

HB 1191

2012

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 the
5 right of parents of public school students who are
6 assigned to certain underperforming schools to direct
7 the school district to implement a specified option
8 for school improvement; providing the right of a
9 parent to be informed of the performance evaluation
10 rating of each instructional personnel assigned to his
11 or her child; providing the right of a parent to be
12 notified if his or her child is assigned to certain
13 teachers and of the availability of virtual
14 instruction; amending s. 1002.32, F.S.; correcting a
15 cross-reference; creating s. 1003.07, F.S.; creating
16 the Parent Empowerment Act; providing criteria for a
17 petition by parents requesting a specified school
18 improvement option to be submitted to the State Board
19 of Education for approval; requiring that the district
20 school board notify parents of their right to select a
21 school improvement option; requiring that the State
22 Board of Education adopt rules; amending s. 1008.33,
23 F.S.; requiring that a school district submit to the
24 State Board of Education a plan implementing the
25 school improvement option selected by parents in lieu
26 of the school district school improvement option;
27 amending s. 1012.2315, F.S.; requiring that each
28 district school board implement an assistance plan for

Page 1 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1191-00

29 out-of-field teachers; requiring that the district
 30 school board require an out-of-field teacher to
 31 participate in certain programs; requiring that the
 32 school district notify the parent of each student
 33 assigned to an out-of-field classroom teacher;
 34 requiring that the notice inform the parent of the
 35 option to enroll the student in virtual instruction;
 36 requiring that a district school superintendent, upon
 37 request, provide a parent with performance evaluation
 38 data of each instructional personnel assigned to the
 39 child; requiring that a school district notify the
 40 parent of each student assigned to an underperforming
 41 classroom teacher; requiring that the notice inform
 42 the parent of the option to enroll the student in
 43 virtual instruction; prohibiting the consecutive
 44 assignment of students to teachers who receive an
 45 annual performance evaluation rating of needs
 46 improvement or unsatisfactory; repealing s. 1012.42,
 47 F.S., relating to teachers teaching out-of-field;
 48 providing an effective date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Subsection (3) of section 1001.10, Florida
 53 Statutes, is amended to read:

54 1001.10 Commissioner of Education; general powers and
 55 duties.—

56 (3) To facilitate innovative practices and to allow local

57 selection of educational methods, the State Board of Education
 58 may authorize the commissioner to waive, upon the request of a
 59 district school board, State Board of Education rules that
 60 relate to district school instruction and school operations,
 61 except those rules pertaining to civil rights, and student
 62 health, safety, and welfare. The Commissioner of Education is
 63 not authorized to grant waivers for any provisions in rule
 64 pertaining to the allocation and appropriation of state and
 65 local funds for public education; the election, compensation,
 66 and organization of school board members and superintendents;
 67 graduation and state accountability standards; financial
 68 reporting requirements; reporting of out-of-field teaching
 69 assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
 70 public records; or due process hearings governed by chapter 120.
 71 No later than January 1 of each year, the commissioner shall
 72 report to the Legislature and the State Board of Education all
 73 approved waiver requests in the preceding year.

74 Section 2. Paragraph (d) is added to subsection (21) of
 75 section 1002.20, Florida Statutes, and subsections (24) and (25)
 76 are added to that section, to read:

77 1002.20 K-12 student and parent rights.—Parents of public
 78 school students must receive accurate and timely information
 79 regarding their child's academic progress and must be informed
 80 of ways they can help their child to succeed in school. K-12
 81 students and their parents are afforded numerous statutory
 82 rights including, but not limited to, the following:

83 (21) PARENTAL INPUT AND MEETINGS.—

84 (d) Parent empowerment.—Parents of public school students

85 who are assigned to a low-performing school, as described in s.
 86 1008.33, have the right to direct the school district to
 87 implement a specified school improvement option at the school,
 88 in accordance with ss. 1003.07 and 1008.33.

89 (24) PERSONNEL EVALUATION REPORTS.—The parent of a public
 90 school student has the right to be informed of the performance
 91 evaluation rating of each instructional personnel assigned to
 92 his or her child. Upon request by the parent of a public school
 93 student, the district school superintendent shall provide the
 94 parent with the performance evaluation data collected pursuant
 95 to s. 1012.34(3) for each instructional personnel assigned to
 96 his or her child in accordance with ss. 1012.2315, 1012.31, and
 97 1012.34.

98 (25) ASSIGNMENT TO TEACHERS.—

99 (a) The parent of a public school student has the right to
 100 be notified, pursuant to s. 1012.2315(5), if his or her child is
 101 assigned to a classroom teacher who is teaching out-of-field and
 102 that virtual instruction from a certified in-field teacher is
 103 available.

104 (b) The parent of a public school student has the right to
 105 be notified, pursuant to s. 1012.2315(7), if his or her child is
 106 assigned to a classroom teacher who, under s. 1012.34, has
 107 received two consecutive annual performance evaluation ratings
 108 of unsatisfactory, two annual performance evaluation ratings of
 109 unsatisfactory within a 3-year period, or three consecutive
 110 annual performance evaluation ratings of needs improvement or a
 111 combination of needs improvement and unsatisfactory and that
 112 virtual instruction from a teacher with a performance evaluation

HB 1191

2012

113 rating of effective or highly effective under s. 1012.34 is
114 available.

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

117 1002.32 Developmental research (laboratory) schools.—

118 (7) PERSONNEL.—

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

121 Section 4. Section 1003.07, Florida Statutes, is created
122 to read:

123 1003.07 The Parent Empowerment Act.—

124 (1) This section may be cited as the "Parent Empowerment
125 Act."

126 (2) (a) If more than one-half of the parents of students
127 attending an elementary school, middle school, or high school or
128 more than one-half of a combination of the parents of students
129 attending a middle school or high school and the parents of
130 students attending an elementary school or middle school who
131 normally matriculate into that middle school or high school, as
132 applicable, sign and date a petition requesting the
133 implementation of one of the school improvement options
134 described in s. 1008.33(5), the school district must submit a
135 plan implementing that option in lieu of the school district's
136 option to the State Board of Education for approval.

137 1. Only one parent per student may sign a petition, but a
138 parent who has students in both a feeder school and the school
139 subject to the petition may sign the petition for a student in
140 each school.

HB 1191

2012

141 2. A parent must date the petition on the day it is
142 signed.

143 (b) The district school board must notify the parent of
144 each student attending a low-performing school as described in
145 s. 1008.33 of his or her right to select the school improvement
146 option to be implemented at the school the following school
147 year. The notification must be made in writing and must include
148 a description of each of the school improvement options
149 available, the process for submitting a petition requesting the
150 implementation of a school improvement option, and the date of
151 the next regularly scheduled school board meeting.

152 (3) By July 1, 2013, the State Board of Education shall
153 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
154 this section.

155 Section 5. Paragraph (a) of subsection (5) of section
156 1008.33, Florida Statutes, is amended to read:

157 1008.33 Authority to enforce public school improvement.—

158 (5) (a) In the school year after a school is initially
159 identified as a school in the lowest-performing category, the
160 school district must submit a plan, which is subject to approval
161 by the State Board of Education, for implementing one of the
162 following options at the beginning of the next school year. The
163 plan must be implemented unless the school moves from the
164 lowest-performing category:

165 1. Convert the school to a district-managed turnaround
166 school by means that include implementing a turnaround plan
167 approved by the Commissioner of Education which shall become the
168 school's improvement plan;

HB 1191

2012

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

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

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

176

177 If the school district receives a request to implement a school
178 improvement option selected by parents through a petition under
179 s. 1003.07, the school district must submit a plan implementing
180 the option the parents have selected in lieu of the school
181 district option to the State Board of Education for approval.

182 Section 6. Section 1012.2315, Florida Statutes, is amended
183 to read:

184 1012.2315 Assignment of teachers.—

185 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
186 disparities between teachers assigned to teach in a majority of
187 schools that do not need improvement and schools that do need
188 improvement pursuant to s. 1008.33. The disparities may be found
189 in the assignment of temporarily certified teachers, teachers in
190 need of improvement, and out-of-field teachers and in the
191 performance of the students. It is the intent of the Legislature
192 that district school boards have flexibility through the
193 collective bargaining process to assign teachers more equitably
194 across the schools in the district.

195 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
196 IMPROVEMENT.—School districts may not assign a higher percentage

197 | than the school district average of temporarily certified
 198 | teachers, teachers in need of improvement, or out-of-field
 199 | teachers to schools in one of the three lowest-performing
 200 | categories under s. 1008.33(3)(b). Each school district shall
 201 | annually certify to the Commissioner of Education that this
 202 | requirement has been met. If the commissioner determines that a
 203 | school district is not in compliance with this subsection, the
 204 | State Board of Education shall be notified and shall take action
 205 | pursuant to s. 1008.32 in the next regularly scheduled meeting
 206 | to require compliance.

207 | (3) SALARY INCENTIVES.—District school boards may ~~are~~
 208 | ~~authorized to~~ provide salary incentives to meet the requirement
 209 | of subsection (2). A district school board may not sign a
 210 | collective bargaining agreement that precludes the school
 211 | district from providing sufficient incentives to meet this
 212 | requirement.

213 | (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
 214 | chapter 447 relating to district school board collective
 215 | bargaining, collective bargaining provisions may not preclude a
 216 | school district from providing incentives to high-quality
 217 | teachers and assigning such teachers to low-performing schools.

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

219 | (a) Each district school board shall implement by rule an
 220 | assistance plan to assist a teacher who is teaching out-of-field
 221 | and to give priority consideration in professional development
 222 | activities to that teacher. The district school board shall
 223 | require that a teacher who is teaching out-of-field participate
 224 | in a certification or staff development program designed to

HB 1191

2012

225 provide the teacher with the competencies required for the
226 assigned duties. The board-approved assistance plan shall
227 include duties of administrative personnel and other
228 instructional personnel to assist a teacher who is teaching out-
229 of-field in providing instructional services to students.

230 (b) The school district shall notify in writing the parent
231 of each student who is assigned to a classroom teacher who is
232 teaching subject matter that is:

233 1. Outside the field in which the teacher is certified;
234 2. Outside the field that was the teacher's minor field of
235 study; or

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

239
240 The notice must inform the parent that virtual instruction from
241 a certified in-field teacher is available to his or her child
242 through the virtual instruction options listed under s.
243 1002.321(4).

244 (6)(5) REPORT.—

245 (a) By July 1, 2012, the Department of Education shall
246 annually report on its website, in a manner that is accessible
247 to the public, the performance rating data reported by district
248 school boards under s. 1012.34. The report must include the
249 percentage of classroom teachers, instructional personnel, and
250 school administrators receiving each performance rating
251 aggregated by school district and by school. Upon the request of
252 a parent, a district school superintendent shall provide the

HB 1191

2012

253 parent with the performance evaluation data collected pursuant
254 to s. 1012.34(3) for each instructional personnel assigned to
255 his or her child.

256 (7) ASSIGNMENT OF TEACHERS BASED ON PERFORMANCE
257 EVALUATIONS.—

258 (a) ~~(b)~~ Notwithstanding the provisions of s.
259 1012.31(3) (a)2., each school district shall annually report to
260 the parent of any student who is assigned to a classroom teacher
261 or school administrator having two consecutive annual
262 performance evaluation ratings of unsatisfactory under s.
263 1012.34, two annual performance evaluation ratings of
264 unsatisfactory within a 3-year period under s. 1012.34, or three
265 consecutive annual performance evaluation ratings of needs
266 improvement or a combination of needs improvement and
267 unsatisfactory under s. 1012.34. The notice must inform the
268 parent that virtual instruction from a teacher with a
269 performance evaluation rating of highly effective or effective
270 under s. 1012.34 is available to his or her child through the
271 virtual instruction options listed under s. 1002.321(4).

272 (b) If a student has been assigned to a teacher who for
273 that school year receives a performance evaluation rating of
274 needs improvement or unsatisfactory under s. 1012.34, the
275 student may not be assigned the following school year to a
276 teacher who received a performance evaluation rating of needs
277 improvement or unsatisfactory under s. 1012.34 for the
278 immediately preceding school year. This paragraph applies to any
279 teacher subject to the performance evaluation requirements under
280 s. 1012.34.

HB 1191

2012

281 | Section 7. Section 1012.42, Florida Statutes, is repealed.

282 | Section 8. This act shall take effect July 1, 2012.