

By the Committees on Budget; and Education Pre-K - 12; and
Senators Benacquisto, Flores, Altman, Gaetz, and Hays

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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.; 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; amending
18 s. 1002.33, F.S.; requiring charter schools to be in
19 compliance with statutes relating to notifications and
20 assignment of teachers; creating s. 1003.07, F.S., the
21 Parent Empowerment Act; requiring each school district
22 to notify parents of students attending a lowest-
23 performing school that has been unable to improve
24 performance and must implement a school turnaround
25 option; authorizing parents to submit a petition
26 requesting implementation of an available school
27 turnaround option; providing requirements for
28 submission of a petition and its consideration and
29 adoption by the district school board; requiring the

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

54
55 Be It Enacted by the Legislature of the State of Florida:

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

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59 1001.10 Commissioner of Education; general powers and
60 duties.-

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

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

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

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88 (21) PARENTAL INPUT AND MEETINGS.—

89 (d) Parent empowerment.—Parents of students who are
90 assigned to a public school that is required to implement a
91 school turnaround option under s. 1008.33 may submit a petition
92 to the school district requesting implementation of a school
93 turnaround option pursuant to s. 1003.07.

94 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
95 parent of a public school student, the school district must
96 provide the parent with the performance evaluation for each
97 classroom teacher assigned to his or her child, pursuant to s.
98 1012.31.

99 (25) ASSIGNMENT TO TEACHERS.—

100 (a) Out-of-field classroom teachers.—Each school district
101 shall annually notify the parent of each public school student
102 assigned to a classroom teacher who is teaching out-of-field
103 regarding such assignment. The notification must inform the
104 parent that virtual instruction from a certified in-field
105 teacher with an annual performance evaluation rating of
106 effective or highly effective is available pursuant to s.
107 1012.2315(5).

108 (b) Underperforming classroom teachers.—When a student is
109 assigned to a classroom teacher who has received two consecutive
110 annual performance evaluation ratings of unsatisfactory, two
111 annual performance evaluation ratings of unsatisfactory within a
112 3-year period, or three consecutive annual performance
113 evaluation ratings of needs improvement or a combination of
114 needs improvement and unsatisfactory under s. 1012.34, the
115 school district shall notify the parent regarding the
116 performance evaluation rating of the classroom teacher. The

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117 notification must inform the parent that virtual instruction
118 from a teacher with an annual performance evaluation rating of
119 effective or highly effective is available pursuant to s.
120 1012.2315(7).

121 Section 3. Paragraph (c) of subsection (7) of section
122 1002.32, Florida Statutes, is amended to read:

123 1002.32 Developmental research (laboratory) schools.—
124 (7) PERSONNEL.—

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

127 Section 4. Paragraph (b) of subsection (16) of section
128 1002.33, Florida statutes, is amended to read:

129 1002.33 Charter schools.—

130 (16) EXEMPTION FROM STATUTES.—

131 (b) Additionally, a charter school shall be in compliance
132 with the following statutes:

133 1. Section 286.011, relating to public meetings and
134 records, public inspection, and criminal and civil penalties.

135 2. Chapter 119, relating to public records.

136 3. Section 1003.03, relating to the maximum class size,
137 except that the calculation for compliance pursuant to s.
138 1003.03 shall be the average at the school level.

139 4. Section 1012.22(1)(c), relating to compensation and
140 salary schedules.

141 5. Section 1012.33(5), relating to workforce reductions.

142 6. Section 1012.335, relating to contracts with
143 instructional personnel hired on or after July 1, 2011.

144 7. Section 1012.34, relating to the substantive
145 requirements for performance evaluations for instructional

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146 personnel and school administrators.

147 8. Section 1012.2315(5) and (7), relating to notifications
148 and assignment of teachers.

149 Section 5. Section 1003.07, Florida Statutes, is created to
150 read:

151 1003.07 Parent empowerment.—

152 (1) This section may be cited as the "Parent Empowerment
153 Act."

154 (2) Each school district must provide written notification
155 to the parents of eligible students, as defined in paragraph
156 (3) (b), and the school advisory council when a public school has
157 been unable to improve performance and must implement a school
158 turnaround option as required under s. 1008.33. The written
159 notification shall inform parents that they may, by petition,
160 request implementation of a school turnaround option by the
161 school in the following school year. The notification shall be
162 provided to parents within 30 calendar days after the school
163 district receives notice from the Department of Education that
164 the school must implement a school turnaround option. The
165 notification by the school district shall include:

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

168 (b) A description of the process for implementing school
169 turnaround options, including the date by which the school
170 district must submit its implementation plan to the State Board
171 of Education;

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

173 (d) The date and location of the publicly noticed district
174 school board meeting required under paragraph (4) (a) at which

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175 the school board will consider any school turnaround option,
176 including a parent petition; and

177 (e) School district contact information for questions.

178 (3) (a) Prior to the school district's selection and
179 implementation of a school turnaround option for the following
180 school year, parents may submit a petition selecting an
181 available school turnaround option, as described pursuant to
182 paragraph (2) (a), for consideration by the district school
183 board.

184 (b) Up to one parental vote per eligible student may be
185 counted with respect to parent signatures on the petition. An
186 eligible student is a student enrolled in the school in which
187 the school turnaround option will be implemented or, according
188 to the district school board's enrollment policies, a student
189 who is scheduled the following school year for assignment to
190 that school.

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

196 2. Notwithstanding subparagraph 1., a parental vote is the
197 signature of the parent who has been assigned sole parental
198 responsibility or ultimate responsibility for education
199 decisions pursuant to s. 61.13.

200 (c) A parent must date each petition on the day it is
201 signed and identify each eligible student on the petition. The
202 parent's signature shall constitute a certification that the
203 parent has a present intention to enroll each eligible student

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204 in the school if the school turnaround option identified on the
205 petition is selected. A parent may sign the petition prior to
206 the initial notification provided to the parents of eligible
207 students pursuant to subsection (2).

208 (d) The school district shall verify at least a majority of
209 the signatures on the petition using existing student enrollment
210 documentation or other records containing parent signatures.
211 However, a notarized signature of a person who is a parent of an
212 eligible student shall be treated as valid. Signatures not
213 verified within the established verification period shall be
214 treated as valid.

215 (e) A signature gatherer may not be paid per signature and,
216 if asked, must disclose the organization he or she represents.

217 (4) (a) The school turnaround option selected by parents
218 must be considered for implementation by the district school
219 board at a publicly noticed school board meeting if the petition
220 is signed and dated by a majority of the parents of eligible
221 students. A majority is more than one-half of the parents who
222 are eligible to sign the petition pursuant to paragraph (3) (b).
223 If petitions for more than one school turnaround option are
224 signed by a majority of the parents, the petition having the
225 most such signatures shall be deemed the official turnaround
226 option selected by parents.

227 (b) The district school board may adopt the school
228 turnaround option selected by parents or a different school
229 turnaround option selected by the school board. If the district
230 school board does not adopt the school turnaround option
231 selected by parents, it must include that option with the
232 implementation plan submitted to the State Board of Education

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233 under s. 1008.33. If the state board determines that the school
234 turnaround option selected by parents is more likely to improve
235 the academic performance of students at the school, it shall
236 return the district school board's implementation plan to the
237 school board. The district school board shall submit to the
238 state board an implementation plan for the school turnaround
239 option selected by parents.

240 (5) The State Board of Education shall adopt rules to
241 establish a model petition format, the petition submission
242 process, standards for verifying signatures, and timelines for
243 district school board validation and consideration of a petition
244 at a publicly noticed meeting. The rules must provide a sample
245 petition form for each school turnaround option available for
246 selection under s. 1008.33 with easy-to-understand instructions.
247 Each petition form shall clearly identify only one school
248 turnaround option on the front page of the petition and each
249 page thereafter. The petition forms must be provided or made
250 easily accessible to parents at the time of notification by the
251 school district pursuant to subsection (2). The rules shall
252 provide for the following:

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

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

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

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

265 (e) A parent may sign a petition for each school turnaround
266 option.

267 (f) A school district may not reject a parent signature on
268 a petition based on a lack of conformity to signatures in school
269 records if the parent's identity and signature can be easily
270 validated with a photographic identification, a notarized
271 signature verifying the identity of the signer, or by the
272 personal knowledge of a school employee.

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

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

278 1008.33 Authority to enforce public school improvement.—

279 (5) (a) In the school year after a school is initially
280 identified as a school in the lowest-performing category, the
281 school district must submit a plan, which is subject to approval
282 by the State Board of Education, for implementing one of the
283 following school turnaround options at the beginning of the next
284 school year. The plan must be implemented unless the school
285 moves from the lowest-performing category:

286 1. Convert the school to a district-managed turnaround
287 school by means that include implementing a turnaround plan
288 approved by the Commissioner of Education which shall become the
289 school's improvement plan;

290 2. Reassign students to another school and monitor the

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291 progress of each reassigned student;

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

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

297 (b) If a school does not move from the lowest-performing
298 category during the initial year of implementing one of the
299 school turnaround options in paragraph (a), the school district
300 must submit a plan, which is subject to approval by the State
301 Board of Education, for implementing a different school
302 turnaround option in paragraph (a) at the beginning of the next
303 school year, unless the State Board of Education determines that
304 the school is likely to move from the lowest-performing category
305 if additional time is provided to implement intervention and
306 support strategies. The State Board of Education shall determine
307 whether a school district may continue to implement a school
308 turnaround ~~an~~ option beyond 1 year while a school remains in the
309 lowest-performing category.

310 (c) Parents of students who are assigned to a public school
311 that is required by the State Board of Education to implement a
312 school turnaround option may petition the school district to
313 implement one of the school turnaround options in paragraph (a)
314 selected by the parents pursuant to s. 1003.07. A school
315 implementing a school turnaround option during the 2011-2012 or
316 2012-2013 school year is not subject to the requirements of s.
317 1003.07 until the school is required to implement a different
318 school turnaround option.

319 Section 7. Section 1012.2315, Florida Statutes, is amended

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320 to read:

321 1012.2315 Assignment of teachers.-

322 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
323 disparities between teachers assigned to teach in a majority of
324 schools that do not need improvement and schools that do need
325 improvement pursuant to s. 1008.33. The disparities may be found
326 in the assignment of temporarily certified teachers, teachers in
327 need of improvement, and out-of-field teachers and in the
328 performance of the students. It is the intent of the Legislature
329 that district school boards have flexibility through the
330 collective bargaining process to assign teachers more equitably
331 across the schools in the district.

332 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF
333 IMPROVEMENT.-School districts may not assign a higher percentage
334 than the school district average of temporarily certified
335 teachers, teachers in need of improvement, or out-of-field
336 teachers to schools in one of the three lowest-performing
337 categories under s. 1008.33(3)(b). Each school district shall
338 annually certify to the Commissioner of Education that this
339 requirement has been met. If the commissioner determines that a
340 school district is not in compliance with this subsection, the
341 State Board of Education shall be notified and shall take action
342 pursuant to s. 1008.32 in the next regularly scheduled meeting
343 to require compliance.

344 (3) SALARY INCENTIVES.-District school boards may ~~are~~
345 ~~authorized to~~ provide salary incentives to meet the requirement
346 of subsection (2). A district school board may not sign a
347 collective bargaining agreement that precludes the school
348 district from providing sufficient incentives to meet this

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349 requirement.

350 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
351 chapter 447 relating to district school board collective
352 bargaining, collective bargaining provisions may not preclude a
353 school district from providing incentives to high-quality
354 teachers and assigning such teachers to low-performing schools.

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

356 (a) Each district school board shall adopt rules for
357 implementing an assistance plan for each classroom teacher who
358 is teaching out-of-field. The assistance plan must provide
359 teachers who are teaching out-of-field with priority
360 consideration in professional development activities and require
361 such teachers to participate in a certification or staff
362 development program that provides the competencies required for
363 the assigned duties. A district school board may reimburse a
364 teacher who is teaching out-of-field for a certification fee.
365 The assistance plan must also include duties of administrative
366 personnel and other instructional personnel for assisting a
367 teacher who is teaching out-of-field in providing instructional
368 services to students.

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

- 372 1. Outside the field in which the teacher is certified;
373 2. Outside the field that was the teacher's minor field of
374 study; or
375 3. Outside the field in which the teacher has demonstrated
376 sufficient subject area expertise, as determined by district
377 school board policy in the subject area to be taught.

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379 The notification must inform the parent that virtual instruction
380 from a certified in-field teacher with an annual performance
381 evaluation rating of effective or highly effective under s.
382 1012.34 is available to his or her child through the virtual
383 instruction options listed under s. 1002.321(4).

384 (6)~~(5)~~ REPORT.—

385 ~~(a)~~ By July 1, 2012, the Department of Education shall
386 annually report on its website, in a manner that is accessible
387 to the public, the performance rating data reported by district
388 school boards under s. 1012.34. The report must include the
389 percentage of classroom teachers, instructional personnel, and
390 school administrators receiving each performance rating
391 aggregated by school district and by school.

392 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
393 EVALUATIONS.—

394 ~~(a)~~~~(b)~~ Notwithstanding ~~the provisions of~~ s.
395 1012.31(3)(a)2., each school district shall annually notify
396 ~~report to~~ the parent of any student who is assigned to a
397 classroom teacher or school administrator having two consecutive
398 annual performance evaluation ratings of unsatisfactory under s.
399 1012.34, two annual performance evaluation ratings of
400 unsatisfactory within a 3-year period under s. 1012.34, or three
401 consecutive annual performance evaluation ratings of needs
402 improvement or a combination of needs improvement and
403 unsatisfactory under s. 1012.34. The notification must inform
404 the parent that virtual instruction from a teacher with a
405 performance evaluation rating of highly effective or effective
406 under s. 1012.34 is available to his or her child through the

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407 virtual instruction options listed under s. 1002.321(4).

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

412 (c) If a student is currently taught by a classroom teacher
413 who receives, in that school year, a performance evaluation
414 rating of needs improvement or unsatisfactory under s. 1012.34,
415 the student may not be assigned the following school year to a
416 classroom teacher in the same subject area who received a
417 performance evaluation rating of needs improvement or
418 unsatisfactory in the preceding school year.

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

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