

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

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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.

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

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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

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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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1008.33(5)(a) 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) 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) When a student is assigned to a classroom teacher who has received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under s. 1012.34, the school district shall notify the parent regarding the performance evaluation rating of the classroom teacher. The notification must inform the parent that virtual instruction from a teacher with an annual performance evaluation rating of effective or highly effective is available pursuant to s. 1012.2315(7).

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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

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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

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

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

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

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

1008.33 Authority to enforce public school improvement.—

(5)(a) In the school year after a school is initially identified as a school in the lowest-performing category, the 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

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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

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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;

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

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

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

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

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