

1                   A bill to be entitled  
2           An act relating to education; amending s. 1002.20,  
3           F.S.; including specific certifications and programs  
4           in the public educational choice options available to  
5           students; providing that parents of certain public  
6           school students may use the Florida Personal Learning  
7           Scholarship Accounts Program to seek private  
8           educational choice options; requiring that specified  
9           financial information be included in a school  
10          financial report and that the parent guide or a  
11          similar publication include the financial report;  
12          amending s. 1002.21, F.S.; requiring state  
13          universities and Florida College System institutions  
14          to annually notify students of certain financial  
15          information related to the cost of instruction;  
16          amending 1002.31, F.S.; requiring school districts to  
17          establish a controlled open enrollment policy;  
18          requiring a controlled open enrollment policy to  
19          define school capacity; requiring that a district  
20          school board annually report the number of students  
21          exercising school choice; authorizing a parent to  
22          enroll his or her child in any public school in the  
23          state that has not reached capacity; requiring  
24          district school boards to establish a process for a  
25          parent to request that his or her child be transferred  
26          to another classroom teacher; amending s. 1002.33,

27 F.S.; authorizing a charter school not having reached  
 28 capacity to be open to any student in the state;  
 29 amending s. 1010.215, F.S; requiring certain  
 30 information to be included in a school financial  
 31 report; requiring the report to be included in the  
 32 parent guide or a similar publication and, if  
 33 possible, published on the school's website; amending  
 34 s. 1012.2315, F.S.; specifying which teachers are  
 35 deemed to be in need of improvement for certain  
 36 purposes; deleting a provision related to rulemaking;  
 37 renaming the term "salary incentives" as "salary  
 38 supplements"; amending s. 1012.57, F.S.; requiring the  
 39 State Board of Education to adopt rules for the  
 40 issuance of adjunct teaching certificates; providing  
 41 that adjunct teaching certificates may be used for  
 42 full-time teaching positions in certain circumstances;  
 43 authorizing charter school governing boards to issue  
 44 adjunct teaching certificates; providing an effective  
 45 date.

46  
 47 Be It Enacted by the Legislature of the State of Florida:

48  
 49 Section 1. Paragraphs (a) and (b) of subsection (6) and  
 50 subsection (16) of section 1002.20, Florida Statutes, are  
 51 amended to read:

52 1002.20 K-12 student and parent rights.—Parents of public

53 school students must receive accurate and timely information  
 54 regarding their child's academic progress and must be informed  
 55 of ways they can help their child to succeed in school. K-12  
 56 students and their parents are afforded numerous statutory  
 57 rights including, but not limited to, the following:

58 (6) EDUCATIONAL CHOICE.—

59 (a) Public educational ~~school~~ choices.—Parents of public  
 60 school students may seek whatever public school choice options  
 61 that are applicable and available to students in their school  
 62 districts. These options may include controlled open enrollment,  
 63 single-gender programs, lab schools, virtual instruction  
 64 programs, charter schools, charter technical career centers,  
 65 magnet schools, alternative schools, special programs, auditory-  
 66 oral education programs, career and professional education  
 67 (CAPE) digital tool certificates, CAPE industry certifications,  
 68 collegiate high school programs, advanced placement, dual  
 69 enrollment, International Baccalaureate, International General  
 70 Certificate of Secondary Education (pre-AICE), Advanced  
 71 International Certificate of Education, early admissions, credit  
 72 by examination or demonstration of competency, the New World  
 73 School of the Arts, the Florida School for the Deaf and the  
 74 Blind, and the Florida Virtual School. These options may also  
 75 include the public educational ~~school~~ choice options of the  
 76 Opportunity Scholarship Program and the McKay Scholarships for  
 77 Students with Disabilities Program.

78 (b) Private educational ~~school~~ choices.—Parents of public

79 school students may seek private educational ~~school~~ choice  
 80 options under certain programs.

81 1. Under the McKay Scholarships for Students with  
 82 Disabilities Program, the parent of a public school student with  
 83 a disability may request and receive a McKay Scholarship for the  
 84 student to attend a private school in accordance with s.  
 85 1002.39.

86 2. Under the Florida Tax Credit Scholarship Program, the  
 87 parent of a student who qualifies for free or reduced-price  
 88 school lunch or who is currently placed, or during the previous  
 89 state fiscal year was placed, in foster care as defined in s.  
 90 39.01 may seek a scholarship from an eligible nonprofit  
 91 scholarship-funding organization in accordance with s. 1002.395.

92 3. Under the Florida Personal Learning Scholarship  
 93 Accounts Program, the parent of a student with a qualifying  
 94 disability may apply for a personal learning scholarship to be  
 95 used for educational purposes pursuant to s. 1002.385.

96 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING  
 97 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students  
 98 have the right ~~are entitled~~ to an easy-to-read report card about  
 99 the school's grade designation or, if applicable under s.  
 100 1008.341, the school's improvement rating, and the school's  
 101 accountability report, including the school financial report as  
 102 required under s. 1010.215. The school financial report must  
 103 indicate the average amount of money expended per student in the  
 104 school and must be included in the parent guide or a similar

105 publication.

106 Section 2. Subsection (6) is added to section 1002.21,  
107 Florida Statutes, to read:

108 1002.21 Postsecondary student and parent rights.—

109 (6) FISCAL TRANSPARENCY.—Each state university and Florida  
110 College System institution shall annually notify students of the  
111 amount and percentage of tuition per credit hour subsidized by  
112 the state. This information shall also include the average  
113 amount of money, by source, estimated to be expended for the  
114 education of the student.

115 Section 3. Section 1002.31, Florida Statutes, is amended  
116 to read:

117 1002.31 Controlled open enrollment; public school parental  
118 choice.—

119 (1) As used in this section, "controlled open enrollment"  
120 means a public education delivery system that allows school  
121 districts to make student school assignments using parents'  
122 indicated preferential school choice as a significant factor.

123 (2) In addition to the existing choice programs provided  
124 in s. 1002.20(6)(a), each district school board shall allow a  
125 parent to enroll his or her child in and transport his or her  
126 child to any public school that has not reached capacity in the  
127 district. ~~may offer controlled open enrollment within the public~~  
128 ~~schools which is in addition to the existing choice programs~~  
129 ~~such as virtual instruction programs, magnet schools,~~  
130 ~~alternative schools, special programs, advanced placement, and~~

131 ~~dual enrollment.~~

132 (3) Each district school board ~~offering controlled open~~  
 133 ~~enrollment shall adopt by rule and post on its website the~~  
 134 process required to participate in controlled open enrollment.

135 The process ~~a controlled open enrollment plan which~~ must:

136 (a) Adhere to federal desegregation requirements.

137 ~~(b) Include an application process required to participate~~  
 138 ~~in controlled open enrollment that allows parents to declare~~  
 139 ~~school preferences, including placement of siblings within the~~  
 140 ~~same school.~~

141 (b)(e) Provide a lottery procedure to determine student  
 142 assignment and establish an appeals process for hardship cases.

143 (c)(d) Afford parents of students in multiple session  
 144 schools preferred access to controlled open enrollment.

145 (d)(e) Maintain socioeconomic, demographic, and racial  
 146 balance.

147 (e)(f) Address the availability of transportation.

148 (f) Identify schools that have not reached capacity,  
 149 determined by grade level as 90 percent of the allowable core  
 150 class size for the class average based upon the class size  
 151 calculation pursuant to s. 1003.03.

152 (4) In accordance with the reporting requirements of s.  
 153 1011.62, each district school board shall annually report the  
 154 number of students exercising public school choice, by type of  
 155 choice attending the various types of public schools of choice  
 156 in the district, in accordance with including schools such as

157 ~~virtual instruction programs, magnet schools, and public charter~~  
 158 ~~schools, according to~~ rules adopted by the State Board of  
 159 Education.

160 (5) A parent may enroll his or her child in and transport  
 161 his or her child to any public school that has not reached  
 162 capacity in any school district in the state. The school  
 163 district shall accept the student and report the student for  
 164 purposes of the school district's funding pursuant to the  
 165 Florida Education Finance Program ~~For a school or program that~~  
 166 ~~is a public school of choice under this section, the calculation~~  
 167 ~~for compliance with maximum class size pursuant to s. 1003.03 is~~  
 168 ~~the average number of students at the school level.~~

169 (6) Each district school board shall establish a transfer  
 170 process for a parent to request that his or her child be  
 171 transferred to another classroom teacher. This subsection does  
 172 not give a parent the right to choose a specific classroom  
 173 teacher. A school must grant or deny the transfer within 2 weeks  
 174 after receiving the request. If a request for transfer is  
 175 denied, the school shall notify the parent and specify the  
 176 reasons for the denial. An explanation of the transfer process  
 177 must be made available in the parent guide or a similar  
 178 publication.

179 Section 4. Paragraph (a) of subsection (10) of section  
 180 1002.33, Florida Statutes, is amended to read:

181 1002.33 Charter schools.—

182 (10) ELIGIBLE STUDENTS.—

183 (a) A charter school shall be open to any student covered  
 184 in an interdistrict agreement or residing in the school district  
 185 in which the charter school is located; however, in the case of  
 186 a charter lab school, the charter lab school shall be open to  
 187 any student eligible to attend the lab school as provided in s.  
 188 1002.32 or who resides in the school district in which the  
 189 charter lab school is located. Any eligible student shall be  
 190 allowed interdistrict transfer to attend a charter school when  
 191 based on good cause. Good cause shall include, but is not  
 192 limited to, geographic proximity to a charter school in a  
 193 neighboring school district. A charter school that has not  
 194 reached capacity as defined in s. 1002.31(3)(g) may be open to  
 195 any student in the state.

196 Section 5. Subsection (5) of section 1010.215, Florida  
 197 Statutes, is amended to read:

198 1010.215 Educational funding accountability.—

199 (5) The annual school public accountability report  
 200 required by ss. 1001.42(18) and 1008.345 must include a school  
 201 financial report. The purpose of the school financial report is  
 202 to better inform parents and the public concerning how funds  
 203 were spent to operate the school during the prior fiscal year  
 204 and to inform parents of the average amount of money expended  
 205 per student in the school, including operating and capital  
 206 outlay expenses. Each school's financial report must follow a  
 207 uniform, districtwide format that is easy to read and  
 208 understand. The school financial report must be included in the



209 parent guide required under s. 1002.23(5) or a similar  
 210 publication and, if possible, published on the school's website.

211 (a) Total revenue must be reported at the school,  
 212 district, and state levels. The revenue sources that must be  
 213 addressed are state and local funds, other than lottery funds;  
 214 lottery funds; federal funds; and private donations.

215 (b) Expenditures must be reported as the total  
 216 expenditures per unweighted full-time equivalent student at the  
 217 school level and the average expenditures per full-time  
 218 equivalent student at the district and state levels in each of  
 219 the following categories and subcategories:

220 1. Teachers, excluding substitute teachers, and education  
 221 paraprofessionals who provide direct classroom instruction to  
 222 students enrolled in programs classified by s. 1011.62 as:

- 223 a. Basic programs;
- 224 b. Students-at-risk programs;
- 225 c. Special programs for exceptional students;
- 226 d. Career education programs; and
- 227 e. Adult programs.

228 2. Substitute teachers.

229 3. Other instructional personnel, including school-based  
 230 instructional specialists and their assistants.

231 4. Contracted instructional services, including training  
 232 for instructional staff and other contracted instructional  
 233 services.

234 5. School administration, including school-based

235 administrative personnel and school-based education support  
 236 personnel.

237 6. The following materials, supplies, and operating  
 238 capital outlay:

- 239 a. Textbooks;
- 240 b. Computer hardware and software;
- 241 c. Other instructional materials;
- 242 d. Other materials and supplies; and
- 243 e. Library media materials.
- 244 7. Food services.
- 245 8. Other support services.
- 246 9. Operation and maintenance of the school plant.

247 (c) The school financial report must also identify the  
 248 types of district-level expenditures that support the school's  
 249 operations. The total amount of these district-level  
 250 expenditures must be reported and expressed as total  
 251 expenditures per full-time equivalent student.

252 Section 6. Subsections (1), (2), (3), and (4) and  
 253 paragraph (a) of subsection (5) of section 1012.2315, Florida  
 254 Statutes, are amended to read:

255 1012.2315 Assignment of teachers.—

256 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
 257 disparities between teachers assigned to teach in a majority of  
 258 schools that do not need improvement and schools that do need  
 259 improvement pursuant to s. 1008.33. The disparities may be found  
 260 in the assignment of temporarily certified teachers, teachers

261 who received a performance evaluation rating of needs  
 262 improvement or unsatisfactory pursuant to s. 1012.34 ~~in need of~~  
 263 ~~improvement~~, and out-of-field teachers and in the performance of  
 264 the students. It is the intent of the Legislature that district  
 265 school boards have flexibility through the collective bargaining  
 266 process to assign teachers more equitably across the schools in  
 267 the district.

268 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".-

269 (a) A school district may not assign a higher percentage  
 270 than the school district average of temporarily certified  
 271 teachers, teachers who received a performance evaluation rating  
 272 of needs improvement or unsatisfactory pursuant to s. 1012.34 ~~in~~  
 273 ~~need of improvement~~, or out-of-field teachers to schools graded  
 274 "D" or "F" pursuant to s. 1008.34.

275 (b)1. ~~Beginning July 1, 2014,~~ A school district may assign  
 276 an individual newly hired as instructional personnel to a school  
 277 that has earned a grade of "F" in the previous year or any  
 278 combination of three consecutive grades of "D" or "F" in the  
 279 previous 3 years pursuant to s. 1008.34 if the individual:

280 a. Has received an effective rating or highly effective  
 281 rating in the immediate prior year's performance evaluation  
 282 pursuant s. 1012.34;

283 b. Has successfully completed or is enrolled in a teacher  
 284 preparation program pursuant to s. 1004.04, s. 1004.85, or s.  
 285 1012.56, or a teacher preparation program specified in State  
 286 Board of Education rule, is provided with high quality mentoring

287 during the first 2 years of employment, holds a certificate  
 288 issued pursuant to s. 1012.56, and holds a probationary contract  
 289 pursuant to s. 1012.335(2) (a); or

290 c. Holds a probationary contract pursuant to s.  
 291 1012.335(2) (a), holds a certificate issued pursuant to s.  
 292 1012.56, and has successful teaching experience, and if, in the  
 293 judgment of the school principal, students would benefit from  
 294 the placement of that individual.

295 2. As used in this paragraph, the term "mentoring"  
 296 includes the use of student achievement data combined with at  
 297 least monthly observations to improve the educator's  
 298 effectiveness in improving student outcomes. Mentoring may be  
 299 provided by a school district, a teacher preparation program  
 300 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a  
 301 teacher preparation program specified in State Board of  
 302 Education rule.

303 ~~3. The State Board of Education shall adopt rules under~~  
 304 ~~ss. 120.536(1) and 120.54 to implement this paragraph.~~

305  
 306 Each school district shall annually certify to the Commissioner  
 307 of Education that the requirements in this subsection have been  
 308 met. If the commissioner determines that a school district is  
 309 not in compliance with this subsection, the State Board of  
 310 Education shall be notified and shall take action pursuant to s.  
 311 1008.32 in the next regularly scheduled meeting to require  
 312 compliance.

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

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

325 (5) REPORT.—

326 (a) ~~By July 1, 2012,~~ The Department of Education shall  
 327 annually report on its website, in a manner that is accessible  
 328 to the public, the performance rating data reported by district  
 329 school boards under s. 1012.34. The report must include the  
 330 percentage of classroom teachers, instructional personnel, and  
 331 school administrators receiving each performance rating  
 332 aggregated by school district and by school.

333 Section 7. Section 1012.57, Florida Statutes, is amended  
 334 to read:

335 1012.57 Certification of adjunct educators.—

336 (1) Notwithstanding the provisions of ss. 1012.32,  
 337 1012.55, and 1012.56, or any other provision of law or rule to  
 338 the contrary, the State Board of Education ~~district school~~

339 ~~boards~~ shall adopt rules to allow for the issuance of an adjunct  
 340 teaching certificate by a district school board and charter  
 341 school governing board to any applicant who fulfills the  
 342 requirements of s. 1012.56(2)(a)-(f) and (10) and who has  
 343 expertise in the subject area to be taught. An applicant shall  
 344 be considered to have expertise in the subject area to be taught  
 345 if the applicant demonstrates sufficient subject area mastery  
 346 pursuant to rules of the state board ~~through passage of a~~  
 347 ~~subject area test~~. The adjunct teaching certificate shall be  
 348 used for part-time teaching positions and may be used for full-  
 349 time teaching positions upon demonstrating competency in the  
 350 following:

- 351 (a) The Florida Educator Accomplished Practices.
- 352 (b) The state-adopted student content standards.
- 353 (c) Scientifically research-based reading instruction.
- 354 (d) Content literacy and mathematical practices.
- 355 (e) Strategies appropriate for instruction of English  
 356 language learners.
- 357 (f) Strategies appropriate for instruction of students  
 358 with disabilities.

359 (2) Adjunct certification enables ~~The Legislature intends~~  
 360 ~~that this section allow school districts to tap the wealth of~~  
 361 ~~talent and expertise represented in Florida's citizens who may~~  
 362 ~~wish to teach part-time in a Florida public school by permitting~~  
 363 school districts and charter schools to enhance the diversity of  
 364 course offerings, whether face-to-face or online, by using the

365 wealth of talent and expertise represented by the residents of  
 366 the state ~~issue adjunct certificates to qualified applicants.~~

367 ~~(3) Adjunct certificateholders should be used as a~~  
 368 ~~strategy to enhance the diversity of course offerings offered to~~  
 369 ~~all students. School districts may use the expertise of~~  
 370 ~~individuals in the state who wish to provide online instruction~~  
 371 ~~to students by issuing adjunct certificates to qualified~~  
 372 ~~applicants.~~

373 (3)~~(4)~~ Each adjunct teaching certificate is valid through  
 374 the term of the annual contract between the educator and the  
 375 school district or charter school. An additional annual  
 376 certification and an additional annual contract may be awarded  
 377 ~~by the district at the district's discretion but only if the~~  
 378 ~~applicant is rated effective or highly effective under s.~~  
 379 ~~1012.34 during each year of teaching under adjunct teaching~~  
 380 ~~certification.~~

381 (4)~~(5)~~ Individuals who are certified and employed under  
 382 this section shall have the same rights and protection of laws  
 383 as teachers certified under s. 1012.56.

384 Section 8. This act shall take effect July 1, 2015.