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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/03/2012	.	
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The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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



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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,
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 is required to implement a
40 school turnaround option under s. 1008.33 may submit a petition
41 to the school district requesting implementation of a school



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42 turnaround option pursuant to s. 1003.07.

43 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
44 parent of a public school student, the school district must
45 provide the parent with the performance evaluation for each
46 classroom teacher assigned to his or her child, pursuant to s.
47 1012.31.

48 (25) ASSIGNMENT TO TEACHERS.—

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

57 (b) Underperforming classroom teachers.—When a student is
58 assigned to a classroom teacher who has received two consecutive
59 annual performance evaluation ratings of unsatisfactory, two
60 annual performance evaluation ratings of unsatisfactory within a
61 3-year period, or three consecutive annual performance
62 evaluation ratings of needs improvement or a combination of
63 needs improvement and unsatisfactory under s. 1012.34, the
64 school district shall notify the parent regarding the
65 performance evaluation rating of the classroom teacher. The
66 notification must inform the parent that virtual instruction
67 from a teacher with an annual performance evaluation rating of
68 effective or highly effective is available pursuant to s.
69 1012.2315(7).

70 Section 3. Paragraph (c) of subsection (7) of section



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71 1002.32, Florida Statutes, is amended to read:
72 1002.32 Developmental research (laboratory) schools.—
73 (7) PERSONNEL.—
74 (c) Lab school faculty members shall meet the certification
75 requirements of s. ss. 1012.32 and 1012.42.
76 Section 4. Paragraph (b) of subsection (16) of section
77 1002.33, Florida statutes, is amended to read:
78 1002.33 Charter schools.—
79 (16) EXEMPTION FROM STATUTES.—
80 (b) Additionally, a charter school shall be in compliance
81 with the following statutes:
82 1. Section 286.011, relating to public meetings and
83 records, public inspection, and criminal and civil penalties.
84 2. Chapter 119, relating to public records.
85 3. Section 1003.03, relating to the maximum class size,
86 except that the calculation for compliance pursuant to s.
87 1003.03 shall be the average at the school level.
88 4. Section 1012.22(1)(c), relating to compensation and
89 salary schedules.
90 5. Section 1012.33(5), relating to workforce reductions.
91 6. Section 1012.335, relating to contracts with
92 instructional personnel hired on or after July 1, 2011.
93 7. Section 1012.34, relating to the substantive
94 requirements for performance evaluations for instructional
95 personnel and school administrators.
96 8. Section 1012.2315(5) and (7), relating to notifications
97 and assignment of teachers.
98 Section 5. Section 1003.07, Florida Statutes, is created to
99 read:



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100 1003.07 Parent empowerment.-

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

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

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

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

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

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

126 (e) School district contact information for questions.

127 (3) (a) Prior to the school district's selection and
128 implementation of a school turnaround option for the following



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129 school year, parents may submit a petition selecting an
130 available school turnaround option, as described pursuant to
131 paragraph (2) (a), for consideration by the district school
132 board.

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

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

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

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

157 (d) The school district shall verify at least a majority of



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

164 (e) A signature gatherer may not be paid per signature and,
165 if asked, must disclose the organization he or she 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
186 school board. The district school board shall submit to the



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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 for the following:

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

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

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

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

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



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

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

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

227 1008.33 Authority to enforce public school improvement.—

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

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

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

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

244 4. Contract with an outside entity that has a demonstrated



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245 record of effectiveness to operate the school.

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

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

268 Section 7. Section 1012.2315, Florida Statutes, is amended
269 to read:

270 1012.2315 Assignment of teachers.—

271 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
272 disparities between teachers assigned to teach in a majority of
273 schools that do not need improvement and schools that do need



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274 improvement pursuant to s. 1008.33. The disparities may be found
275 in the assignment of temporarily certified teachers, teachers in
276 need of improvement, and out-of-field teachers and in the
277 performance of the students. It is the intent of the Legislature
278 that district school boards have flexibility through the
279 collective bargaining process to assign teachers more equitably
280 across the schools in the district.

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

293 (3) SALARY INCENTIVES.—District school boards may ~~are~~
294 ~~authorized to~~ provide salary incentives to meet the requirement
295 of subsection (2). A district school board may not sign a
296 collective bargaining agreement that precludes the school
297 district from providing sufficient incentives to meet this
298 requirement.

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



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303 teachers and assigning such teachers to low-performing schools.

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

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

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

- 321 1. Outside the field in which the teacher is certified;
322 2. Outside the field that was the teacher's minor field of
323 study; or
324 3. Outside the field in which the teacher has demonstrated
325 sufficient subject area expertise, as determined by district
326 school board policy in the subject area to be taught.

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



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332 instruction options listed under s. 1002.321(4).

333 (6) ~~(5)~~ REPORT.-

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

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

343 (a) ~~(b)~~ Notwithstanding the provisions of s.
344 1012.31(3)(a)2., each school district shall annually notify
345 report to the parent of any student who is assigned to a
346 classroom teacher or school administrator having two consecutive
347 annual performance evaluation ratings of unsatisfactory under s.
348 1012.34, two annual performance evaluation ratings of
349 unsatisfactory within a 3-year period under s. 1012.34, or three
350 consecutive annual performance evaluation ratings of needs
351 improvement or a combination of needs improvement and
352 unsatisfactory under s. 1012.34. The notification must inform
353 the parent that virtual instruction from a teacher with a
354 performance evaluation rating of highly effective or effective
355 under s. 1012.34 is available to his or her child through the
356 virtual instruction options listed under s. 1002.321(4).

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



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

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

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

370

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

372 And the title is amended as follows:

373 Delete everything before the enacting clause
374 and insert:

375 A bill to be entitled
376 An act relating to parent empowerment in education;
377 amending s. 1001.10, F.S.; conforming a cross-
378 reference; amending s. 1002.20, F.S.; authorizing
379 parents of students who are assigned to certain
380 underperforming public schools to submit a petition to
381 the school district requesting implementation of a
382 school turnaround option; requiring a school district,
383 upon request, to provide a parent with a performance
384 evaluation for each classroom teacher assigned to his
385 or her child; requiring notification to the parent of
386 each student who is assigned to a classroom teacher
387 who is teaching out-of-field or who has received
388 unsatisfactory performance evaluations; requiring such
389 notification to include information about the



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390 availability of virtual instruction; amending s.
391 1002.32, F.S.; correcting a cross-reference; amending
392 s. 1002.33, F.S.; requiring charter schools to be in
393 compliance with statutes relating to notifications and
394 assignment of teachers; creating s. 1003.07, F.S., the
395 Parent Empowerment Act; requiring each school district
396 to notify parents of students attending a lowest-
397 performing school that has been unable to improve
398 performance and must implement a school turnaround
399 option; authorizing parents to submit a petition
400 requesting implementation of an available school
401 turnaround option; providing requirements for
402 submission of a petition and its consideration and
403 adoption by the district school board; requiring the
404 State Board of Education to adopt rules for the
405 petition process and specifying requirements therefor;
406 amending s. 1008.33, F.S.; identifying the options for
407 improving a school identified in the lowest-performing
408 category as school turnaround options; authorizing
409 parents to submit a petition to the school district to
410 implement a school turnaround option; amending s.
411 1012.2315, F.S.; requiring that each district school
412 board adopt rules to implement an assistance plan for
413 out-of-field classroom teachers and requiring their
414 participation in certain programs; requiring that the
415 school district annually notify the parent of each
416 student assigned to an out-of-field classroom teacher
417 or a classroom teacher who has received unsatisfactory
418 performance evaluations; requiring such notification



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419 to include information about the availability of
420 virtual instruction; requiring that a school district,
421 upon request, provide a parent with the performance
422 evaluation of each classroom teacher assigned to his
423 or her child; prohibiting the consecutive assignment
424 of students to classroom teachers who receive certain
425 performance evaluations; repealing s. 1012.42, F.S.,
426 relating to teachers teaching out-of-field; providing
427 an effective date.