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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.; prohibiting a charter school  
19          operator from being a foreign national principal, from  
20          having officers or partners who are not citizens of  
21          the United States and who are not lawfully admitted  
22          for permanent residence, or from being registered in a  
23          foreign country; requiring charter schools to be in  
24          compliance with statutes relating to notifications and  
25          assignment of teachers; creating s. 1003.07, F.S., the  
26          Parent Empowerment Act; requiring each school district  
27          to notify parents of students attending a lowest-  
28          performing school that has been unable to improve  
29          performance and must implement a school turnaround

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

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59 an effective date.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Subsection (3) of section 1001.10, Florida  
64 Statutes, is amended to read:

65 1001.10 Commissioner of Education; general powers and  
66 duties.—

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

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

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88 1002.20 K-12 student and parent rights.—Parents of public  
89 school students must receive accurate and timely information  
90 regarding their child’s academic progress and must be informed  
91 of ways they can help their child to succeed in school. K-12  
92 students and their parents are afforded numerous statutory  
93 rights including, but not limited to, the following:

94 (21) PARENTAL INPUT AND MEETINGS.—

95 (d) Parent empowerment.—Parents of students who are  
96 assigned to a public school that is required to implement a  
97 school turnaround option under s. 1008.33 may submit a petition  
98 to the school district requesting implementation of a school  
99 turnaround option pursuant to s. 1003.07.

100 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the  
101 parent of a public school student, the school district must  
102 provide the parent with the performance evaluation for each  
103 classroom teacher assigned to his or her child, pursuant to s.  
104 1012.31.

105 (25) ASSIGNMENT TO TEACHERS.—

106 (a) Out-of-field classroom teachers.—Each school district  
107 shall annually notify the parent of each public school student  
108 assigned to a classroom teacher who is teaching out-of-field  
109 regarding such assignment. The notification must inform the  
110 parent that virtual instruction from a certified in-field  
111 teacher with an annual performance evaluation rating of  
112 effective or highly effective is available pursuant to s.  
113 1012.2315(5).

114 (b) Underperforming classroom teachers.—When a student is  
115 assigned to a classroom teacher who has received two consecutive  
116 annual performance evaluation ratings of unsatisfactory, two

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117 annual performance evaluation ratings of unsatisfactory within a  
118 3-year period, or three consecutive annual performance  
119 evaluation ratings of needs improvement or a combination of  
120 needs improvement and unsatisfactory under s. 1012.34, the  
121 school district shall notify the parent regarding the  
122 performance evaluation rating of the classroom teacher. The  
123 notification must inform the parent that virtual instruction  
124 from a teacher with an annual performance evaluation rating of  
125 effective or highly effective is available pursuant to s.  
126 1012.2315(7).

127 Section 3. Paragraph (c) of subsection (7) of section  
128 1002.32, Florida Statutes, is amended to read:

129 1002.32 Developmental research (laboratory) schools.—

130 (7) PERSONNEL.—

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

133 Section 4. Paragraph (q) is added to subsection (9) of  
134 section 1002.33, Florida Statutes, and paragraph (b) of  
135 subsection (16) of that section is amended to read:

136 1002.33 Charter schools.—

137 (9) CHARTER SCHOOL REQUIREMENTS.—

138 (q) A charter school operator may not be a foreign national  
139 principal as defined in 22 U.S.C. s. 611(b), have officers or  
140 partners who are not citizens of the United States and who are  
141 not lawfully admitted for permanent residence as defined in 8  
142 U.S.C. s. 1101(a)(20), or be registered in a foreign country.

143 (16) EXEMPTION FROM STATUTES.—

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

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146 1. Section 286.011, relating to public meetings and  
147 records, public inspection, and criminal and civil penalties.

148 2. Chapter 119, relating to public records.

149 3. Section 1003.03, relating to the maximum class size,  
150 except that the calculation for compliance pursuant to s.  
151 1003.03 shall be the average at the school level.

152 4. Section 1012.22(1)(c), relating to compensation and  
153 salary schedules.

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

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

157 7. Section 1012.34, relating to the substantive  
158 requirements for performance evaluations for instructional  
159 personnel and school administrators.

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

162 Section 5. Section 1003.07, Florida Statutes, is created to  
163 read:

164 1003.07 Parent empowerment.—

165 (1) This section may be cited as the "Parent Empowerment  
166 Act."

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

169 (3) (b), and the school advisory council when a public school has  
170 been unable to improve performance and must implement a school  
171 turnaround option as required under s. 1008.33. The written  
172 notification shall inform parents that they may, by petition,  
173 request implementation of a school turnaround option by the  
174 school in the following school year. The notification shall be

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175 provided to parents within 30 calendar days after the school  
176 district receives notice from the Department of Education that  
177 the school must implement a school turnaround option. The  
178 notification by the school district shall include:

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

181 (b) A description of the process for implementing school  
182 turnaround options, including the date by which the school  
183 district must submit its implementation plan to the State Board  
184 of Education;

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

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

190 (e) School district contact information for questions.

191 (3) (a) Prior to the school district's selection and  
192 implementation of a school turnaround option for the following  
193 school year, parents may submit a petition selecting an  
194 available school turnaround option, as described pursuant to  
195 paragraph (2) (a), for consideration by the district school  
196 board.

197 (b) Up to one parental vote per eligible student may be  
198 counted with respect to parent signatures on the petition. An  
199 eligible student is a student enrolled in the school in which  
200 the school turnaround option will be implemented and, according  
201 to the district school board's enrollment policies, the student  
202 is scheduled the following school year for assignment to that  
203 school. A student who is graduating or being promoted out of the

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204 current school that is eligible for turnaround and who will not  
205 be enrolled in the school the following school year is not  
206 considered an eligible student.

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

212 2. Notwithstanding subparagraph 1., a parental vote is the  
213 signature of the parent who has been assigned sole parental  
214 responsibility or ultimate responsibility for education  
215 decisions pursuant to s. 61.13.

216 (c) A parent must date each petition on the day it is  
217 signed and identify each eligible student on the petition. The  
218 parent's signature shall constitute a certification that the  
219 parent has a present intention to enroll each eligible student  
220 in the school if the school turnaround option identified on the  
221 petition is selected. A parent may sign the petition prior to  
222 the initial notification provided to the parents of eligible  
223 students pursuant to subsection (2).

224 (d) The school district shall verify at least a majority of  
225 the signatures on the petition using existing student enrollment  
226 documentation or other records containing parent signatures.  
227 However, a notarized signature of a person who is a parent of an  
228 eligible student shall be treated as valid.

229 (e) A signature gatherer may not be paid per signature and,  
230 if asked, must disclose the organization he or she represents. A  
231 for-profit corporation, business, or entity is prohibited from  
232 gathering signatures and paying others to gather signatures.



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233 (f) A signature gatherer may not offer monetary  
234 compensation, rewards, or promise of employment to parents for  
235 signing a petition.

236 (4) (a) The school turnaround option selected by parents  
237 must be considered for implementation by the district school  
238 board at a publicly noticed school board meeting if the petition  
239 is signed and dated by a majority of the parents of eligible  
240 students. A majority is more than one-half of the parents who  
241 are eligible to sign the petition pursuant to paragraph (3) (b).  
242 If petitions for more than one school turnaround option are  
243 signed by a majority of the parents, the petition having the  
244 most such signatures shall be deemed the official turnaround  
245 option selected by parents.

246 (b) The district school board may adopt the school  
247 turnaround option selected by parents or a different school  
248 turnaround option selected by the school board. If the district  
249 school board does not adopt the school turnaround option  
250 selected by parents, it must include that option with the  
251 implementation plan submitted to the State Board of Education  
252 under s. 1008.33. If the state board determines that the school  
253 turnaround option selected by parents is more likely to improve  
254 the academic performance of students at the school, it shall  
255 return the district school board's implementation plan to the  
256 school board. The district school board shall submit to the  
257 state board an implementation plan for the school turnaround  
258 option selected by parents.

259 (5) The State Board of Education shall adopt rules to  
260 establish a model petition format, the petition submission  
261 process, standards for verifying signatures, and timelines for

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262 district school board validation and consideration of a petition  
263 at a publicly noticed meeting. The rules must provide a sample  
264 petition form for each school turnaround option available for  
265 selection under s. 1008.33 with easy-to-understand instructions.  
266 Each petition form shall clearly identify only one school  
267 turnaround option on the front page of the petition and each  
268 page thereafter. The petition forms must be provided or made  
269 easily accessible to parents at the time of notification by the  
270 school district pursuant to subsection (2). The rules shall  
271 provide for the following:

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

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

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

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

284 (e) A parent may sign a petition for each school turnaround  
285 option.

286 (f) A school district may not reject a parent signature on  
287 a petition based on a lack of conformity to signatures in school  
288 records if the parent's identity and signature can be easily  
289 validated with a photographic identification, a notarized  
290 signature verifying the identity of the signer, or by the

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291 personal knowledge of a school employee.

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

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

297 1008.33 Authority to enforce public school improvement.—

298 (5) (a) In the school year after a school is initially  
299 identified as a school in the lowest-performing category, the  
300 school district must submit a plan, which is subject to approval  
301 by the State Board of Education, for implementing one of the  
302 following school turnaround options at the beginning of the next  
303 school year. The plan must be implemented unless the school  
304 moves from the lowest-performing category:

305 1. Convert the school to a district-managed turnaround  
306 school by means that include implementing a turnaround plan  
307 approved by the Commissioner of Education which shall become the  
308 school's improvement plan;

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

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

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

316 (b) If a school does not move from the lowest-performing  
317 category during the initial year of implementing one of the  
318 school turnaround options in paragraph (a), the school district  
319 must submit a plan, which is subject to approval by the State

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320 Board of Education, for implementing a different school  
321 turnaround option in paragraph (a) at the beginning of the next  
322 school year, unless the State Board of Education determines that  
323 the school is likely to move from the lowest-performing category  
324 if additional time is provided to implement intervention and  
325 support strategies. The State Board of Education shall determine  
326 whether a school district may continue to implement a school  
327 turnaround ~~an~~ option beyond 1 year while a school remains in the  
328 lowest-performing category.

329 (c) Parents of students who are assigned to a public school  
330 that is required by the State Board of Education to implement a  
331 school turnaround option may petition the school district to  
332 implement one of the school turnaround options in paragraph (a)  
333 selected by the parents pursuant to s. 1003.07. A school  
334 implementing a school turnaround option during the 2011-2012 or  
335 2012-2013 school year is not subject to the requirements of s.  
336 1003.07 until the school is required to implement a different  
337 school turnaround option.

338 Section 7. Section 1012.2315, Florida Statutes, is amended  
339 to read:

340 1012.2315 Assignment of teachers.—

341 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
342 disparities between teachers assigned to teach in a majority of  
343 schools that do not need improvement and schools that do need  
344 improvement pursuant to s. 1008.33. The disparities may be found  
345 in the assignment of temporarily certified teachers, teachers in  
346 need of improvement, and out-of-field teachers and in the  
347 performance of the students. It is the intent of the Legislature  
348 that district school boards have flexibility through the

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349 collective bargaining process to assign teachers more equitably  
350 across the schools in the district.

351 (2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF  
352 IMPROVEMENT.—School districts may not assign a higher percentage  
353 than the school district average of temporarily certified  
354 teachers, teachers in need of improvement, or out-of-field  
355 teachers to schools in one of the three lowest-performing  
356 categories under s. 1008.33(3)(b). Each school district shall  
357 annually certify to the Commissioner of Education that this  
358 requirement has been met. If the commissioner determines that a  
359 school district is not in compliance with this subsection, the  
360 State Board of Education shall be notified and shall take action  
361 pursuant to s. 1008.32 in the next regularly scheduled meeting  
362 to require compliance.

363 (3) SALARY INCENTIVES.—District school boards may ~~are~~  
364 ~~authorized to~~ provide salary incentives to meet the requirement  
365 of subsection (2). A district school board may not sign a  
366 collective bargaining agreement that precludes the school  
367 district from providing sufficient incentives to meet this  
368 requirement.

369 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of  
370 chapter 447 relating to district school board collective  
371 bargaining, collective bargaining provisions may not preclude a  
372 school district from providing incentives to high-quality  
373 teachers and assigning such teachers to low-performing schools.

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

375 (a) Each district school board shall adopt rules for  
376 implementing an assistance plan for each classroom teacher who  
377 is teaching out-of-field. The assistance plan must provide

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378 teachers who are teaching out-of-field with priority  
379 consideration in professional development activities and require  
380 such teachers to participate in a certification or staff  
381 development program that provides the competencies required for  
382 the assigned duties. A district school board may reimburse a  
383 teacher who is teaching out-of-field for a certification fee.  
384 The assistance plan must also include duties of administrative  
385 personnel and other instructional personnel for assisting a  
386 teacher who is teaching out-of-field in providing instructional  
387 services to students.

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

- 391 1. Outside the field in which the teacher is certified;  
392 2. Outside the field that was the teacher's minor field of  
393 study; or  
394 3. Outside the field in which the teacher has demonstrated  
395 sufficient subject area expertise, as determined by district  
396 school board policy in the subject area to be taught.

397  
398 The notification must inform the parent that virtual instruction  
399 from a certified in-field teacher with an annual performance  
400 evaluation rating of effective or highly effective under s.  
401 1012.34 is available to his or her child through the virtual  
402 instruction options listed under s. 1002.321(4).

403 (6) ~~(5)~~ REPORT.—

404 ~~(a)~~ By July 1, 2012, the Department of Education shall  
405 annually report on its website, in a manner that is accessible  
406 to the public, the performance rating data reported by district

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407 school boards under s. 1012.34. The report must include the  
408 percentage of classroom teachers, instructional personnel, and  
409 school administrators receiving each performance rating  
410 aggregated by school district and by school.

411 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE  
412 EVALUATIONS.-

413 (a) ~~(b)~~ Notwithstanding the provisions of s.  
414 1012.31(3) (a)2., each school district shall annually notify  
415 ~~report to~~ the parent of any student who is assigned to a  
416 classroom teacher or school administrator having two consecutive  
417 annual performance evaluation ratings of unsatisfactory under s.  
418 1012.34, two annual performance evaluation ratings of  
419 unsatisfactory within a 3-year period under s. 1012.34, or three  
420 consecutive annual performance evaluation ratings of needs  
421 improvement or a combination of needs improvement and  
422 unsatisfactory under s. 1012.34. The notification must inform  
423 the parent that virtual instruction from a teacher with a  
424 performance evaluation rating of highly effective or effective  
425 under s. 1012.34 is available to his or her child through the  
426 virtual instruction options listed under s. 1002.321(4).

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

431 (c) If a student is currently taught by a classroom teacher  
432 who receives, in that school year, a performance evaluation  
433 rating of needs improvement or unsatisfactory under s. 1012.34,  
434 the student may not be assigned the following school year to a  
435 classroom teacher in the same subject area who received a

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436 performance evaluation rating of needs improvement or  
437 unsatisfactory in the preceding school year. For purposes of  
438 implementation, the initial year of eligible schools subject to  
439 the provisions of s. 1003.07 are the schools that received a  
440 grade of "F" pursuant to s. 1008.34 in the 2010-2011 and 2011-  
441 2012 school years and were not previously exempted in this  
442 paragraph.

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

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