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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to parent and student rights; amending s. 1002.20, F.S.; revising public school educational choice options available to students throughout the state to include CAPE Digital Tool certificates, CAPE industry certifications, and collegiate high school programs; authorizing parents of public school students to seek private educational choice options through the Florida Personal Learning Scholarship Accounts Program under certain circumstances; providing the right of a parent to know an estimated amount of money expended for the education of his or her child; requiring the Department of Education to provide each school district with such information; requiring the school districts to provide notification to parents; authorizing the information to be published in the student handbook or a similar publication; amending s. 1002.31, F.S.; deleting the definition of and provisions relating to the term "controlled open enrollment"; requiring each school district to establish a public school parental choice policy that authorizes parents to choose to enroll their child in and transport their child to any public school that has not reached capacity in the state; authorizing a school district to provide transportation to students who participate in the public school parental choice policy; prohibiting the



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28 displacement of certain students who participate in
29 the public school parental choice policy; authorizing
30 a student participating in the public school parental
31 choice policy to remain at a school until a certain
32 time; revising requirements for the public school
33 parental choice plan; requiring a district school
34 board to incorporate certain information in its
35 determination of the capacity of each school;
36 authorizing a parent to enroll and transport his or
37 her child to a public school that has not reached
38 capacity by a specified date; requiring the school
39 district to report a student for purposes of the
40 school district's funding; amending s. 1002.33, F.S.;
41 requiring a charter school with space available to be
42 open to any student in the state; creating s.
43 1003.3101, F.S.; requiring each school district board
44 to establish a classroom teacher transfer process for
45 parents, to approve or deny a transfer request within
46 a certain timeframe, to notify a parent of a denial,
47 and to post an explanation of the transfer process in
48 the student handbook or a similar publication;
49 amending s. 1012.42, F.S.; authorizing a parent of a
50 child whose teacher is teaching outside the teacher's
51 field to request that the child be transferred to
52 another classroom teacher within the school and grade
53 in which the child is currently enrolled within a
54 specified timeframe; specifying that a transfer does
55 not provide a parent the right to choose a specific
56 teacher; amending ss. 1002.38, 1002.451, and 1006.15,



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57 F.S.; conforming provisions to changes made by the
58 act; providing an effective date.

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

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62 Section 1. Paragraphs (a) and (b) of subsection (6) of
63 section 1002.20, Florida Statutes, are amended, and subsection
64 (25) is added to that section, to read:

65 1002.20 K-12 student and parent rights.—Parents of public
66 school students must receive accurate and timely information
67 regarding their child's academic progress and must be informed
68 of ways they can help their child to succeed in school. K-12
69 students and their parents are afforded numerous statutory
70 rights including, but not limited to, the following:

71 (6) EDUCATIONAL CHOICE.—

72 (a) *Public educational ~~school~~ choices.*—Parents of public
73 school students may seek whatever public educational ~~school~~
74 choice options that are applicable and available to students
75 throughout the state in their school districts. These options
76 may include public school parental choice ~~controlled open~~
77 ~~enrollment~~, single-gender programs, lab schools, virtual
78 instruction programs, charter schools, charter technical career
79 centers, magnet schools, alternative schools, special programs,
80 auditory-oral education programs, CAPE Digital Tool
81 certificates, CAPE industry certifications, collegiate high
82 school programs, advanced placement, dual enrollment,
83 International Baccalaureate, International General Certificate
84 of Secondary Education (pre-AICE), Advanced International
85 Certificate of Education, early admissions, credit by



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86 examination or demonstration of competency, the New World School
87 of the Arts, the Florida School for the Deaf and the Blind, and
88 the Florida Virtual School. These options may also include the
89 public educational ~~school~~ choice options of the Opportunity
90 Scholarship Program and the McKay Scholarships for Students with
91 Disabilities Program.

92 (b) *Private educational ~~school~~ choices.*—Parents of public
93 school students may seek private educational ~~school~~ choice
94 options under certain programs.

95 1. Under the McKay Scholarships for Students with
96 Disabilities Program, the parent of a public school student with
97 a disability may request and receive a McKay Scholarship for the
98 student to attend a private school in accordance with s.
99 1002.39.

100 2. Under the Florida Tax Credit Scholarship Program, the
101 parent of a student who qualifies for free or reduced-price
102 school lunch or who is currently placed, or during the previous
103 state fiscal year was placed, in foster care as defined in s.
104 39.01 may seek a scholarship from an eligible nonprofit
105 scholarship-funding organization in accordance with s. 1002.395.

106 3. Under the Florida Personal Learning Scholarship Accounts
107 Program, the parent of a student with a qualifying disability
108 may apply for a personal learning scholarship to be used for
109 educational needs in accordance with s. 1002.385.

110 (25) FISCAL TRANSPARENCY.—A parent has the right to know
111 the average amount of money estimated to be expended from all
112 local, state, and federal sources, for the education of his or
113 her child, including operating and capital outlay expenses. The
114 department shall annually provide each district the estimated



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115 amount of funding allocated for a student in the district by
116 grade level and level of support. Each district must notify
117 parents of the estimated amount of funding allocated for a
118 student similar to their child, based upon grade level and level
119 of support. The fiscal transparency notification may be included
120 in the student handbook or a similar publication.

121 Section 2. Section 1002.31, Florida Statutes, is amended to
122 read:

123 1002.31 ~~Controlled open enrollment~~; Public school parental
124 choice.-

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

129 (1)(2) Each district school board shall establish a public
130 school parental choice policy that authorizes a parent to choose
131 to enroll his or her child in and transport his or her child to
132 any public school in the state which has not reached capacity,
133 including charter schools. This policy may offer controlled open
134 enrollment within the public schools which is in addition to the
135 existing choice programs, such as virtual instruction programs,
136 magnet schools, alternative schools, special programs, advanced
137 placement, and dual enrollment. The district may provide
138 transportation to the students at the district's discretion. A
139 student assigned to a school may not be displaced by the public
140 school parental choice policy included in the district's plan.
141 For the purposes of continuity of educational choice, a student
142 may continue to attend the chosen school until the student
143 completes the highest grade offered by the school.



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144 (2)~~(3)~~ Each district school board ~~offering controlled open~~
145 ~~enrollment~~ shall adopt by rule and post on its website a public
146 school parental choice controlled open enrollment plan that
147 ~~which~~ must:

148 (a) Adhere to federal desegregation requirements.

149 (b) ~~Include an application process required to participate~~
150 ~~in controlled open enrollment that allows parents to declare~~
151 ~~school preferences, including placement of siblings within the~~
152 ~~same school.~~

153 ~~(c)~~ Provide a lottery procedure to determine student
154 assignment and establish an appeals process for hardship cases.

155 (c)~~(d)~~ Afford parents of students in multiple session
156 schools preferred access ~~to controlled open enrollment.~~

157 (d)~~(e)~~ Maintain socioeconomic, demographic, and racial
158 balance.

159 (e)~~(f)~~ Address the availability of transportation.

160 (f) Maintain existing eligibility criteria for educational
161 choice, pursuant to s. 1002.20(6)(a).

162 (g) Identify schools that have not reached capacity. In
163 determining the capacity of each school, the district school
164 board shall incorporate the specifications, plans, elements, and
165 commitments contained in the school district educational
166 facilities plan and the long-term work programs required under
167 s. 1013.35.

168 (h) Provide preferential treatment to all of the following:

169 1. Dependent children of active duty military personnel.

170 2. Siblings who could attend the same school.

171 3. Students residing in the district.

172 4. Children who have been relocated due to a foster care



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173 placement.

174 (3) Beginning in the 2017-2018 school year, or earlier if
175 authorized by the district, a parent may choose to enroll his or
176 her child in and transport his or her child to any public school
177 that has not reached capacity, including charter schools, in any
178 school district in this state. The school district shall accept
179 the student and report the student for purposes of the
180 district's funding pursuant to the Florida Education Finance
181 Program.

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

186 (5)-(4) In accordance with the reporting requirements of s.
187 1011.62, each district school board shall annually report the
188 number of students exercising public school choice, by type of
189 educational choice, in accordance with attending the various
190 types of public schools of choice in the district, including
191 schools such as virtual instruction programs, magnet schools,
192 and public charter schools, according to rules adopted by the
193 State Board of Education.

194 (6)-(5) For a school or program that is a public school of
195 choice under this section, the calculation for compliance with
196 maximum class size pursuant to s. 1003.03 is the average number
197 of students at the school level.

198 Section 3. Paragraph (a) of subsection (10) of section
199 1002.33, Florida Statutes, is amended to read:

200 1002.33 Charter schools.—

201 (10) ELIGIBLE STUDENTS.—



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202 (a) A charter school must ~~shall~~ be open to any student
203 covered in an interdistrict agreement or residing in the school
204 district in which the charter school is located; however, in the
205 case of a charter lab school, the charter lab school must ~~shall~~
206 be open to any student eligible to attend the lab school as
207 provided in s. 1002.32 or who resides in the school district in
208 which the charter lab school is located. A charter school with
209 space available must be open to any student in the state,
210 pursuant to s. 1002.31. Any eligible student must ~~shall~~ be
211 allowed interdistrict transfer to attend a charter school when
212 based on good cause. Good cause includes ~~shall include~~, but is
213 not limited to, geographic proximity to a charter school in a
214 neighboring school district.

215 Section 4. Section 1003.3101, Florida Statutes, is created
216 to read:

217 1003.3101 Additional educational choice options.—Each
218 school district board shall establish a transfer process for a
219 parent to request his or her child be transferred to another
220 classroom teacher. A school must approve or deny the transfer
221 within 2 weeks after receiving a request. If a request for
222 transfer is denied, the school must notify the parent and
223 specify the reasons for the denial. An explanation of the
224 transfer process must be made available in the student handbook
225 or a similar publication.

226 Section 5. Subsection (2) of section 1012.42, Florida
227 Statutes, is amended to read:

228 1012.42 Teacher teaching out-of-field.—

229 (2) NOTIFICATION REQUIREMENTS.—When a teacher in a district
230 school system is assigned teaching duties in a class dealing



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231 with subject matter that is outside the field in which the
232 teacher is certified, outside the field that was the applicant's
233 minor field of study, or outside the field in which the
234 applicant has demonstrated sufficient subject area expertise, as
235 determined by district school board policy in the subject area
236 to be taught, the parents of all students in the class shall be
237 notified in writing of such assignment. A parent who receives
238 this notification may, after the October student membership
239 survey, request that his or her child be transferred to another
240 classroom teacher within the school and grade in which the
241 student is currently enrolled. The school district shall grant
242 the parent's request and transfer the student to a different
243 classroom teacher within a reasonable period of time, not to
244 exceed 2 weeks. This subsection does not provide a parent the
245 right to choose a specific teacher.

246 Section 6. Paragraph (e) of subsection (3) of section
247 1002.38, Florida Statutes, is amended to read:

248 1002.38 Opportunity Scholarship Program.—

249 (3) SCHOOL DISTRICT OBLIGATIONS.—

250 (e) If the parent chooses to request that the student be
251 enrolled in a higher-performing public school in the school
252 district, transportation costs to the higher-performing public
253 school shall be the responsibility of the school district. The
254 district may utilize state categorical transportation funds or
255 state-appropriated public educational ~~school~~ choice incentive
256 funds for this purpose.

257 Section 7. Paragraph (c) of subsection (1) and paragraph
258 (a) of subsection (6) of section 1002.451, Florida Statutes, are
259 amended to read:



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260 1002.451 District innovation school of technology program.—

261 (1) DISTRICT INNOVATION SCHOOL OF TECHNOLOGY.—

262 (c) An innovation school of technology must be open to any
263 student covered in an interdistrict agreement or residing in the
264 school district in which the innovation school of technology is
265 located. An innovation school of technology shall enroll an
266 eligible student who submits a timely application if the number
267 of applications does not exceed the capacity of a program,
268 class, grade level, or building. If the number of applications
269 exceeds capacity, all applicants shall have an equal chance of
270 being admitted through a public random selection process.

271 However, a district may give enrollment preference to students
272 who identify the innovation school of technology as the
273 student's preferred choice pursuant to the district's public
274 school parental choice ~~controlled open enrollment~~ plan.

275 (6) APPLICATION PROCESS AND PERFORMANCE CONTRACT.—

276 (a) A district school board may apply to the State Board of
277 Education for an innovation school of technology if the
278 district:

279 1. Has at least 20 percent of its total enrollment in
280 public educational ~~school~~ choice programs or at least 5 percent
281 of its total enrollment in charter schools;

282 2. Has no material weaknesses or instances of material
283 noncompliance noted in the annual financial audit conducted
284 pursuant to s. 218.39; and

285 3. Has received a district grade of "A" or "B" in each of
286 the past 3 years.

287 Section 8. Paragraphs (c), (d), and (e) of subsection (3)
288 of section 1006.15, Florida Statutes, are amended to read:



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289 1006.15 Student standards for participation in
290 interscholastic and intrascholastic extracurricular student
291 activities; regulation.—

292 (3)

293 (c) An individual home education student is eligible to
294 participate 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 to
297 public school parental choice ~~district or interdistrict~~
298 ~~controlled open enrollment~~ provisions, or may develop an
299 agreement to participate at a private school, in the
300 interscholastic extracurricular activities of that school,
301 provided the following conditions are met:

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

304 2. During the period of participation at a school, the home
305 education student must demonstrate educational progress as
306 required in paragraph (b) in all subjects taken in the home
307 education program by a method of evaluation agreed upon by the
308 parent and the school principal which may include: review of the
309 student's work by a certified teacher chosen by the parent;
310 grades earned through correspondence; grades earned in courses
311 taken at a Florida College System institution, university, or
312 trade school; standardized test scores above the 35th
313 percentile; or any other method designated in s. 1002.41.

314 3. The home education student must meet the same residency
315 requirements as other students in the school at which he or she
316 participates.

317 4. The home education student must meet the same standards



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318 of acceptance, behavior, and performance as required of other
319 students in extracurricular activities.

320 5. The student must register with the school his or her
321 intent to participate in interscholastic extracurricular
322 activities as a representative of the school before the
323 beginning date of the season for the activity in which he or she
324 wishes to participate. A home education student must be able to
325 participate in curricular activities if that is a requirement
326 for an extracurricular activity.

327 6. A student who transfers from a home education program to
328 a public school before or during the first grading period of the
329 school year is academically eligible to participate in
330 interscholastic extracurricular activities during the first
331 grading period provided the student has a successful evaluation
332 from the previous school year, pursuant to subparagraph 2.

333 7. Any public school or private school student who has been
334 unable to maintain academic eligibility for participation in
335 interscholastic extracurricular activities is ineligible to
336 participate in such activities as a home education student until
337 the student has successfully completed one grading period in
338 home education pursuant to subparagraph 2. to become eligible to
339 participate as a home education student.

340 (d) An individual charter school student pursuant to s.
341 1002.33 is eligible to participate at the public school to which
342 the student would be assigned according to district school board
343 attendance area policies or which the student could choose to
344 attend, pursuant to district or interdistrict public school
345 parental choice ~~controlled open enrollment~~ provisions, in any
346 interscholastic extracurricular activity of that school, unless



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347 such activity is provided by the student's charter school, if
348 the following conditions are met:

349 1. The charter school student must meet the requirements of
350 the charter school education program as determined by the
351 charter school governing board.

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

355 3. The charter school student must meet the same residency
356 requirements as other students in the school at which he or she
357 participates.

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

361 5. The charter school student must register with the school
362 his or her intent to participate in interscholastic
363 extracurricular activities as a representative of the school
364 before the beginning date of the season for the activity in
365 which he or she wishes to participate. A charter school student
366 must be able to participate in curricular activities if that is
367 a requirement for an extracurricular activity.

368 6. A student who transfers from a charter school program to
369 a traditional public school before or during the first grading
370 period of the school year is academically eligible to
371 participate in interscholastic extracurricular activities during
372 the first grading period if the student has a successful
373 evaluation from the previous school year, pursuant to
374 subparagraph 2.

375 7. Any public school or private school student who has been



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376 unable to maintain academic eligibility for participation in
377 interscholastic extracurricular activities is ineligible to
378 participate in such activities as a charter school student until
379 the student has successfully completed one grading period in a
380 charter school pursuant to subparagraph 2. to become eligible to
381 participate as a charter school student.

382 (e) A student of the Florida Virtual School full-time
383 program may participate in any interscholastic extracurricular
384 activity at the public school to which the student would be
385 assigned according to district school board attendance area
386 policies or which the student could choose to attend, pursuant
387 to district or interdistrict public school parental choice
388 ~~controlled open enrollment~~ policies, if the student:

389 1. During the period of participation in the
390 interscholastic extracurricular activity, meets the requirements
391 in paragraph (a).

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

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

396 4. Meets the same standards of acceptance, behavior, and
397 performance that are required of other students in
398 extracurricular activities.

399 5. Registers his or her intent to participate in
400 interscholastic extracurricular activities with the school
401 before the beginning date of the season for the activity in
402 which he or she wishes to participate. A Florida Virtual School
403 student must be able to participate in curricular activities if
404 that is a requirement for an extracurricular activity.



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Section 9. This act shall take effect July 1, 2016.