

By Senator Benacquisto

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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
29 out-of-field teachers; requiring that the district

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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.

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

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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

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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,

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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
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:

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117 1002.32 Developmental research (laboratory) schools.-

118 (7) PERSONNEL.-

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

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

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

142 (b) The district school board must notify the parent of
143 each student attending a low-performing school as described in
144 s. 1008.33 of his or her right to select the school improvement
145 option to be implemented at the school the following school

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146 year. The notification must be made in writing and must include
147 a description of each of the school improvement options
148 available, the process for submitting a petition requesting the
149 implementation of a school improvement option, and the date of
150 the next regularly scheduled school board meeting.

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

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

156 1008.33 Authority to enforce public school improvement.—

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

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

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

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

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

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

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

183 1012.2315 Assignment of teachers.—

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

194 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
195 IMPROVEMENT.—School districts may not assign a higher percentage
196 than the school district average of temporarily certified
197 teachers, teachers in need of improvement, or out-of-field
198 teachers to schools in one of the three lowest-performing
199 categories under s. 1008.33(3)(b). Each school district shall
200 annually certify to the Commissioner of Education that this
201 requirement has been met. If the commissioner determines that a
202 school district is not in compliance with this subsection, the
203 State Board of Education shall be notified and shall take action

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204 pursuant to s. 1008.32 in the next regularly scheduled meeting
205 to require compliance.

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

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

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

218 (a) Each district school board shall implement by rule an
219 assistance plan to assist a teacher who is teaching out-of-field
220 and to give priority consideration in professional development
221 activities to that teacher. The district school board shall
222 require that a teacher who is teaching out-of-field participate
223 in a certification or staff development program designed to
224 provide the teacher with the competencies required for the
225 assigned duties. The board-approved assistance plan shall
226 include duties of administrative personnel and other
227 instructional personnel to assist a teacher who is teaching out-
228 of-field in providing instructional services to students.

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

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

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233 2. Outside the field that was the teacher's minor field of
234 study; or

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

238
239 The notice must inform the parent that virtual instruction from
240 a certified in-field teacher is available to his or her child
241 through the virtual instruction options listed under s.
242 1002.321(4).

243 (6) ~~(5)~~ REPORT.—

244 ~~(a)~~ By July 1, 2012, the Department of Education shall
245 annually report on its website, in a manner that is accessible
246 to the public, the performance rating data reported by district
247 school boards under s. 1012.34. The report must include the
248 percentage of classroom teachers, instructional personnel, and
249 school administrators receiving each performance rating
250 aggregated by school district and by school. Upon the request of
251 a parent, a district school superintendent shall provide the
252 parent with the performance evaluation data collected pursuant
253 to s. 1012.34(3) for each instructional personnel assigned to
254 his or her child.

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

257 (a) ~~(b)~~ Notwithstanding the provisions of s.
258 1012.31(3)(a)2., each school district shall annually report to
259 the parent of any student who is assigned to a classroom teacher
260 or school administrator having two consecutive annual
261 performance evaluation ratings of unsatisfactory under s.

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262 1012.34, two annual performance evaluation ratings of
263 unsatisfactory within a 3-year period under s. 1012.34, or three
264 consecutive annual performance evaluation ratings of needs
265 improvement or a combination of needs improvement and
266 unsatisfactory under s. 1012.34. The notice must inform the
267 parent that virtual instruction from a teacher with a
268 performance evaluation rating of highly effective or effective
269 under s. 1012.34 is available to his or her child through the
270 virtual instruction options listed under s. 1002.321(4).

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

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

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