

By the Committee on Appropriations; and Senator Stargel

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1 A bill to be entitled
2 An act relating to parent empowerment in education;
3 amending s. 1001.10, F.S.; conforming a cross-
4 reference; amending s. 1002.20, F.S.; providing that
5 parents who have a student in a public school that is
6 implementing a turnaround option may petition to have
7 a particular turnaround option implemented; requiring
8 the school district to notify parents of a public
9 school student being taught by an out-of-field teacher
10 or by a teacher with an unsatisfactory performance
11 rating; specifying requirements for the notice;
12 amending s. 1002.32, F.S.; conforming a cross-
13 reference; amending s. 1002.33, F.S.; requiring a
14 charter school to comply with certain procedures for
15 the assignment of teachers; creating s. 1003.07, F.S.;
16 creating the Parent Empowerment Act; specifying what
17 constitutes an eligible student and a parental vote;
18 requiring that a school district send a written notice
19 to parents of public school students regarding the
20 parents' options to petition the school for a
21 particular turnaround option; requiring the notice to
22 include certain information; authorizing up to one
23 parental vote per eligible student; establishing the
24 process to solicit signatures for a petition;
25 prohibiting a person from being paid for signatures;
26 prohibiting a for-profit corporation, business, or
27 entity from soliciting signatures or paying a person
28 to solicit signatures; establishing criteria to verify
29 the signatures on a petition; requiring the State

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30 Board of Education to adopt rules for filing a
31 petition; specifying that a petition is valid if it is
32 signed and dated by a majority of the parents of
33 eligible students and those signatures are verified;
34 requiring the school district to consider the
35 turnaround option on the valid petition with the most
36 signatures at a publicly noticed school board meeting;
37 requiring the district school board to implement a
38 turnaround option; requiring the district school board
39 to complete a report under certain circumstances;
40 providing report requirements; providing that the
41 turnaround option selected by the district school
42 board is final and conclusive; providing that the
43 turnaround option is no longer required if the school
44 improves by at least one letter grade; amending s.
45 1008.33, F.S.; authorizing a parent to petition the
46 school district to implement a turnaround option
47 selected by the parent; amending s. 1012.2315, F.S.;

48 providing for assistance to teachers teaching out-of-
49 field; requiring the school district to notify parents
50 and inform them of their options if a student is being
51 taught by an out-of-field teacher; providing that a
52 student may not be assigned to a teacher with a
53 performance evaluation rating of less than effective
54 for a specified number of consecutive school years;
55 authorizing the parent of a student to consent to the
56 assignment of that student to a teacher with a
57 performance evaluation rating of less than effective
58 under certain circumstances; repealing s. 1012.42,

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59 F.S., relating to teachers who are teaching out-of-
60 field; providing an effective date.

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

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

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

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

87 Section 2. Paragraph (d) is added to subsection (21) of

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88 section 1002.20, Florida Statutes, and subsection (25) is added
89 to that section, to read:

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

96 (21) PARENTAL INPUT AND MEETINGS.—

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

102 (25) ASSIGNMENT TO TEACHERS.—

103 (a) Out-of-field classroom teachers.—Each school district
104 shall annually notify the parent of a public school student who
105 is assigned to a classroom teacher teaching out-of-field. The
106 notice must inform the parent that virtual instruction from a
107 certified in-field teacher having an annual performance
108 evaluation rating of "effective" or "highly effective" is
109 available pursuant to s. 1012.2315(5).

110 (b) Underperforming classroom teachers.—Each school
111 district shall annually notify the parent of a public school
112 student assigned to a classroom teacher or school administrator
113 who, under s. 1012.34, has two consecutive annual performance
114 evaluation ratings of "unsatisfactory," two annual performance
115 evaluation ratings of "unsatisfactory within a 3-year period,"
116 or three consecutive annual performance evaluation ratings of

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117 "needs improvement" or a combination of "needs improvement" and
118 "unsatisfactory." The notice must inform the parent that virtual
119 instruction from a teacher who has an annual performance
120 evaluation rating of "effective" or "highly effective" is
121 available pursuant to s. 1012.2315(7).

122 Section 3. Paragraph (c) of subsection (7) of section
123 1002.32, Florida Statutes, is amended to read:

124 1002.32 Developmental research (laboratory) schools.-

125 (7) PERSONNEL.-

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

128 Section 4. Paragraph (b) of subsection (16) of section
129 1002.33, Florida Statutes, is amended to read:

130 1002.33 Charter schools.-

131 (16) EXEMPTION FROM STATUTES.-

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

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

136 2. Chapter 119, relating to public records.

137 3. Section 1003.03, relating to the maximum class size,
138 except that the calculation for compliance pursuant to s.
139 1003.03 must ~~shall~~ be the average at the school level.

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

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

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

145 7. Section 1012.34, relating to the substantive

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146 requirements for performance evaluations for instructional
147 personnel and school administrators.

148 8. Section 1012.2315(5) and (7), relating to the assignment
149 of teachers and notification to parents.

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

152 1003.07 Parent empowerment.-

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

155 (2) As used in this section, the term:

156 (a) "Eligible student" means a student enrolled in a school
157 in which a turnaround option will be implemented or a student
158 who, under the school district's enrollment policy, is scheduled
159 for assignment to that school the following school year. A
160 student who is graduating or being promoted out of a school that
161 is eligible for a turnaround option and who will not be enrolled
162 in that school the following school year is not an eligible
163 student.

164 (b) "Parental vote" means the signature of one parent of an
165 eligible student.

166 1. If the other parent objects in writing to the parental
167 vote before the date the petition is scheduled to be submitted,
168 and if the parents have equal parental rights, the parental vote
169 counts for one-half of a vote.

170 2. If one parent has sole parental responsibility or holds
171 the right to make educational decisions for the student pursuant
172 to s. 61.13, only that parent can vote regarding the eligible
173 student.

174 (3) Each school district shall notify, in writing, the

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175 parents of eligible students and the school advisory council
176 when a public school has earned a school grade of "F" and is
177 required to select a turnaround option pursuant to s. 1008.33.
178 The written notice must inform parents that, before the district
179 school board selects a turnaround option, parents may petition
180 for implementation of a particular turnaround option pursuant to
181 s. 1008.33. The notice must be provided to parents within 30
182 calendar days after the school district receives notice from the
183 department that the school is required to select a turnaround
184 option. The notice must include:

185 (a) A description of each turnaround option available for
186 selection under s. 1008.33;

187 (b) A description of the process for implementing a
188 turnaround option, including the date by which the school
189 district must submit its implementation plan to the State Board
190 of Education;

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

192 (d) The date and location of the publicly noticed district
193 school board meeting required in this section at which the
194 school board will consider the available turnaround options; and

195 (e) The contact information of the district school board.

196 (4) A person who solicits signatures may not offer monetary
197 compensation, a promise of employment, or any other reward to a
198 parent for signing a petition. A person who solicits signatures
199 may not be paid per signature and, if asked, must disclose the
200 organization he or she represents. A for-profit corporation,
201 business, or entity is prohibited from gathering signatures or
202 paying others to solicit signatures.

203 (5) The State Board of Education shall adopt rules to

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204 establish a petition format, the petition submission process,
205 standards for verifying signatures, and timeframes for the
206 verification and consideration of a petition at a publicly
207 noticed meeting. Petition forms must be easily accessible to
208 parents. Each petition form must clearly identify only one
209 turnaround option on the front page of the petition and on each
210 page thereafter. The school district shall provide clear
211 instructions and a sample petition form for each turnaround
212 option available for selection under s. 1008.33.

213 (6) The petition process must provide that:

214 (a) Parents of eligible students have at least 30 days
215 after initial notification to gather petition signatures.

216 (b) The school district shall verify signatures no more
217 than 30 days after the date the petition is submitted.

218 (c) The district school board may not meet sooner than 30
219 days after the petition is submitted.

220 (d) A submitted petition may list only one turnaround
221 option identified in s. 1008.33 which is not currently being
222 implemented at the school. A parent may sign more than one
223 petition for a turnaround option.

224 (e) A parent signature constitutes a certification that the
225 parent has a present intention to enroll his or her child, who
226 must be identified on the petition, if the turnaround option
227 identified on the petition is selected. A school district may
228 not reject a parent's signature on a petition on the basis that
229 the parent signed the petition before the initial notice.

230 (f) The school district shall verify at least a majority of
231 the signatures on the petition using existing student enrollment
232 documentation or other records containing parent signatures. A

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233 school district may not reject a parent's signature on a
234 petition based on a lack of conformity to signatures in school
235 records if the parent's identity and signature can be easily
236 validated with a photographic identification or a notarized
237 signature verifying the identity of the signer, or by the
238 personal knowledge of a school employee. The school district is
239 not required to verify notarized signatures, and signatures
240 verified outside an established verification period are valid.

241 (g) For a petition to be valid, it must bear the dated
242 signatures of a majority of the parents of eligible students.
243 For purposes of this section, a majority is more than one-half
244 of the parents who are eligible to sign the petition. Only one
245 parental vote per eligible student may be counted with respect
246 to each petition.

247 (h) If valid petitions for more than one turnaround option
248 are submitted, the petition having the most signatures is the
249 official turnaround option selected by parents.

250 (7) The turnaround option selected by parents must be
251 considered for implementation by the school district at a
252 publicly noticed district school board meeting. The district
253 school board may adopt the turnaround option selected by parents
254 or a different turnaround option selected by the district school
255 board. The district school board shall consider and implement
256 one of the turnaround options set forth in s. 1008.33(4)(b). If
257 the district school board adopts a turnaround option that is
258 different from the turnaround option selected by parents, it
259 shall set forth in a report a detailed explanation of the
260 reasons it has not adopted the parents' suggested turnaround
261 option and set forth the reasons for the plan it has adopted.

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262 The turnaround option selected by the district school board
263 shall be final and conclusive. If the school improves by at
264 least one letter grade, implementation of a turnaround option is
265 no longer required in accordance with s. 1008.33(4) (d).

266 Section 6. Subsection (4) of section 1008.33, Florida
267 Statutes, is amended to read:

268 1008.33 Authority to enforce public school improvement.—

269 (4) (a) The state board shall apply the most intense
270 intervention and support strategies to schools earning a grade
271 of "F." In the first full school year after a school initially
272 earns a grade of "F," the school district must implement
273 intervention and support strategies prescribed in rule under
274 paragraph (3) (c), select a turnaround option from those provided
275 in subparagraphs (b)1.-5., and submit a plan for implementing
276 the turnaround option to the department for approval by the
277 state board. Upon approval by the state board, the turnaround
278 option must be implemented in the following school year.

279 (b) Except as provided in subsection (5), the turnaround
280 options available to a school district to address a school that
281 earns a grade of "F" are:

282 1. Convert the school to a district-managed turnaround
283 school;

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

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

289 4. Contract with an outside entity that has a demonstrated
290 record of effectiveness to operate the school; or

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291 5. Implement a hybrid of turnaround options set forth in
292 subparagraphs 1.-4. or other turnaround models that have a
293 demonstrated record of effectiveness.

294 (c) Parents of students who are assigned to a public school
295 that is required by the State Board of Education to implement a
296 turnaround option may petition the school district to implement
297 one of the turnaround options in paragraph (b) selected by the
298 parents pursuant to s. 1003.07.

299 (d)~~(e)~~ Except for schools required to implement a
300 turnaround option pursuant to subsection (5), a school earning a
301 grade of "F" shall have a planning year followed by 2 full
302 school years to implement the initial turnaround option selected
303 by the school district and approved by the state board.
304 Implementation of the turnaround option is no longer required if
305 the school improves by at least one letter grade.

306 (e)~~(d)~~ A school earning a grade of "F" that improves its
307 letter grade must continue to implement strategies identified in
308 its school improvement plan pursuant to s. 1001.42(18)(a). The
309 department must annually review implementation of the school
310 improvement plan for 3 years to monitor the school's continued
311 improvement.

312 (f)~~(e)~~ If a school earning a grade of "F" does not improve
313 by at least one letter grade after 2 full school years of
314 implementing the turnaround option selected by the school
315 district under paragraph (b), the school district must select a
316 different option and submit another implementation plan to the
317 department for approval by the state board. Implementation of
318 the approved plan must begin the school year following the
319 implementation period of the existing turnaround option, unless

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320 the state board determines that the school is likely to improve
321 a letter grade if additional time is provided to implement the
322 existing turnaround option.

323 Section 7. Section 1012.2315, Florida Statutes, is amended
324 to read:

325 1012.2315 Assignment of teachers.—

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

336 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—School
337 districts may not assign a higher percentage than the school
338 district average of temporarily certified teachers, teachers in
339 need of improvement, or out-of-field teachers to schools graded
340 "D" or "F" pursuant to s. 1008.34. Each school district shall
341 annually certify to the commissioner ~~of Education~~ that this
342 requirement has been met. If the commissioner determines that a
343 school district is not in compliance with this subsection, the
344 State Board of Education must ~~shall~~ be notified and shall take
345 action pursuant to s. 1008.32 in the next regularly scheduled
346 meeting to require compliance.

347 (3) SALARY INCENTIVES.—District school boards may ~~are~~
348 ~~authorized to~~ provide salary incentives to meet the requirement

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349 of subsection (2). A district school board may not sign a
350 collective bargaining agreement that precludes the school
351 district from providing sufficient incentives to meet this
352 requirement.

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

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

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

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

- 374 1. Outside the field in which the teacher is certified;
375 2. Outside the field that was the teacher's minor field of
376 study; or
377 3. Outside the field in which the teacher has demonstrated

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378 sufficient subject area expertise, as determined by district
 379 school board policy, in the subject area to be taught.

380

381 The notice must inform the parent that virtual instruction from
 382 a certified in-field teacher who has an annual performance
 383 evaluation rating of "effective" or "highly effective" under s.
 384 1012.34 is available to his or her child through the virtual
 385 instruction options specified in s. 1002.321(4).

386 (6) ~~(5)~~ REPORT.—

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

394 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 395 EVALUATIONS.—

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

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407 performance evaluation rating of "highly effective" or
408 "effective" under s. 1012.34 is available to his or her child
409 through the virtual instruction options specified in s.
410 1002.321(4).

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

419 (c) If an elementary school student is currently taught by
420 a classroom teacher who, during that school year, receives a
421 performance evaluation rating of "needs improvement" or
422 "unsatisfactory" under s. 1012.34, the student may not be
423 assigned the following school year to a classroom teacher who
424 received a performance evaluation rating of "needs improvement"
425 or "unsatisfactory" in the preceding school year.

426 (d) For a student enrolling in an extracurricular course as
427 defined in s. 1003.01(15), a parent may choose to have the
428 student taught by a teacher who received a performance
429 evaluation of "needs improvement" or "unsatisfactory" in the
430 preceding school year if the student and the student's parent
431 receive an explanation of the impact of teacher effectiveness on
432 student learning and the principal receives written consent from
433 the parent.

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

435 Section 9. This act shall take effect July 1, 2013.