

PCS FOR HB 1191

ORIGINAL

2012

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.; authorizing
5 parents of students who are assigned to certain
6 underperforming public schools to submit a petition to
7 the school district requesting implementation of a
8 school turnaround option; requiring a school district,
9 upon request, to provide a parent with a performance
10 evaluation for each classroom teacher assigned to his
11 or her child; requiring notification to the parent of
12 each student who is assigned to a classroom teacher
13 who is teaching out-of-field or who has received
14 unsatisfactory performance evaluations and of the
15 availability of virtual instruction; amending s.
16 1002.32, F.S.; correcting a cross-reference; creating
17 s. 1003.07, F.S., the Parent Empowerment Act;
18 requiring each school district to notify parents of
19 students attending a lowest-performing school that has
20 been unable to improve performance after
21 implementation of a school turnaround option;
22 authorizing parents to submit a petition requesting
23 implementation of an available school turnaround
24 option; providing requirements for a petition and its
25 consideration and adoption by the district school
26 board; requiring rulemaking; amending s. 1008.33,
27 F.S.; identifying the options for improving a school
28 identified in the lowest-performing category as school

29 | turnaround options; authorizing parents to submit a
 30 | petition to the school district to implement a
 31 | specified school turnaround option; amending s.
 32 | 1012.2315, F.S.; requiring that each district school
 33 | board adopt rules to implement an assistance plan for
 34 | out-of-field classroom teachers and requiring their
 35 | participation in certain programs; requiring that the
 36 | school district annually notify the parent of each
 37 | student assigned to an out-of-field classroom teacher
 38 | or an underperforming classroom teacher and of the
 39 | availability of virtual instruction; requiring that a
 40 | school district, upon request, provide a parent with
 41 | the performance evaluation of each classroom teacher
 42 | assigned to his or her child; prohibiting the
 43 | consecutive assignment of students to classroom
 44 | teachers who receive certain performance evaluations;
 45 | repealing s. 1012.42, F.S., relating to teachers
 46 | teaching out-of-field; providing an effective date.

47 |
 48 | Be It Enacted by the Legislature of the State of Florida:

49 |
 50 | Section 1. Subsection (3) of section 1001.10, Florida
 51 | Statutes, is amended to read:

52 | 1001.10 Commissioner of Education; general powers and
 53 | duties.—

54 | (3) To facilitate innovative practices and ~~to allow~~ local
 55 | selection of educational methods, the State Board of Education
 56 | may authorize the commissioner to waive, upon the request of a

57 | district school board, state board of ~~Education~~ rules that
 58 | relate to ~~district~~ school instruction and ~~school~~ operations,
 59 | except those rules pertaining to civil rights, and student
 60 | health, safety, and welfare. The Commissioner of Education is
 61 | not authorized to grant waivers for any provisions in rule
 62 | pertaining to the allocation and appropriation of state and
 63 | local funds for public education; the election, compensation,
 64 | and organization of school board members and superintendents;
 65 | graduation and state accountability standards; financial
 66 | reporting requirements; reporting of out-of-field teaching
 67 | assignments under s. 1012.2315(5) ~~1012.42~~; public meetings;
 68 | public records; or due process hearings governed by chapter 120.
 69 | No later than January 1 of each year, the commissioner shall
 70 | report to the Legislature and the State Board of Education all
 71 | approved waiver requests in the preceding year.

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

75 | 1002.20 K-12 student and parent rights.—Parents of public
 76 | school students must receive accurate and timely information
 77 | regarding their child's academic progress and must be informed
 78 | of ways they can help their child to succeed in school. K-12
 79 | students and their parents are afforded numerous statutory
 80 | rights including, but not limited to, the following:

81 | (21) PARENTAL INPUT AND MEETINGS.—

82 | (d) Parent empowerment.—Parents of students who are
 83 | assigned to a public school that does not improve performance
 84 | following implementation of a school turnaround option under s.

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85 1008.33(5)(a) may submit a petition to the school district
86 requesting implementation of a school turnaround option pursuant
87 to s. 1003.07.

88 (24) PERSONNEL EVALUATION REPORTS.—Upon request by the
89 parent of a public school student, the school district must
90 provide the parent with the performance evaluation for each
91 classroom teacher assigned to his or her child, pursuant to s.
92 1012.31.

93 (25) ASSIGNMENT TO TEACHERS.—

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

101 (b) When a student is assigned to a classroom teacher who
102 has received two consecutive annual performance evaluation
103 ratings of unsatisfactory, two annual performance evaluation
104 ratings of unsatisfactory within a 3-year period, or three
105 consecutive annual performance evaluation ratings of needs
106 improvement or a combination of needs improvement and
107 unsatisfactory under s. 1012.34, the school district shall
108 notify the parent regarding the performance evaluation rating of
109 the classroom teacher. The notification must inform the parent
110 that virtual instruction from a teacher with an annual
111 performance evaluation rating of effective or highly effective
112 is available pursuant to s. 1012.2315(7).

113 Section 3. Paragraph (c) of subsection (7) of section
 114 1002.32, Florida Statutes, is amended to read:

115 1002.32 Developmental research (laboratory) schools.—

116 (7) PERSONNEL.—

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

119 Section 4. Section 1003.07, Florida Statutes, is created
 120 to read:

121 1003.07 Parent empowerment.—

122 (1) This section may be cited as the "Parent Empowerment
 123 Act."

124 (2) Each school district must provide written notification
 125 to the parents of eligible students, as defined in paragraph
 126 (3) (b), when a public school has been unable to improve
 127 performance following implementation of a school turnaround
 128 option and must implement a different option, as required under
 129 s. 1008.33(5). The written notification shall inform parents
 130 that they may, by petition, request implementation of a school
 131 turnaround option by the school in the following school year.
 132 The notification shall be provided to parents within 30 calendar
 133 days after the school district receives notice from the
 134 Department of Education that the school must implement a
 135 different school turnaround option. The notification by the
 136 school district shall include:

137 (a) A description of each school turnaround option
 138 available for selection under s. 1008.33(5) (a);

139 (b) A description of the process for implementing school
 140 turnaround options, including the date by which the school

141 district must submit its implementation plan to the State Board
 142 of Education;

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

144 (d) The date and location of the publicly noticed district
 145 school board meeting, required under paragraph (4) (a), at which
 146 the school board will consider the petition; and

147 (e) School district contact information for additional
 148 questions.

149 (3) (a) Prior to the school district's selection and
 150 implementation of a different school turnaround option for the
 151 following school year, parents may submit a petition selecting
 152 an available school turnaround option, as described in the
 153 notification provided pursuant to paragraph (2) (a), for
 154 consideration by the district school board.

155 (b) Only one parent per eligible student may sign the
 156 petition. An eligible student is a student enrolled in the
 157 school in which the school turnaround option will be implemented
 158 or a student who is scheduled, the following school year, for
 159 assignment to the school in which the school turnaround option
 160 will be implemented, according to the district school board's
 161 enrollment policies.

162 (c) A parent must date the petition on the day it is
 163 signed and identify the eligible student on the petition.

164 (d) If the school district chooses to verify signatures on
 165 the petition, the district shall use existing student enrollment
 166 documentation or other records containing parent signatures.

167 (4) (a) The school turnaround option selected by parents
 168 must be considered for implementation by the district school

169 board at a publicly noticed school board meeting if the petition
 170 is signed and dated by a majority of the parents of eligible
 171 students. A majority is more than one-half of the parents who
 172 are eligible to sign the petition pursuant to paragraph (3) (b).

173 (b) The district school board may adopt the school
 174 turnaround option selected by parents or a different school
 175 turnaround option selected by the school board. If the district
 176 school board does not adopt the school turnaround option
 177 selected by parents, it must include that option with the
 178 implementation plan submitted to the State Board of Education
 179 under s. 1008.33(5) (b). If the state board determines that the
 180 school turnaround option selected by parents is more likely to
 181 improve the academic performance of students at the school, it
 182 shall remand the district school board's implementation plan to
 183 the school board. The district school board shall submit to the
 184 state board an implementation plan for the school turnaround
 185 option selected by parents.

186 (5) The State Board of Education shall adopt rules
 187 pursuant to ss. 120.536(1) and 120.54 to establish a model
 188 petition format, petition submission process, standards for
 189 verifying signatures, and timelines for district school board
 190 consideration of a petition at a publicly noticed meeting.

191 Section 5. Subsection (5) of section 1008.33, Florida
 192 Statutes, is amended to read:

193 1008.33 Authority to enforce public school improvement.—

194 (5) (a) In the school year after a school is initially
 195 identified as a school in the lowest-performing category, the
 196 school district must submit a plan, which is subject to approval

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197 by the State Board of Education, for implementing one of the
198 following school turnaround options at the beginning of the next
199 school year. The plan must be implemented unless the school
200 moves from the lowest-performing category:

201 1. Convert the school to a district-managed turnaround
202 school by means that include implementing a turnaround plan
203 approved by the Commissioner of Education which shall become the
204 school's improvement plan;

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

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

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

212 (b) If a school does not move from the lowest-performing
213 category during the initial year of implementing one of the
214 school turnaround options in paragraph (a), the school district
215 must submit a plan, which is subject to approval by the State
216 Board of Education, for implementing a different option in
217 paragraph (a) at the beginning of the next school year, unless
218 the State Board of Education determines that the school is
219 likely to move from the lowest-performing category if additional
220 time is provided to implement intervention and support
221 strategies. The State Board of Education shall determine whether
222 a school district may continue to implement a school turnaround
223 ~~an~~ option beyond 1 year while a school remains in the lowest-
224 performing category. Parents of students who are assigned to a

225 public school that is required to implement a different school
 226 turnaround option may petition the school district to implement
 227 a school turnaround option selected by the parents pursuant to
 228 s. 1003.07.

229 Section 6. Section 1012.2315, Florida Statutes, is amended
 230 to read:

231 1012.2315 Assignment of teachers.—

232 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 233 disparities between teachers assigned to teach in a majority of
 234 schools that do not need improvement and schools that do need
 235 improvement pursuant to s. 1008.33. The disparities may be found
 236 in the assignment of temporarily certified teachers, teachers in
 237 need of improvement, and out-of-field teachers and in the
 238 performance of the students. It is the intent of the Legislature
 239 that district school boards have flexibility through the
 240 collective bargaining process to assign teachers more equitably
 241 across the schools in the district.

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

253 to require compliance.

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

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

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

266 (a) Each district school board shall adopt rules for
 267 implementing an assistance plan for each classroom teacher who
 268 is teaching out-of-field. The assistance plan must provide
 269 teachers who are teaching out-of-field with priority
 270 consideration in professional development activities and require
 271 such teachers to participate in a certification or staff
 272 development program that provides the competencies required for
 273 the assigned duties. The assistance plan must also include
 274 duties of administrative personnel and other instructional
 275 personnel for assisting a teacher who is teaching out-of-field
 276 in providing instructional services to students.

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

280 1. Outside the field in which the teacher is certified;

281 2. Outside the field that was the teacher's minor field of
 282 study; or

283 3. Outside the field in which the teacher has demonstrated
 284 sufficient subject area expertise, as determined by district
 285 school board policy in the subject area to be taught.

286
 287 The notification must inform the parent that virtual instruction
 288 from a certified in-field teacher with an annual performance
 289 evaluation rating of effective or highly effective under s.
 290 1012.34 is available to his or her child through the virtual
 291 instruction options listed under s. 1002.321(4).

292 (6) ~~(5)~~ REPORT.—

293 ~~(a)~~ By July 1, 2012, the Department of Education shall
 294 annually report on its website, in a manner that is accessible
 295 to the public, the performance rating data reported by district
 296 school boards under s. 1012.34. The report must include the
 297 percentage of classroom teachers, instructional personnel, and
 298 school administrators receiving each performance rating
 299 aggregated by school district and by school.

300 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 301 EVALUATIONS.—

302 (a) ~~(b)~~ Notwithstanding the provisions of s.
 303 1012.31(3)(a)2., each school district shall annually notify
 304 ~~report to~~ the parent of any student who is assigned to a
 305 classroom teacher or school administrator having two consecutive
 306 annual performance evaluation ratings of unsatisfactory under s.
 307 1012.34, two annual performance evaluation ratings of
 308 unsatisfactory within a 3-year period under s. 1012.34, or three

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309 consecutive annual performance evaluation ratings of needs
310 improvement or a combination of needs improvement and
311 unsatisfactory under s. 1012.34. The notification must inform
312 the parent that virtual instruction from a teacher with a
313 performance evaluation rating of highly effective or effective
314 under s. 1012.34 is available to his or her child through the
315 virtual instruction options listed under s. 1002.321(4).

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

320 (c) If a student is currently taught by a classroom
321 teacher who receives, in that school year, a performance
322 evaluation rating of needs improvement or unsatisfactory under
323 s. 1012.34, the student may not be assigned the following school
324 year to a classroom teacher, in the same subject area, who
325 received a performance evaluation rating of needs improvement or
326 unsatisfactory in the preceding school year.

327 Section 7. Section 1012.42, Florida Statutes, is repealed.

328 Section 8. This act shall take effect July 1, 2012.