

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

**BILL:** CS/SB 862

**INTRODUCER:** Appropriations Committee; (Recommended by Appropriations Subcommittee on Education), and Senator Stargel

**SUBJECT:** Parent Empowerment in Education

**DATE:** April 25, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Favorable</b>
2.	Armstrong	Elwell	AED	<b>Fav/CS</b>
3.	Elwell	Hansen	AP	<b>Fav/CS</b>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 862 provides a petition process for parents to participate in the district school board’s determination of a turnaround option, when a school is subject to intervention on the basis of poor academic performance. Before a district school board selects a turnaround option, it must notify parents that they may select and submit to the school board a school turnaround option. If a district school board fails to adopt a petition option submitted by parents, the school board must provide a report that explains in detail both the reason for not adopting the parent-selected option and for adopting the district’s preferred option. The option selected by the district is final.

The State Board of Education would be required to adopt rules regarding the petition process, including making available a model petition format and addressing petition signature-gathering, verification, and submission of petitions to the district school board.

This bill has no fiscal impact on state appropriations.

Under the bill, school districts are required to notify parents if the classroom teachers assigned to their children have received poor performance ratings or if they are receiving classroom

instruction from an out-of-field teacher. Upon request, parents would also receive performance evaluations of any classroom teacher involved in their child's education.

Districts must also inform parents that virtual instruction is available from an "effective" or "highly effective" rated teacher when their students are assigned to classrooms with teachers who:

- Are teaching out-of-field; or
- Have received two consecutive annual performance evaluation ratings of "unsatisfactory", two annual performance evaluation ratings of "unsatisfactory" within a 3-year period, or three consecutive annual performance evaluation ratings of "needs improvement" or a combination of "needs improvement" and "unsatisfactory".

The provisions relating to parental notification with respect to out-of-field classroom teachers and performance evaluations apply to charter schools.

The bill prohibits the assignment of a student in consecutive school years to an elementary school classroom teacher who received an evaluation of "unsatisfactory" or "needs improvement". Similarly, the bill prohibits the assignment of a student in consecutive school years to a middle or high school classroom teacher of the same subject who received an evaluation of "unsatisfactory" or "needs improvement". A parent may choose to have a student taught by a teacher who received an evaluation of "unsatisfactory" or "needs improvement" and who teaches extracurricular courses, if the parent provides written consent.

The effective date of the bill is July 1, 2013.

This bill substantially amends the following sections of the Florida Statutes: 1001.10, 1002.20, 1002.32, 1008.33, and 1012.2315.

The bill creates section 1003.07, Florida Statutes.

The bill repeals section 1012.42, Florida Statutes.

## **II. Present Situation:**

### **School Improvement and Intervention**

In 2012, the Legislature revised Florida's school accountability system to comply with the federal Elementary and Secondary Education Act (ESEA),<sup>1</sup> its implementing regulations, and the ESEA flexibility waiver approved for Florida by the U.S. Secretary of Education.<sup>2</sup>

Current state law requires the State Board of Education (SBE) to hold all school districts and public schools accountable for student performance.<sup>3</sup> Additionally, the SBE is responsible for a

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<sup>1</sup> 20 U.S.C. ss. 6301 et seq.

<sup>2</sup> Florida requested and was granted a waiver from the U.S. Department of Education of 11 specific federal school accountability provisions. See *Florida's Approved Flexibility Request*, January 31, 2012, See <http://www2.ed.gov/policy/eseaflex/approved-requests/fl.pdf>.

state system of school improvement and education accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, and institutes appropriate measures for enforcing improvement. The SBE must also equitably enforce the accountability requirements of the state school system and may impose state requirements on school districts in order to improve the academic performance of all districts, schools, and students based upon the provisions of the Florida K-20 Education Code.<sup>4</sup>

Schools earning a school grade of “D” or “F” are schools in need of intervention and support.<sup>5</sup> The state board must apply the most intense intervention and support strategies to schools earning an “F”.<sup>6</sup> In the first full school year after a school initially earns a grade of “F”, the school district must meet three requirements: implement intervention and support strategies; select a turn-around option; and submit an implementation plan to the Department of Education (DOE) for State Board approval.<sup>7</sup>

A school district may select one of five turnaround options:<sup>8</sup>

1. Convert the school to a district-managed turnaround school;
2. Reassign students to another school and monitor the progress of each reassigned student;
3. Close the school and reopen it as one or more charter schools, each with a governing board with a demonstrated record of effectiveness;
4. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school; or
5. Implement a hybrid of turnaround options or other models that have a demonstrated record of excellence.

A school earning a grade of “F” has one planning year followed by two full school years to implement the approved turnaround option.<sup>9</sup> Implementation of the turnaround option is no longer required if the school improves by at least one letter grade.<sup>10</sup> However, the school must continue to implement the strategies identified in its school improvement plan and the DOE must annually review the school’s implementation of the plan for three years.<sup>11</sup>

### **Assignment of Classroom Teachers and Performance Evaluations**

In 2009, the Florida Legislature enacted legislation to address the quality of teachers assigned to the lowest performing schools.<sup>12</sup> School districts may not assign a higher percentage than the

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<sup>3</sup> s. 1008.33(2)(a), F.S.

<sup>4</sup> s. 1008.33(3)(a), F.S.

<sup>5</sup> s. 1008.33(3)(b), F.S. Pursuant to s. 1008.33(3)(b), F.S., the DOE must annually identify each public school in need of intervention and support.

<sup>6</sup> s.1008.33(4)(a), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> s. 1008.33(4)(b), F.S. Section 1008.33(5), F.S., specifies the options that may be used by other schools that meet statutory criteria.

<sup>9</sup> s. 1008.33(4)(c), F.S.

<sup>10</sup> s. 1008.33(4)(d), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Chapter 2009-144, L.O.F., codified in section 1012.2315, F.S.

school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to these schools.<sup>13</sup> The law requires each district school board to notify the parents of students who are assigned to an out-of-field teacher.<sup>14</sup>

Each district school board must adopt a plan to assist teachers who are teaching out-of-field.<sup>15</sup> These teachers must be afforded priority consideration in professional development activities. Additionally, districts must require the teachers to participate in a certification or a staff development program that improves their performance.<sup>16</sup>

Florida's current educator evaluation system differentiates among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing;<sup>17</sup> and unsatisfactory.<sup>18</sup> Current law requires the DOE to annually publish online performance rating data that provides the percentage of classroom teachers, instructional personnel and school administrators receiving each performance rating aggregated by district and school.<sup>19</sup>

Each district must annually report to the parent of a student who is assigned to a classroom teacher or school administrator with two consecutive "unsatisfactory" evaluations, two "unsatisfactory" evaluations within a 3-year period, or three consecutive "needs improvement" evaluations, or a combination of "unsatisfactory" and "needs improvement" evaluations.<sup>20</sup>

### III. Effect of Proposed Changes:

#### Petitions

The bill enables parents, by petition, to request that the school district implement a parent-selected turnaround option when a school is subject to intervention on the basis of poor academic performance. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students (indicating greater than one-half of eligible parents approve the plan). An eligible student is a student who actually enrolled in the school or a student who will be assigned to the school in the following year.

A school district would be required to notify, in writing, parents of eligible students when a school has earned a school grade of "F", and that the parents have the option, through a petition, to submit a turnaround choice. The written notice must inform parents, before the district school board selects a turnaround option, that the parents may petition for implementation of a

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<sup>13</sup> *Id.*

<sup>14</sup> Section 1012.42(1) and (2), F.S. This reporting requirement applies to teachers who are teaching subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise.

<sup>15</sup> s. 1012.42(1), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> s. 1012.34(3)(a), F.S., requires newly hired teachers to be evaluated at least twice in the first year of teaching.

<sup>18</sup> s. 1012.34(2)(e), F.S.

<sup>19</sup> s. 1012.2315(5)(a), F.S.

<sup>20</sup> s. 1012.2315(5)(b), F.S.

particular turnaround option set forth in Section 1008.33 (4) (d), Florida Statutes . The notification must include:

- Identification of each school turnaround option;
- A description of the process for implementing school turnaround options;
- The date and location for submission of the petition;
- The date and location of the required public school board meeting to consider the parents selected option; and
- School district contact information.

Only one parent per eligible student may sign the petition. If a child's other parent submits a written objection to the petition, the signing parent's signature counts as one-half.

Under the bill, signature solicitors would be prohibited from offering monetary compensation or other reward to a parent. Solicitors would also be prohibited from being paid by the signature and would have to reveal any affiliated organizations upon request. For-profit corporations and businesses would be prohibited from either gathering signatures or paying others to do so.

A petition may propose one turnaround option; however, multiple petitions each proposing different options may be circulated. If valid petitions for more than one option are submitted, the petition having the most signatures is the official turnaround option selected by parents.

The school board must verify at least a majority of signatures on the petition using existing student enrollment documentation or other records containing parent signatures.

### **District School Board Review**

The bill requires the school board to consider and implement one of the turnaround options in current law. The district school board may adopt the parent-selected turnaround option or a different option selected by the school board. If the district school board does not adopt the option selected by parents, the school board must provide a report that explains in detail both the reason for not adopting the parent-selected option and for adopting the district's preferred option. The option selected by the district school board is final.

### **Turnaround Schools**

A school that improves by a letter grade is no longer subject to implementing the turnaround option, in accordance with s. 1008.33(4)(d), F.S.

### **Classroom Teachers**

The notification provided to a parent of a student who is assigned to an out-of-field teacher would also inform him or her of the availability of a virtual teacher who received an annual performance evaluation rating of "effective" or "highly effective". Additionally, school districts would be permitted to reimburse a classroom teacher for certification fees incurred when he or she is assigned to teach out-of-field.

The bill prohibits the assignment of a student in consecutive school years to an elementary school classroom teacher who receives an evaluation of “unsatisfactory” or “needs improvement”. Similarly, the bill prohibits the assignment of a student in consecutive school years to a middle or high school classroom teacher of the same subject who received an evaluation of “unsatisfactory” or “needs improvement”. A parent would be allowed to choose to have a student taught by a teacher who received an evaluation of “unsatisfactory” or “needs improvement”, if the student and parent are informed about the impact of teacher effectiveness on student learning and written parental consent is provided. This would only apply to teachers who teach extracurricular courses (e.g., physical education, fine arts, performing fine arts, career education, and courses that may result in college credit).

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education and school districts are assigned the responsibility of administering the requirements of this bill as part of normal operations. The administrative costs should be minimal.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations Committee on April 23, 2013:**

- Removes the requirement for school districts to provide parents, upon request, with personnel evaluations of classroom teachers and administrators;
- Clarifies that parents of students who are assigned to an “F” school that is subject to selecting a turnaround option may participate in the determination of a school turnaround option;
- Removes the requirement that a school board must submit to the State Board of Education for final determination, the parent-selected option, along with a school board option, if the school board fails to adopt a parent-selected option;
- Removes the requirement that a school board must submit to the State Board of Education a plan to implement the parent-selected option, if the State Board determines that the parent-selected option is more likely to improve the academic performance of the students at the school;
- Requires the school board to provide a report that explains in detail both the reason for not adopting the parent-selected option and for adopting the district’s preferred option, if the school board fails to adopt a parent-selected option;
- Provides that the turnaround option selected by the school board is final;
- Provides that a school that improves by one letter grade is no longer subject to implementing the turnaround option;
  - An elementary school classroom teacher who received an evaluation of “unsatisfactory” or “needs improvement”; or
  - A middle or high school classroom teacher of the same subject who received an evaluation of “unsatisfactory” or “needs improvement”; and
- Allows a parent to choose to have a student taught by a teacher who received an evaluation of “unsatisfactory” or “needs improvement” and who teaches an extracurricular course, if the parent provides written consent.

- B. **Amendments:**

None.