

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 1191 Parent Empowerment in Education

SPONSOR(S): Education Committee, Rulemaking & Regulation Subcommittee, K-20 Innovation Subcommittee, Bileca and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1718

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	11 Y, 3 N, As CS	Beagle	Sherry
2) Rulemaking & Regulation Subcommittee	8 Y, 6 N, As CS	Rubottom	Rubottom
3) Education Committee	11 Y, 6 N, As CS	Beagle	Klebacha

SUMMARY ANALYSIS

The bill enables parents, by petitioning the school district, to request implementation of a parent-selected turnaround option when a school is required to implement a turnaround option. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of students enrolled in the school or students who are scheduled for assignment to the school in the following school year.

The district school board may adopt the turnaround option selected by parents or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the State Board of Education. The state board may approve the district's plan or, if it determines that the parent-selected option is more likely to improve student performance at the school, require the school board to submit a plan for implementing the parent-selected option.

Florida's system of school improvement provides the lowest performing schools with the most comprehensive interventions. If such a school does not sufficiently improve during the first year of intervention, the school district must implement a school turnaround option at the beginning of the next school year. If the school does not sufficiently improve during the first year of implementing a turnaround option, the school district must submit a plan for implementing a different option at the beginning of the next school year. No process presently exists that requires school districts to consider implementation of a parent-selected turnaround option.

The bill creates new requirements for school districts and charter schools regarding the assignment of students to classroom teachers. The bill prohibits consecutive student assignments to teachers with an annual performance evaluation rating of unsatisfactory or needs improvement; authorizes a parent to request the performance evaluation of any classroom teacher assigned to his or her child; and requires that parents of students assigned to an out-of-field or chronically low-performing teacher be informed of the availability of virtual instruction delivered by an in-field, high-performing teacher.

Florida law does not prohibit school districts and charter schools from assigning a student in consecutive years to a low-performing teacher. School districts must notify each parent when his or her child is assigned to an out-of-field teacher or chronically low performing teacher; however, notification that virtual instruction is available as an alternative to such teacher assignments is not required. School districts and charter schools are not expressly required to provide a teacher's performance evaluation to parents who request it; however, such evaluations become public records after one year, at which time the evaluation must be furnished to any parent or member of the public who requests it.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2012.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School Improvement and Intervention

Present Situation

Florida's system of school improvement interventions is known as "differentiated accountability." Low-performing schools are categorized according to the causes and severity of low student achievement. A school's categorization determines the type and intensity of school improvement interventions and whether interventions are directed by the school, school district, or state.¹ The lowest performing schools receive the most comprehensive interventions.² If such a school does not sufficiently improve during the first year of intervention, the school district must submit a plan to the State Board of Education proposing to implement a school turnaround option at the beginning of the next school year. The school district may select one of the following turnaround options:

- Convert the school to a district-managed turnaround school;
- Reassign students to another school and monitor the progress of each reassigned student;
- Close the school and reopen it as one or more charter schools, each with a governing board with a demonstrated record of effectiveness; or
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school.

The turnaround option must be implemented if the school does not sufficiently improve during that school year.³ If the school does not sufficiently improve during the first year of implementing the turnaround option, the school district must submit another plan for implementing a different option at the beginning of the next school year. The plan is subject to state board approval. In considering the plan, the state board has discretion to allow the school district to continue implementing the existing turnaround option, if it finds that the school is likely to improve with additional time. No process exists that requires school districts to consider implementation of a parent-selected turnaround option.⁴

Effect of Proposed Changes

The bill enables parents, by petition, to request that the school district implement a parent-selected turnaround option if a school in the lowest performing category does not improve performance in the initial year of implementing school improvement interventions. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents⁵ of eligible students, i.e., students enrolled in the school or students who are scheduled for assignment to the school in the following school year

Within 30 days of receiving notice from the Department of Education (DOE) that the school is required to implement a turnaround option, each school district must notify parents and the school advisory council that the school has been unable to improve performance and must implement a school turnaround option in the following school year. The notice must inform parents of the opportunity to petition for a turnaround option and describe each available option and the petition process.

¹ Section 1008.33(3)(b) and (4), F.S.; rule 6A-1.099811(3), F.A.C.

² Section 1008.33(2)(b) and (4), F.S.

³ Section 1008.33(5)(a), F.S.; rule 6A-1.099811(8)(b), F.A.C.

⁴ Section 1008.33(5)(b), F.S.

⁵ The law defines "parent" as either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. Section 1000.21(5), F.S.

At least 30 days must be allowed to circulate parent petitions. A petition may propose one turnaround option; however, multiple petitions each proposing different options may be circulated. Parents may sign more than one petition and may sign before the notice beginning the petition period.

Only one parent per eligible student may sign the petition. One signature may be given by the parent for each child who is an eligible student. If a child's other parent submits a written objection to the petition, the signing parent's signature counts as one-half.

A parent must date the petition on the day it is signed and identify the eligible student on the petition. The parent's signature also certifies the parent's present intent to enroll the student in the school the following school year if the turnaround option supported by the petition is implemented. A majority is achieved when parent signatures are collected for more than one-half of eligible students. If more than one petition obtains a majority of signatures, the one with the most signatures is the option the school board must consider.

The school board must verify signatures on the petition using existing student enrollment documentation or other records containing parent signatures. A signature may also be validated by notarization or photographic identification. The petition must be submitted before the school district selects a turnaround option. The bill prohibits signature gatherers from being paid per signature and requires them to disclose what organization they represent, if asked

The district school board may adopt the parent-selected turnaround option or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the state board. If the state board determines that the turnaround option selected by parents is more likely to improve the academic performance of students at the school, the school board must resubmit a plan implementing the parent-selected option.

The bill enables parents of students attending a low-performing school to play a larger role in improving the school's performance. Likewise, the petition process may result in increased parental involvement in school affairs, which research identifies as a key component of school improvement.⁶

Educator Performance and Student Assignments

Present Situation

Research indicates that teacher effectiveness is the most important school-level variable influencing student learning. Students who are taught by ineffective teachers perform at much lower levels than students demonstrating comparable ability taught by high-performing teachers. Students taught by an ineffective teacher for even one year experience long-term negative impacts on achievement.⁷

In Florida, the performance of classroom teachers⁸ is annually evaluated based upon student performance and instructional practice criteria. Student performance must comprise at least 50 percent

⁶ The PEW Center on the States, *Engaged Families, Effective Pre-K: State Policies that Bolster Student Success*, at 1 (June 2010), available at http://www.pewcenteronthestates.org/uploadedFiles/PkN_Family_Engagement_FINAL.pdf?n=4141; Southwest Educational Development Laboratory, *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, at 24 (2002), available at <http://www.seidl.org/cgi-bin/pdfexit.cgi?url=http://www.seidl.org/connections/resources/evidence.pdf> (review of research regarding parental involvement and student success).

⁷ Sanders and Rivers, *Cumulative and Residual Effects of Teachers on Future Student Achievement*, at 6-8 (Nov. 1996), available at <http://www.mccsc.edu/~curriculum/cumulative%20and%20residual%20effects%20of%20teachers.pdf>. Sanders and Rivers found that standardized mathematics assessment scores for students who were taught by a low-performing teacher for three consecutive years were 53 percentile points lower than those of students who were taught by a high-performing teacher for three consecutive years. *Id.* at 3.

⁸ Classroom teachers are a sub-set of the larger personnel class known as "instructional personnel." Instructional personnel and school administrators are evaluated annually. Instructional personnel also include guidance counselors, social workers, career specialists, school psychologists, librarians and media specialists, learning resource specialists, instructional trainers, adjunct educators, and

of the performance evaluation and must be measured in terms of student learning growth on statewide assessments or, for subjects and grades not tested by statewide assessments, school district-selected assessments.⁹ Measurement of student learning growth for classroom teachers must be based upon students assigned to the employee over the course of three school years.¹⁰

Instructional practice criteria for classroom teachers are based upon the state board adopted Florida Educator Accomplished Practices (FEAP). The FEAPs include such essential teaching skills as subject matter knowledge, classroom management, and lesson planning and delivery. These criteria are primarily evaluated through classroom observation.¹¹

Each classroom teacher is assigned one of four performance ratings:

- Highly effective;
- Effective;
- Needs improvement, or for classroom teachers in their first three years of employment who need improvement, developing; or
- Unsatisfactory.

Performance evaluation results must be used as a basis for professional development, compensation, retention, transfers, and promotions. The law authorizes a school principal to refuse the placement or transfer of a classroom teacher who is not rated effective or highly effective. However, the law does not prohibit a school district from assigning a student in consecutive school years to a classroom teacher rated unsatisfactory or needs improvement.¹²

Information regarding educator performance evaluations is provided to the public annually. School districts must annually report to DOE educator performance evaluation ratings. DOE must annually post on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each performance rating by school district and school.¹³

Additionally, school districts must annually report to parents the fact that their child is assigned to a classroom teacher whose performance evaluations indicate chronic low-performance, i.e., teachers who have two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory.¹⁴ School districts are not expressly required to provide a teacher's performance evaluation to parents who request it; however, such evaluations become public records after one year, at which time the evaluation must be furnished to any parent or member of the public who requests it.¹⁵

Each district school board must adopt a plan for assisting teachers teaching subject matter outside their certification area, minor field of study, or a subject area in which the teacher has demonstrated sufficient expertise. The plan must provide such teachers with priority consideration in professional development activities and require their participation in a certification or staff development program that addresses the competencies required for the assigned duties. The assistance plan must include duties of administrative personnel and other instructional personnel for assisting out-of-field teachers. The law

education paraprofessionals. Section 1012.01(2)(a)-(e), F.S. School administrators are school principals, school directors, career center directors, and assistant principals. Section 1012.01(3)(a), F.S.

⁹ Section 1012.34(3)(a) and (7), F.S. Newly hired teachers must be evaluated at least twice in the first year of teaching. Section 1012.34(3)(a), F.S. School districts may request approval by the Department of Education to use a student achievement measure or a combination of student learning growth and achievement when such measures are appropriate. Likewise, districts may request approval to determine appropriate measures based upon course characteristics and personnel assignments. Section 1012.34(2)(d) and (7)(c)-(d), F.S.

¹⁰ Section 1012.34(3)(a)1.a.-b., F.S. Exceptions apply based upon personnel classification or availability of data. *Id.*

¹¹ Section 1012.34(3)(a), F.S.

¹² Sections 1012.22(1)(e) and 1012.34(2)(b), F.S.

¹³ Section 1012.34(1)(c), F.S.

¹⁴ Section 1012.2315(5)(b), F.S.

¹⁵ Section 1012.31(3)(a)2., F.S.

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requires each district school board to notify in writing the parents of students who are assigned to an out-of-field teacher.¹⁶

Effect of Proposed Changes

The bill authorizes a parent to request from a school district or charter school the performance evaluation of any classroom teacher assigned to his or her child. Current law requiring that educator performance evaluations remain confidential until the end of the school year immediately following the school year in which the evaluation was conducted applies to such requests.¹⁷

Additionally, the bill expands parental notification regarding a child's assignment to classroom teachers teaching out-of-field to also require that the parent of the child be informed of the availability of virtual instruction delivered by an in-field teacher with an annual performance evaluation rating of effective or highly effective. Likewise, notification sent to parents regarding a child's assignment to a classroom teacher whose performance evaluations indicate chronic low-performance¹⁸ must also inform the parent that virtual instruction from a teacher with an annual performance evaluation rating of effective or highly effective is available. Both traditional public schools and charter schools must provide these notifications. These changes will better inform parents of their options when their child is assigned to out-of-field or low-performing teachers. Additionally, the bill authorizes school districts to reimburse teachers for certification fees incurred when he or she is assigned to teach out-of-field.

The bill adds provisions prohibiting a school district or charter school from assigning a student in consecutive school years to a classroom teacher of the same subject who is evaluated as unsatisfactory or needs improvement. This will decrease the likelihood of long-term negative impacts on a student's achievement resulting from repeated assignments to low-performing teachers.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.10, F.S., relating to Commissioner of Education powers and duties; corrects a cross reference.

Section 2. Amends s. 1002.20, F.S., relating to K-12 student and parent rights; authorizes parents to petition the school district to implement of a school turnaround option; authorizes a parent to request the performance evaluation of a teacher; requires certain notifications regarding student assignment to teachers.

Section 3. Amends s. 1002.32, F.S., relating to developmental research lab schools; corrects a cross-reference.

Section 4. Amends s. 1002.33, F.S., relating to charter schools; requires certain notifications regarding student assignment to teachers.

Section 5. Creates s. 1003.07, F.S., relating to parent empowerment; establishes a petition process enabling parents to request implementation of a school turnaround option; specifies requirements regarding the petition process; provides for consideration of the petition by the school board; provides for review of proposed turnaround options by the state board.

Section 6. Amends s. 1008.33, F.S., authority to enforce public school improvement; authorizes parents to petition the school district to implement a school turnaround option.

¹⁶ Section 1012.42(1) and (2), F.S. This reporting requirement applies to teachers who are teaching subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise. Section 1012.42(2), F.S.

¹⁷ Section 1012.31(3)(a)2., F.S.

¹⁸ This reporting requirement applies to a classroom teacher who has two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory. Section 1012.2315(5)(b), F.S.

Section 7. Amends s. 1012.2315, F.S., relating to assignment of teachers; authorizes a parent to request from the school district the performance evaluation of teacher; requires certain notifications regarding student assignment to teachers; prohibits school districts from assigning a student in consecutive school years to a low-performing classroom teacher.

Section 8. Repeals s. 1012.42, F.S., relating to teacher teaching out of field.

Section 9. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules establishing a model parent petition form, clear instructions to be provided, petition submission process, standards for verifying signatures, and timelines for school board consideration of a petition at a publicly noticed meeting. The bill provides sufficient specificity to permit the state board to adopt necessary rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 24, 2012, the K-20 Innovation Subcommittee reported the proposed committee substitute (PCS) for HB 1191 favorably as a committee substitute. The PCS differs from the house bill in the following ways:

- Limits application of the parent petition process to schools that must implement a different turnaround option after the previously implemented option fails to improve the school's performance. The bill allowed a petition to be filed in the initial year in which turnaround options are required for a school.
- Requires the school board to consider the turnaround option selected by parents at a publicly noticed meeting; however, the school board has discretion to adopt or reject the parent-selected option. The bill required the school board to adopt the parent-selected turnaround option.
- Clarifies the petition process, including which parents may sign the petition and the number of signatures that constitute a majority of parents.
- Requires notification of parents of students assigned to out-of-field teachers that virtual instruction is available from an in-field teacher to also specify that the teacher has a performance evaluation rating of effective or highly effective.

On February 3, 2012, the Rulemaking & Regulation Subcommittee adopted a committee substitute that made the following changes to the previous CS:

- Clarifies that a parent signature counts once for each eligible child of the parent, and that if the other parent objects to the signature in writing, the parent signature is counted as one-half vote.
- Declares that a parent's signature constitutes a certification of present intent that their eligible student(s) will attend the school if the parent selected turnaround option is implemented.
- Provides that if more than one petition has sufficient signatures, the petition with the most signatures will be treated as the parent-selected option.
- Provides that state board rules must provide:
 - Sample petition forms, clear instructions and accessibility to the forms upon notification from the School Board;
 - A minimum of 30 days for signature gathering;
 - A maximum of 30 days for signature verification;
 - A minimum of 30 days between petition deadline and the school board meeting to consider turnaround options; and
 - Alternate validation of a signature by photo ID, a notarized signature verifying the identity of the signer, or the personal knowledge of a school employee. Signatures dated prior to the notification by the School Board may not be invalidated.

On February 16, 2012, the Education Committee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all adds provisions:

- Requiring charter schools to provide the same notification regarding teacher-student assignments as traditional public schools;
- Prohibiting charter schools from assigning students to a low-performing teacher in consecutive years;
- Requiring school districts to notify the School Advisory Council at the same time they notify parents regarding school turnaround options;
- Requiring, rather than authorizing, school districts to verify signatures on the parent petition;
- Prohibiting signature gatherers from being paid per signature and requires them to disclose what organization they represent, if asked;
- Requiring the turnaround option proposed by a petition to be identified on the front page; and
- Authorizing a district school board to reimburse an out-of-field teacher for certification fees.

Additionally, the strike-all enables parents to initiate a petition for both the first and subsequent turnaround options required for a school. The bill only allowed a petition if the first option chosen by the district failed to improve the school's performance.