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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2013	.	
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Appropriations Subcommittee on Education (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, rules of the State Board of Education



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

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

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

37 (21) PARENTAL INPUT AND MEETINGS.—

38 (d) Parent empowerment.—Parents of students who are  
39 assigned to a public school that is required to implement a  
40 turnaround option pursuant to s. 1008.33 may submit a petition  
41 to the school district requesting implementation of a turnaround



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42 option pursuant to s. 1003.07.

43 (25) ASSIGNMENT TO TEACHERS.—

44 (a) Out-of-field classroom teachers.—Each school district  
45 shall annually notify the parent of a public school student who  
46 is assigned to a classroom teacher teaching out-of-field. The  
47 notice must inform the parent that virtual instruction from a  
48 certified in-field teacher having an annual performance  
49 evaluation rating of “effective” or “highly effective” is  
50 available pursuant to s. 1012.2315(5).

51 (b) Underperforming classroom teachers.—Each school  
52 district shall annually notify the parent of a public school  
53 student assigned to a classroom teacher or school administrator  
54 who, under s. 1012.34, has two consecutive annual performance  
55 evaluation ratings of “unsatisfactory,” two annual performance  
56 evaluation ratings of “unsatisfactory within a 3-year period,”  
57 or three consecutive annual performance evaluation ratings of  
58 “needs improvement” or a combination of “needs improvement” and  
59 “unsatisfactory.” The notice must inform the parent that virtual  
60 instruction from a teacher who has an annual performance  
61 evaluation rating of “effective” or “highly effective” is  
62 available pursuant to s. 1012.2315(7).

63 Section 3. Paragraph (c) of subsection (7) of section  
64 1002.32, Florida Statutes, is amended to read:

65 1002.32 Developmental research (laboratory) schools.—

66 (7) PERSONNEL.—

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

69 Section 4. Paragraph (b) of subsection (16) of section  
70 1002.33, Florida Statutes, is amended to read:



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71 1002.33 Charter schools.—

72 (16) EXEMPTION FROM STATUTES.—

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

75 1. Section 286.011, relating to public meetings and  
76 records, public inspection, and criminal and civil penalties.

77 2. Chapter 119, relating to public records.

78 3. Section 1003.03, relating to the maximum class size,  
79 except that the calculation for compliance pursuant to s.  
80 1003.03 must ~~shall~~ be the average at the school level.

81 4. Section 1012.22(1)(c), relating to compensation and  
82 salary schedules.

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

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

86 7. Section 1012.34, relating to the substantive  
87 requirements for performance evaluations for instructional  
88 personnel and school administrators.

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

91 Section 5. Section 1003.07, Florida Statutes, is created to  
92 read:

93 1003.07 Parent empowerment.—

94 (1) This section may be cited as the "Parent Empowerment  
95 Act."

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

97 (a) "Eligible student" means a student enrolled in a school  
98 in which a turnaround option will be implemented or a student  
99 who, under the school district's enrollment policy, is scheduled



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100 for assignment to that school the following school year. A  
101 student who is graduating or being promoted out of a school that  
102 is eligible for a turnaround option and who will not be enrolled  
103 in that school the following school year is not an eligible  
104 student.

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

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

111 2. If one parent has sole parental responsibility or holds  
112 the right to make educational decisions for the student pursuant  
113 to s. 61.13, only that parent can vote regarding the eligible  
114 student.

115 (3) Each school district shall notify, in writing, the  
116 parents of eligible students and the school advisory council  
117 when a public school has earned a school grade of "F" and is  
118 required to select a turnaround option pursuant to s. 1008.33.  
119 The written notice must inform parents that, before the district  
120 school board selects a turnaround option, parents may petition  
121 for implementation of a particular turnaround option pursuant to  
122 s. 1008.33. The notice must be provided to parents within 30  
123 calendar days after the school district receives notice from the  
124 department that the school is required to select a turnaround  
125 option. The notice must include:

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

128 (b) A description of the process for implementing a



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129 turnaround option, including the date by which the school  
130 district must submit its implementation plan to the State Board  
131 of Education;

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

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

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

137 (4) A person who solicits signatures may not offer monetary  
138 compensation, a promise of employment, or any other reward to a  
139 parent for signing a petition. A person who solicits signatures  
140 may not be paid per signature and, if asked, must disclose the  
141 organization he or she represents. A for-profit corporation,  
142 business, or entity is prohibited from gathering signatures or  
143 paying others to solicit signatures.

144 (5) The State Board of Education shall adopt rules to  
145 establish a petition format, the petition submission process,  
146 standards for verifying signatures, and timeframes for the  
147 verification and consideration of a petition at a publicly  
148 noticed meeting. Petition forms must be easily accessible to  
149 parents. Each petition form must clearly identify only one  
150 turnaround option on the front page of the petition and on each  
151 page thereafter. The school district shall provide clear  
152 instructions and a sample petition form for each turnaround  
153 option available for selection under s. 1008.33.

154 (6) The petition process must provide that:

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

157 (b) The school district shall verify signatures no more



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158 than 30 days after the date the petition is submitted.

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

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

165 (e) A parent signature constitutes a certification that the  
166 parent has a present intention to enroll his or her child, who  
167 must be identified on the petition, if the turnaround option  
168 identified on the petition is selected. A school district may  
169 not reject a parent's signature on a petition on the basis that  
170 the parent signed the petition before the initial notice.

171 (f) The school district shall verify at least a majority of  
172 the signatures on the petition using existing student enrollment  
173 documentation or other records containing parent signatures. A  
174 school district may not reject a parent's signature on a  
175 petition based on a lack of conformity to signatures in school  
176 records if the parent's identity and signature can be easily  
177 validated with a photographic identification or a notarized  
178 signature verifying the identity of the signer, or by the  
179 personal knowledge of a school employee. The school district is  
180 not required to verify notarized signatures, and signatures  
181 verified outside an established verification period are valid.

182 (g) For a petition to be valid, it must bear the dated  
183 signatures of a majority of the parents of eligible students.  
184 For purposes of this section, a majority is more than one-half  
185 of the parents who are eligible to sign the petition. Only one  
186 parental vote per eligible student may be counted with respect



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187 to each petition.

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

191 (7) The turnaround option selected by parents must be  
192 considered for implementation by the school district at a  
193 publicly noticed district school board meeting. The district  
194 school board may adopt the turnaround option selected by parents  
195 or a different turnaround option selected by the district school  
196 board. Pursuant to s. 1008.33, an implementation plan for the  
197 adopted turnaround option must be submitted to the state board.

198 (a) If the district school board adopts a turnaround option  
199 that is different from the turnaround option selected by  
200 parents, it shall identify with its submission the turnaround  
201 option selected by parents.

202 (b) If the state board determines that the turnaround  
203 option selected by parents is more likely to improve the  
204 academic performance of students at the school, the district  
205 school board shall submit to the state board an implementation  
206 plan for the turnaround option selected by parents.

207 (c) If the school improves by at least one letter grade,  
208 implementation of a turnaround option is no longer required in  
209 accordance with s. 1008.33(4)(d).

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

212 1008.33 Authority to enforce public school improvement.—

213 (4) (a) The state board shall apply the most intense  
214 intervention and support strategies to schools earning a grade  
215 of "F." In the first full school year after a school initially



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216 earns a grade of "F," the school district must implement  
217 intervention and support strategies prescribed in rule under  
218 paragraph (3)(c), select a turnaround option from those provided  
219 in subparagraphs (b)1.-5., and submit a plan for implementing  
220 the turnaround option to the department for approval by the  
221 state board. Upon approval by the state board, the turnaround  
222 option must be implemented in the following school year.

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

226 1. Convert the school to a district-managed turnaround  
227 school;

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

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

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

235 5. Implement a hybrid of turnaround options set forth in  
236 subparagraphs 1.-4. or other turnaround models that have a  
237 demonstrated record of effectiveness.

238 (c) Parents of students who are assigned to a public school  
239 that is required by the State Board of Education to implement a  
240 turnaround option may petition the school district to implement  
241 one of the turnaround options in paragraph (b) selected by the  
242 parents pursuant to s. 1003.07.

243 (d)~~(e)~~ Except for schools required to implement a  
244 turnaround option pursuant to subsection (5), a school earning a



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245 grade of "F" shall have a planning year followed by 2 full  
246 school years to implement the initial turnaround option selected  
247 by the school district and approved by the state board.  
248 Implementation of the turnaround option is no longer required if  
249 the school improves by at least one letter grade.

250 (e)~~(d)~~ A school earning a grade of "F" that improves its  
251 letter grade must continue to implement strategies identified in  
252 its school improvement plan pursuant to s. 1001.42(18)(a). The  
253 department must annually review implementation of the school  
254 improvement plan for 3 years to monitor the school's continued  
255 improvement.

256 (f)~~(e)~~ If a school earning a grade of "F" does not improve  
257 by at least one letter grade after 2 full school years of  
258 implementing the turnaround option selected by the school  
259 district under paragraph (b), the school district must select a  
260 different option and submit another implementation plan to the  
261 department for approval by the state board. Implementation of  
262 the approved plan must begin the school year following the  
263 implementation period of the existing turnaround option, unless  
264 the state board determines that the school is likely to improve  
265 a letter grade if additional time is provided to implement the  
266 existing turnaround option.

267 Section 7. Section 1012.2315, Florida Statutes, is amended  
268 to read:

269 1012.2315 Assignment of teachers.—

270 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
271 disparities between teachers assigned to teach in a majority of  
272 schools that do not need improvement and schools that do need  
273 improvement pursuant to s. 1008.33. The disparities may be found



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274 in the assignment of temporarily certified teachers, teachers in  
275 need of improvement, and out-of-field teachers and in the  
276 performance of the students. It is the intent of the Legislature  
277 that district school boards have flexibility through the  
278 collective bargaining process to assign teachers more equitably  
279 across the schools in the district.

280 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—School  
281 districts may not assign a higher percentage than the school  
282 district average of temporarily certified teachers, teachers in  
283 need of improvement, or out-of-field teachers to schools graded  
284 "D" or "F" pursuant to s. 1008.34. Each school district shall  
285 annually certify to the commissioner ~~of Education~~ that this  
286 requirement has been met. If the commissioner determines that a  
287 school district is not in compliance with this subsection, the  
288 State Board of Education must ~~shall~~ be notified and shall take  
289 action pursuant to s. 1008.32 in the next regularly scheduled  
290 meeting to require compliance.

291 (3) SALARY INCENTIVES.—District school boards may ~~are~~  
292 ~~authorized to~~ provide salary incentives to meet the requirement  
293 of subsection (2). A district school board may not sign a  
294 collective bargaining agreement that precludes the school  
295 district from providing sufficient incentives to meet this  
296 requirement.

297 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
298 chapter 447 relating to district school board collective  
299 bargaining, collective bargaining provisions may not preclude a  
300 school district from providing incentives to high-quality  
301 teachers and assigning such teachers to low-performing schools.

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



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303           (a) Each district school board shall adopt rules for  
304 administering an assistance plan for each classroom teacher who  
305 is teaching out-of-field. The assistance plan must provide  
306 teachers who are teaching out-of-field with priority  
307 consideration in professional development activities and require  
308 such teachers to participate in a certification or staff  
309 development program that provides the competencies required for  
310 the assigned duties. A school district may reimburse a teacher  
311 who is teaching out-of-field for a certification fee. The  
312 assistance plan must also include duties of administrative  
313 personnel and other instructional personnel for assisting a  
314 teacher who is teaching out-of-field.

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

318           1. Outside the field in which the teacher is certified;  
319           2. Outside the field that was the teacher's minor field of  
320 study; or

321           3. Outside the field in which the teacher has demonstrated  
322 sufficient subject area expertise, as determined by district  
323 school board policy, in the subject area to be taught.

324  
325 The notice must inform the parent that virtual instruction from  
326 a certified in-field teacher who has an annual performance  
327 evaluation rating of "effective" or "highly effective" under s.  
328 1012.34 is available to his or her child through the virtual  
329 instruction options specified in s. 1002.321(4).

330           (6) ~~(5)~~ REPORT.—

331           ~~(a)~~ By July 1, 2012, the department of ~~Education~~ shall



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332 annually report on its website, in a manner that is accessible  
333 to the public, the performance rating data reported by district  
334 school boards under s. 1012.34. The report must include the  
335 percentage of classroom teachers, instructional personnel, and  
336 school administrators receiving each performance rating  
337 aggregated by school district and by school.

338 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
339 EVALUATIONS.-

340 (a) ~~(b)~~ Notwithstanding the provisions of s.  
341 1012.31(3)(a)2., each school district shall annually notify  
342 report to the parent of a any student who is assigned to a  
343 classroom teacher or school administrator having two consecutive  
344 annual performance evaluation ratings of "unsatisfactory" under  
345 s. 1012.34, two annual performance evaluation ratings of  
346 unsatisfactory within a 3-year period under s. 1012.34, or three  
347 consecutive annual performance evaluation ratings of "needs  
348 improvement" or a combination of "needs improvement" and  
349 "unsatisfactory" under s. 1012.34. The notice must inform the  
350 parent that virtual instruction from a teacher having a  
351 performance evaluation rating of "highly effective" or  
352 "effective" under s. 1012.34 is available to his or her child  
353 through the virtual instruction options specified in s.  
354 1002.321(4).

355 (b) If a high school or middle school student is currently  
356 taught by a classroom teacher who, during that school year,  
357 receives a performance evaluation rating of "needs improvement"  
358 or "unsatisfactory" under s. 1012.34, the student may not be  
359 assigned the following school year to a classroom teacher in the  
360 same subject area who received a performance evaluation rating



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361 of "needs improvement" or "unsatisfactory" in the preceding  
362 school year.

363 (c) If an elementary school student is currently taught by  
364 a classroom teacher who, during that school year, receives a  
365 performance evaluation rating of "needs improvement" or  
366 "unsatisfactory" under s. 1012.34, the student may not be  
367 assigned the following school year to a classroom teacher who  
368 received a performance evaluation rating of "needs improvement"  
369 or "unsatisfactory" in the preceding school year.

370 (d) For a student enrolling in an extracurricular course as  
371 defined in s. 1003.01(15), a parent may choose to have the  
372 student taught by a teacher who received a performance  
373 evaluation of "needs improvement" or "unsatisfactory" in the  
374 preceding school year if the student and the student's parent  
375 receive an explanation of the impact of teacher effectiveness on  
376 student learning and the principal receives written consent from  
377 the parent.

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

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

380

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

382 And the title is amended as follows:

383 Delete everything before the enacting clause  
384 and insert:

385 A bill to be entitled

386 An act relating to parent empowerment in education;

387 amending s. 1001.10, F.S.; conforming a cross-

388 reference; amending s. 1002.20, F.S.; providing that

389 parents who have a student in a public school that is



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390 implementing a turnaround option may petition to have  
391 a particular turnaround option implemented; requiring  
392 the school district to notify parents of a public  
393 school student being taught by an out-of-field teacher  
394 or by a teacher with an unsatisfactory performance  
395 rating; specifying requirements for the notice;  
396 amending s. 1002.32, F.S.; conforming a cross-  
397 reference; amending s. 1002.33, F.S.; requiring a  
398 charter school to comply with certain procedures for  
399 the assignment of teachers; creating s. 1003.07, F.S.;  
400 creating the Parent Empowerment Act; specifying what  
401 constitutes an eligible student and a parental vote;  
402 requiring that a school district send a written notice  
403 to parents of public school students regarding the  
404 parents' options to petition the school for a  
405 particular turnaround option; requiring the notice to  
406 include certain information; authorizing up to one  
407 parental vote per eligible student; establishing the  
408 process to solicit signatures for a petition;  
409 prohibiting a person from being paid for signatures;  
410 prohibiting a for-profit corporation, business, or  
411 entity from soliciting signatures or paying a person  
412 to solicit signatures; establishing criteria to verify  
413 the signatures on a petition; requiring the State  
414 Board of Education to adopt rules for filing a  
415 petition; specifying that a petition is valid if it is  
416 signed and dated by a majority of the parents of  
417 eligible students and those signatures are verified;  
418 requiring the school district to consider the



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419           turnaround option on the valid petition with the most  
420           signatures at a publicly noticed school board meeting;  
421           requiring the school district to submit an  
422           implementation plan to the state board; amending s.  
423           1008.33, F.S.; authorizing a parent to petition the  
424           school district to implement a turnaround option  
425           selected by the parent; amending s. 1012.2315, F.S.;  
426           providing for assistance to teachers teaching out-of-  
427           field; requiring the school district to notify parents  
428           and inform them of their options if a student is being  
429           taught by an out-of-field teacher; providing that a  
430           student may not be assigned to a teacher with a  
431           performance evaluation rating of less than effective  
432           for a specified number of consecutive school years;  
433           authorizing the parent of a student to consent to the  
434           assignment of that student to a teacher with a  
435           performance evaluation rating of less than effective  
436           under certain circumstances; repealing s. 1012.42,  
437           F.S., relating to teachers who are teaching out-of-  
438           field; providing an effective date.