



Choice & Innovation Subcommittee

Thursday, March 7, 2013

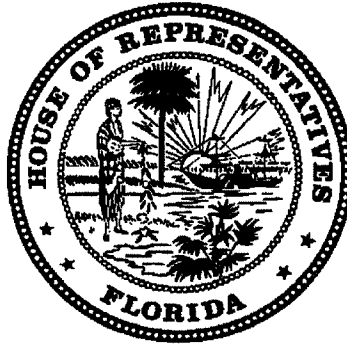
1:00 PM – 3:00 PM

306 HOB

Meeting Packet

**Will Weatherford
Speaker**

**Michael Bileca
Chair**



AGENDA

Choice & Innovation Subcommittee

Thursday, March 7, 2013

1:00 p.m. – 3:00 p.m.

306 HOB

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. Consideration of the following proposed committee substitute:
 - PCS for HB 867 – Parent Empowerment in Education
- IV. Workshop on Early Learning
- V. Closing Remarks and Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Choice & Innovation Subcommittee

Start Date and Time: Thursday, March 07, 2013 01:00 pm
End Date and Time: Thursday, March 07, 2013 03:00 pm
Location: 306 HOB
Duration: 2.00 hrs

Consideration of the following proposed committee substitute(s):

PCS for HB 867 -- Parent Empowerment in Education

Workshop on Early Learning



Pursuant to rule 7.12, the deadline for amendments to bill(s) on the agenda by a member who is not a member of the subcommittee shall be 6:00 pm, Wednesday, March 6, 2013.

By request of the Chair, all subcommittee members are asked to have amendments to bill(s) on the agenda submitted by 6:00 pm, Wednesday, March 6, 2013.

NOTICE FINALIZED on 03/05/2013 16:01 by Wright.Kaley

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 867 Parent Empowerment in Education
SPONSOR(S): Choice & Innovation Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Choice & Innovation Subcommittee		Ammel 	Fudge 

SUMMARY ANALYSIS

The bill enables parents, by petitioning the school district, to request implementation of a parent-selected turnaround option when a school is required to implement a turnaround option. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of students enrolled in the school or students who are scheduled for assignment to the school in the following school year.

The district school board may adopt the turnaround option selected by parents or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the State Board of Education. The state board may approve the district's plan or, if it determines that the parent-selected option is more likely to improve student performance at the school, require the school board to submit a plan for implementing the parent-selected option. However, if the school improves by at least one letter grade, the school no longer has to implement the turnaround option.

Florida's system of school improvement provides the lowest performing schools with the most comprehensive interventions. If such a school does not improve by one letter grade during the first year of intervention, the school district must implement a school turnaround option at the beginning of the next school year. If the school does not improve at least one letter grade after two years of implementing the turnaround option, the school district must submit a plan for implementing a different option at the beginning of the next school year. No process presently exists that requires school districts to consider implementation of a parent-selected turnaround option.

The bill creates new requirements for school districts and charter schools regarding the assignment of students to classroom teachers. The bill prohibits consecutive student assignments to teachers with an annual performance evaluation rating of unsatisfactory or needs improvement and requires that parents of students assigned to an out-of-field or chronically low-performing teacher be informed of the availability of virtual instruction delivered by an in-field, high-performing teacher.

Florida law does not prohibit school districts and charter schools from assigning a student in consecutive years to a low-performing teacher. School districts must notify each parent when his or her child is assigned to an out-of-field teacher or chronically low performing teacher; however, notification that virtual instruction is available as an alternative to such teacher assignments is not required.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

School Improvement and Intervention

Present Situation

In 2012, the Legislature revised Florida's school accountability system to comply with the federal Elementary and Secondary Education Act (ESEA), its implementing regulations, and the ESEA flexibility waiver approved for Florida by the Secretary of Education.¹ It required the Department of Education, beginning with the 2011-12 school year, to identify each public school in need of intervention and support to improve student academic achievement. Schools earning a school grade of "D" or "F" are schools in need of intervention and support.² The State Board of Education was required to adopt, in rule, a differentiated matrix of intervention and support strategies that defined the strategies and the roles for the department and the board.³ The state board shall apply the most intense intervention and support strategies to schools earning an "F". In the first full school year after a school initially earns a grade of "F", the school district must: implement intervention and support strategies as outlined in rule; select a turn-around option; and submit a plan for implementing the turnaround option to the department for state board approval. The school district may select one of the following turnaround options:

- Convert the school to a district-managed turnaround school;
- Reassign students to another school and monitor the progress of each reassigned student;
- Close the school and reopen it as one or more charter schools, each with a governing board with a demonstrated record of effectiveness;
- Contract with an outside entity that has a demonstrated record of effectiveness to operate the school; or
- Implement a hybrid of turnaround options set forth in subparagraphs 1.-4. or other turnaround models that have a demonstrated record of excellence.

A school earning a grade of "F" has one planning year followed by 2 full school years to implement the turnaround option approved by the state board. Implementation of the turnaround option is no longer required if the school improves by at least one letter grade.⁴ The school must continue to implement strategies identified in its school improvement plan pursuant to s. 1001.42(18)(a), F.S., and the department must annually review the school's implementation of the plan for 3 years.⁵

Effect of Proposed Changes

The bill enables parents, by petition, to request that the school district implement a parent-selected turnaround option if a school earns a grade of "F". The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents⁶ of eligible students, i.e., students enrolled in the school or students who are scheduled for assignment to the school in the following school year.

¹ Section 6, ch. 2012-194, L.O.F.

² Section 1008.33(3)(b), F.S.

³ Section 1008.33(3)(c), F.S.

⁴ Section 1008.33(4)(c), F.S.

⁵ 1008.33(4)(d), F.S.

⁶ The law defines "parent" as either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. Section 1000.21(5), F.S.

Within 30 days of receiving notice from the Department of Education (DOE) that the school is required to implement a turnaround option, each school district must notify parents and the school advisory council. The notice must inform parents of the opportunity to petition for a turnaround option and include; a description of each available option and the petition process; the date and location for submitting the petition; the date and location of the publicly noticed school board meeting at which a turnaround option will be determined; and the contact information for the district school board.

At least 30 days must be allowed to circulate parent petitions. A petition may propose one turnaround option; however, multiple petitions each proposing different options may be circulated. Parents may sign more than one petition and may sign before the notice beginning the petition period.

Only one parent per eligible student may sign the petition. One signature may be given by the parent for each child who is an eligible student. If a child's other parent submits a written objection to the petition, the signing parent's signature counts as one-half.

A parent must date the petition on the day it is signed and identify the eligible student on the petition. The parent's signature also certifies the parent's present intent to enroll the student in the school the following school year if the turnaround option supported by the petition is implemented. A majority is achieved when parent signatures are collected for more than one-half of eligible students. If more than one petition obtains a majority of signatures, the one with the most signatures is the option the school board must consider.

The school board must verify signatures on the petition using existing student enrollment documentation or other records containing parent signatures. A signature may also be validated by notarization or photographic identification. The petition must be submitted before the school district selects a turnaround option. The bill prohibits signature gatherers from being paid per signature and requires them to disclose what organization they represent, if asked.

The district school board may adopt the parent-selected turnaround option or a different option selected by the school board. If the district school board does not adopt the parent-selected option, it must include that option with the implementation plan submitted to the state board. If the state board determines that the turnaround option selected by parents is more likely to improve the academic performance of students at the school, the school board must resubmit a plan implementing the parent-selected option.

The bill enables parents of students attending a low-performing school to play a larger role in improving the school's performance. Likewise, the petition process may result in increased parental involvement in school affairs, which research identifies as a key component of school improvement.⁷

Educator Performance and Student Assignments

Present Situation

Research indicates that teacher effectiveness is the most important school-level variable influencing student learning. Students who are taught by ineffective teachers perform at much lower levels than students demonstrating comparable ability taught by high-performing teachers. Students taught by an ineffective teacher for even one year experience long-term negative impacts on achievement.⁸

⁷ The PEW Center on the States, *Engaged Families, Effective Pre-K: State Policies that Bolster Student Success*, at 1 (June 2010), available at http://www.pewcenteronthestates.org/uploadedFiles/PkN_Family_Engagement_FINAL.pdf?n=4141; Southwest Educational Development Laboratory, *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement*, at 24 (2002), available at <http://www.sedl.org/cgi-bin/pdfexit.cgi?url=http://www.sedl.org/connections/resources/evidence.pdf> (review of research regarding parental involvement and student success).

⁸ Sanders and Rivers, *Cumulative and Residual Effects of Teachers on Future Student Achievement*, at 6-8 (Nov. 1996), available at <http://www.mccsc.edu/~curriculum/cumulative%20and%20residual%20effects%20of%20teachers.pdf>. Sanders and Rivers found that

In Florida, the performance of classroom teachers⁹ is annually evaluated based upon student performance and instructional practice criteria. Student performance must comprise at least 50 percent of the performance evaluation and must be measured in terms of student learning growth on statewide assessments or, for subjects and grades not tested by statewide assessments, school district-selected assessments.¹⁰ Measurement of student learning growth for classroom teachers must be based upon students assigned to the employee over the course of three school years.¹¹

Instructional practice criteria for classroom teachers are based upon the state board adopted Florida Educator Accomplished Practices (FEAP). The FEAPs include such essential teaching skills as subject matter knowledge, classroom management, and lesson planning and delivery. These criteria are primarily evaluated through classroom observation.¹²

Each classroom teacher is assigned one of four performance ratings:

- Highly effective;
- Effective;
- Needs improvement, or for classroom teachers in their first three years of employment who need improvement, developing; or
- Unsatisfactory.

Performance evaluation results must be used as a basis for professional development, compensation, retention, transfers, and promotions. The law authorizes a school principal to refuse the placement or transfer of a classroom teacher who is not rated effective or highly effective. However, the law does not prohibit a school district from assigning a student in consecutive school years to a classroom teacher rated unsatisfactory or needs improvement.¹³

Information regarding educator performance evaluations is provided to the public annually. School districts must annually report to DOE educator performance evaluation ratings. DOE must annually post on its website the percentage of classroom teachers, other instructional personnel, and school administrators receiving each performance rating by school district and school.¹⁴

Additionally, school districts must annually report to parents the fact that their child is assigned to a classroom teacher whose performance evaluations indicate chronic low-performance, i.e., teachers who have two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs

standardized mathematics assessment scores for students who were taught by a low-performing teacher for three consecutive years were 53 percentile points lower than those of students who were taught by a high-performing teacher for three consecutive years.

⁹ Classroom teachers are a sub-set of the larger personnel class known as “instructional personnel.” Instructional personnel and school administrators are evaluated annually. Instructional personnel also include guidance counselors, social workers, career specialists, school psychologists, librarians and media specialists, learning resource specialists, instructional trainers, adjunct educators, and education paraprofessionals. Section 1012.01(2)(a)-(e), F.S. School administrators are school principals, school directors, career center directors, and assistant principals. Section 1012.01(3)(a), F.S.

¹⁰ Section 1012.34(3)(a) and (7), F.S. Newly hired teachers must be evaluated at least twice in the first year of teaching. Section 1012.34(3)(a), F.S. School districts may request approval by the Department of Education to use a student achievement measure or a combination of student learning growth and achievement when such measures are appropriate. Likewise, districts may request approval to determine appropriate measures based upon course characteristics and personnel assignments. Section 1012.34(2)(d) and (7)(c)-(d), F.S.

¹¹ Section 1012.34(3)(a)1.a.-b., F.S. Exceptions apply based upon personnel classification or availability of data. *Id.*

¹² Section 1012.34(3)(a), F.S.

¹³ Sections 1012.28(6), F.S.

¹⁴ Section 1012.34(1)(c), F.S.

STORAGE NAME: pcs0867.CIS.DOCX

DATE: 3/1/2013

improvement and unsatisfactory.¹⁵ Such evaluations become public records after one year, at which time the evaluation must be furnished to any parent or member of the public who requests it.¹⁶

Each district school board must adopt a plan for assisting teachers teaching subject matter outside their certification area, minor field of study, or a subject area in which the teacher has demonstrated sufficient expertise. The plan must provide such teachers with priority consideration in professional development activities and require their participation in a certification or staff development program that addresses the competencies required for the assigned duties. The assistance plan must include duties of administrative personnel and other instructional personnel for assisting out-of-field teachers. The law requires each district school board to notify in writing the parents of students who are assigned to an out-of-field teacher.¹⁷

Effect of Proposed Changes

The bill expands parental notification regarding a child's assignment to classroom teachers teaching out-of-field to also require that the parent of the child be informed of the availability of virtual instruction delivered by an in-field teacher with an annual performance evaluation rating of effective or highly effective. Likewise, notification sent to parents regarding a child's assignment to a classroom teacher whose performance evaluations indicate chronic low-performance¹⁸ must also inform the parent that virtual instruction from a teacher with an annual performance evaluation rating of effective or highly effective is available. Both traditional public schools and charter schools must provide these notifications. These changes will better inform parents of their options when their child is assigned to out-of-field or low-performing teachers. Additionally, the bill authorizes school districts to reimburse teachers for certification fees incurred when he or she is assigned to teach out-of-field.

The bill adds provisions prohibiting a school district or charter school from assigning a student in consecutive school years to a classroom teacher of the same subject who is evaluated as unsatisfactory or needs improvement. This will decrease the likelihood of long-term negative impacts on a student's achievement resulting from repeated assignments to low-performing teachers.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.10, F.S., relating to Commissioner of Education powers and duties; corrects a cross reference.

Section 2. Amends s. 1002.20, F.S., relating to K-12 student and parent rights; authorizes parents to petition the school district to implement a school turnaround option; authorizes a parent to request the performance evaluation of a teacher; requires certain notifications regarding student assignment to teachers.

Section 3. Amends s. 1002.32, F.S., relating to developmental research lab schools; corrects a cross-reference.

Section 4. Amends s. 1002.33, F.S., relating to charter schools; requires certain notifications regarding student assignment to teachers.

¹⁵ Section 1012.2315(5)(b), F.S.

¹⁶ Section 1012.31(3)(a)2., F.S.

¹⁷ Section 1012.42(1) and (2), F.S. This reporting requirement applies to teachers who are teaching subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise. Section 1012.42(2), F.S.

¹⁸ This reporting requirement applies to a classroom teacher who has two consecutive unsatisfactory performance evaluations, two unsatisfactory evaluations in a three-year period, or three consecutive evaluations of needs improvement or any combination of needs improvement and unsatisfactory. Section 1012.2315(5)(b), F.S.

Section 5. Creates s. 1003.07, F.S., relating to parent empowerment; establishes a petition process enabling parents to request implementation of a school turnaround option; specifies requirements regarding the petition process; provides for consideration of the petition by the school board; provides for review of proposed turnaround options by the state board.

Section 6. Amends s. 1008.33, F.S., authority to enforce public school improvement; authorizes parents to petition the school district to implement a school turnaround option.

Section 7. Amends s. 1012.2315, F.S., relating to assignment of teachers; requires certain notifications regarding student assignment to teachers; prohibits school districts from assigning a student in consecutive school years to a low-performing classroom teacher.

Section 8. Repeals s. 1012.42, F.S., relating to teacher teaching out of field.

Section 9. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules establishing a model parent petition form, clear instructions to be provided, petition submission process, standards for verifying signatures, and timelines for school board consideration of a petition at a publicly noticed meeting. The bill provides sufficient specificity to permit the state board to adopt necessary rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

29 the signatures on a petition; requiring the State
 30 Board of Education to adopt rules for filing a
 31 petition; specifying that a petition is valid if it is
 32 signed and dated by a majority of the parents of
 33 eligible students and those signatures are verified;
 34 requiring the school district to consider the
 35 turnaround option on the valid petition with the most
 36 signatures at a publicly noticed school board meeting;
 37 requiring the school district to submit an
 38 implementation plan to the state board; amending s.
 39 1008.33, F.S.; authorizing a parent to petition the
 40 school district to implement a turnaround option
 41 selected by the parent; amending s. 1012.2315, F.S.;

42 providing for assistance to teachers teaching out-of-
 43 field; requiring the school district to notify parents
 44 and inform them of their options if a student is being
 45 taught by an out-of-field teacher; providing that a
 46 student may not be assigned to an unsatisfactory
 47 teacher in a single subject for two consecutive school
 48 years; repealing s. 1012.42, F.S., relating to
 49 teachers who are teaching out-of-field; providing an
 50 effective date.

51
 52 Be It Enacted by the Legislature of the State of Florida:

53
 54 Section 1. Subsection (3) of section 1001.10, Florida
 55 Statutes, is amended to read:

56 1001.10 Commissioner of Education; general powers and

57 | duties.-

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

77 | Section 2. Paragraph (d) is added to subsection (21) of
 78 | section 1002.20, Florida Statutes, and subsection (25) is added
 79 | to that section, to read:

80 | 1002.20 K-12 student and parent rights.—Parents of public
 81 | school students must receive accurate and timely information
 82 | regarding their child's academic progress and must be informed
 83 | of ways they can help their child to succeed in school. K-12
 84 | students and their parents are afforded numerous statutory

85 | rights including, but not limited to, the following:

86 | (21) PARENTAL INPUT AND MEETINGS.—

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

92 | (25) ASSIGNMENT TO TEACHERS.—

93 | (a) Out-of-field classroom teachers.—Each school district
 94 | shall annually notify the parent of a public school student who
 95 | is assigned to a classroom teacher teaching out-of-field. The
 96 | notice must inform the parent that virtual instruction from a
 97 | certified in-field teacher having an annual performance
 98 | evaluation rating of "effective" or "highly effective" is
 99 | available pursuant to s. 1012.2315(5).

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

112 | Section 3. Paragraph (c) of subsection (7) of section

113 | 1002.32, Florida Statutes, is amended to read:

114 | 1002.32 Developmental research (laboratory) schools.—

115 | (7) PERSONNEL.—

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

119 | Section 4. Paragraph (b) of subsection (16) of section
 120 | 1002.33, Florida Statutes, is amended to read:

121 | 1002.33 Charter schools.—

122 | (16) EXEMPTION FROM STATUTES.—

123 | (b) Additionally, a charter school shall comply ~~be in~~
 124 | ~~compliance~~ with the following statutes:

125 | 1. Section 286.011, relating to public meetings and
 126 | records, public inspection, and criminal and civil penalties.

127 | 2. Chapter 119, relating to public records.

128 | 3. Section 1003.03, relating to the maximum class size,
 129 | except that the calculation for compliance pursuant to s.
 130 | 1003.03 must ~~shall~~ be the average at the school level.

131 | 4. Section 1012.22(1)(c), relating to compensation and
 132 | salary schedules.

133 | 5. Section 1012.33(5), relating to workforce reductions.

134 | 6. Section 1012.335, relating to contracts with
 135 | instructional personnel hired on or after July 1, 2011.

136 | 7. Section 1012.34, relating to the substantive
 137 | requirements for performance evaluations for instructional
 138 | personnel and school administrators.

139 | 8. Section 1012.2315(5) and (7), relating to the
 140 | assignment of teachers and notification to parents.

141 Section 5. Section 1003.07, Florida Statutes, is created
 142 to read:

143 1003.07 Parent empowerment.-

144 (1) This section may be cited as the "Parent Empowerment
 145 Act."

146 (2) As used in this section, the term:

147 (a) "Eligible student" means a student enrolled in a
 148 school in which a turnaround option will be implemented or a
 149 student who, under the school district's enrollment policy, is
 150 scheduled for assignment to that school the following school
 151 year. A student who is graduating or being promoted out of a
 152 school that is eligible for a turnaround option and who will not
 153 be enrolled in that school the following school year is not an
 154 eligible student.

155 (b) "Parental vote" means the signature of one parent of
 156 an eligible student.

157 1. If the other parent objects in writing to the parental
 158 vote before the date the petition is scheduled to be submitted,
 159 and if the parents have equal parental rights, the parental vote
 160 counts for one-half of a vote.

161 2. If one parent has sole parental responsibility or holds
 162 the right to make educational decisions for the student pursuant
 163 to s. 61.13, only that parent can vote regarding the eligible
 164 student.

165 (3) Each school district shall notify, in writing, the
 166 parents of eligible students and the school advisory council
 167 when a public school has been unable to improve performance and
 168 is required to implement a turnaround option pursuant to s.

169 1008.33. The written notice must inform parents that, before the
 170 district school board selects a turnaround option, parents may
 171 petition for implementation of a particular turnaround option,
 172 pursuant to s. 1008.33. The notice must be provided to parents
 173 within 30 calendar days after the school district receives
 174 notice from the department that the school is required to
 175 implement a turnaround option. The notice must include:

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

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

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

183 (d) The date and location of the publicly noticed district
 184 school board meeting required in this section at which the
 185 school board will consider the available turnaround options; and

186 (e) The contact information of the district school board.

187 (4) A person who solicits signatures may not offer
 188 monetary compensation, a promise of employment, or any other
 189 reward to a parent for signing a petition. A person who solicits
 190 signatures may not be paid per signature and, if asked, must
 191 disclose the organization he or she represents. A for-profit
 192 corporation, business, or entity is prohibited from gathering
 193 signatures or paying others to solicit signatures.

194 (5) The State Board of Education shall adopt rules to
 195 establish a petition format, the petition submission process,
 196 standards for verifying signatures, and timeframes for the

197 verification and consideration of a petition at a publicly
 198 noticed meeting. Petition forms must be easily accessible to
 199 parents. Each petition form must clearly identify only one
 200 turnaround option on the front page of the petition and on each
 201 page thereafter. The school district shall provide clear
 202 instructions and a sample petition form for each turnaround
 203 option available for selection under s. 1008.33.

204 (6) The petition process must provide that:

205 (a) Parents of eligible students have at least 30 days
 206 after initial notification to gather petition signatures.

207 (b) The school district shall verify signatures no more
 208 than 30 days after the date the petition is submitted.

209 (c) The district school board may not meet sooner than 30
 210 days after the petition is submitted.

211 (d) A submitted petition may list only one turnaround
 212 option identified in s. 1008.33 which is not currently being
 213 implemented at the school. A parent may sign more than one
 214 petition for a turnaround option.

215 (e) A parent signature constitutes a certification that
 216 the parent has a present intention to enroll his or her child,
 217 who must be identified on the petition, if the turnaround option
 218 identified on the petition is selected. A school district may
 219 not reject a parent's signature on a petition on the basis that
 220 the parent signed the petition before the initial notice.

221 (f) The school district shall verify at least a majority
 222 of the signatures on the petition using existing student
 223 enrollment documentation or other records containing parent
 224 signatures. A school district may not reject a parent's

225 signature on a petition based on a lack of conformity to
 226 signatures in school records if the parent's identity and
 227 signature can be easily validated with a photographic
 228 identification or a notarized signature verifying the identity
 229 of the signer, or by the personal knowledge of a school
 230 employee. The school district is not required to verify
 231 notarized signatures, and signatures verified outside an
 232 established verification period are valid.

233 (g) For a petition to be valid, it must bear the dated
 234 signatures of a majority of the parents of eligible students.
 235 For purposes of this section, a majority is more than one-half
 236 of the parents who are eligible to sign the petition. Only one
 237 parental vote per eligible student may be counted with respect
 238 to each petition.

239 (h) If valid petitions for more than one turnaround option
 240 are submitted, the petition having the most signatures is the
 241 official turnaround option selected by parents.

242 (7) The turnaround option selected by parents must be
 243 considered for implementation by the school district at a
 244 publicly noticed district school board meeting. The district
 245 school board may adopt the turnaround option selected by parents
 246 or a different turnaround option selected by the district school
 247 board. Pursuant to s. 1008.33, an implementation plan for the
 248 adopted turnaround option must be submitted to the state board.

249 (a) If the district school board adopts a turnaround
 250 option that is different from the turnaround option selected by
 251 parents, it shall identify with its submission the turnaround
 252 option selected by parents.

253 (b) If the state board determines that the turnaround
 254 option selected by parents is more likely to improve the
 255 academic performance of students at the school, the district
 256 school board shall submit to the state board an implementation
 257 plan for the turnaround option selected by parents.

258 (c) If the school improves by at least one letter grade,
 259 then implementation of a turnaround option is no longer required
 260 in accordance with s. 1008.33(4)(d).

261 Section 6. Subsection (4) of section 1008.33, Florida
 262 Statutes, is amended to read:

263 1008.33 Authority to enforce public school improvement.-

264 (4)(a) The state board shall apply the most intense
 265 intervention and support strategies to schools earning a grade
 266 of "F." In the first full school year after a school initially
 267 earns a grade of "F," the school district must implement
 268 intervention and support strategies prescribed in rule under
 269 paragraph (3)(c), select a turnaround option from those provided
 270 in subparagraphs (b)1.-5., and submit a plan for implementing
 271 the turnaround option to the department for approval by the
 272 state board. Upon approval by the state board, the turnaround
 273 option must be implemented in the following school year.

274 (b) Except as provided in subsection (5), the turnaround
 275 options available to a school district to address a school that
 276 earns a grade of "F" are:

- 277 1. Convert the school to a district-managed turnaround
 278 school;
- 279 2. Reassign students to another school and monitor the
 280 progress of each reassigned student;

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

284 4. Contract with an outside entity that has a demonstrated
 285 record of effectiveness to operate the school; or

286 5. Implement a hybrid of turnaround options set forth in
 287 subparagraphs 1.-4. or other turnaround models that have a
 288 demonstrated record of effectiveness.

289 (c) Parents of students who are assigned to a public
 290 school that is required by the State Board of Education to
 291 implement a turnaround option may petition the school district
 292 to implement one of the turnaround options in paragraph (b)
 293 selected by the parents pursuant to s. 1003.07.

294 (d)-(e) Except for schools required to implement a
 295 turnaround option pursuant to subsection (5), a school earning a
 296 grade of "F" shall have a planning year followed by 2 full
 297 school years to implement the initial turnaround option selected
 298 by the school district and approved by the state board.
 299 Implementation of the turnaround option is no longer required if
 300 the school improves by at least one letter grade.

301 (e)-(d) A school earning a grade of "F" that improves its
 302 letter grade must continue to implement strategies identified in
 303 its school improvement plan pursuant to s. 1001.42(18)(a). The
 304 department must annually review implementation of the school
 305 improvement plan for 3 years to monitor the school's continued
 306 improvement.

307 (f)-(e) If a school earning a grade of "F" does not improve
 308 by at least one letter grade after 2 full school years of

309 implementing the turnaround option selected by the school
 310 district under paragraph (b), the school district must select a
 311 different option and submit another implementation plan to the
 312 department for approval by the state board. Implementation of
 313 the approved plan must begin the school year following the
 314 implementation period of the existing turnaround option, unless
 315 the state board determines that the school is likely to improve
 316 a letter grade if additional time is provided to implement the
 317 existing turnaround option.

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

320 1012.2315 Assignment of teachers.—

321 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 322 disparities between teachers assigned to teach in a majority of
 323 schools that do not need improvement and schools that do need
 324 improvement pursuant to s. 1008.33. The disparities may be found
 325 in the assignment of temporarily certified teachers, teachers in
 326 need of improvement, and out-of-field teachers and in the
 327 performance of the students. It is the intent of the Legislature
 328 that district school boards have flexibility through the
 329 collective bargaining process to assign teachers more equitably
 330 across the schools in the district.

331 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—School
 332 districts may not assign a higher percentage than the school
 333 district average of temporarily certified teachers, teachers in
 334 need of improvement, or out-of-field teachers to schools graded
 335 "D" or "F" pursuant to s. 1008.34. Each school district shall
 336 annually certify to the commissioner ~~of Education~~ that this

337 requirement has been met. If the commissioner determines that a
 338 school district is not in compliance with this subsection, the
 339 State Board of Education must ~~shall~~ be notified and shall take
 340 action pursuant to s. 1008.32 in the next regularly scheduled
 341 meeting to require compliance.

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

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

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

354 (a) Each district school board shall adopt rules for
 355 administering an assistance plan for each classroom teacher who
 356 is teaching out-of-field. The assistance plan must provide
 357 teachers who are teaching out-of-field with priority
 358 consideration in professional development activities and require
 359 such teachers to participate in a certification or staff
 360 development program that provides the competencies required for
 361 the assigned duties. A school district may reimburse a teacher
 362 who is teaching out-of-field for a certification fee. The
 363 assistance plan must also include duties of administrative
 364 personnel and other instructional personnel for assisting a

365 teacher who is teaching out-of-field.

366 (b) The school district shall annually notify the parent
 367 of a student who is assigned to a classroom teacher teaching a
 368 subject matter that is:

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

370 2. Outside the field that was the teacher's minor field of
 371 study; or

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

375
 376 The notice must inform the parent that virtual instruction from
 377 a certified in-field teacher who has an annual performance
 378 evaluation rating of "effective" or "highly effective" under s.
 379 1012.34 is available to his or her child through the virtual
 380 instruction options specified in s. 1002.321(4).

381 (6) ~~(5)~~ REPORT.—

382 ~~(a)~~ By July 1, 2012, the department of Education shall
 383 annually report on its website, in a manner that is accessible
 384 to the public, the performance rating data reported by district
 385 school boards under s. 1012.34. The report must include the
 386 percentage of classroom teachers, instructional personnel, and
 387 school administrators receiving each performance rating
 388 aggregated by school district and by school.

389 (7) ASSIGNMENT OF TEACHERS BASED UPON PERFORMANCE
 390 EVALUATIONS.—

391 (a) ~~(b)~~ Notwithstanding the provisions of s.
 392 1012.31(3)(a)2., each school district shall annually notify

393 ~~report to~~ the parent of a any student who is assigned to a
 394 classroom teacher or school administrator having two consecutive
 395 annual performance evaluation ratings of "unsatisfactory" under
 396 s. 1012.34, two annual performance evaluation ratings of
 397 unsatisfactory within a 3-year period under s. 1012.34, or three
 398 consecutive annual performance evaluation ratings of "needs
 399 improvement" or a combination of "needs improvement" and
 400 "unsatisfactory" under s. 1012.34. The notice must inform the
 401 parent that virtual instruction from a teacher having a
 402 performance evaluation rating of "highly effective" or
 403 "effective" under s. 1012.34 is available to his or her child
 404 through the virtual instruction options specified in s.
 405 1002.321(4).

406 (b) If a high school or middle school student is currently
 407 taught by a classroom teacher who, during that school year,
 408 receives a performance evaluation rating of "needs improvement"
 409 or "unsatisfactory" under s. 1012.34, the student may not be
 410 assigned the following school year to a classroom teacher in the
 411 same subject area who received a performance evaluation rating
 412 of "needs improvement" or "unsatisfactory" in the preceding
 413 school year.

414 (c) If an elementary school student is currently taught by
 415 a classroom teacher who, during that school year, receives a
 416 performance evaluation rating of "needs improvement" or
 417 "unsatisfactory" under s. 1012.34, the student may not be
 418 assigned the following school year to a classroom teacher who
 419 received a performance evaluation rating of "needs improvement"
 420 or "unsatisfactory" in the preceding school year.

PCS for HB 867

ORIGINAL

2013

421 | Section 8. Section 1012.42, Florida Statutes, is repealed.

422 | Section 9. This act shall take effect July 1, 2013.