

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 notify parents of a public
9 school student being taught by an out-of-field teacher
10 or by a teacher with an unsatisfactory performance
11 rating; specifying requirements for the notice;
12 amending s. 1002.32, F.S.; conforming a cross-
13 reference; amending s. 1002.33, F.S.; requiring a
14 charter school to comply with certain procedures for
15 the assignment of teachers; creating s. 1003.07, F.S.;
16 creating the Parent Empowerment Act; specifying what
17 constitutes an eligible student and a parental vote;
18 requiring that a school district send a written notice
19 to parents of public school students regarding the
20 parents' options to petition the school for a
21 particular turnaround option; requiring the notice to
22 include certain information; authorizing up to one
23 parental vote per eligible student; establishing the
24 process to solicit signatures for a petition;
25 prohibiting a person from being paid for signatures;
26 prohibiting a for-profit corporation, business, or
27 entity from soliciting signatures or paying a person
28 to solicit signatures; establishing criteria to verify

29 | the signatures on a petition; requiring the State
30 | Board of Education to adopt rules for filing a
31 | petition; specifying that a petition is valid if it is
32 | signed and dated by a majority of the parents of
33 | eligible students and those signatures are verified;
34 | requiring the school district to consider the
35 | turnaround option on the valid petition with the most
36 | signatures at a publicly noticed school board meeting;
37 | requiring the school district to submit an
38 | implementation plan to the state board; amending s.
39 | 1008.33, F.S.; authorizing a parent to petition the
40 | school district to implement a turnaround option
41 | selected by the parent; amending s. 1012.2315, F.S.;
42 | providing for assistance to teachers teaching out-of-
43 | field; requiring the school district to notify parents
44 | and inform them of their options if a student is being
45 | taught by an out-of-field teacher; providing that a
46 | student may not be assigned to a teacher with a
47 | performance evaluation rating of less than effective
48 | for a specified number of consecutive school years;
49 | repealing s. 1012.42, F.S., relating to teachers who
50 | are teaching out-of-field; providing an effective
51 | date.

52 |
53 | Be It Enacted by the Legislature of the State of Florida:

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55 | Section 1. Subsection (3) of section 1001.10, Florida
56 | Statutes, is amended to read:

57 | 1001.10 Commissioner of Education; general powers and
 58 | duties.—

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

78 | Section 2. Paragraph (d) is added to subsection (21) of
 79 | section 1002.20, Florida Statutes, and subsection (25) is added
 80 | to that section, to read:

81 | 1002.20 K-12 student and parent rights.—Parents of public
 82 | school students must receive accurate and timely information
 83 | regarding their child's academic progress and must be informed
 84 | of ways they can help their child to succeed in school. K-12

85 students and their parents are afforded numerous statutory
86 rights including, but not limited to, the following:

87 (21) PARENTAL INPUT AND MEETINGS.—

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

93 (25) ASSIGNMENT TO TEACHERS.—

94 (a) Out-of-field classroom teachers.—Each school district
95 shall annually notify the parent of a public school student who
96 is assigned to a classroom teacher teaching out-of-field. The
97 notice must inform the parent that virtual instruction from a
98 certified in-field teacher having an annual performance
99 evaluation rating of "effective" or "highly effective" is
100 available pursuant to s. 1012.2315(5).

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

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

115 1002.32 Developmental research (laboratory) schools.—

116 (7) PERSONNEL.—

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

120 Section 4. Paragraph (b) of subsection (16) of section
 121 1002.33, Florida Statutes, is amended to read:

122 1002.33 Charter schools.—

123 (16) EXEMPTION FROM STATUTES.—

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

126 1. Section 286.011, relating to public meetings and
 127 records, public inspection, and criminal and civil penalties.

128 2. Chapter 119, relating to public records.

129 3. Section 1003.03, relating to the maximum class size,
 130 except that the calculation for compliance pursuant to s.
 131 1003.03 must ~~shall~~ be the average at the school level.

132 4. Section 1012.22(1)(c), relating to compensation and
 133 salary schedules.

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

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

137 7. Section 1012.34, relating to the substantive
 138 requirements for performance evaluations for instructional
 139 personnel and school administrators.

140 8. Section 1012.2315(5) and (7), relating to the

141 assignment of teachers and notification to parents.

142 Section 5. Section 1003.07, Florida Statutes, is created
143 to read:

144 1003.07 Parent empowerment.—

145 (1) This section may be cited as the "Parent Empowerment
146 Act."

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

148 (a) "Eligible student" means a student enrolled in a
149 school in which a turnaround option will be implemented or a
150 student who, under the school district's enrollment policy, is
151 scheduled for assignment to that school the following school
152 year. A student who is graduating or being promoted out of a
153 school that is eligible for a turnaround option and who will not
154 be enrolled in that school the following school year is not an
155 eligible student.

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

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

162 2. If one parent has sole parental responsibility or holds
163 the right to make educational decisions for the student pursuant
164 to s. 61.13, only that parent can vote regarding the eligible
165 student.

166 (3) Each school district shall notify, in writing, the
167 parents of eligible students and the school advisory council
168 when a public school has been unable to improve performance and

169 is required to implement a turnaround option pursuant to s.
170 1008.33. The written notice must inform parents that, before the
171 district school board selects a turnaround option, parents may
172 petition for implementation of a particular turnaround option
173 pursuant to s. 1008.33. The notice must be provided to parents
174 within 30 calendar days after the school district receives
175 notice from the department that the school is required to
176 implement a turnaround option. The notice must include:

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

179 (b) A description of the process for implementing a
180 turnaround option, including the date by which the school
181 district must submit its implementation plan to the State Board
182 of Education;

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

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

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

188 (4) A person who solicits signatures may not offer
189 monetary compensation, a promise of employment, or any other
190 reward to a parent for signing a petition. A person who solicits
191 signatures may not be paid per signature and, if asked, must
192 disclose the organization he or she represents. A for-profit
193 corporation, business, or entity is prohibited from gathering
194 signatures or paying others to solicit signatures.

195 (5) The State Board of Education shall adopt rules to
196 establish a petition format, the petition submission process,

197 standards for verifying signatures, and timeframes for the
198 verification and consideration of a petition at a publicly
199 noticed meeting. Petition forms must be easily accessible to
200 parents. Each petition form must clearly identify only one
201 turnaround option on the front page of the petition and on each
202 page thereafter. The school district shall provide clear
203 instructions and a sample petition form for each turnaround
204 option available for selection under s. 1008.33.

205 (6) The petition process must provide that:

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

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

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

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

216 (e) A parent signature constitutes a certification that
217 the parent has a present intention to enroll his or her child,
218 who must be identified on the petition, if the turnaround option
219 identified on the petition is selected. A school district may
220 not reject a parent's signature on a petition on the basis that
221 the parent signed the petition before the initial notice.

222 (f) The school district shall verify at least a majority
223 of the signatures on the petition using existing student
224 enrollment documentation or other records containing parent

225 signatures. A school district may not reject a parent's
226 signature on a petition based on a lack of conformity to
227 signatures in school records if the parent's identity and
228 signature can be easily validated with a photographic
229 identification or a notarized signature verifying the identity
230 of the signer, or by the personal knowledge of a school
231 employee. The school district is not required to verify
232 notarized signatures, and signatures verified outside an
233 established verification period are valid.

234 (g) For a petition to be valid, it must bear the dated
235 signatures of a majority of the parents of eligible students.
236 For purposes of this section, a majority is more than one-half
237 of the parents who are eligible to sign the petition. Only one
238 parental vote per eligible student may be counted with respect
239 to each petition.

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

243 (7) The turnaround option selected by parents must be
244 considered for implementation by the school district at a
245 publicly noticed district school board meeting. The district
246 school board may adopt the turnaround option selected by parents
247 or a different turnaround option selected by the district school
248 board. Pursuant to s. 1008.33, an implementation plan for the
249 adopted turnaround option must be submitted to the state board.

250 (a) If the district school board adopts a turnaround
251 option that is different from the turnaround option selected by
252 parents, it shall identify with its submission the turnaround

253 option selected by parents.

254 (b) If the state board determines that the turnaround
255 option selected by parents is more likely to improve the
256 academic performance of students at the school, the district
257 school board shall submit to the state board an implementation
258 plan for the turnaround option selected by parents.

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

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

264 1008.33 Authority to enforce public school improvement.—

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

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

- 278 1. Convert the school to a district-managed turnaround
279 school;
- 280 2. Reassign students to another school and monitor the

281 progress of each reassigned student;

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

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

287 5. Implement a hybrid of turnaround options set forth in
288 subparagraphs 1.-4. or other turnaround models that have a
289 demonstrated record of effectiveness.

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

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

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

308 (f)~~(e)~~ If a school earning a grade of "F" does not improve

309 by at least one letter grade after 2 full school years of
310 implementing the turnaround option selected by the school
311 district under paragraph (b), the school district must select a
312 different option and submit another implementation plan to the
313 department for approval by the state board. Implementation of
314 the approved plan must begin the school year following the
315 implementation period of the existing turnaround option, unless
316 the state board determines that the school is likely to improve
317 a letter grade if additional time is provided to implement the
318 existing turnaround option.

319 Section 7. Section 1012.2315, Florida Statutes, is amended
320 to read:

321 1012.2315 Assignment of teachers.—

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

332 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—School
333 districts may not assign a higher percentage than the school
334 district average of temporarily certified teachers, teachers in
335 need of improvement, or out-of-field teachers to schools graded
336 "D" or "F" pursuant to s. 1008.34. Each school district shall

337 annually certify to the commissioner ~~of Education~~ that this
338 requirement has been met. If the commissioner determines that a
339 school district is not in compliance with this subsection, the
340 State Board of Education must ~~shall~~ be notified and shall take
341 action pursuant to s. 1008.32 in the next regularly scheduled
342 meeting to require compliance.

343 (3) SALARY INCENTIVES.—District school boards may ~~are~~
344 ~~authorized to~~ provide salary incentives to meet the requirement
345 of subsection (2). A district school board may not sign a
346 collective bargaining agreement that precludes the school
347 district from providing sufficient incentives to meet this
348 requirement.

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

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

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

365 personnel and other instructional personnel for assisting a
366 teacher who is teaching out-of-field.

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

370 1. Outside the field in which the teacher is certified;

371 2. Outside the field that was the teacher's minor field of
372 study; or

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

376
377 The notice must inform the parent that virtual instruction from
378 a certified in-field teacher who has an annual performance
379 evaluation rating of "effective" or "highly effective" under s.
380 1012.34 is available to his or her child through the virtual
381 instruction options specified in s. 1002.321(4).

382 (6) ~~(5)~~ REPORT.—

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

390 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
391 EVALUATIONS.—

392 (a) ~~(b)~~ Notwithstanding the provisions of s.

393 | 1012.31(3)(a)2., each school district shall annually notify
394 | ~~report to~~ the parent of a ~~any~~ student who is assigned to a
395 | classroom teacher or school administrator having two consecutive
396 | annual performance evaluation ratings of "unsatisfactory" under
397 | s. 1012.34, two annual performance evaluation ratings of
398 | unsatisfactory within a 3-year period under s. 1012.34, or three
399 | consecutive annual performance evaluation ratings of "needs
400 | improvement" or a combination of "needs improvement" and
401 | "unsatisfactory" under s. 1012.34. The notice must inform the
402 | parent that virtual instruction from a teacher having a
403 | performance evaluation rating of "highly effective" or
404 | "effective" under s. 1012.34 is available to his or her child
405 | through the virtual instruction options specified in s.
406 | 1002.321(4).

407 | (b) If a high school or middle school student is currently
408 | taught by a classroom teacher who, during that school year,
409 | receives a performance evaluation rating of "needs improvement"
410 | or "unsatisfactory" under s. 1012.34, the student may not be
411 | assigned the following school year to a classroom teacher in the
412 | same subject area who received a performance evaluation rating
413 | of "needs improvement" or "unsatisfactory" in the preceding
414 | school year.

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

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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.