

By Senator Benacquisto

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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
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

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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.
40

41 Be It Enacted by the Legislature of the State of Florida:
42

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.—

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

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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 to

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88 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~~

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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 in 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 in 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

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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(2). 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 program.—

172 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.—

173 (c) An innovation school of technology must be open to any
174 student covered in an interdistrict agreement or residing in the

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175 school district in which the innovation school of technology is
176 located. An innovation school of technology shall enroll an
177 eligible student who submits a timely application if the number
178 of applications does not exceed the capacity of a program,
179 class, grade level, or building. If the number of applications
180 exceeds capacity, all applicants shall have an equal chance of
181 being admitted through a public random selection process.
182 However, a district may give enrollment preference to students
183 who identify the innovation school of technology as the
184 student's preferred choice pursuant to the district's public
185 school parental choice ~~controlled open enrollment~~ plan.

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

188 1003.3101 Additional school choice options.-Each school
189 district board shall establish a transfer process for a parent
190 to request his or her child be transferred to another classroom
191 teacher. A school must grant or deny the transfer within 2 weeks
192 after receiving a request. If a request for transfer is denied,
193 the school shall notify the parent and specify the reasons for a
194 denial. An explanation of the transfer process must be made
195 available in the student handbook or a similar publication.

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

198 1006.15 Student standards for participation in
199 interscholastic and intrascholastic extracurricular student
200 activities; regulation.-

201 (3)

202 (c) An individual home education student is eligible to
203 participate at the public school to which the student would be

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204 assigned according to district school board attendance area
205 policies or which the student could choose to attend pursuant to
206 public school parental choice district or interdistrict
207 ~~controlled open enrollment~~ provisions, or may develop an
208 agreement to participate at a private school, in the
209 interscholastic extracurricular activities of that school,
210 provided the following conditions are met:

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

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

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

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

229 5. The student must register with the school his or her
230 intent to participate in interscholastic extracurricular
231 activities as a representative of the school before the
232 beginning date of the season for the activity in which he or she

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233 wishes to participate. A home education student must be able to
234 participate in curricular activities if that is a requirement
235 for an extracurricular activity.

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

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

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

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

261 2. During the period of participation at a school, the

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262 charter school student must demonstrate educational progress as
263 required in paragraph (b).

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

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

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

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

284 7. Any public school or private school student who has been
285 unable to maintain academic eligibility for participation in
286 interscholastic extracurricular activities is ineligible to
287 participate in such activities as a charter school student until
288 the student has successfully completed one grading period in a
289 charter school pursuant to subparagraph 2. to become eligible to
290 participate as a charter school student.

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

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

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

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

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

308 5. Registers his or her intent to participate in
309 interscholastic extracurricular activities with the school
310 before the beginning date of the season for the activity in
311 which he or she wishes to participate. A Florida Virtual School
312 student must be able to participate in curricular activities if
313 that is a requirement for an extracurricular activity.

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

316 1012.42 Teacher teaching out-of-field.-

317 (2) NOTIFICATION REQUIREMENTS.-When a teacher in a district
318 school system is assigned teaching duties in a class dealing
319 with subject matter that is outside the field in which the

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

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