

1 A bill to be entitled
2 An act relating to parent and student rights; amending
3 s. 1002.20, F.S.; providing the right of a parent to
4 know the average amount of money expended for the
5 education of his or her child; requiring the
6 Department of Education to provide each school
7 district with such information and requiring the
8 school districts to provide notification to parents;
9 authorizing the information to be published in the
10 student handbook or a similar publication; conforming
11 a provision to changes made by the act; amending s.
12 1002.31, F.S.; deleting the definition of and
13 provisions relating to controlled open enrollment;
14 requiring each school district to instead establish a
15 public school parental choice policy that allows
16 students to attend any public school that has not
17 reached capacity in their district; requiring
18 assignments to be made on a first-come, first-served
19 basis; defining the term "capacity" for the purposes
20 of a district school board public school parental
21 choice plan; authorizing a parent to enroll his or her
22 child in any public school that has not reached
23 capacity in the state; amending s. 1002.33, F.S.;
24 requiring a charter school with space available to be
25 open to any student in the state; amending s.
26 1002.451, F.S.; conforming a provision to changes made

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27 by the act; creating s. 1003.3101, F.S.; requiring
28 each school district board to establish a classroom
29 teacher transfer process for parents, approve or deny
30 a request within a certain timeframe, and post an
31 explanation of the transfer process in the student
32 handbook; amending s. 1006.15, F.S.; conforming
33 provisions to changes made by the act; amending s.
34 1012.42, F.S.; authorizing a parent who receives
35 notification that a teacher is teaching outside his or
36 her field to request that his or her child be
37 transferred to another classroom teacher within the
38 school and grade in which the child is currently
39 enrolled; providing an effective date.

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41 Be It Enacted by the Legislature of the State of Florida:

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43 Section 1. Paragraph (a) of subsection (6) and paragraph
44 (a) of subsection (13) of section 1002.20, Florida Statutes, are
45 amended, and subsection (25) is added to that section, to read:

46 1002.20 K-12 student and parent rights.—Parents of public
47 school students must receive accurate and timely information
48 regarding their child's academic progress and must be informed
49 of ways they can help their child to succeed in school. K-12
50 students and their parents are afforded numerous statutory
51 rights including, but not limited to, the following:

52 (6) EDUCATIONAL CHOICE.—

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53 (a) Public school choices.—Parents of public school
54 students may seek whatever public school choice options that are
55 applicable and available to students in their school districts.
56 These options may include public school parental choice
57 ~~controlled open enrollment~~, single-gender programs, lab schools,
58 virtual instruction programs, charter schools, charter technical
59 career centers, magnet schools, alternative schools, special
60 programs, auditory-oral education programs, advanced placement,
61 dual enrollment, International Baccalaureate, International
62 General Certificate of Secondary Education (pre-AICE), Advanced
63 International Certificate of Education, early admissions, credit
64 by examination or demonstration of competency, the New World
65 School of the Arts, the Florida School for the Deaf and the
66 Blind, and the Florida Virtual School. These options may also
67 include the public school choice options of the Opportunity
68 Scholarship Program and the McKay Scholarships for Students with
69 Disabilities Program.

70 (13) STUDENT RECORDS.—

71 (a) Parent rights.—Parents have rights regarding the
72 student records of their children, including the right of
73 access, the right of waiver of access, the right to challenge
74 and hearing, and the right of privacy, in accordance with ~~the~~
75 ~~provisions of s. 1002.22.~~

76 (25) FISCAL TRANSPARENCY.—A parent has the right to know
77 the average amount of money estimated to be expended from all
78 sources, state, local, and federal, for the education of his or

79 her child, including operating and capital outlay expenses. The
80 department shall annually provide each district the estimated
81 amount of funding allocated for a student in the district by
82 grade level and level of support. Each district must notify
83 parents of the estimated amount of funding allocated for a
84 student similar to their child, based upon grade level and level
85 of support. The fiscal transparency notification may be included
86 in the student handbook or a similar publication.

87 Section 2. Section 1002.31, Florida Statutes, is amended
88 to read:

89 1002.31 ~~Controlled open enrollment;~~ Public school parental
90 choice.-

91 ~~(1) As used in this section, "controlled open enrollment"~~
92 ~~means a public education delivery system that allows school~~
93 ~~districts to make student school assignments using parents'~~
94 ~~indicated preferential school choice as a significant factor.~~

95 (1)(2) Each district school board shall establish a public
96 school parental choice policy that authorizes a parent to choose
97 to enroll his or her child in and transport his or her child to
98 any public school that has not reached capacity, including
99 charter schools, in the district. This policy may offer
100 ~~controlled open enrollment within the public schools which is in~~
101 addition to the existing choice programs, such as virtual
102 instruction programs, magnet schools, alternative schools,
103 special programs, advanced placement, and dual enrollment.

104 (2)(3) Each district school board offering controlled open

105 ~~enrollment~~ shall adopt by rule and post on its website a public
 106 school parental choice ~~controlled open enrollment~~ plan which
 107 must:

108 (a) Adhere to federal desegregation requirements.

109 (b) Include an application process required to participate
 110 in public school parental choice ~~controlled open enrollment~~ that
 111 allows parents to declare school preferences, including
 112 placement of siblings within the same school.

113 (c) Assign students on a first-come, first-served basis
 114 based upon the date and time complete applications are received
 115 by the school district ~~Provide a lottery procedure to determine~~
 116 ~~student assignment and establish an appeals process for hardship~~
 117 ~~eases.~~

118 (d) Afford parents of students in multiple session schools
 119 preferred access ~~to controlled open enrollment.~~

120 (e) Maintain socioeconomic, demographic, and racial
 121 balance.

122 (f) Address the availability of transportation.

123 (g) Define the term "capacity" as a school of which the
 124 capital outlay FTE enrollment exceeds 95 percent of the space
 125 and occupant design capacity of its nonrelocatable facilities.
 126 However, if a school's initial design incorporated relocatable
 127 or modular instructional space, the term "capacity" shall mean a
 128 school of which the capital outlay FTE enrollment exceeds 95
 129 percent of the space and occupant design capacity of its core
 130 facilities.

131 (3) A parent may choose to enroll his or her child in and
 132 transport his or her child to any public school that has not
 133 reached capacity, including charter schools, in any school
 134 district in the state. The school district shall accept the
 135 student and report the student for purposes of the district's
 136 funding pursuant to the Florida Education Finance Program.

137 (4) For a student in grades 9 through 12, interscholastic
 138 and intrascholastic extracurricular student activity eligibility
 139 may be impacted by choosing to attend a school other than the
 140 school assigned by the district.

141 (5)~~(4)~~ In accordance with the reporting requirements of s.
 142 1011.62, each district school board shall annually report the
 143 number of students attending the various types of public schools
 144 of choice in the district, including schools such as virtual
 145 instruction programs, magnet schools, and public charter
 146 schools, according to rules adopted by the State Board of
 147 Education.

148 (6)~~(5)~~ For a school or program that is a public school of
 149 choice under this section, the calculation for compliance with
 150 maximum class size pursuant to s. 1003.03 is the average number
 151 of students at the school level.

152 Section 3. Paragraph (a) of subsection (10) of section
 153 1002.33, Florida Statutes, is amended to read:

154 1002.33 Charter schools.—

155 (10) ELIGIBLE STUDENTS.—

156 (a) A charter school must ~~shall~~ be open to any student

157 covered in an interdistrict agreement or residing in the school
 158 district in which the charter school is located; however, in the
 159 case of a charter lab school, the charter lab school must ~~shall~~
 160 be open to any student eligible to attend the lab school as
 161 provided in s. 1002.32 or who resides in the school district in
 162 which the charter lab school is located. A charter school with
 163 space available must be open to any student in the state,
 164 pursuant to s. 1002.31(3). Any eligible student must ~~shall~~ be
 165 allowed interdistrict transfer to attend a charter school when
 166 based on good cause. Good cause includes ~~shall include~~, but is
 167 not limited to, geographic proximity to a charter school in a
 168 neighboring school district.

169 Section 4. Paragraph (c) of subsection (1) of section
 170 1002.451, Florida Statutes, is amended to read:

171 1002.451 District innovation school of technology
 172 program.—

173 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.—

174 (c) An innovation school of technology must be open to any
 175 student covered in an interdistrict agreement or residing in the
 176 school district in which the innovation school of technology is
 177 located. An innovation school of technology shall enroll an
 178 eligible student who submits a timely application if the number
 179 of applications does not exceed the capacity of a program,
 180 class, grade level, or building. If the number of applications
 181 exceeds capacity, all applicants shall have an equal chance of
 182 being admitted through a public random selection process.

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183 However, a district may give enrollment preference to students
184 who identify the innovation school of technology as the
185 student's preferred choice pursuant to the district's public
186 school parental choice ~~controlled open enrollment~~ plan.

187 Section 5. Section 1003.3101, Florida Statutes, is created
188 to read:

189 1003.3101 Additional school choice options.—Each school
190 district board shall establish a transfer process for a parent
191 to request his or her child be transferred to another classroom
192 teacher. A school must grant or deny the transfer within 2 weeks
193 after receiving a request. If a request for transfer is denied,
194 the school shall notify the parent and specify the reasons for a
195 denial. An explanation of the transfer process must be made
196 available in the student handbook or a similar publication.

197 Section 6. Paragraphs (c), (d), and (e) of subsection (3)
198 of section 1006.15, Florida Statutes, are amended to read:

199 1006.15 Student standards for participation in
200 interscholastic and intrascholastic extracurricular student
201 activities; regulation.—

202 (3)

203 (c) An individual home education student is eligible to
204 participate at the public school to which the student would be
205 assigned according to district school board attendance area
206 policies or which the student could choose to attend pursuant to
207 district or interdistrict public school parental choice
208 ~~controlled open enrollment~~ provisions, or may develop an

209 agreement to participate at a private school, in the
210 interscholastic extracurricular activities of that school,
211 provided the following conditions are met:

212 1. The home education student must meet the requirements
213 of the home education program pursuant to s. 1002.41.

214 2. During the period of participation at a school, the
215 home education student must demonstrate educational progress as
216 required in paragraph (b) in all subjects taken in the home
217 education program by a method of evaluation agreed upon by the
218 parent and the school principal which may include: review of the
219 student's work by a certified teacher chosen by the parent;
220 grades earned through correspondence; grades earned in courses
221 taken at a Florida College System institution, university, or
222 trade school; standardized test scores above the 35th
223 percentile; or any other method designated in s. 1002.41.

224 3. The home education student must meet the same residency
225 requirements as other students in the school at which he or she
226 participates.

227 4. The home education student must meet the same standards
228 of acceptance, behavior, and performance as required of other
229 students in extracurricular activities.

230 5. The student must register with the school his or her
231 intent to participate in interscholastic extracurricular
232 activities as a representative of the school before the
233 beginning date of the season for the activity in which he or she
234 wishes to participate. A home education student must be able to

235 participate in curricular activities if that is a requirement
236 for an extracurricular activity.

237 6. A student who transfers from a home education program
238 to a public school before or during the first grading period of
239 the school year is academically eligible to participate in
240 interscholastic extracurricular activities during the first
241 grading period provided the student has a successful evaluation
242 from the previous school year, pursuant to subparagraph 2.

243 7. Any public school or private school student who has
244 been unable to maintain academic eligibility for participation
245 in interscholastic extracurricular activities is ineligible to
246 participate in such activities as a home education student until
247 the student has successfully completed one grading period in
248 home education pursuant to subparagraph 2. to become eligible to
249 participate as a home education student.

250 (d) An individual charter school student pursuant to s.
251 1002.33 is eligible to participate at the public school to which
252 the student would be assigned according to district school board
253 attendance area policies or which the student could choose to
254 attend, pursuant to district or interdistrict public school
255 parental choice ~~controlled open enrollment~~ provisions, in any
256 interscholastic extracurricular activity of that school, unless
257 such activity is provided by the student's charter school, if
258 the following conditions are met:

259 1. The charter school student must meet the requirements
260 of the charter school education program as determined by the

261 charter school governing board.

262 2. During the period of participation at a school, the
263 charter school student must demonstrate educational progress as
264 required in paragraph (b).

265 3. The charter school student must meet the same residency
266 requirements as other students in the school at which he or she
267 participates.

268 4. The charter school student must meet the same standards
269 of acceptance, behavior, and performance that are required of
270 other students in extracurricular activities.

271 5. The charter school student must register with the
272 school his or her intent to participate in interscholastic
273 extracurricular activities as a representative of the school
274 before the beginning date of the season for the activity in
275 which he or she wishes to participate. A charter school student
276 must be able to participate in curricular activities if that is
277 a requirement for an extracurricular activity.

278 6. A student who transfers from a charter school program
279 to a traditional public school before or during the first
280 grading period of the school year is academically eligible to
281 participate in interscholastic extracurricular activities during
282 the first grading period if the student has a successful
283 evaluation from the previous school year, pursuant to
284 subparagraph 2.

285 7. Any public school or private school student who has
286 been unable to maintain academic eligibility for participation

287 in interscholastic extracurricular activities is ineligible to
288 participate in such activities as a charter school student until
289 the student has successfully completed one grading period in a
290 charter school pursuant to subparagraph 2. to become eligible to
291 participate as a charter school student.

292 (e) A student of the Florida Virtual School full-time
293 program may participate in any interscholastic extracurricular
294 activity at the public school to which the student would be
295 assigned according to district school board attendance area
296 policies or which the student could choose to attend, pursuant
297 to district or interdistrict public school parental choice
298 ~~controlled open enrollment~~ policies, if the student:

299 1. During the period of participation in the
300 interscholastic extracurricular activity, meets the requirements
301 in paragraph (a).

302 2. Meets any additional requirements as determined by the
303 board of trustees of the Florida Virtual School.

304 3. Meets the same residency requirements as other students
305 in the school at which he or she participates.

306 4. Meets the same standards of acceptance, behavior, and
307 performance that are required of other students in
308 extracurricular activities.

309 5. Registers his or her intent to participate in
310 interscholastic extracurricular activities with the school
311 before the beginning date of the season for the activity in
312 which he or she wishes to participate. A Florida Virtual School

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313 student must be able to participate in curricular activities if
314 that is a requirement for an extracurricular activity.

315 Section 7. Subsection (2) of section 1012.42, Florida
316 Statutes, is amended to read:

317 1012.42 Teacher teaching out-of-field.—

318 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a
319 district school system is assigned teaching duties in a class
320 dealing with subject matter that is outside the field in which
321 the teacher is certified, outside the field that was the
322 applicant's minor field of study, or outside the field in which
323 the applicant has demonstrated sufficient subject area
324 expertise, as determined by district school board policy in the
325 subject area to be taught, the parents of all students in the
326 class shall be notified in writing of such assignment. A parent
327 that receives this notification may, after the October student
328 membership survey, request that his or her child be transferred
329 to another classroom teacher within the school and grade in
330 which the child is currently enrolled. The school district shall
331 grant the parent's request and transfer the student to a
332 different classroom teacher within a reasonable period of time,
333 not to exceed 2 weeks. This does not provide a parent the right
334 to choose a specific teacher.

335 Section 8. This act shall take effect July 1, 2015.