~~ student who is assigned to a  
401 classroom teacher or school administrator having two consecutive  
402 annual performance evaluation ratings of "unsatisfactory" under  
403 s. 1012.34, two annual performance evaluation ratings of  
404 unsatisfactory within a 3-year period under s. 1012.34, or three  
405 consecutive annual performance evaluation ratings of "needs  
406 improvement" or a combination of "needs improvement" and  
407 "unsatisfactory" under s. 1012.34. The notice must inform the  
408 parent that virtual instruction from a teacher having a  
409 performance evaluation rating of "highly effective" or  
410 "effective" under s. 1012.34 is available to his or her child  
411 through the virtual instruction options specified in s.  
412 1002.321(4).

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

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

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421 | school year to a classroom teacher in the same subject area who  
422 | received a performance evaluation rating of "needs improvement"  
423 | or "unsatisfactory" in the preceding school year.

424 | Section 8. Section 1012.42, Florida Statutes, is repealed.

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