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A bill to be entitled
An act relating to parent empowerment in education;
amending s. 1001.10, F.S.; conforming a cross-
reference; amending s. 1002.20, F.S.; authorizing
parents of students who are assigned to certain
underperforming public schools to submit a petition to
the school district requesting implementation of a
school turnaround option; requiring a school district,
upon request, to provide a parent with a performance
evaluation for each classroom teacher assigned to his
or her child; requiring notification to the parent of
each student who is assigned to a classroom teacher
who is teaching out-of-field or who has received
unsatisfactory performance evaluations; requiring such
notification to include information about the
availability of virtual instruction; amending s.
1002.32, F.S.; correcting a cross-reference; amending
s. 1002.33, F.S.; prohibiting a charter school
operator from being a foreign national principal, from
having officers or partners who are not citizens of
the United States and who are not lawfully admitted
for permanent residence, or from being registered in a
foreign country; requiring charter schools to be in
compliance with statutes relating to notifications and
assignment of teachers; creating s. 1003.07, F.S., the
Parent Empowerment Act; requiring each school district
to notify parents of students attending a lowest-
performing school that has been unable to improve
performance and must implement a school turnaround

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option; authorizing parents to submit a petition requesting implementation of an available school turnaround option; providing requirements for submission of a petition and its consideration and adoption by the district school board; requiring the State Board of Education to adopt rules for the petition process and specifying requirements therefor; amending s. 1008.33, F.S.; identifying the options for improving a school identified in the lowest-performing category as school turnaround options; authorizing parents to submit a petition to the school district to implement a school turnaround option; amending s. 1012.2315, F.S.; requiring that each district school board adopt rules to implement an assistance plan for out-of-field classroom teachers and requiring their participation in certain programs; requiring that the school district annually notify the parent of each student assigned to an out-of-field classroom teacher or a classroom teacher who has received unsatisfactory performance evaluations; requiring such notification to include information about the availability of virtual instruction; requiring that a school district, upon request, provide a parent with the performance evaluation of each classroom teacher assigned to his or her child; prohibiting the consecutive assignment of students to classroom teachers who receive certain performance evaluations; providing for conditions for implementation of the act; repealing s. 1012.42, F.S., relating to teachers teaching out-of-field; providing

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an effective date.

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

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

1001.10 Commissioner of Education; general powers and duties.—

(3) To facilitate innovative practices and ~~to allow~~ local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, state board ~~of Education~~ rules that relate to ~~district~~ school instruction and ~~school~~ operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.2315(5) ~~1012.42~~; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year.

Section 2. Paragraph (d) is added to subsection (21) of section 1002.20, Florida Statutes, and subsections (24) and (25) are added to that section, to read:

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

(21) PARENTAL INPUT AND MEETINGS.—

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

(24) PERSONNEL EVALUATION REPORTS.—Upon request by the parent of a public school student, the school district must provide the parent with the performance evaluation for each classroom teacher assigned to his or her child, pursuant to s. 1012.31.

(25) ASSIGNMENT TO TEACHERS.—

(a) Out-of-field classroom teachers.—Each school district shall annually notify the parent of each public school student assigned to a classroom teacher who is teaching out-of-field regarding such assignment. The notification must inform the parent that virtual instruction from a certified in-field teacher with an annual performance evaluation rating of effective or highly effective is available pursuant to s. 1012.2315(5).

(b) Underperforming classroom teachers.—When a student is assigned to a classroom teacher who has received two consecutive annual performance evaluation ratings of unsatisfactory, two

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117 annual performance evaluation ratings of unsatisfactory within a
118 3-year period, or three consecutive annual performance
119 evaluation ratings of needs improvement or a combination of
120 needs improvement and unsatisfactory under s. 1012.34, the
121 school district shall notify the parent regarding the
122 performance evaluation rating of the classroom teacher. The
123 notification must inform the parent that virtual instruction
124 from a teacher with an annual performance evaluation rating of
125 effective or highly effective is available pursuant to s.
126 1012.2315(7).

127 Section 3. Paragraph (c) of subsection (7) of section
128 1002.32, Florida Statutes, is amended to read:

129 1002.32 Developmental research (laboratory) schools.—

130 (7) PERSONNEL.—

131 (c) Lab school faculty members shall meet the certification
132 requirements of s. ss. 1012.32 and 1012.42.

133 Section 4. Paragraph (q) is added to subsection (9) of
134 section 1002.33, Florida Statutes, and paragraph (b) of
135 subsection (16) of that section is amended to read:

136 1002.33 Charter schools.—

137 (9) CHARTER SCHOOL REQUIREMENTS.—

138 (q) A charter school operator may not be a foreign national
139 principal as defined in 22 U.S.C. s. 611(b), have officers or
140 partners who are not citizens of the United States and who are
141 not lawfully admitted for permanent residence as defined in 8
142 U.S.C. s. 1101(a)(20), or be registered in a foreign country.

143 (16) EXEMPTION FROM STATUTES.—

144 (b) Additionally, a charter school shall be in compliance
145 with the following statutes:

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146 1. Section 286.011, relating to public meetings and
147 records, public inspection, and criminal and civil penalties.

148 2. Chapter 119, relating to public records.

149 3. Section 1003.03, relating to the maximum class size,
150 except that the calculation for compliance pursuant to s.
151 1003.03 shall be the average at the school level.

152 4. Section 1012.22(1)(c), relating to compensation and
153 salary schedules.

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

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

157 7. Section 1012.34, relating to the substantive
158 requirements for performance evaluations for instructional
159 personnel and school administrators.

160 8. Section 1012.2315(5) and (7), relating to notifications
161 and assignment of teachers.

162 Section 5. Section 1003.07, Florida Statutes, is created to
163 read:

164 1003.07 Parent empowerment.—

165 (1) This section may be cited as the "Parent Empowerment
166 Act."

167 (2) Each school district must provide written notification
168 to the parents of eligible students, as defined in paragraph

169 (3)(b), and the school advisory council when a public school has
170 been unable to improve performance and must implement a school
171 turnaround option as required under s. 1008.33. The written
172 notification shall inform parents that they may, by petition,
173 request implementation of a school turnaround option by the
174 school in the following school year. The notification shall be

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provided to parents within 30 calendar days after the school district receives notice from the Department of Education that the school must implement a school turnaround option. The notification by the school district shall include:

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

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

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

(d) The date and location of the publicly noticed district school board meeting required under paragraph (4) (a) at which the school board will consider any school turnaround option, including a parent petition; and

(e) School district contact information for questions.

(3) (a) Prior to the school district's selection and implementation of a school turnaround option for the following school year, parents may submit a petition selecting an available school turnaround option, as described pursuant to paragraph (2) (a), for consideration by the district school board.

(b) Up to one parental vote per eligible student may be counted with respect to parent signatures on the petition. An eligible student is a student enrolled in the school in which the school turnaround option will be implemented and, according to the district school board's enrollment policies, the student is scheduled the following school year for assignment to that school. A student who is graduating or being promoted out of the

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204 current school that is eligible for turnaround and who will not
205 be enrolled in the school the following school year is not
206 considered an eligible student.

207 1. A parental vote is the signature of one parent unless
208 the other parent objects in writing to the petition vote, in
209 which case the parental vote counts for one-half per eligible
210 student. The objection must be made before the date the petition
211 is to be submitted pursuant to subsection (2).

212 2. Notwithstanding subparagraph 1., a parental vote is the
213 signature of the parent who has been assigned sole parental
214 responsibility or ultimate responsibility for education
215 decisions pursuant to s. 61.13.

216 (c) A parent must date each petition on the day it is
217 signed and identify each eligible student on the petition. The
218 parent's signature shall constitute a certification that the
219 parent has a present intention to enroll each eligible student
220 in the school if the school turnaround option identified on the
221 petition is selected. A parent may sign the petition prior to
222 the initial notification provided to the parents of eligible
223 students pursuant to subsection (2).

224 (d) The school district shall verify at least a majority of
225 the signatures on the petition using existing student enrollment
226 documentation or other records containing parent signatures.
227 However, a notarized signature of a person who is a parent of an
228 eligible student shall be treated as valid.

229 (e) A signature gatherer may not be paid per signature and,
230 if asked, must disclose the organization he or she represents. A
231 for-profit corporation, business, or entity is prohibited from
232 gathering signatures and paying others to gather signatures.

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233 (f) A signature gatherer may not offer monetary
234 compensation, rewards, or promise of employment to parents for
235 signing a petition.

236 (4) (a) The school turnaround option selected by parents
237 must be considered for implementation by the district school
238 board at a publicly noticed school board meeting if the petition
239 is signed and dated by a majority of the parents of eligible
240 students. A majority is more than one-half of the parents who
241 are eligible to sign the petition pursuant to paragraph (3) (b).
242 If petitions for more than one school turnaround option are
243 signed by a majority of the parents, the petition having the
244 most such signatures shall be deemed the official turnaround
245 option selected by parents.

246 (b) The district school board may adopt the school
247 turnaround option selected by parents or a different school
248 turnaround option selected by the school board. If the district
249 school board does not adopt the school turnaround option
250 selected by parents, it must include that option with the
251 implementation plan submitted to the State Board of Education
252 under s. 1008.33. If the state board determines that the school
253 turnaround option selected by parents is more likely to improve
254 the academic performance of students at the school, it shall
255 return the district school board's implementation plan to the
256 school board. The district school board shall submit to the
257 state board an implementation plan for the school turnaround
258 option selected by parents.

259 (5) The State Board of Education shall adopt rules to
260 establish a model petition format, the petition submission
261 process, standards for verifying signatures, and timelines for

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262 district school board validation and consideration of a petition
263 at a publicly noticed meeting. The rules must provide a sample
264 petition form for each school turnaround option available for
265 selection under s. 1008.33 with easy-to-understand instructions.
266 Each petition form shall clearly identify only one school
267 turnaround option on the front page of the petition and each
268 page thereafter. The petition forms must be provided or made
269 easily accessible to parents at the time of notification by the
270 school district pursuant to subsection (2). The rules shall
271 provide for the following:

272 (a) A minimum of 30 days after initial notification,
273 pursuant to subsection (2), must be provided for the parents of
274 eligible students to gather petition signatures.

275 (b) A maximum of 30 days after the date the petition is
276 submitted must be provided for the school district to verify the
277 signatures.

278 (c) A minimum of 30 days must be provided between the
279 submission of a petition and the district school board meeting
280 to consider the petition.

281 (d) A submitted petition may list only one school
282 turnaround option identified in s. 1008.33 that is not currently
283 being implemented at the school.

284 (e) A parent may sign a petition for each school turnaround
285 option.

286 (f) A school district may not reject a parent signature on
287 a petition based on a lack of conformity to signatures in school
288 records if the parent's identity and signature can be easily
289 validated with a photographic identification, a notarized
290 signature verifying the identity of the signer, or by the

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291 personal knowledge of a school employee.

292 (g) A school district may not reject a parent signature on
293 a petition on the basis that the parent signed the petition
294 prior to the initial notification pursuant to subsection (2).

295 Section 6. Subsection (5) of section 1008.33, Florida
296 Statutes, is amended to read:

297 1008.33 Authority to enforce public school improvement.—

298 (5) (a) In the school year after a school is initially
299 identified as a school in the lowest-performing category, the
300 school district must submit a plan, which is subject to approval
301 by the State Board of Education, for implementing one of the
302 following school turnaround options at the beginning of the next
303 school year. The plan must be implemented unless the school
304 moves from the lowest-performing category:

305 1. Convert the school to a district-managed turnaround
306 school by means that include implementing a turnaround plan
307 approved by the Commissioner of Education which shall become the
308 school's improvement plan;

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

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

314 4. Contract with an outside entity that has a demonstrated
315 record of effectiveness to operate the school.

316 (b) If a school does not move from the lowest-performing
317 category during the initial year of implementing one of the
318 school turnaround options in paragraph (a), the school district
319 must submit a plan, which is subject to approval by the State

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Board of Education, for implementing a different school
turnaround option in paragraph (a) at the beginning of the next
school year, unless the State Board of Education determines that
the school is likely to move from the lowest-performing category
if additional time is provided to implement intervention and
support strategies. The State Board of Education shall determine
whether a school district may continue to implement a school
turnaround ~~an~~ option beyond 1 year while a school remains in the
lowest-performing category.

(c) Parents of students who are assigned to a public school
that is required by the State Board of Education to implement a
school turnaround option may petition the school district to
implement one of the school turnaround options in paragraph (a)
selected by the parents pursuant to s. 1003.07. A school
implementing a school turnaround option during the 2011-2012 or
2012-2013 school year is not subject to the requirements of s.
1003.07 until the school is required to implement a different
school turnaround option.

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

1012.2315 Assignment of teachers.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
disparities between teachers assigned to teach in a majority of
schools that do not need improvement and schools that do need
improvement pursuant to s. 1008.33. The disparities may be found
in the assignment of temporarily certified teachers, teachers in
need of improvement, and out-of-field teachers and in the
performance of the students. It is the intent of the Legislature
that district school boards have flexibility through the

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collective bargaining process to assign teachers more equitably across the schools in the district.

(2) ASSIGNMENT TO SCHOOLS CATEGORIZED AS IN NEED OF IMPROVEMENT.—School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools in one of the three lowest-performing categories under s. 1008.33(3)(b). Each school district shall annually certify to the Commissioner of Education that this requirement has been met. If the commissioner determines that a school district is not in compliance with this subsection, the State Board of Education shall be notified and shall take action pursuant to s. 1008.32 in the next regularly scheduled meeting to require compliance.

(3) SALARY INCENTIVES.—District school boards may ~~are authorized to~~ provide salary incentives to meet the requirement of subsection (2). A district school board may not sign a collective bargaining agreement that precludes the school district from providing sufficient incentives to meet this requirement.

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

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

(a) Each district school board shall adopt rules for implementing an assistance plan for each classroom teacher who is teaching out-of-field. The assistance plan must provide

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378 teachers who are teaching out-of-field with priority
379 consideration in professional development activities and require
380 such teachers to participate in a certification or staff
381 development program that provides the competencies required for
382 the assigned duties. A district school board may reimburse a
383 teacher who is teaching out-of-field for a certification fee.
384 The assistance plan must also include duties of administrative
385 personnel and other instructional personnel for assisting a
386 teacher who is teaching out-of-field in providing instructional
387 services to students.

388 (b) The school district shall annually notify the parent of
389 each student who is assigned to a classroom teacher who is
390 teaching subject matter that is:

- 391 1. Outside the field in which the teacher is certified;
392 2. Outside the field that was the teacher's minor field of
393 study; or
394 3. Outside the field in which the teacher has demonstrated
395 sufficient subject area expertise, as determined by district
396 school board policy in the subject area to be taught.

397
398 The notification must inform the parent that virtual instruction
399 from a certified in-field teacher with an annual performance
400 evaluation rating of effective or highly effective under s.
401 1012.34 is available to his or her child through the virtual
402 instruction options listed under s. 1002.321(4).

403 (6) ~~(5)~~ REPORT.—

404 ~~(a)~~ By July 1, 2012, the Department of Education shall
405 annually report on its website, in a manner that is accessible
406 to the public, the performance rating data reported by district

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407 school boards under s. 1012.34. The report must include the
408 percentage of classroom teachers, instructional personnel, and
409 school administrators receiving each performance rating
410 aggregated by school district and by school.

411 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
412 EVALUATIONS.—

413 (a) ~~(b)~~ Notwithstanding ~~the provisions of~~ s.
414 1012.31(3) (a)2., each school district shall annually notify
415 ~~report to~~ the parent of any student who is assigned to a
416 classroom teacher or school administrator having two consecutive
417 annual performance evaluation ratings of unsatisfactory under s.
418 1012.34, two annual performance evaluation ratings of
419 unsatisfactory within a 3-year period under s. 1012.34, or three
420 consecutive annual performance evaluation ratings of needs
421 improvement or a combination of needs improvement and
422 unsatisfactory under s. 1012.34. The notification must inform
423 the parent that virtual instruction from a teacher with a
424 performance evaluation rating of highly effective or effective
425 under s. 1012.34 is available to his or her child through the
426 virtual instruction options listed under s. 1002.321(4).

427 (b) Upon request by the parent of a public school student,
428 the school district shall provide the parent with the
429 performance evaluation for each classroom teacher assigned to
430 his or her child, pursuant to s. 1012.31.

431 (c) If a student is currently taught by a classroom teacher
432 who receives, in that school year, a performance evaluation
433 rating of needs improvement or unsatisfactory under s. 1012.34,
434 the student may not be assigned the following school year to a
435 classroom teacher in the same subject area who received a

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436 performance evaluation rating of needs improvement or
437 unsatisfactory in the preceding school year. For purposes of
438 implementation, the initial year of eligible schools subject to
439 the provisions of s. 1003.07 are the schools that received a
440 grade of "F" pursuant to s. 1008.34 in the 2010-2011 and 2011-
441 2012 school years and were not previously exempted in this
442 paragraph.

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

444 Section 9. This act shall take effect July 1, 2012.