



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 | authorizing the parent of a student to consent to the  
50 | assignment of that student to a teacher with a  
51 | performance evaluation rating of less than effective  
52 | under certain circumstances; repealing s. 1012.42,  
53 | F.S., relating to teachers who are teaching out-of-  
54 | field; providing an effective date.

55 |  
56 | Be It Enacted by the Legislature of the State of Florida:



57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84

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

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

1002.20 K-12 student and parent rights.—Parents of public



85 school students must receive accurate and timely information  
86 regarding their child's academic progress and must be informed  
87 of ways they can help their child to succeed in school. K-12  
88 students and their parents are afforded numerous statutory  
89 rights including, but not limited to, the following:

90 (21) PARENTAL INPUT AND MEETINGS.—

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

96 (25) ASSIGNMENT TO TEACHERS.—

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

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



113 instruction from a teacher who has an annual performance  
 114 evaluation rating of "effective" or "highly effective" is  
 115 available pursuant to s. 1012.2315(7).

116 Section 3. Paragraph (c) of subsection (7) of section  
 117 1002.32, Florida Statutes, is amended to read:

118 1002.32 Developmental research (laboratory) schools.—

119 (7) PERSONNEL.—

120 (c) Lab school faculty members shall meet the  
 121 certification requirements of s. 1012.32 ~~ss. 1012.32 and~~  
 122 ~~1012.42~~.

123 Section 4. Paragraph (b) of subsection (16) of section  
 124 1002.33, Florida Statutes, is amended to read:

125 1002.33 Charter schools.—

126 (16) EXEMPTION FROM STATUTES.—

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

129 1. Section 286.011, relating to public meetings and  
 130 records, public inspection, and criminal and civil penalties.

131 2. Chapter 119, relating to public records.

132 3. Section 1003.03, relating to the maximum class size,  
 133 except that the calculation for compliance pursuant to s.  
 134 1003.03 must ~~shall~~ be the average at the school level.

135 4. Section 1012.22(1)(c), relating to compensation and  
 136 salary schedules.

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

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

140 7. Section 1012.34, relating to the substantive



141 requirements for performance evaluations for instructional  
142 personnel and school administrators.

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

145 Section 5. Section 1003.07, Florida Statutes, is created  
146 to read:

147 1003.07 Parent empowerment.—

148 (1) This section may be cited as the "Parent Empowerment  
149 Act."

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

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

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

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

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



169       (3) Each school district shall notify, in writing, the  
170 parents of eligible students and the school advisory council  
171 when a public school has earned a school grade of "F" and is  
172 required to select a turnaround option pursuant to s. 1008.33.  
173 The written notice must inform parents that, before the district  
174 school board selects a turnaround option, parents may petition  
175 for implementation of a particular turnaround option pursuant to  
176 s. 1008.33. The notice must be provided to parents within 30  
177 calendar days after the school district receives notice from the  
178 department that the school is required to select a turnaround  
179 option. The notice must include:

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

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

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

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

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

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



197 signatures or paying others to solicit signatures.

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

208 (6) The petition process must provide that:

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

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

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

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

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





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

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

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

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



253 (a) If the district school board adopts a turnaround  
254 option that is different from the turnaround option selected by  
255 parents, it shall identify with its submission the turnaround  
256 option selected by parents.

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

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

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

267 1008.33 Authority to enforce public school improvement.—

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

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



- 281           1. Convert the school to a district-managed turnaround  
282 school;
- 283           2. Reassign students to another school and monitor the  
284 progress of each reassigned student;
- 285           3. Close the school and reopen the school as one or more  
286 charter schools, each with a governing board that has a  
287 demonstrated record of effectiveness;
- 288           4. Contract with an outside entity that has a demonstrated  
289 record of effectiveness to operate the school; or
- 290           5. Implement a hybrid of turnaround options set forth in  
291 subparagraphs 1.-4. or other turnaround models that have a  
292 demonstrated record of effectiveness.
- 293           (c) Parents of students who are assigned to a public  
294 school that is required by the State Board of Education to  
295 implement a turnaround option may petition the school district  
296 to implement one of the turnaround options in paragraph (b)  
297 selected by the parents pursuant to s. 1003.07.
- 298           ~~(d)(e)~~ Except for schools required to implement a  
299 turnaround option pursuant to subsection (5), a school earning a  
300 grade of "F" shall have a planning year followed by 2 full  
301 school years to implement the initial turnaround option selected  
302 by the school district and approved by the state board.  
303 Implementation of the turnaround option is no longer required if  
304 the school improves by at least one letter grade.
- 305           ~~(e)(d)~~ A school earning a grade of "F" that improves its  
306 letter grade must continue to implement strategies identified in  
307 its school improvement plan pursuant to s. 1001.42(18)(a). The  
308 department must annually review implementation of the school



309 improvement plan for 3 years to monitor the school's continued  
310 improvement.

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

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

324 1012.2315 Assignment of teachers.—

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

335 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—School  
336 districts may not assign a higher percentage than the school



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

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

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

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

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



365 the assigned duties. A school district may reimburse a teacher  
366 who is teaching out-of-field for a certification fee. The  
367 assistance plan must also include duties of administrative  
368 personnel and other instructional personnel for assisting a  
369 teacher who is teaching out-of-field.

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

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

379  
380 The notice must inform the parent that virtual instruction from  
381 a certified in-field teacher who has an annual performance  
382 evaluation rating of "effective" or "highly effective" under s.  
383 1012.34 is available to his or her child through the virtual  
384 instruction options specified in s. 1002.321(4).

385 (6)-(5) REPORT.—

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



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

395 (a) ~~(b)~~ Notwithstanding ~~the provisions of s.~~  
396 1012.31(3)(a)2., each school district shall annually notify  
397 ~~report to~~ the parent of a ~~any~~ student who is assigned to a  
398 classroom teacher or school administrator having two consecutive  
399 annual performance evaluation ratings of "unsatisfactory" under  
400 s. 1012.34, two annual performance evaluation ratings of  
401 unsatisfactory within a 3-year period under s. 1012.34, or three  
402 consecutive annual performance evaluation ratings of "needs  
403 improvement" or a combination of "needs improvement" and  
404 "unsatisfactory" under s. 1012.34. The notice must inform the  
405 parent that virtual instruction from a teacher having a  
406 performance evaluation rating of "highly effective" or  
407 "effective" under s. 1012.34 is available to his or her child  
408 through the virtual instruction options specified in s.  
409 1002.321(4).

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

418 (c) If an elementary school student is currently taught by  
419 a classroom teacher who, during that school year, receives a  
420 performance evaluation rating of "needs improvement" or



CS/CS/HB 867, Engrossed 1

2013

421 "unsatisfactory" under s. 1012.34, the student may not be  
422 assigned the following school year to a classroom teacher who  
423 received a performance evaluation rating of "needs improvement"  
424 or "unsatisfactory" in the preceding school year.

425 (d) For a student enrolling in an extracurricular course  
426 as defined in s. 1003.01(15), a parent may choose to have the  
427 student taught by a teacher who received a performance  
428 evaluation of "needs improvement" or "unsatisfactory" in the  
429 preceding school year if the student and the student's parent  
430 receive an explanation of the impact of teacher effectiveness on  
431 student learning and the principal receives written consent from  
432 the parent.

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

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