

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Bileca offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Subsection (3) of section 1001.10, Florida
7 Statutes, is amended to read:

8 1001.10 Commissioner of Education; general powers and
9 duties.—

10 (3) To facilitate innovative practices and ~~to allow~~ local
11 selection of educational methods, the State Board of Education
12 may authorize the commissioner to waive, upon the request of a
13 district school board, state board ~~of Education~~ rules that
14 relate to ~~district~~ school instruction and ~~school~~ operations,
15 except those rules pertaining to civil rights, and student
16 health, safety, and welfare. The Commissioner of Education is
17 not authorized to grant waivers for any provisions in rule
18 pertaining to the allocation and appropriation of state and
19 local funds for public education; the election, compensation,

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20 and organization of school board members and superintendents;
21 graduation and state accountability standards; financial
22 reporting requirements; reporting of out-of-field teaching
23 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
24 public records; or due process hearings governed by chapter 120.
25 No later than January 1 of each year, the commissioner shall
26 report to the Legislature and the State Board of Education all
27 approved waiver requests in the preceding year.

28 Section 2. Paragraph (d) is added to subsection (21) of
29 section 1002.20, Florida Statutes, and subsections (24) and (25)
30 are added 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 does not improve performance
40 following implementation of a school turnaround option under s.
41 1008.33 may submit a petition to the school district requesting
42 implementation of a school turnaround option pursuant to s.
43 1003.07.

44 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
45 parent of a public school student, the school district must
46 provide the parent with the performance evaluation for each

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47 classroom teacher assigned to his or her child, pursuant to s.
48 1012.31.

49 (25) ASSIGNMENT TO TEACHERS.—

50 (a) Each school district shall annually notify the parent
51 of each public school student assigned to a classroom teacher
52 who is teaching out-of-field regarding such assignment. The
53 notification must inform the parent that virtual instruction
54 from a certified in-field teacher with an annual performance
55 evaluation rating of effective or highly effective is available
56 pursuant to s. 1012.2315(5).

57 (b) When a student is assigned to a classroom teacher who
58 has received two consecutive annual performance evaluation
59 ratings of unsatisfactory, two annual performance evaluation
60 ratings of unsatisfactory within a 3-year period, or three
61 consecutive annual performance evaluation ratings of needs
62 improvement or a combination of needs improvement and
63 unsatisfactory under s. 1012.34, the school district shall
64 notify the parent regarding the performance evaluation rating of
65 the classroom teacher. The notification must inform the parent
66 that virtual instruction from a teacher with an annual
67 performance evaluation rating of effective or highly effective
68 is available pursuant to s. 1012.2315(7).

69 Section 3. Paragraph (c) of subsection (7) of section
70 1002.32, Florida Statutes, is amended to read:

71 1002.32 Developmental research (laboratory) schools.—

72 (7) PERSONNEL.—

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

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75 Section 4. Paragraph (b) of subsection (16) of section
76 1002.33, Florida statutes, is amended to read:

77 1002.33 Charter schools.—

78 (16) EXEMPTION FROM STATUTES.—

79 (b) Additionally, a charter school shall be in compliance
80 with the following statutes:

81 1. Section 286.011, relating to public meetings and
82 records, public inspection, and criminal and civil penalties.

83 2. Chapter 119, relating to public records.

84 3. Section 1003.03, relating to the maximum class size,
85 except that the calculation for compliance pursuant to s.
86 1003.03 shall be the average at the school level.

87 4. Section 1012.22(1)(c), relating to compensation and
88 salary schedules.

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

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

92 7. Section 1012.34, relating to the substantive
93 requirements for performance evaluations for instructional
94 personnel and school administrators.

95 8. Section 1012.2315(5) and (7), relating to notifications
96 and assignment of teachers.

97 Section 5. Section 1003.07, Florida Statutes, is created
98 to read:

99 1003.07 Parent empowerment.—

100 (1) This section may be cited as the "Parent Empowerment
101 Act."

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102 (2) Each school district must provide written notification
103 to the parents of eligible students, as defined in paragraph
104 (3) (b), and the school advisory council when a public school has
105 been unable to improve performance and must implement a school
106 turnaround option as required under s. 1008.33. The written
107 notification shall inform parents that they may, by petition,
108 request implementation of a school turnaround option by the
109 school in the following school year. The notification shall be
110 provided to parents within 30 calendar days after the school
111 district receives notice from the Department of Education that
112 the school must implement a school turnaround option. The
113 notification by the school district shall include:

114 (a) A description of each school turnaround option
115 available for selection under s. 1008.33;

116 (b) A description of the process for implementing school
117 turnaround options, including the date by which the school
118 district must submit its implementation plan to the State Board
119 of Education;

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

121 (d) The date and location of the publicly noticed district
122 school board meeting required under paragraph (4) (a) at which
123 the school board will consider any school turnaround option,
124 including a parent petition; and

125 (e) School district contact information for questions.

126 (3) (a) Prior to the school district's selection and
127 implementation of a school turnaround option for the following
128 school year, parents may submit a petition selecting an
129 available school turnaround option, as described pursuant to

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130 paragraph (2) (a), for consideration by the district school
131 board.

132 (b) Up to one parental vote per eligible student may be
133 counted with respect to parent signatures on the petition. An
134 eligible student is a student enrolled in the school in which
135 the school turnaround option will be implemented or, according
136 to the district school board's enrollment policies, a student
137 who is scheduled the following school year for assignment to
138 that school.

139 1. A parental vote is the signature of one parent unless
140 the other parent objects in writing to the petition vote, in
141 which case the parental vote counts for one-half per eligible
142 student. The objection must be made before the date the petition
143 is to be submitted pursuant to subsection (2).

144 2. Notwithstanding subparagraph 1., a parental vote is the
145 signature of the parent who has been assigned sole parental
146 responsibility or ultimate responsibility for education
147 decisions pursuant to s. 61.13.

148 (c) A parent must date each petition on the day it is
149 signed and identify each eligible student on the petition. The
150 parent's signature shall constitute a certification that the
151 parent has a present intention to enroll each eligible student
152 in the school if the school turnaround option identified on the
153 petition is selected. A parent may sign the petition prior to
154 the initial notification provided to the parents of eligible
155 students pursuant to subsection (2).

156 (d) The school district shall verify at least a majority
157 of the signatures on the petition using existing student

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158 enrollment documentation or other records containing parent
159 signatures. However, a notarized signature of a person who is a
160 parent of an eligible student shall be treated as valid.
161 Signatures not verified within the established verification
162 period shall be treated as valid.

163 (e) A signature gatherer may not be paid per signature
164 and, if asked, must disclose the organization he or she
165 represents.

166 (4) (a) The school turnaround option selected by parents
167 must be considered for implementation by the district school
168 board at a publicly noticed school board meeting if the petition
169 is signed and dated by a majority of the parents of eligible
170 students. A majority is more than one-half of the parents who
171 are eligible to sign the petition pursuant to paragraph (3) (b).
172 If petitions for more than one school turnaround option are
173 signed by a majority of the parents, the petition having the
174 most such signatures shall be deemed the official turnaround
175 option selected by parents.

176 (b) The district school board may adopt the school
177 turnaround option selected by parents or a different school
178 turnaround option selected by the school board. If the district
179 school board does not adopt the school turnaround option
180 selected by parents, it must include that option with the
181 implementation plan submitted to the State Board of Education
182 under s. 1008.33. If the state board determines that the school
183 turnaround option selected by parents is more likely to improve
184 the academic performance of students at the school, it shall
185 return the district school board's implementation plan to the

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186 school board. The district school board shall submit to the
187 state board an implementation plan for the school turnaround
188 option selected by parents.

189 (5) The State Board of Education shall adopt rules to
190 establish a model petition format, the petition submission
191 process, standards for verifying signatures, and timelines for
192 district school board validation and consideration of a petition
193 at a publicly noticed meeting. The rules must provide a sample
194 petition form for each school turnaround option available for
195 selection under s. 1008.33 with easy-to-understand instructions.
196 Each petition form shall clearly identify only one school
197 turnaround option on the front page of the petition and each
198 page thereafter. The petition forms must be provided or made
199 easily accessible to parents at the time of notification by the
200 school district pursuant to subsection (2). The rules shall
201 provide the following:

202 (a) A minimum of 30 days after initial notification,
203 pursuant to subsection (2), for parents of eligible students to
204 gather petition signatures.

205 (b) A maximum of 30 days after the date the petition is
206 submitted for the school district to verify the signatures.

207 (c) A minimum of 30 days between the submission of a
208 petition and the district school board meeting to consider the
209 petition.

210 (d) A submitted petition may list only one school
211 turnaround option identified in s. 1008.33 that is not currently
212 being implemented at the school.

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213 (e) A parent may sign a petition for each school
214 turnaround option.

215 (f) A school district may not reject a parent signature on
216 a petition based on a lack of conformity to signatures in school
217 records if the parent's identity and signature can be easily
218 validated with a photographic identification, a notarized
219 signature verifying the identity of the signer, or by the
220 personal knowledge of a school employee.

221 (g) A school district may not reject a parent signature on
222 a petition on the basis that the parent signed the petition
223 prior to the initial notification pursuant to subsection (2).

224 Section 6. Subsection (5) of section 1008.33, Florida
225 Statutes, is amended to read:

226 1008.33 Authority to enforce public school improvement.—

227 (5) (a) In the school year after a school is initially
228 identified as a school in the lowest-performing category, the
229 school district must submit a plan, which is subject to approval
230 by the State Board of Education, for implementing one of the
231 following school turnaround options at the beginning of the next
232 school year. The plan must be implemented unless the school
233 moves from the lowest-performing category:

234 1. Convert the school to a district-managed turnaround
235 school by means that include implementing a turnaround plan
236 approved by the Commissioner of Education which shall become the
237 school's improvement plan;

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

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

243 4. Contract with an outside entity that has a demonstrated
244 record of effectiveness to operate the school.

245 (b) If a school does not move from the lowest-performing
246 category during the initial year of implementing one of the
247 school turnaround options in paragraph (a), the school district
248 must submit a plan, which is subject to approval by the State
249 Board of Education, for implementing a different option in
250 paragraph (a) at the beginning of the next school year, unless
251 the State Board of Education determines that the school is
252 likely to move from the lowest-performing category if additional
253 time is provided to implement intervention and support
254 strategies. The State Board of Education shall determine whether
255 a school district may continue to implement a school turnaround
256 ~~an~~ option beyond 1 year while a school remains in the lowest-
257 performing category.

258 (c) Parents of students who are assigned to a public
259 school that is required by the State Board of Education to
260 implement a school turnaround option may petition the school
261 district to implement one of the turnaround options in paragraph
262 (a) selected by the parents pursuant to s. 1003.07. A school
263 implementing a school turnaround option during the 2011-2012 or
264 2012-2013 school year is not subject to the requirements of s.
265 1003.07 until the school is required to implement a different
266 school turnaround option.

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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
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 CATEGORIZED AS IN NEED OF
281 IMPROVEMENT.—School districts may not assign a higher percentage
282 than the school district average of temporarily certified
283 teachers, teachers in need of improvement, or out-of-field
284 teachers to schools in one of the three lowest-performing
285 categories under s. 1008.33(3)(b). Each school district shall
286 annually certify to the Commissioner of Education that this
287 requirement has been met. If the commissioner determines that a
288 school district is not in compliance with this subsection, the
289 State Board of Education shall be notified and shall take action
290 pursuant to s. 1008.32 in the next regularly scheduled meeting
291 to require compliance.

292 (3) SALARY INCENTIVES.—District school boards may ~~are~~
293 ~~authorized to~~ provide salary incentives to meet the requirement
294 of subsection (2). A district school board may not sign a

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295 collective bargaining agreement that precludes the school
296 district from providing sufficient incentives to meet this
297 requirement.

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

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

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

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

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

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

326
327 The notification must inform the parent that virtual instruction
328 from a certified in-field teacher with an annual performance
329 evaluation rating of effective or highly effective under s.
330 1012.34 is available to his or her child through the virtual
331 instruction options listed under s. 1002.321(4).

332 (6)-(5) REPORT.-

333 ~~(a)~~ By July 1, 2012, the Department of Education shall
334 annually report on its website, in a manner that is accessible
335 to the public, the performance rating data reported by district
336 school boards under s. 1012.34. The report must include the
337 percentage of classroom teachers, instructional personnel, and
338 school administrators receiving each performance rating
339 aggregated by school district and by school.

340 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
341 EVALUATIONS.-

342 (a)-(b) Notwithstanding ~~the provisions of~~ s.
343 1012.31(3)(a)2., each school district shall annually notify
344 ~~report to~~ the parent of any student who is assigned to a
345 classroom teacher or school administrator having two consecutive
346 annual performance evaluation ratings of unsatisfactory under s.
347 1012.34, two annual performance evaluation ratings of
348 unsatisfactory within a 3-year period under s. 1012.34, or three
349 consecutive annual performance evaluation ratings of needs
350 improvement or a combination of needs improvement and

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351 unsatisfactory under s. 1012.34. The notification must inform
352 the parent that virtual instruction from a teacher with a
353 performance evaluation rating of highly effective or effective
354 under s. 1012.34 is available to his or her child through the
355 virtual instruction options listed under s. 1002.321(4).

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

360 (c) If a student is currently taught by a classroom
361 teacher who receives, in that school year, a performance
362 evaluation rating of needs improvement or unsatisfactory under
363 s. 1012.34, the student may not be assigned the following school
364 year to a classroom teacher in the same subject area who
365 received a performance evaluation rating of needs improvement or
366 unsatisfactory in the preceding school year.

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

368 Section 9. This act shall take effect July 1, 2012.

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

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Remove the entire title and insert:

374

A bill to be entitled

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An act relating to parent empowerment in education; amending s.

376

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

377

1002.20, F.S.; authorizing parents of students who are assigned

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to certain underperforming public schools to submit a petition

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1191 (2012)

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379 to the school district requesting implementation of a school
380 turnaround option; requiring a school district, upon request, to
381 provide a parent with a performance evaluation for each
382 classroom teacher assigned to his or her child; requiring
383 notification to the parent of each student who is assigned to a
384 classroom teacher who is teaching out-of-field or who has
385 received unsatisfactory performance evaluations; requiring such
386 notification to include information about the availability of
387 virtual instruction; amending s. 1002.32, F.S.; correcting a
388 cross-reference; amending s. 1002.33, F.S.; requiring charter
389 schools to be in compliance with statutes relating to
390 notifications and assignment of teachers; creating s. 1003.07,
391 F.S., the Parent Empowerment Act; requiring each school district
392 to notify parents of students attending a lowest-performing
393 school that has been unable to improve performance and must
394 implement a school turnaround option; authorizing parents to
395 submit a petition requesting implementation of an available
396 school turnaround option; providing requirements for submission
397 of a petition and its consideration and adoption by the district
398 school board; requiring the State Board of Education to adopt
399 rules for the petition process and specifying requirements
400 therefor; amending s. 1008.33, F.S.; identifying the options for
401 improving a school identified in the lowest-performing category
402 as school turnaround options; authorizing parents to submit a
403 petition to the school district to implement a school turnaround
404 option; amending s. 1012.2315, F.S.; requiring that each
405 district school board adopt rules to implement an assistance
406 plan for out-of-field classroom teachers and requiring their

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1191 (2012)

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407 participation in certain programs; requiring that the school
408 district annually notify the parent of each student assigned to
409 an out-of-field classroom teacher or a classroom teacher who has
410 received unsatisfactory performance evaluations; requiring such
411 notification to include information about the availability of
412 virtual instruction; requiring that a school district, upon
413 request, provide a parent with the performance evaluation of
414 each classroom teacher assigned to his or her child; prohibiting
415 the consecutive assignment of students to classroom teachers who
416 receive certain performance evaluations; repealing s. 1012.42,
417 F.S., relating to teachers teaching out-of-field; providing an
418 effective date.