

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 543 Parental Involvement and Accountability in the Public Schools

SPONSOR(S): Stargel and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 944

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee	10 Y, 3 N	Beagle	Ahearn
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires each school district to inform parents of its expectations regarding parent responsiveness to teacher requests for communication; submission of accurate contact, emergency, and medical information; and oversight of their child's school attendance, completion of homework, and preparation for tests. Districts may use existing parent guides and parental involvement checklists or develop new formats for communicating this information to parents. The bill adds a requirement that parents acknowledge, in writing, receipt of parental involvement information.

The bill requires teachers of students in prekindergarten through grade 5 to evaluate each parent's involvement on a quarterly basis. Parents must be evaluated based upon the frequency of the student's unexcused absences and tardiness; responsiveness to requests for conferences or communication; and submission of accurate information, such as emergency contact information and student immunization records. Each parent must be rated satisfactory, needs improvement, or unsatisfactory and he or she must be provided with a written evaluation report. School districts must adopt, in rule, a process enabling parents to dispute an unfavorable evaluation.

School districts must annually report parental involvement evaluation data to the Department of Education (DOE). DOE must annually report this information to the Governor, President of the Senate, and Speaker of the House of Representatives. School districts must implement the bill's requirements beginning in the 2013-14 school year.

Florida law establishes several policies designed to enhance parental involvement in their children's education. Among other things, school districts must disseminate to parents a parent guide containing information regarding academic standards and assessment requirements, education choice options, available services for parents and their children, and parental involvement opportunities. School districts must also annually disseminate to parents a checklist of actions which strengthen parental involvement in their children's educational progress. Parent guides and parental involvement checklists are not required to specify expectations regarding parental involvement and parents are not required to acknowledge their receipt in writing. Additionally, there is no requirement that teachers evaluate the involvement of parents.

See Fiscal Comments.

The bill takes effect July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Parental Involvement

Overview

Research indicates that parents who are actively involved in their children's education are better prepared for school, achieve at higher levels, attend school more regularly, have better social skills, and are more likely to graduate from high school and pursue postsecondary education. The research also identifies high levels of parental involvement as a key characteristic of high-performing schools.¹ U.S. Department of Education data indicates that a parent's level of educational attainment has the greatest influence on parental involvement rates, with parents holding baccalaureate or higher degrees having significantly higher involvement rates than those with less education.²

Numerous local, state, and federal parental involvement initiatives have emerged over the years, including the formation of parent advocacy organizations,³ public relations campaigns,⁴ efforts to encourage parent volunteerism,⁵ dissemination to parents of information related to student and school performance,⁶ and policies facilitating parental input in school decision making processes.⁷ Federal education entitlements such as Title I of the Elementary and Secondary Education Act and the Head Start Program also have parental involvement components.⁸

Florida law establishes several policies designed to provide parents with access to school-level decision making processes and information regarding their child's academic progress and hold them accountable for their child's attendance in school.⁹ The law also requires parents to cooperate with school officials regarding disciplinary matters and comply with reasonable parental involvement

¹ The PEW Center on the States, *Engaged Families, Effective Pre-K: State Policies that Bolster Student Success*, at 1 (June 2010), available at http://www.pewcenteronthestates.org/uploadedFiles/PkN_Family_Engagement_FINAL.pdf?n=4141; Southwest Educational Development Laboratory, *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, at 24 (2002), available at <http://www.sedl.org/cgi-bin/pdfexit.cgi?url=http://www.sedl.org/connections/resources/evidence.pdf> (review of research regarding parental involvement and student success).

² U.S. Department of Education, National Center for Education Statistics, *Parent and Family Involvement in Education, 2006-07 School Year*, at 9-10 (Aug. 5, 2008), available at <http://nces.ed.gov/pubs2008/2008050.pdf>. This survey is based upon U.S. Census Bureau data and considers various demographic factors, e.g., whether students are enrolled in public or private schools, parent's socioeconomic status, race, educational attainment, and status as an English speaker. Parents were asked to report whether they regularly attend school meetings, parent teacher conferences, and school events; volunteer at the school; and participate in school fundraising. *Id.*

³ See, e.g., National PTA, *Home*, <http://www.pta.org/Index.asp> (last visited Dec. 1, 2011).

⁴ See, e.g., U.S. Department of Education, *Reading Tips for Parents* (May 2003), available at <http://www2.ed.gov/parents/read/resources/readingtips/readingtips.pdf>; Public Broadcasting System, *PBS Parents: Reading and Language*, <http://www.pbs.org/parents/readinglanguage/> (last visited Dec. 1, 2011).

⁵ See, e.g., All Pro Dad, *Home*, <http://www.allprodad.com/> (last visited Dec. 1, 2011); see, e.g., Miami-Dade School District, *Become a School Volunteer*, <http://community.dadeschools.net/!svp/school-vol.asp> (last visited Dec. 1, 2011).

⁶ 20 U.S.C. s. 6311(h)(Title I of the Elementary and Secondary Education Act; school and school district report cards); s. 1008.34(5), F.S. (school report cards); see, e.g., Florida Department of Education, *2010-11 School Accountability Reports*, <http://schoolgrades.fldoe.org/> (last visited Dec. 12, 2011).

⁷ See, e.g., s. 1001.452, F.S. (district and school advisory councils).

⁸ 20 U.S.C. s. 6318 (Title I); 42 U.S.C. s. 9837a (Head Start). Generally speaking, both programs require local education agencies to have written parental involvement policies for providing family outreach, facilitating parental involvement in school activities, and providing parents with input in funding and policy decisions. *Id.*

⁹ See, e.g., s. 1001.452, F.S. (district and school advisory councils), s. 1002.23, F.S. (parent guides and parental involvement checklists), s. 1003.24, F.S. (parent obligations regarding school attendance), and s. 1008.34(5), F.S. (school accountability reports).

requests.¹⁰ Locally, public schools use various means to keep parents informed and engaged in their child's education, including websites, email newsletters and list-servs, booster clubs, and parent-teacher organizations.¹¹

School Involvement

Florida law requires each school district to implement a comprehensive parental involvement program, developed with parental input, which, among other things, addresses opportunities for parents to participate on school advisory councils and in school volunteer programs.¹² Each district public school must have an advisory council comprised of various stakeholders, including parents, students, teachers, and school administrators. School advisory councils are responsible for developing and implementing the school's improvement plan, assisting in the development of the school's budget, and assisting in determinations regarding the use of school improvement funds and school recognition awards.¹³

Access to Information

Florida law requires school districts to disseminate information to parents regarding their child's academic performance and how they can help their child succeed in school. Each school district must annually provide a written report to parents explaining their child's statewide assessment results and progress towards achieving state and district expectations for proficiency in reading, writing, science, and mathematics.¹⁴ Districts are also required to annually disseminate to parents a school report card, which must include the school's grade and other indicators of school performance.¹⁵ Additionally, the law requires school districts to annually disseminate a parent guide that includes information regarding:

- School entry, academic proficiency, and grade promotion requirements;
- Assessments, report cards, and progress reports;
- Services available for parents and their children, such as family literacy programs, mentoring, tutoring, college planning assistance, academic advisement, student counseling, and after-school programs;
- Parental involvement opportunities, such as parenting classes, adult education, school advisory councils, and school volunteer programs; and
- Rigorous academic and career education programs and educational choice options.¹⁶

School districts must also annually disseminate to parents a checklist of actions which strengthen involvement in their child's educational progress. The checklist must include parental actions that strengthen:

- The child's academic progress, citizenship, social skills, and respect for others;
- The child's achievement of high expectations and setting lifelong learning goals; and
- Communication between school and home.¹⁷

The law requires the Florida Department of Education (DOE) to develop guidelines for the parent guide and parental involvement checklist, which DOE has done by providing technical assistance, compliance rubrics, and sample documents to school districts. The State Board of Education must annually review

¹⁰ Section 1003.04(2)-(3), F.S.

¹¹ See, e.g., Florida Department of Education, *School District Websites List*, http://www.fldoe.org/schools/schoolmap/flash/schoolmap_text.asp (last visited Dec. 2, 2011); see, e.g., Leon County School District, *Desoto Trail Elementary School*, <http://www.desototrail.leon.k12.fl.us/default.aspx> (last visited Dec. 2, 2011)(This website includes links to the school's booster club, parent-teacher organization, list-serv, and other resources.).

¹² Section 1002.23(1) and (5), F.S.

¹³ Sections 1001.452(2) and 1008.36(4), F.S.

¹⁴ Section 1008.25(8)(a), F.S.

¹⁵ Section 1008.34(5), F.S.

¹⁶ Section 1002.23(2), F.S.

¹⁷ Section 1002.23(3) and (8), F.S.

each school district's compliance with parent guide and checklist requirements. School districts annually submit their parent guides and parental involvement checklists to DOE for review.¹⁸

The law does not require that parent guides or checklists specify parental responsibilities regarding student attendance, responsiveness to teacher requests for communication, provision of emergency and medical information, or oversight of their child's academic work. Parents are also not required to provide written acknowledgement of receipt of parent guides and parental involvement checklists.¹⁹

Student Attendance

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.²⁰ Each student's attendance in school must be checked and recorded by the district.²¹

The parent of a minor student is responsible for ensuring the student's regular attendance in school. Parents must justify each student absence and each absence is evaluated based upon the school board's attendance policies.²² Each time a student has an unexcused absence or absence for which the reason is unknown, the school principal or his or her designee must contact the student's parent to determine the reason for the absence.²³

If a student has at least five unexcused absences or absences for which the reasons are unknown within a calendar month, or 10 such absences within 90 calendar days, the student's primary teacher must report to the school principal that the student may be exhibiting a "pattern of nonattendance."²⁴ If a student exhibits a "pattern of nonattendance," his or her teacher must report the behavior to the school principal. Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team to determine whether early patterns of truancy are developing. The child study team must meet with the student's parent to determine appropriate interventions.²⁵

A parent who knowingly refuses or fails to ensure his or her child's attendance in school or cooperate with a child study team may be criminally prosecuted for a second degree misdemeanor, which is punishable by imprisonment for up to 60 days.²⁶ In addition to imprisonment, the court may require the parent to participate in an approved parent training class, attend school with the student, perform community service hours at the school, or participate in counseling or other services.²⁷

Effect of Proposed Changes

The bill acknowledges the importance of parents and the home environment in a child's present and future success and specifies as causes of student underachievement inadequate rest, improper clothing, lack of necessary school supplies, frequent tardiness or absence, lack of mental preparation for the school day due to uncompleted homework or inadequate test preparation, and infrequent

¹⁸ Section 1002.23(2), (3), (7), (8), and (9), F.S.; Florida Department of Education, *Family and School Partnership Act*, <http://www.fldoe.org/family/fspsa.asp> (last visited Dec. 12, 2011)(This website includes DOE's technical assistance, guidelines, and review procedure for parent guides and checklists.).

¹⁹ See s. 1002.23, F.S.

²⁰ Section 1003.24, F.S. (flush-left provisions at end of section).

²¹ Section 1003.23, F.S.

²² Section 1003.26, F.S.

²³ Section 1003.26(1)(a), F.S.

²⁴ Section 1003.26(1)(b), F.S.

²⁵ Section 1003.26(1)(c), F.S.

²⁶ Sections 1003.24 and 1003.27(2) and (7)(a), F.S.

²⁷ Section 1003.27(7)(a)3., F.S. A parent may not, however, be held responsible for the student's nonattendance when an absence was authorized by the head of the school; without the parent's knowledge or consent; due to the parent's financial inability to provide necessary clothing for the student; or due to the student's sickness, injury, or other insurmountable condition. Section 1003.24(1)-(3), F.S.

communication between parents and teachers. The bill states that its purpose is to provide information and tools to parents of prekindergarten through grade 5 students which enable them to positively impact their child's educational success and to set minimum standards for parental involvement.

The bill requires school districts to inform parents of expectations regarding their:

- Timely response to teacher requests for communication;
- Submission of accurate contact, emergency, and medical information;²⁸ and
- Oversight of their child's school attendance, completion of homework, and preparation for tests.

Districts may use existing parent guides and parental involvement checklists or develop new formats for communicating this information to parents. The bill also adds a requirement that parents acknowledge in writing receipt of parental involvement information.

Currently, parent guides and parental involvement checklists are not required to include expectations regarding parental involvement and parents are not required to acknowledge their receipt of guides and checklists. Providing this information to parents will better inform them of their obligations regarding communication, attendance, and oversight of academic work.

Currently, there is no requirement that teachers evaluate the involvement of parents. The bill requires teachers of students in prekindergarten through grade 5 to evaluate each parent's involvement on a quarterly basis and send a written evaluation to the parent with the student's quarterly assessment. Each parent must be assigned a rating of satisfactory, needs improvement, or unsatisfactory and provided with a written evaluation. The parent must be rated "needs improvement" when one of the following occurs in one quarter:

- The student has five or more unexcused absences or 10 or more instances of unexcused tardiness;
- The parent does not respond to five or more requests for communication from the teacher; or
- The emergency contact information provided by the parent is determined to be incomplete or incorrect.

If two or more of these conditions occur, the parent must be evaluated as "unsatisfactory." School districts must adopt, in rule, a process enabling parents to dispute an unfavorable evaluation in which the principal, teacher, and parent must discuss how the evaluation was determined. The process must provide feedback on how the parent can improve his or her evaluation. Parental involvement evaluations will enable schools and districts to identify parents who need assistance regarding parental involvement issues.

School districts must annually report parental involvement evaluation data to DOE. DOE must annually report this information to the Governor, President of the Senate, and Speaker of the House of Representatives. School districts must implement the bill's requirements beginning in the 2013-14 school year.

The associations representing district school boards and school superintendents, respectively, have voiced concerns that the bill will add to teacher workloads, create an adversarial relationship between parents and teachers, and unfairly burden low-income working parents.²⁹

²⁸ Upon initial entry into the public school system, parents must ensure that their child has received a medical evaluation and required immunizations. A parent may receive an exemption from such requirements if certain requirements are met, e.g., the parent objects based upon religious beliefs or obtains a written statement from a licensed physician stating medical or other specified reasons for the exemption. Section 1003.22(1)-(5), F.S. Required vaccines for kindergarten entry include Diphtheria-Tetanus-Pertussis, Hepatitis B, Measles-Mumps-Rubella, Polio, and Varicella. Section 1003.22(3), F.S.; Florida Department of Health, *Information for Parents*, http://www.doh.state.fl.us/disease_ctrl/immune/parents/index.html (last visited Jan. 11, 2012).

²⁹ Memorandum from the Florida School Boards Association (Jan. 18, 2012); Conference, House Education Policy Chief and Florida Association of District School Superintendents staff (Jan. 18, 2012).

B. SECTION DIRECTORY:

Section 1. Creates s. 1008.347, F.S., relating to parental involvement and accountability in public schools; requires school districts to inform parents of expectations regarding parental involvement; authorizes districts to use parent guides, parental involvement checklists, or other formats to communicate these expectations; requires parents to acknowledge in writing receipt of required information; requires teachers of students in prekindergarten through grade 5 to evaluate each parent's involvement; specifies criteria for evaluations; requires districts to establish an evaluation dispute process; requires school districts to annually report parental involvement evaluation data to the State Board of Education; requires DOE to annually report evaluation data to the Governor, President of the Senate, and Speaker of the House of Representatives; and requires school districts to implement the bill's requirements beginning in the 2013-14 school year.

Section 2. Provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may incur costs regarding development of new parental involvement information materials or amending existing materials, collecting parent's written acknowledgement of receipt of such materials, conducting parental involvement evaluations and sending results to the parent's home on a quarterly basis, and reporting parental involvement evaluations to DOE. Total costs are indeterminate.³⁰

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

³⁰ Florida Department of Education, *Legislative Bill Analysis for HB 543* (2011).

2. Other:

The bill requires teachers of students in prekindergarten through grade 5 to evaluate each parent's involvement on a quarterly basis and send a written evaluation to the parent with the student's quarterly assessment. Under Florida law, education records, as defined in the federal Family Educational Rights and Privacy Act (FERPA), are confidential and exempt from state laws which provide public access to records held by public agencies.³¹ FERPA requires public schools and school districts to obtain written consent from a parent before disclosing education records or personally identifiable information contained therein.³²

Under FERPA, education records are defined as records, files, documents, and other materials maintained by public schools and school districts which contain information *directly related to a student*. Recorded course grades, grade point averages, standardized test scores, attendance records, counseling records, and records of disciplinary actions are examples of items that are commonly considered education records under FERPA.³³ If a parental involvement evaluation is considered an educational record under FERPA, then the evaluation would be confidential and exempt from disclosure.³⁴

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules regarding annual reporting by school districts of parental involvement evaluation data. The bill also requires school districts to adopt, by rule, a process which enables parents to dispute a parental involvement evaluation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the DOE bill analysis, it is possible that a parent who challenges an unsatisfactory parental involvement evaluation could seek administrative review by the Division of Administrative Hearings as a substantially affected person under s. 120.569, F.S., which can result in the award of attorney fees. Consideration should be given to including a statement exempting the determination from ch. 120, F.S.³⁵

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

³¹ Section 1002.221(1), F.S.; see Art. I, s. 24 of the Florida Constitution and ss. 119.01(1) and 119.011(12), F.S.

³² 20 U.S.C. s. 1232g(b)(1); 34 C.F.R. ss. 99.30-99.39. Florida's policy for the disclosure of education records is similar to the relevant FERPA provisions. See rule 6A-1.0955(6)(f) and (g), F.A.C.

³³ *Falvo v. Oswasso Independent School District No. 1-011*, 534 U.S. 426, 431-436 (2002).

³⁴ 20 U.S.C. s. 1232g(a)(4)(A); 34 C.F.R. s. 99.3 (definition of "education records").

³⁵ *Id.*