

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.; authorizing  
5 parents of students who are assigned to certain  
6 underperforming public schools to submit a petition to  
7 the school district requesting implementation of a  
8 school turnaround option; requiring a school district,  
9 upon request, to provide a parent with a performance  
10 evaluation for each classroom teacher assigned to his  
11 or her child; requiring notification to the parent of  
12 each student who is assigned to a classroom teacher  
13 who is teaching out-of-field or who has received  
14 unsatisfactory performance evaluations; requiring such  
15 notification to include information about the  
16 availability of virtual instruction; amending s.  
17 1002.32, F.S.; correcting a cross-reference; creating  
18 s. 1003.07, F.S., the Parent Empowerment Act;  
19 requiring each school district to notify parents of  
20 students attending a lowest-performing school that has  
21 been unable to improve performance after  
22 implementation of a school turnaround option;  
23 authorizing parents to submit a petition requesting  
24 implementation of an available school turnaround  
25 option; providing requirements for submission of a  
26 petition and its consideration and adoption by the  
27 district school board; requiring the State Board of  
28 Education to adopt rules for the petition process and

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29 specifying requirements therefor; amending s. 1008.33,  
30 F.S.; identifying the options for improving a school  
31 identified in the lowest-performing category as school  
32 turnaround options; authorizing parents to submit a  
33 petition to the school district to implement a  
34 specified school turnaround option; amending s.  
35 1012.2315, F.S.; requiring that each district school  
36 board adopt rules to implement an assistance plan for  
37 out-of-field classroom teachers and requiring their  
38 participation in certain programs; requiring that the  
39 school district annually notify the parent of each  
40 student assigned to an out-of-field classroom teacher  
41 or a classroom teacher who has received unsatisfactory  
42 performance evaluations; requiring such notification  
43 to include information about the availability of  
44 virtual instruction; requiring that a school district,  
45 upon request, provide a parent with the performance  
46 evaluation of each classroom teacher assigned to his  
47 or her child; prohibiting the consecutive assignment  
48 of students to classroom teachers who receive certain  
49 performance evaluations; repealing s. 1012.42, F.S.,  
50 relating to teachers teaching out-of-field; providing  
51 an effective date.

52  
53 Be It Enacted by the Legislature of the State of Florida:

54  
55 Section 1. Subsection (3) of section 1001.10, Florida  
56 Statutes, is amended to read:

57 |           1001.10 Commissioner of Education; general powers and  
58 | duties.—

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

77 |           Section 2. Paragraph (d) is added to subsection (21) of  
78 | section 1002.20, Florida Statutes, and subsections (24) and (25)  
79 | are added to that section, to read:

80 |           1002.20 K-12 student and parent rights.—Parents of public  
81 | school students must receive accurate and timely information  
82 | regarding their child's academic progress and must be informed  
83 | of ways they can help their child to succeed in school. K-12

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84 students and their parents are afforded numerous statutory  
85 rights including, but not limited to, the following:

86 (21) PARENTAL INPUT AND MEETINGS.—

87 (d) Parent empowerment.—Parents of students who are  
88 assigned to a public school that does not improve performance  
89 following implementation of a school turnaround option under s.  
90 1008.33(5)(a) may submit a petition to the school district  
91 requesting implementation of a school turnaround option pursuant  
92 to s. 1003.07.

93 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the  
94 parent of a public school student, the school district must  
95 provide the parent with the performance evaluation for each  
96 classroom teacher assigned to his or her child, pursuant to s.  
97 1012.31.

98 (25) ASSIGNMENT TO TEACHERS.—

99 (a) Each school district shall annually notify the parent  
100 of each public school student assigned to a classroom teacher  
101 who is teaching out-of-field regarding such assignment. The  
102 notification must inform the parent that virtual instruction  
103 from a certified in-field teacher with an annual performance  
104 evaluation rating of effective or highly effective is available  
105 pursuant to s. 1012.2315(5).

106 (b) When a student is assigned to a classroom teacher who  
107 has received two consecutive annual performance evaluation  
108 ratings of unsatisfactory, two annual performance evaluation  
109 ratings of unsatisfactory within a 3-year period, or three  
110 consecutive annual performance evaluation ratings of needs  
111 improvement or a combination of needs improvement and

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112 unsatisfactory under s. 1012.34, the school district shall  
 113 notify the parent regarding the performance evaluation rating of  
 114 the classroom teacher. The notification must inform the parent  
 115 that virtual instruction from a teacher with an annual  
 116 performance evaluation rating of effective or highly effective  
 117 is available pursuant to s. 1012.2315(7).

118 Section 3. Paragraph (c) of subsection (7) of section  
 119 1002.32, Florida Statutes, is amended to read:

120 1002.32 Developmental research (laboratory) schools.—

121 (7) PERSONNEL.—

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

124 Section 4. Section 1003.07, Florida Statutes, is created  
 125 to read:

126 1003.07 Parent empowerment.—

127 (1) This section may be cited as the "Parent Empowerment  
 128 Act."

129 (2) Each school district must provide written notification  
 130 to the parents of eligible students, as defined in paragraph

131 (3) (b), when a public school has been unable to improve  
 132 performance following implementation of a school turnaround  
 133 option and must implement a different option, as required under  
 134 s. 1008.33(5). The written notification shall inform parents  
 135 that they may, by petition, request implementation of a school  
 136 turnaround option by the school in the following school year.  
 137 The notification shall be provided to parents within 30 calendar  
 138 days after the school district receives notice from the  
 139 Department of Education that the school must implement a

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140 different school turnaround option. The notification by the  
141 school district shall include:

142 (a) A description of each school turnaround option  
143 available for selection under s. 1008.33(5) (a);

144 (b) A description of the process for implementing school  
145 turnaround options, including the date by which the school  
146 district must submit its implementation plan to the State Board  
147 of Education;

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

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

153 (e) School district contact information for additional  
154 questions.

155 (3) (a) Prior to the school district's selection and  
156 implementation of a different school turnaround option for the  
157 following school year, parents may submit a petition selecting  
158 an available school turnaround option, as described pursuant to  
159 paragraph (2) (a), for consideration by the district school  
160 board.

161 (b) Up to one parental vote per eligible student may be  
162 counted with respect to parent signatures on the petition. An  
163 eligible student is a student enrolled in the school in which  
164 the school turnaround option will be implemented or a student  
165 who is scheduled, the following school year, for assignment to  
166 the school in which the school turnaround option will be

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167 implemented, according to the district school board's enrollment  
168 policies.

169 1. A parental vote is the signature of one parent unless  
170 the other parent objects in writing to the petition vote, in  
171 which case the parental vote counts for one-half per eligible  
172 student. The objection must be made before the date of  
173 submission of the petition pursuant to subsection (2).

174 2. Notwithstanding subparagraph 1., a parental vote is the  
175 signature of the parent who has been assigned sole parental  
176 responsibility or ultimate responsibility for education  
177 decisions pursuant to s. 61.13.

178 (c) A parent must date the petition on the day it is  
179 signed and identify each eligible student on the petition. The  
180 parent's signature shall constitute a certification that the  
181 parent has a present intention to enroll each eligible student  
182 in the school if the school turnaround option identified on the  
183 petition is selected. A parent may sign the petition prior to  
184 the initial notification provided to the parents of eligible  
185 students pursuant to subsection (2).

186 (d) If the school district chooses to verify signatures on  
187 the petition, the district shall use existing student enrollment  
188 documentation or other records containing parent signatures.  
189 However, a notarized signature of a person who is a parent of an  
190 eligible student shall be treated as valid. Signatures not  
191 verified within the established verification period shall be  
192 treated as valid.

193 (4) (a) The school turnaround option selected by parents  
194 must be considered for implementation by the district school

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195 board at a publicly noticed school board meeting if the petition  
196 is signed and dated by a majority of the parents of eligible  
197 students. A majority is more than one-half of the parents who  
198 are eligible to sign the petition pursuant to paragraph (3) (b).  
199 If petitions for more than one school turnaround option are  
200 signed by a majority of the parents, the petition having the  
201 most such signatures shall be treated as the school turnaround  
202 option selected by parents.

203 (b) The district school board may adopt the school  
204 turnaround option selected by parents or a different school  
205 turnaround option selected by the school board. If the district  
206 school board does not adopt the school turnaround option  
207 selected by parents, it must include that option with the  
208 implementation plan submitted to the State Board of Education  
209 under s. 1008.33(5) (b). If the state board determines that the  
210 school turnaround option selected by parents is more likely to  
211 improve the academic performance of students at the school, it  
212 shall remand the district school board's implementation plan to  
213 the school board. Upon remand, the district school board shall  
214 submit to the state board an implementation plan for the school  
215 turnaround option selected by parents.

216 (5) The State Board of Education shall adopt rules to  
217 establish a model petition format, the petition submission  
218 process, standards for verifying signatures, and timelines for  
219 district school board validation and consideration of a petition  
220 at a publicly noticed meeting. The rules must provide a sample  
221 petition form for each school turnaround option available for  
222 selection under s. 1008.33(5) (a) with easy-to-understand



223 instructions. The sample petition forms must be provided or made  
224 easily accessible to parents at the time of notification by the  
225 school district pursuant to subsection (2). The rules shall  
226 provide the following:

227 (a) A minimum of 30 days after initial notification,  
228 pursuant to subsection (2), must be provided to the parents of  
229 eligible students for gathering petition signatures.

230 (b) A maximum of 30 days after the date the petition is  
231 submitted must be allowed for the school district to verify the  
232 signatures.

233 (c) A minimum of 30 days must be provided between the  
234 submission of a petition and the district school board meeting  
235 to consider the petition.

236 (d) A submitted petition may list only one school  
237 turnaround option identified in s. 1008.33(5)(a) that is not  
238 presently being implemented at the school.

239 (e) A parent may sign a petition for each school  
240 turnaround option.

241 (f) A school district may not reject a parent signature on  
242 a petition based on a lack of conformity to school records if  
243 the parent's identity and signature can be easily validated with  
244 a photo identification, a notarized signature verifying the  
245 identity of the signer, or the personal knowledge of a school  
246 employee.

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

250 Section 5. Subsection (5) of section 1008.33, Florida  
251 Statutes, is amended to read:

252 1008.33 Authority to enforce public school improvement.—

253 (5) (a) In the school year after a school is initially  
254 identified as a school in the lowest-performing category, the  
255 school district must submit a plan, which is subject to approval  
256 by the State Board of Education, for implementing one of the  
257 following school turnaround options at the beginning of the next  
258 school year. The plan must be implemented unless the school  
259 moves from the lowest-performing category:

260 1. Convert the school to a district-managed turnaround  
261 school by means that include implementing a turnaround plan  
262 approved by the Commissioner of Education which shall become the  
263 school's improvement plan;

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

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

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

271 (b) If a school does not move from the lowest-performing  
272 category during the initial year of implementing one of the  
273 school turnaround options in paragraph (a), the school district  
274 must submit a plan, which is subject to approval by the State  
275 Board of Education, for implementing a different option in  
276 paragraph (a) at the beginning of the next school year, unless  
277 the State Board of Education determines that the school is

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278 likely to move from the lowest-performing category if additional  
279 time is provided to implement intervention and support  
280 strategies. The State Board of Education shall determine whether  
281 a school district may continue to implement a school turnaround  
282 ~~an~~ option beyond 1 year while a school remains in the lowest-  
283 performing category. Parents of students who are assigned to a  
284 public school that is required to implement a different school  
285 turnaround option may petition the school district to implement  
286 a school turnaround option selected by the parents pursuant to  
287 s. 1003.07.

288 Section 6. Section 1012.2315, Florida Statutes, is amended  
289 to read:

290 1012.2315 Assignment of teachers.—

291 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
292 disparities between teachers assigned to teach in a majority of  
293 schools that do not need improvement and schools that do need  
294 improvement pursuant to s. 1008.33. The disparities may be found  
295 in the assignment of temporarily certified teachers, teachers in  
296 need of improvement, and out-of-field teachers and in the  
297 performance of the students. It is the intent of the Legislature  
298 that district school boards have flexibility through the  
299 collective bargaining process to assign teachers more equitably  
300 across the schools in the district.

301 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
302 IMPROVEMENT.—School districts may not assign a higher percentage  
303 than the school district average of temporarily certified  
304 teachers, teachers in need of improvement, or out-of-field  
305 teachers to schools in one of the three lowest-performing

306 categories under s. 1008.33(3)(b). Each school district shall  
307 annually certify to the Commissioner of Education that this  
308 requirement has been met. If the commissioner determines that a  
309 school district is not in compliance with this subsection, the  
310 State Board of Education shall be notified and shall take action  
311 pursuant to s. 1008.32 in the next regularly scheduled meeting  
312 to require compliance.

313 (3) SALARY INCENTIVES.—District school boards may ~~are~~  
314 ~~authorized to~~ provide salary incentives to meet the requirement  
315 of subsection (2). A district school board may not sign a  
316 collective bargaining agreement that precludes the school  
317 district from providing sufficient incentives to meet this  
318 requirement.

319 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
320 chapter 447 relating to district school board collective  
321 bargaining, collective bargaining provisions may not preclude a  
322 school district from providing incentives to high-quality  
323 teachers and assigning such teachers to low-performing schools.

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

325 (a) Each district school board shall adopt rules for  
326 implementing an assistance plan for each classroom teacher who  
327 is teaching out-of-field. The assistance plan must provide  
328 teachers who are teaching out-of-field with priority  
329 consideration in professional development activities and require  
330 such teachers to participate in a certification or staff  
331 development program that provides the competencies required for  
332 the assigned duties. The assistance plan must also include  
333 duties of administrative personnel and other instructional

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334 personnel for assisting a teacher who is teaching out-of-field  
335 in providing instructional services to students.

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

339 1. Outside the field in which the teacher is certified;

340 2. Outside the field that was the teacher's minor field of  
341 study; or

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

345  
346 The notification must inform the parent that virtual instruction  
347 from a certified in-field teacher with an annual performance  
348 evaluation rating of effective or highly effective under s.  
349 1012.34 is available to his or her child through the virtual  
350 instruction options listed under s. 1002.321(4).

351 (6)~~(5)~~ REPORT.—

352 ~~(a)~~ By July 1, 2012, the Department of Education shall  
353 annually report on its website, in a manner that is accessible  
354 to the public, the performance rating data reported by district  
355 school boards under s. 1012.34. The report must include the  
356 percentage of classroom teachers, instructional personnel, and  
357 school administrators receiving each performance rating  
358 aggregated by school district and by school.

359 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
360 EVALUATIONS.—

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361 (a) ~~(b)~~ Notwithstanding the provisions of s.  
362 1012.31(3)(a)2., each school district shall annually notify  
363 ~~report to~~ the parent of any student who is assigned to a  
364 classroom teacher or school administrator having two consecutive  
365 annual performance evaluation ratings of unsatisfactory under s.  
366 1012.34, two annual performance evaluation ratings of  
367 unsatisfactory within a 3-year period under s. 1012.34, or three  
368 consecutive annual performance evaluation ratings of needs  
369 improvement or a combination of needs improvement and  
370 unsatisfactory under s. 1012.34. The notification must inform  
371 the parent that virtual instruction from a teacher with a  
372 performance evaluation rating of highly effective or effective  
373 under s. 1012.34 is available to his or her child through the  
374 virtual instruction options listed under s. 1002.321(4).

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

379 (c) If a student is currently taught by a classroom  
380 teacher who receives, in that school year, a performance  
381 evaluation rating of needs improvement or unsatisfactory under  
382 s. 1012.34, the student may not be assigned the following school  
383 year to a classroom teacher in the same subject area who  
384 received a performance evaluation rating of needs improvement or  
385 unsatisfactory in the preceding school year.

386 Section 7. Section 1012.42, Florida Statutes, is repealed.

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