

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:

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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.