

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Appropriations

---

BILL: SB 886

INTRODUCER: Senator Benacquisto

SUBJECT: Parent and Student Rights

DATE: February 24, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hand	Klebacha	ED	<b>Favorable</b>
2.	Sikes	Elwell	AED	<b>Recommend: Fav/CS</b>
3.	Sikes	Kynoch	AP	<b>Pre-meeting</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

SB 886 expands notification requirements and educational choice options available for parents to make informed decisions about the placement of their children in an educational setting.

Specifically the bill:

- Expands parent notification requirements to include school district reporting average of estimated funding expenditures on a per student basis.
- Authorizes parent ability to choose to enroll his or her child in any public school in the state which has not reached capacity. The bill further defines capacity.
- Authorizes a parent to request a transfer of his or her child to a different classroom teacher.

The bill is expected to have an insignificant impact on state funds. Individual school districts may experience an increase or decrease in Florida Education Finance Program (FEFP) funding based on shifts in student enrollment.

The bill takes effect July 1, 2016.

**II. Present Situation:**

There is a range of information and school choice options available to parents, from academic progress information, multiple school choice options, and notifications about and limits to certain types of teachers that may be assigned a student.

## **Educational Transparency**

Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed about ways that the parents can help their child to succeed in school.<sup>1</sup>

For purposes of exceptional student education (ESE), district school boards must provide parents, at the initial individual education plan (IEP) team meeting, the amount of state appropriations that the school district receives for each of the five ESE support levels for a full-time student.<sup>2</sup>

## **Public School Educational Choice Options**

Parents of public school students may seek school choice options such as controlled open enrollment, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, Advanced International Certificate of Education, credit by examination or demonstration of competency, the School for Deaf and the Blind, the Florida Virtual School, and the public school options for the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.<sup>3</sup>

### ***Controlled Open Enrollment***

Controlled open enrollment is a public education delivery system that gives school districts the option of making student school assignments using a parent's indicated preferential public school choice as a significant factor.<sup>4</sup>

Each district school board offering the controlled open enrollment must adopt by rule a controlled open enrollment plan (plan) and post the plan on the district's website.<sup>5</sup> The plan must:<sup>6</sup>

- Adhere to federal desegregation requirements.
- Include an application process required to participate in controlled open enrollment that allows parents to declare school preferences, including placement of siblings within the same school.
- Provide a lottery procedure to determine student assignment and establish an appeals process for hardship cases.
- Afford parents of students in multiple session schools preferred access to controlled open enrollment.
- Maintain socioeconomic, demographic, and racial balance.
- Address the availability of transportation.

---

<sup>1</sup> Section 1002.20, F.S.

<sup>2</sup> Section 1003.57(1)(j), F.S.

<sup>3</sup> Section 1002.20(6), F.S.

<sup>4</sup> Section 1002.31(1), F.S.; Implementation of the plan by a district school board is optional. Section 1002.31(2), F.S.

<sup>5</sup> Section 1002.31(3), F.S.

<sup>6</sup> Section 1002.31(3), F.S.

The controlled open enrollment provisions do not specify how a district may determine, or limit, the number of students that may be enrolled in these schools.<sup>7</sup> However, “over-capacity” is otherwise statutorily defined to mean a school whose capital outlay FTE enrollment exceeds 100 percent of the space and occupancy design capacity of its nonrelocatable facilities.<sup>8</sup> If a school’s initial design incorporated relocatable or modular instruction space, an “over-capacity school” means a school the capital outlay FTE enrollment of which exceeds 100% of the space and occupant design capacity of its core facilities.<sup>9</sup>

### **Notification and Ability to Change Teachers**

Each district school board must adopt and implement a plan to assist teachers who teach out-of-field and prioritize professional development activities for such teachers.<sup>10</sup> If a teacher is assigned a class that is outside the field in which the teacher is certified or has demonstrated sufficient subject matter expertise, parents of all students in that class must be notified, in writing, of such assignment.<sup>11</sup>

Public school students are prohibited from being taught by a classroom teacher who received a performance evaluation rating of “needs improvement” or “unsatisfactory” if the student was taught by a classroom teacher that received a performance rating of “needs improvement” or “unsatisfactory” in the previous school year.<sup>12</sup>

### **III. Effect of Proposed Changes:**

This bill expands notification requirements and educational choice options available for parents to make informed decisions about the placement of their children in an educational setting. Specifically the bill:

- Expands parent notification requirements to include school district reporting average of estimated funding expenditures on a per student basis.
- Authorizes parent ability to choose to enroll his or her child in any public school in the state which has not reached capacity. The bill further defines capacity.
- Authorizes a parent to request a transfer of his or her child to a different classroom teacher.

### **Educational Transparency**

The bill requires a school district to notify parents of the estimated amount of funding<sup>13</sup> allocated to a student similar to their child, based upon grade level and level of support. This notification may be included in the student handbook or similar publication.

---

<sup>7</sup> Section 1002.31, F.S.

<sup>8</sup> Section 1013.21(1)(b), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 1012.42(1), F.S. The district school board must require the teacher to participate in a certification or staff development program that is designed to provide the teacher with the necessary competencies to perform assigned duties. *Id.*

<sup>11</sup> Section 1012.42(2), F.S.

<sup>12</sup> Section 1012.2315(6), F.S. For elementary school students, this probation applies to any subject, while the prohibition for middle school and high school students is limited to teachers who receive the performance evaluations in the same subject area. *Id.* A parent may provide written consent to exempt extracurricular courses from this prohibition. *Id.*

<sup>13</sup> The funding amount is the average amount of money estimated to be expended from all sources, state, local, and federal, including operating and capital outlay expenses.

The bill updates statutes that provide an overview of public and private educational options. The bill also revises applicable terminology by using the term “educational choice” instead of “school choice,” to identify that the available choices stem beyond a specific school.

### **Public School Educational Choice Options**

The bill eliminates controlled open enrollment as the mechanism for making student school assignments, and instead allows parents to choose to send their children to any school in the district or state. Specifically, the bill:

- Requires each district school board to establish and post on its website a public school parental choice policy that authorizes a parent to choose to enroll his or her child in any school in the district, including charter schools, subject to capacity. The parent is responsible for providing transportation.
- Allows a parent to choose to enroll his or her child in any public school in the state, including charter schools, that has not reached capacity. The district may provide transportation at the district’s discretion, otherwise the parent is responsible for transporting the child to school. The school district must report the student for purposes of the district’s funding pursuant to the Florida Education Finance Program.
- Defines capacity to mean a school in which the capital outlay full-time equivalent (FTE) enrollment exceeds 95 percent of the space and occupant design capacity of its nonrelocatable facilities. If a school’s initial design incorporated relocatable or modular instructional space, the term “capacity” must mean a school in which the capital outlay FTE enrollment exceeds 95 percent of the space and occupant design capacity of its core facilities. In effect, the bill prevents controlled open enrollment plans from identifying artificially low limits to student enrollment, while ensuring a 5 percent buffer for overall school capacity.

### **Notification and Ability to Change Teachers**

The bill creates two new mechanisms for a parent to request transfer of his or her child to a different teacher:

- Each district school board must establish a transfer process for a parent to request his or her child to be transferred to another classroom teacher. The transfer process must be published in the student handbook or similar publication. A school must grant or deny the transfer within two weeks after receiving a request for such transfer. If a request is denied, the school must notify the parent of the denial and provide reasons for the denial.
- A parent may request a transfer of his or her child to another classroom teacher within the school and grade upon receipt of written notification that the child’s assigned teacher is an out-of-field teacher. The bill requires school districts to grant parents’ requests for such transfers within two weeks; however, parents do not have the right to choose a specific teacher.

The bill takes effect July 1, 2016.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

SB 886 is expected to have an insignificant impact on state funds. Individual school districts may experience an increase or decrease in Florida Education Finance Program (FEFP) funding based on shifts in student enrollment.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.31, 1002.33, 1002.38, 1002.451, 1006.15, and 1012.42.

This bill creates section 1003.3101 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---