

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; providing that parents of
9 public school students have the right to certain
10 information relating to school district finances and
11 the school district's annual financial report;
12 specifying that certain financial information be
13 included and other information not be included in the
14 school report card; requiring that certain financial
15 information be included in the school district's
16 parent guide or a similar publication; amending s.
17 1002.21, F.S.; requiring state universities and
18 Florida College System institutions to annually notify
19 students of certain financial information related to
20 the cost of instruction; amending 1002.31, F.S.;
21 requiring school districts to establish a controlled
22 open enrollment process; requiring school districts to
23 define school capacity; requiring that a district
24 school board annually report the number of students
25 exercising school choice; authorizing a parent to
26 enroll his or her child in any public school in the

27 | state that has not reached capacity; providing that a
28 | student may continue to attend a chosen school until
29 | the student completes the highest grade offered by the
30 | school; requiring district school boards to establish
31 | a process for a parent to request that his or her
32 | child be transferred to another classroom teacher;
33 | amending s. 1002.33, F.S.; authorizing a charter
34 | school not having reached capacity to be open to any
35 | student in the state; amending s. 1012.2315, F.S.;
36 | specifying which teachers are deemed to be in need of
37 | improvement for certain purposes; deleting a provision
38 | related to rulemaking; renaming the term "salary
39 | incentives" as "salary supplements"; amending s.
40 | 1012.57, F.S.; requiring the State Board of Education
41 | to adopt rules for the issuance of adjunct teaching
42 | certificates; providing that adjunct teaching
43 | certificates may be used for full-time teaching
44 | positions in certain circumstances; authorizing
45 | charter school governing boards to issue adjunct
46 | teaching certificates; providing an effective date.

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

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

53 1002.20 K-12 student and parent rights.—Parents of public
54 school students must receive accurate and timely information
55 regarding their child's academic progress and must be informed
56 of ways they can help their child to succeed in school. K-12
57 students and their parents are afforded numerous statutory
58 rights including, but not limited to, the following:

59 (6) EDUCATIONAL CHOICE.—

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

79 (b) Private educational ~~school~~ choices.—Parents of public
 80 school students may seek private educational ~~school~~ choice
 81 options under certain programs.

82 1. Under the McKay Scholarships for Students with
 83 Disabilities Program, the parent of a public school student with
 84 a disability may request and receive a McKay Scholarship for the
 85 student to attend a private school in accordance with s.
 86 1002.39.

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

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

97 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 98 REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
 99 have the right ~~are entitled~~ to an easy-to-read report card about
 100 the school's grade designation or, if applicable under s.
 101 1008.341, the school's improvement rating; ~~and~~ the school's
 102 accountability report, including the school financial report as
 103 required under s. 1010.215; and the school district's annual
 104 financial report, including expenditures by fund type for the

105 district's general fund, special revenue funds, debt service
 106 funds, capital projects funds, and the total of such
 107 expenditures, calculated per full-time equivalent student.
 108 Fiduciary funds, enterprise funds, and internal service funds
 109 shall not be included in the report card. The total expenditures
 110 per full-time equivalent student as reported in the school
 111 district's annual financial report, at a minimum, must be
 112 included in the parent guide or a similar publication.

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

115 1002.21 Postsecondary student and parent rights.—

116 (6) FISCAL TRANSPARENCY.—Each state university and Florida
 117 College System institution shall annually notify students of the
 118 amount and percentage of tuition per credit hour subsidized by
 119 the state in accordance with rules of the State Board of
 120 Education and regulations of the Board of Governors. This
 121 information shall also include the average amount of money, by
 122 source, estimated to be expended for the education of the
 123 student.

124 Section 3. Section 1002.31, Florida Statutes, is amended
 125 to read:

126 1002.31 Controlled open enrollment; public school parental
 127 choice.—

128 (1) As used in this section, "controlled open enrollment"
 129 means a public education delivery system that allows school
 130 districts to make student school assignments using parents'

131 indicated preferential school choice as a significant factor.

132 (2) In addition to the existing eligibility criteria for
133 choice programs provided in s. 1002.20(6)(a), each district
134 school board shall allow a parent to enroll his or her child in
135 and transport his or her child to any public school that has not
136 reached capacity in the district. For purposes of continuity of
137 educational choice, a student may continue to attend the chosen
138 school until the student completes the highest grade offered by
139 the school ~~may offer controlled open enrollment within the~~
140 ~~public schools which is in addition to the existing choice~~
141 ~~programs such as virtual instruction programs, magnet schools,~~
142 ~~alternative schools, special programs, advanced placement, and~~
143 ~~dual enrollment.~~

144 (3) Each district school board ~~offering controlled open~~
145 ~~enrollment~~ shall annually adopt by rule and post on its website,
146 no later than January 1, the process required to participate in
147 controlled open enrollment. The process ~~a controlled open~~
148 ~~enrollment plan which~~ must:

149 (a) Adhere to federal desegregation requirements.

150 (b) Allow ~~Include an application process required to~~
151 ~~participate in controlled open enrollment that allows parents to~~
152 ~~declare school preferences, including placement of siblings~~
153 ~~within the same school.~~

154 (c) Provide a lottery procedure to determine student
155 assignment and establish an appeals process for hardship cases.

156 (d) Afford parents of students in multiple session schools

157 preferred access to controlled open enrollment.

158 (e) Maintain socioeconomic, demographic, and racial
159 balance.

160 (f) Address the availability of transportation.

161 (g) Identify schools that have not reached capacity,
162 determined as 90 percent of the total student stations of the
163 school by program and grade level. In making its determination,
164 each school district shall consider the specifications, plans,
165 elements, and commitments contained in the school district
166 educational facilities plan and the long-term work programs
167 required under s. 1013.35.

168 (4) In accordance with the reporting requirements of s.
169 1011.62, each district school board shall annually report the
170 number of students exercising public school choice, by type of
171 choice attending the various types of public schools of choice
172 in the district, in accordance with including schools such as
173 virtual instruction programs, magnet schools, and public charter
174 schools, according to rules adopted by the State Board of
175 Education.

176 (5) (a) Beginning in the 2016-2017 school year, a parent
177 may enroll his or her child in and transport his or her child to
178 any public school that has not reached capacity in any school
179 district in the state. The school district shall accept the
180 student and report the student for purposes of the school
181 district's funding pursuant to the Florida Education Finance
182 Program.

183 (b) If a parent chooses to enroll his or her child in a
184 school in another school district pursuant to paragraph (a) for
185 the 2016-2017 school year, the parent shall notify the district
186 of residence and the district of choice no later than November
187 15, 2015. For the 2017-2018 school year and each school year
188 thereafter, the parent shall notify the district of residence
189 and the district of choice of his or her intention to enroll his
190 or her child in the district of choice no later than February 15
191 of each preceding school year. For purposes of continuity of
192 educational choice, a student may continue to attend the chosen
193 school until he or she completes the highest grade offered by
194 the school ~~For a school or program that is a public school of~~
195 ~~choice under this section, the calculation for compliance with~~
196 ~~maximum class size pursuant to s. 1003.03 is the average number~~
197 ~~of students at the school level.~~

198 (6) Each district school board shall establish a transfer
199 process for a parent to request that his or her child be
200 transferred to another classroom teacher. This subsection does
201 not give a parent the right to choose a specific classroom
202 teacher. A school must grant or deny the transfer within 2 weeks
203 after receiving the request. If a request for transfer is
204 denied, the school shall notify the parent and specify the
205 reasons for the denial. An explanation of the transfer process
206 must be made available in the parent guide or a similar
207 publication.

208 Section 4. Paragraph (a) of subsection (10) of section

209 1002.33, Florida Statutes, is amended to read:

210 1002.33 Charter schools.—

211 (10) ELIGIBLE STUDENTS.—

212 (a) A charter school shall be open to any student covered
 213 in an interdistrict agreement or residing in the school district
 214 in which the charter school is located; however, in the case of
 215 a charter lab school, the charter lab school shall be open to
 216 any student eligible to attend the lab school as provided in s.
 217 1002.32 or who resides in the school district in which the
 218 charter lab school is located. Any eligible student shall be
 219 allowed interdistrict transfer to attend a charter school when
 220 based on good cause. Good cause shall include, but is not
 221 limited to, geographic proximity to a charter school in a
 222 neighboring school district. A charter school that has not
 223 reached capacity as defined in s. 1002.31(3)(g) may be open to
 224 any student in the state.

225 Section 5. Subsections (1), (2), (3), and (4) and
 226 paragraph (a) of subsection (5) of section 1012.2315, Florida
 227 Statutes, are amended to read:

228 1012.2315 Assignment of teachers.—

229 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
 230 disparities between teachers assigned to teach in a majority of
 231 schools that do not need improvement and schools that do need
 232 improvement pursuant to s. 1008.33. The disparities may be found
 233 in the assignment of temporarily certified teachers, teachers
 234 who received a performance evaluation rating of needs

235 improvement or unsatisfactory pursuant to s. 1012.34 ~~in need of~~
236 ~~improvement~~, and out-of-field teachers and in the performance of
237 the students. It is the intent of the Legislature that district
238 school boards have flexibility through the collective bargaining
239 process to assign teachers more equitably across the schools in
240 the district.

241 (2) ASSIGNMENT TO SCHOOLS GRADED "D" or "F".—

242 (a) A school district may not assign a higher percentage
243 than the school district average of temporarily certified
244 teachers, teachers who received a performance evaluation rating
245 of needs improvement or unsatisfactory pursuant to s. 1012.34 ~~in~~
246 ~~need of improvement~~, or out-of-field teachers to schools graded
247 "D" or "F" pursuant to s. 1008.34.

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

253 a. Has received an effective rating or highly effective
254 rating in the immediate prior year's performance evaluation
255 pursuant s. 1012.34;

256 b. Has successfully completed or is enrolled in a teacher
257 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
258 1012.56, or a teacher preparation program specified in State
259 Board of Education rule, is provided with high quality mentoring
260 during the first 2 years of employment, holds a certificate

261 issued pursuant to s. 1012.56, and holds a probationary contract
 262 pursuant to s. 1012.335(2) (a); or

263 c. Holds a probationary contract pursuant to s.
 264 1012.335(2) (a), holds a certificate issued pursuant to s.
 265 1012.56, and has successful teaching experience, and if, in the
 266 judgment of the school principal, students would benefit from
 267 the placement of that individual.

268 2. As used in this paragraph, the term "mentoring"
 269 includes the use of student achievement data combined with at
 270 least monthly observations to improve the educator's
 271 effectiveness in improving student outcomes. Mentoring may be
 272 provided by a school district, a teacher preparation program
 273 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a
 274 teacher preparation program specified in State Board of
 275 Education rule.

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

278
 279 Each school district shall annually certify to the Commissioner
 280 of Education that the requirements in this subsection have been
 281 met. If the commissioner determines that a school district is
 282 not in compliance with this subsection, the State Board of
 283 Education shall be notified and shall take action pursuant to s.
 284 1008.32 in the next regularly scheduled meeting to require
 285 compliance.

286 (3) SALARY SUPPLEMENTS ~~INCENTIVES~~.—District school boards

287 are authorized to provide salary supplements ~~incentives~~ to meet
 288 the requirement of subsection (2). A district school board may
 289 not sign a collective bargaining agreement that precludes the
 290 school district from providing sufficient supplements ~~incentives~~
 291 to meet this requirement.

292 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
 293 chapter 447 relating to district school board collective
 294 bargaining, collective bargaining provisions may not preclude a
 295 school district from providing supplements ~~incentives~~ to high-
 296 quality teachers and assigning such teachers to low-performing
 297 schools.

298 (5) REPORT.—

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

306 Section 6. Section 1012.57, Florida Statutes, is amended
 307 to read:

308 1012.57 Certification of adjunct educators.—

309 (1) Notwithstanding the provisions of ss. 1012.32,
 310 1012.55, and 1012.56, or any other provision of law or rule to
 311 the contrary, the State Board of Education ~~district school~~
 312 ~~boards~~ shall adopt rules to allow for the issuance of an adjunct

313 teaching certificate by a district school board and charter
314 school governing board to any applicant who fulfills the
315 requirements of s. 1012.56(2)(a)-(f) and (10) and who has
316 expertise in the subject area to be taught. An applicant shall
317 be considered to have expertise in the subject area to be taught
318 if the applicant demonstrates sufficient subject area mastery
319 pursuant to rules of the state board ~~through passage of a~~
320 ~~subject area test~~. The adjunct teaching certificate shall be
321 used for part-time teaching positions and may be used for full-
322 time teaching positions upon demonstrating competency in each of
323 the following:

- 324 (a) The Florida Educator Accomplished Practices.
325 (b) The state-adopted student content standards.
326 (c) Scientifically research-based reading instruction.
327 (d) Content literacy and mathematical practices.
328 (e) Strategies appropriate for instruction of English
329 language learners.
330 (f) Strategies appropriate for instruction of students
331 with disabilities.

332 (2) Adjunct certification enables ~~The Legislature intends~~
333 ~~that this section allow school districts to tap the wealth of~~
334 ~~talent and expertise represented in Florida's citizens who may~~
335 ~~wish to teach part-time in a Florida public school by permitting~~
336 ~~school districts~~ and charter schools to enhance the diversity of
337 course offerings, whether face-to-face or online, by using the
338 wealth of talent and expertise represented by the residents of

339 the state ~~issue adjunct certificates to qualified applicants.~~

340 ~~(3) Adjunct certificateholders should be used as a~~
341 ~~strategy to enhance the diversity of course offerings offered to~~
342 ~~all students. School districts may use the expertise of~~
343 ~~individuals in the state who wish to provide online instruction~~
344 ~~to students by issuing adjunct certificates to qualified~~
345 ~~applicants.~~

346 (3)~~(4)~~ Each adjunct teaching certificate is valid through
347 the term of the annual contract between the educator and the
348 school district or charter school. An additional annual
349 certification and an additional annual contract may be awarded
350 ~~by the district at the district's discretion but only if the~~
351 applicant is rated effective or highly effective under s.
352 1012.34 during each year of teaching under adjunct teaching
353 certification.

354 (4)~~(5)~~ Individuals who are certified and employed under
355 this section shall have the same rights and protection of laws
356 as teachers certified under s. 1012.56.

357 Section 7. This act shall take effect July 1, 2015.