

By Senator Benacquisto

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1                                   A bill to be entitled  
2       An act relating to parent and student rights; amending  
3       s. 1002.20, F.S.; revising public school educational  
4       choice options available to students throughout the  
5       state to include CAPE Digital Tool certificates, CAPE  
6       industry certifications, and collegiate high school  
7       programs; authorizing parents of public school  
8       students to seek private educational choice options  
9       through the Florida Personal Learning Scholarship  
10      Accounts Program under certain circumstances;  
11      providing the right of a parent to know an estimated  
12      amount of money expended for the education of his or  
13      her child; requiring the Department of Education to  
14      provide each school district with such information;  
15      requiring the school districts to provide notification  
16      to parents; authorizing the information to be  
17      published in the student handbook or a similar  
18      publication; amending s. 1002.31, F.S.; deleting the  
19      definition of and provisions relating to the term  
20      "controlled open enrollment"; requiring each school  
21      district to establish a public school parental choice  
22      policy that authorizes parents to choose to enroll  
23      their child in and transport their child to any public  
24      school that has not reached capacity in the state;  
25      authorizing a school district to provide  
26      transportation to students who participate in the  
27      public school parental choice policy; prohibiting the  
28      displacement of certain students who participate in  
29      the public school parental choice policy; authorizing

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30 a student participating in the public school parental  
31 choice policy to remain at a school until a certain  
32 time; revising requirements for the public school  
33 parental choice plan; defining the term "capacity";  
34 authorizing a parent to enroll and transport his or  
35 her child to a public school that has not reached  
36 capacity by a specified date; requiring the school  
37 district to report a student for purposes of the  
38 school district's funding; amending s. 1002.33, F.S.;  
39 requiring a charter school with space available to be  
40 open to any student in the state; creating s.  
41 1003.3101, F.S.; requiring each school district board  
42 to establish a classroom teacher transfer process for  
43 parents, to approve or deny a transfer request within  
44 a certain timeframe, to notify a parent of a denial,  
45 and to post an explanation of the transfer process in  
46 the student handbook or a similar publication;  
47 amending s. 1012.42, F.S.; authorizing a parent of a  
48 child whose teacher is teaching outside the teacher's  
49 field to request that the child be transferred to  
50 another classroom teacher within the school and grade  
51 in which the child is currently enrolled within a  
52 specified timeframe; specifying that a transfer does  
53 not provide a parent the right to choose a specific  
54 teacher; amending ss. 1002.38, 1002.451, and 1006.15,  
55 F.S.; conforming provisions to changes made by the  
56 act; providing an effective date.

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

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59  
60 Section 1. Paragraphs (a) and (b) of subsection (6) of  
61 section 1002.20, Florida Statutes, are amended, and subsection  
62 (25) is added to that section, to read:

63 1002.20 K-12 student and parent rights.—Parents of public  
64 school students must receive accurate and timely information  
65 regarding their child’s academic progress and must be informed  
66 of ways they can help their child to succeed in school. K-12  
67 students and their parents are afforded numerous statutory  
68 rights including, but not limited to, the following:

69 (6) EDUCATIONAL CHOICE.—

70 (a) *Public educational ~~school~~ choices.*—Parents of public  
71 school students may seek whatever public educational ~~school~~  
72 choice options that are applicable and available to students  
73 throughout the state ~~in their school districts~~. These options  
74 may include public school parental choice ~~controlled open~~  
75 ~~enrollment~~, single-gender programs, lab schools, virtual  
76 instruction programs, charter schools, charter technical career  
77 centers, magnet schools, alternative schools, special programs,  
78 auditory-oral education programs, CAPE Digital Tool  
79 certificates, CAPE industry certifications, collegiate high  
80 school programs, advanced placement, dual enrollment,  
81 International Baccalaureate, International General Certificate  
82 of Secondary Education (pre-AICE), Advanced International  
83 Certificate of Education, early admissions, credit by  
84 examination or demonstration of competency, the New World School  
85 of the Arts, the Florida School for the Deaf and the Blind, and  
86 the Florida Virtual School. These options may also include the  
87 public educational ~~school~~ choice options of the Opportunity

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88 Scholarship Program and the McKay Scholarships for Students with  
89 Disabilities Program.

90 (b) Private educational school choices.—Parents of public  
91 school students may seek private educational school choice  
92 options under certain programs.

93 1. Under the McKay Scholarships for Students with  
94 Disabilities Program, the parent of a public school student with  
95 a disability may request and receive a McKay Scholarship for the  
96 student to attend a private school in accordance with s.  
97 1002.39.

98 2. Under the Florida Tax Credit Scholarship Program, the  
99 parent of a student who qualifies for free or reduced-price  
100 school lunch or who is currently placed, or during the previous  
101 state fiscal year was placed, in foster care as defined in s.  
102 39.01 may seek a scholarship from an eligible nonprofit  
103 scholarship-funding organization in accordance with s. 1002.395.

104 3. Under the Florida Personal Learning Scholarship Accounts  
105 Program, the parent of a student with a qualifying disability  
106 may apply for a personal learning scholarship to be used for  
107 educational needs in accordance with s. 1002.385.

108 (25) FISCAL TRANSPARENCY.—A parent has the right to know  
109 the average amount of money estimated to be expended from all  
110 local, state, and federal sources, for the education of his or  
111 her child, including operating and capital outlay expenses. The  
112 department shall annually provide each district the estimated  
113 amount of funding allocated for a student in the district by  
114 grade level and level of support. Each district must notify  
115 parents of the estimated amount of funding allocated for a  
116 student similar to their child, based upon grade level and level

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117 of support. The fiscal transparency notification may be included  
118 in the student handbook or a similar publication.

119 Section 2. Section 1002.31, Florida Statutes, is amended to  
120 read:

121 1002.31 ~~Controlled open enrollment~~; Public school parental  
122 choice.—

123 ~~(1) As used in this section, "controlled open enrollment"~~  
124 ~~means a public education delivery system that allows school~~  
125 ~~districts to make student school assignments using parents'~~  
126 ~~indicated preferential school choice as a significant factor.~~

127 (1)(2) Each district school board shall establish a public  
128 school parental choice policy that authorizes a parent to choose  
129 to enroll his or her child in and transport his or her child to  
130 any public school in the state which has not reached capacity,  
131 including charter schools. This policy may offer controlled open  
132 enrollment within the public schools which is in addition to the  
133 existing choice programs, such as virtual instruction programs,  
134 magnet schools, alternative schools, special programs, advanced  
135 placement, and dual enrollment. The district may provide  
136 transportation to the students at the district's discretion. A  
137 student assigned to a school may not be displaced by the public  
138 school parental choice policy included in the district's plan.  
139 For the purposes of continuity of educational choice, a student  
140 may continue to attend the chosen school until the student  
141 completes the highest grade offered by the school.

142 (2)(3) Each district school board offering controlled open  
143 enrollment shall adopt by rule and post on its website a public  
144 school parental choice controlled open enrollment plan that  
145 which must:

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146 (a) Adhere to federal desegregation requirements.

147 (b) ~~Include an application process required to participate~~  
148 ~~in controlled open enrollment that allows parents to declare~~  
149 ~~school preferences, including placement of siblings within the~~  
150 ~~same school.~~

151 ~~(e)~~ Provide a lottery procedure to determine student  
152 assignment and establish an appeals process for hardship cases.

153 (c) ~~(d)~~ Afford parents of students in multiple session  
154 schools preferred access ~~to controlled open enrollment.~~

155 (d) ~~(e)~~ Maintain socioeconomic, demographic, and racial  
156 balance.

157 (e) ~~(f)~~ Address the availability of transportation.

158 (f) Maintain existing eligibility criteria for educational  
159 choice, pursuant to s. 1002.20(6)(a).

160 (g) Identify schools that have not reached capacity. The  
161 term "capacity" means a level of capital outlay FTE enrollment  
162 in a school which exceeds 95 percent of the space and occupant  
163 design capacity of its nonrelocatable facilities. However, if a  
164 school's initial design incorporated relocatable or modular  
165 instructional space, the term means a level of capital outlay  
166 FTE enrollment in a school which exceeds 95 percent of the space  
167 and occupant design capacity of its core facilities.

168 (h) Provide preferential treatment to all of the following:

169 1. Dependent children of active duty military personnel.

170 2. Siblings who could attend the same school.

171 3. Students residing in the district.

172 4. Children who have been relocated due to a foster care  
173 placement.

174 (3) Beginning in the 2017-2018 school year, or earlier if

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175 authorized by the district, a parent may choose to enroll his or  
176 her child in and transport his or her child to any public school  
177 that has not reached capacity, including charter schools, in any  
178 school district in this state. The school district shall accept  
179 the student and report the student for purposes of the  
180 district's funding pursuant to the Florida Education Finance  
181 Program.

182 (4) For a student in grades 9 through 12, interscholastic  
183 and intrascholastic extracurricular student activity eligibility  
184 may be impacted by choosing to attend a school other than the  
185 school assigned by the district.

186 (5)~~(4)~~ In accordance with the reporting requirements of s.  
187 1011.62, each district school board shall annually report the  
188 number of students exercising public school choice, by type of  
189 educational choice, in accordance with attending the various  
190 types of public schools of choice in the district, including  
191 schools such as virtual instruction programs, magnet schools,  
192 and public charter schools, according to rules adopted by the  
193 State Board of Education.

194 (6)~~(5)~~ For a school or program that is a public school of  
195 choice under this section, the calculation for compliance with  
196 maximum class size pursuant to s. 1003.03 is the average number  
197 of students at the school level.

198 Section 3. Paragraph (a) of subsection (10) of section  
199 1002.33, Florida Statutes, is amended to read:

200 1002.33 Charter schools.—

201 (10) ELIGIBLE STUDENTS.—

202 (a) A charter school must ~~shall~~ be open to any student  
203 covered in an interdistrict agreement or residing in the school

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204 district in which the charter school is located; however, in the  
205 case of a charter lab school, the charter lab school must ~~shall~~  
206 be open to any student eligible to attend the lab school as  
207 provided in s. 1002.32 or who resides in the school district in  
208 which the charter lab school is located. A charter school with  
209 space available must be open to any student in the state,  
210 pursuant to s. 1002.31. Any eligible student must ~~shall~~ be  
211 allowed interdistrict transfer to attend a charter school when  
212 based on good cause. Good cause includes ~~shall include~~, but is  
213 not limited to, geographic proximity to a charter school in a  
214 neighboring school district.

215 Section 4. Section 1003.3101, Florida Statutes, is created  
216 to read:

217 1003.3101 Additional educational choice options.—Each  
218 school district board shall establish a transfer process for a  
219 parent to request his or her child be transferred to another  
220 classroom teacher. A school must approve or deny the transfer  
221 within 2 weeks after receiving a request. If a request for  
222 transfer is denied, the school must notify the parent and  
223 specify the reasons for the denial. An explanation of the  
224 transfer process must be made available in the student handbook  
225 or a similar publication.

226 Section 5. Subsection (2) of section 1012.42, Florida  
227 Statutes, is amended to read:

228 1012.42 Teacher teaching out-of-field.—

229 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district  
230 school system is assigned teaching duties in a class dealing  
231 with subject matter that is outside the field in which the  
232 teacher is certified, outside the field that was the applicant's



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233 minor field of study, or outside the field in which the  
234 applicant has demonstrated sufficient subject area expertise, as  
235 determined by district school board policy in the subject area  
236 to be taught, the parents of all students in the class shall be  
237 notified in writing of such assignment. A parent who receives  
238 this notification may, after the October student membership  
239 survey, request that his or her child be transferred to another  
240 classroom teacher within the school and grade in which the  
241 student is currently enrolled. The school district shall grant  
242 the parent's request and transfer the student to a different  
243 classroom teacher within a reasonable period of time, not to  
244 exceed 2 weeks. This subsection does not provide a parent the  
245 right to choose a specific teacher.

246 Section 6. Paragraph (e) of subsection (3) of section  
247 1002.38, Florida Statutes, is amended to read:

248 1002.38 Opportunity Scholarship Program.—

249 (3) SCHOOL DISTRICT OBLIGATIONS.—

250 (e) If the parent chooses to request that the student be  
251 enrolled in a higher-performing public school in the school  
252 district, transportation costs to the higher-performing public  
253 school shall be the responsibility of the school district. The  
254 district may utilize state categorical transportation funds or  
255 state-appropriated public educational ~~school~~ choice incentive  
256 funds for this purpose.

257 Section 7. Paragraph (c) of subsection (1) and paragraph  
258 (a) of subsection (6) of section 1002.451, Florida Statutes, are  
259 amended to read:

260 1002.451 District innovation school of technology program.—

261 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.—

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262 (c) An innovation school of technology must be open to any  
263 student covered in an interdistrict agreement or residing in the  
264 school district in which the innovation school of technology is  
265 located. An innovation school of technology shall enroll an  
266 eligible student who submits a timely application if the number  
267 of applications does not exceed the capacity of a program,  
268 class, grade level, or building. If the number of applications  
269 exceeds capacity, all applicants shall have an equal chance of  
270 being admitted through a public random selection process.

271 However, a district may give enrollment preference to students  
272 who identify the innovation school of technology as the  
273 student's preferred choice pursuant to the district's public  
274 school parental choice ~~controlled open enrollment~~ plan.

275 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

276 (a) A district school board may apply to the State Board of  
277 Education for an innovation school of technology if the  
278 district:

279 1. Has at least 20 percent of its total enrollment in  
280 public educational ~~school~~ choice programs or at least 5 percent  
281 of its total enrollment in charter schools;

282 2. Has no material weaknesses or instances of material  
283 noncompliance noted in the annual financial audit conducted  
284 pursuant to s. 218.39; and

285 3. Has received a district grade of "A" or "B" in each of  
286 the past 3 years.

287 Section 8. Paragraphs (c), (d), and (e) of subsection (3)  
288 of section 1006.15, Florida Statutes, are amended to read:

289 1006.15 Student standards for participation in  
290 interscholastic and intrascholastic extracurricular student

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291 activities; regulation.-

292 (3)

293 (c) An individual home education student is eligible to  
294 participate at the public school to which the student would be  
295 assigned according to district school board attendance area  
296 policies or which the student could choose to attend pursuant to  
297 public school parental choice ~~district or interdistrict~~  
298 ~~controlled open enrollment~~ provisions, or may develop an  
299 agreement to participate at a private school, in the  
300 interscholastic extracurricular activities of that school,  
301 provided the following conditions are met:

302 1. The home education student must meet the requirements of  
303 the home education program pursuant to s. 1002.41.

304 2. During the period of participation at a school, the home  
305 education student must demonstrate educational progress as  
306 required in paragraph (b) in all subjects taken in the home  
307 education program by a method of evaluation agreed upon by the  
308 parent and the school principal which may include: review of the  
309 student's work by a certified teacher chosen by the parent;  
310 grades earned through correspondence; grades earned in courses  
311 taken at a Florida College System institution, university, or  
312 trade school; standardized test scores above the 35th  
313 percentile; or any other method designated in s. 1002.41.

314 3. The home education student must meet the same residency  
315 requirements as other students in the school at which he or she  
316 participates.

317 4. The home education student must meet the same standards  
318 of acceptance, behavior, and performance as required of other  
319 students in extracurricular activities.

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320           5. The student must register with the school his or her  
321 intent to participate in interscholastic extracurricular  
322 activities as a representative of the school before the  
323 beginning date of the season for the activity in which he or she  
324 wishes to participate. A home education student must be able to  
325 participate in curricular activities if that is a requirement  
326 for an extracurricular activity.

327           6. A student who transfers from a home education program to  
328 a public school before or during the first grading period of the  
329 school year is academically eligible to participate in  
330 interscholastic extracurricular activities during the first  
331 grading period provided the student has a successful evaluation  
332 from the previous school year, pursuant to subparagraph 2.

333           7. Any public school or private school student who has been  
334 unable to maintain academic eligibility for participation in  
335 interscholastic extracurricular activities is ineligible to  
336 participate in such activities as a home education student until  
337 the student has successfully completed one grading period in  
338 home education pursuant to subparagraph 2. to become eligible to  
339 participate as a home education student.

340           (d) An individual charter school student pursuant to s.  
341 1002.33 is eligible to participate at the public school to which  
342 the student would be assigned according to district school board  
343 attendance area policies or which the student could choose to  
344 attend, pursuant to district or interdistrict public school  
345 parental choice ~~controlled open enrollment~~ provisions, in any  
346 interscholastic extracurricular activity of that school, unless  
347 such activity is provided by the student's charter school, if  
348 the following conditions are met:

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349 1. The charter school student must meet the requirements of  
350 the charter school education program as determined by the  
351 charter school governing board.

352 2. During the period of participation at a school, the  
353 charter school student must demonstrate educational progress as  
354 required in paragraph (b).

355 3. The charter school student must meet the same residency  
356 requirements as other students in the school at which he or she  
357 participates.

358 4. The charter school student must meet the same standards  
359 of acceptance, behavior, and performance that are required of  
360 other students in extracurricular activities.

361 5. The charter school student must register with the school  
362 his or her intent to participate in interscholastic  
363 extracurricular activities as a representative of the school  
364 before the beginning date of the season for the activity in  
365 which he or she wishes to participate. A charter school student  
366 must be able to participate in curricular activities if that is  
367 a requirement for an extracurricular activity.

368 6. A student who transfers from a charter school program to  
369 a traditional public school before or during the first grading  
370 period of the school year is academically eligible to  
371 participate in interscholastic extracurricular activities during  
372 the first grading period if the student has a successful  
373 evaluation from the previous school year, pursuant to  
374 subparagraph 2.

375 7. Any public school or private school student who has been  
376 unable to maintain academic eligibility for participation in  
377 interscholastic extracurricular activities is ineligible to

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378 participate in such activities as a charter school student until  
379 the student has successfully completed one grading period in a  
380 charter school pursuant to subparagraph 2. to become eligible to  
381 participate as a charter school student.

382 (e) A student of the Florida Virtual School full-time  
383 program may participate in any interscholastic extracurricular  
384 activity at the public school to which the student would be  
385 assigned according to district school board attendance area  
386 policies or which the student could choose to attend, pursuant  
387 to district or interdistrict public school parental choice  
388 ~~controlled open enrollment~~ policies, if the student:

389 1. During the period of participation in the  
390 interscholastic extracurricular activity, meets the requirements  
391 in paragraph (a).

392 2. Meets any additional requirements as determined by the  
393 board of trustees of the Florida Virtual School.

394 3. Meets the same residency requirements as other students  
395 in the school at which he or she participates.

396 4. Meets the same standards of acceptance, behavior, and  
397 performance that are required of other students in  
398 extracurricular activities.

399 5. Registers his or her intent to participate in  
400 interscholastic extracurricular activities with the school  
401 before the beginning date of the season for the activity in  
402 which he or she wishes to participate. A Florida Virtual School  
403 student must be able to participate in curricular activities if  
404 that is a requirement for an extracurricular activity.

405 Section 9. This act shall take effect July 1, 2016.