

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 policy; requiring a controlled open
23 enrollment policy to define school capacity; requiring
24 that a district school board annually report the
25 number of students exercising school choice;
26 authorizing a parent to enroll his or her child in any

27 public school in the state that has not reached
28 capacity; requiring district school boards to
29 establish a process for a parent to request that his
30 or her child be transferred to another classroom
31 teacher; amending s. 1002.33, F.S.; authorizing a
32 charter school not having reached capacity to be open
33 to any student in the state; amending s. 1010.215,
34 F.S.; requiring certain information to be included in a
35 school financial report; requiring the report to be
36 included in the parent guide or a similar publication
37 and, if possible, published on the school's website;
38 amending s. 1012.2315, F.S.; specifying which teachers
39 are deemed to be in need of improvement for certain
40 purposes; deleting a provision related to rulemaking;
41 renaming the term "salary incentives" as "salary
42 supplements"; amending s. 1012.57, F.S.; requiring the
43 State Board of Education to adopt rules for the
44 issuance of adjunct teaching certificates; providing
45 that adjunct teaching certificates may be used for
46 full-time teaching positions in certain circumstances;
47 authorizing charter school governing boards to issue
48 adjunct teaching certificates; providing an effective
49 date.

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51 Be It Enacted by the Legislature of the State of Florida:
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53 Section 1. Paragraphs (a) and (b) of subsection (6) and
54 subsection (16) of section 1002.20, Florida Statutes, are
55 amended to read:

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

62 (6) EDUCATIONAL CHOICE.—

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

79 | include the public educational ~~school~~ choice options of the
 80 | Opportunity Scholarship Program and the McKay Scholarships for
 81 | Students with Disabilities Program.

82 | (b) Private educational ~~school~~ choices.—Parents of public
 83 | school students may seek private educational ~~school~~ choice
 84 | options under certain programs.

85 | 1. Under the McKay Scholarships for Students with
 86 | Disabilities Program, the parent of a public school student with
 87 | a disability may request and receive a McKay Scholarship for the
 88 | student to attend a private school in accordance with s.
 89 | 1002.39.

90 | 2. Under the Florida Tax Credit Scholarship Program, the
 91 | parent of a student who qualifies for free or reduced-price
 92 | school lunch or who is currently placed, or during the previous
 93 | state fiscal year was placed, in foster care as defined in s.
 94 | 39.01 may seek a scholarship from an eligible nonprofit
 95 | scholarship-funding organization in accordance with s. 1002.395.

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

100 | (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING
 101 | REPORTS; FISCAL TRANSPARENCY.—Parents of public school students
 102 | have the right ~~are entitled~~ to an easy-to-read report card about
 103 | the school's grade designation or, if applicable under s.
 104 | 1008.341, the school's improvement rating; ~~and~~ the school's

105 | accountability report, including the school financial report as
106 | required under s. 1010.215; and the school district's annual
107 | financial report, including expenditures by fund type for the
108 | district's general fund, special revenue funds, debt service
109 | funds, capital projects funds, and the total of such
110 | expenditures, calculated per full-time equivalent student.
111 | Fiduciary funds, enterprise funds, and internal service funds
112 | shall not be included in the report card. The total expenditures
113 | per full-time equivalent student as reported in the school
114 | district's annual financial report, at a minimum, must be
115 | included in the parent guide or a similar publication.

116 | Section 2. Subsection (6) is added to section 1002.21,
117 | Florida Statutes, to read:

118 | 1002.21 Postsecondary student and parent rights.—

119 | (6) FISCAL TRANSPARENCY.—Each state university and Florida
120 | College System institution shall annually notify students of the
121 | amount and percentage of tuition per credit hour subsidized by
122 | the state. This information shall also include the average
123 | amount of money, by source, estimated to be expended for the
124 | education of the student.

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

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

129 | (1) As used in this section, "controlled open enrollment"
130 | means a public education delivery system that allows school

131 districts to make student school assignments using parents'
132 indicated preferential school choice as a significant factor.

133 (2) In addition to the existing choice programs provided
134 in s. 1002.20(6)(a), each district school board shall allow a
135 parent to enroll his or her child in and transport his or her
136 child to any public school that has not reached capacity in the
137 district. ~~may offer controlled open enrollment within the public~~
138 ~~schools which is in addition to the existing choice programs~~
139 ~~such as virtual instruction programs, magnet schools,~~
140 ~~alternative schools, special programs, advanced placement, and~~
141 ~~dual enrollment.~~

142 (3) Each district school board ~~offering controlled open~~
143 ~~enrollment~~ shall ~~adopt by rule and post on its website the~~
144 process required to participate in controlled open enrollment.
145 The process ~~a controlled open enrollment plan which must:~~

146 (a) Adhere to federal desegregation requirements.

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

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

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

155 (d)(e) Maintain socioeconomic, demographic, and racial
156 balance.

157 ~~(e)(f)~~ Address the availability of transportation.

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

162 (4) In accordance with the reporting requirements of s.
163 1011.62, each district school board shall annually report the
164 number of students exercising public school choice, by type of
165 choice attending the various types of public schools of choice
166 in the district, in accordance with including schools such as
167 virtual instruction programs, magnet schools, and public charter
168 schools, according to rules adopted by the State Board of
169 Education.

170 (5) A parent may enroll his or her child in and transport
171 his or her child to any public school that has not reached
172 capacity in any school district in the state. The school
173 district shall accept the student and report the student for
174 purposes of the school district's funding pursuant to the
175 Florida Education Finance Program ~~For a school or program that~~
176 ~~is a public school of choice under this section, the calculation~~
177 ~~for compliance with maximum class size pursuant to s. 1003.03 is~~
178 ~~the average number of students at the school level.~~

179 (6) Each district school board shall establish a transfer
180 process for a parent to request that his or her child be
181 transferred to another classroom teacher. This subsection does
182 not give a parent the right to choose a specific classroom

183 teacher. A school must grant or deny the transfer within 2 weeks
184 after receiving the request. If a request for transfer is
185 denied, the school shall notify the parent and specify the
186 reasons for the denial. An explanation of the transfer process
187 must be made available in the parent guide or a similar
188 publication.

189 Section 4. Paragraph (a) of subsection (10) of section
190 1002.33, Florida Statutes, is amended to read:

191 1002.33 Charter schools.—

192 (10) ELIGIBLE STUDENTS.—

193 (a) A charter school shall be open to any student covered
194 in an interdistrict agreement or residing in the school district
195 in which the charter school is located; however, in the case of
196 a charter lab school, the charter lab school shall be open to
197 any student eligible to attend the lab school as provided in s.
198 1002.32 or who resides in the school district in which the
199 charter lab school is located. Any eligible student shall be
200 allowed interdistrict transfer to attend a charter school when
201 based on good cause. Good cause shall include, but is not
202 limited to, geographic proximity to a charter school in a
203 neighboring school district. A charter school that has not
204 reached capacity as defined in s. 1002.31(3)(g) may be open to
205 any student in the state.

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

208 1010.215 Educational funding accountability.—

209 (5) The annual school public accountability report
 210 required by ss. 1001.42(18) and 1008.345 must include a school
 211 financial report. The purpose of the school financial report is
 212 to better inform parents and the public concerning how funds
 213 were spent to operate the school during the prior fiscal year
 214 and to inform parents of the average amount of money expended
 215 per student in the school, including operating and capital
 216 outlay expenses. Each school's financial report must follow a
 217 uniform, districtwide format that is easy to read and
 218 understand. The school financial report must be included in the
 219 parent guide required under s. 1002.23(5) or a similar
 220 publication and, if possible, published on the school's website.

221 (a) Total revenue must be reported at the school,
 222 district, and state levels. The revenue sources that must be
 223 addressed are state and local funds, other than lottery funds;
 224 lottery funds; federal funds; and private donations.

225 (b) Expenditures must be reported as the total
 226 expenditures per unweighted full-time equivalent student at the
 227 school level and the average expenditures per full-time
 228 equivalent student at the district and state levels in each of
 229 the following categories and subcategories:

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

- 233 a. Basic programs;
- 234 b. Students-at-risk programs;

- 235 c. Special programs for exceptional students;
 236 d. Career education programs; and
 237 e. Adult programs.
 238 2. Substitute teachers.
 239 3. Other instructional personnel, including school-based
 240 instructional specialists and their assistants.
 241 4. Contracted instructional services, including training
 242 for instructional staff and other contracted instructional
 243 services.
 244 5. School administration, including school-based
 245 administrative personnel and school-based education support
 246 personnel.
 247 6. The following materials, supplies, and operating
 248 capital outlay:
 249 a. Textbooks;
 250 b. Computer hardware and software;
 251 c. Other instructional materials;
 252 d. Other materials and supplies; and
 253 e. Library media materials.
 254 7. Food services.
 255 8. Other support services.
 256 9. Operation and maintenance of the school plant.
 257 (c) The school financial report must also identify the
 258 types of district-level expenditures that support the school's
 259 operations. The total amount of these district-level
 260 expenditures must be reported and expressed as total

261 expenditures per full-time equivalent student.

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

265 1012.2315 Assignment of teachers.—

266 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
267 disparities between teachers assigned to teach in a majority of
268 schools that do not need improvement and schools that do need
269 improvement pursuant to s. 1008.33. The disparities may be found
270 in the assignment of temporarily certified teachers, teachers
271 who received a performance evaluation rating of needs
272 improvement or unsatisfactory pursuant to s. 1012.34 ~~in need of~~
273 ~~improvement~~, and out-of-field teachers and in the performance of
274 the students. It is the intent of the Legislature that district
275 school boards have flexibility through the collective bargaining
276 process to assign teachers more equitably across the schools in
277 the district.

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

279 (a) A school district may not assign a higher percentage
280 than the school district average of temporarily certified
281 teachers, teachers who received a performance evaluation rating
282 of needs improvement or unsatisfactory pursuant to s. 1012.34 ~~in~~
283 ~~need of improvement~~, or out-of-field teachers to schools graded
284 "D" or "F" pursuant to s. 1008.34.

285 (b)1. ~~Beginning July 1, 2014,~~ A school district may assign
286 an individual newly hired as instructional personnel to a school

287 that has earned a grade of "F" in the previous year or any
288 combination of three consecutive grades of "D" or "F" in the
289 previous 3 years pursuant to s. 1008.34 if the individual:

290 a. Has received an effective rating or highly effective
291 rating in the immediate prior year's performance evaluation
292 pursuant s. 1012.34;

293 b. Has successfully completed or is enrolled in a teacher
294 preparation program pursuant to s. 1004.04, s. 1004.85, or s.
295 1012.56, or a teacher preparation program specified in State
296 Board of Education rule, is provided with high quality mentoring
297 during the first 2 years of employment, holds a certificate
298 issued pursuant to s. 1012.56, and holds a probationary contract
299 pursuant to s. 1012.335(2) (a); or

300 c. Holds a probationary contract pursuant to s.
301 1012.335(2) (a), holds a certificate issued pursuant to s.
302 1012.56, and has successful teaching experience, and if, in the
303 judgment of the school principal, students would benefit from
304 the placement of that individual.

305 2. As used in this paragraph, the term "mentoring"
306 includes the use of student achievement data combined with at
307 least monthly observations to improve the educator's
308 effectiveness in improving student outcomes. Mentoring may be
309 provided by a school district, a teacher preparation program
310 approved pursuant to s. 1004.04, s. 1004.85, or s. 1012.56, or a
311 teacher preparation program specified in State Board of
312 Education rule.

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

315

316 Each school district shall annually certify to the Commissioner
317 of Education that the requirements in this subsection have been
318 met. If the commissioner determines that a school district is
319 not in compliance with this subsection, the State Board of
320 Education shall be notified and shall take action pursuant to s.
321 1008.32 in the next regularly scheduled meeting to require
322 compliance.

323 (3) SALARY SUPPLEMENTS ~~INCENTIVES~~.—District school boards
324 are authorized to provide salary supplements ~~incentives~~ to meet
325 the requirement of subsection (2). A district school board may
326 not sign a collective bargaining agreement that precludes the
327 school district from providing sufficient supplements ~~incentives~~
328 to meet this requirement.

329 (4) COLLECTIVE BARGAINING.—Notwithstanding provisions of
330 chapter 447 relating to district school board collective
331 bargaining, collective bargaining provisions may not preclude a
332 school district from providing supplements ~~incentives~~ to high-
333 quality teachers and assigning such teachers to low-performing
334 schools.

335 (5) REPORT.—

336 (a) ~~By July 1, 2012,~~ The Department of Education shall
337 annually report on its website, in a manner that is accessible
338 to the public, the performance rating data reported by district

339 school boards under s. 1012.34. The report must include the
 340 percentage of classroom teachers, instructional personnel, and
 341 school administrators receiving each performance rating
 342 aggregated by school district and by school.

343 Section 7. Section 1012.57, Florida Statutes, is amended
 344 to read:

345 1012.57 Certification of adjunct educators.—

346 (1) Notwithstanding the provisions of ss. 1012.32,
 347 1012.55, and 1012.56, or any other provision of law or rule to
 348 the contrary, the State Board of Education ~~district school~~
 349 ~~boards~~ shall adopt rules to allow for the issuance of an adjunct
 350 teaching certificate by a district school board and charter
 351 school governing board to any applicant who fulfills the
 352 requirements of s. 1012.56(2)(a)-(f) and (10) and who has
 353 expertise in the subject area to be taught. An applicant shall
 354 be considered to have expertise in the subject area to be taught
 355 if the applicant demonstrates sufficient subject area mastery
 356 pursuant to rules of the state board ~~through passage of a~~
 357 ~~subject area test~~. The adjunct teaching certificate shall be
 358 used for part-time teaching positions and may be used for full-
 359 time teaching positions upon demonstrating competency in the
 360 following:

- 361 (a) The Florida Educator Accomplished Practices.
- 362 (b) The state-adopted student content standards.
- 363 (c) Scientifically research-based reading instruction.
- 364 (d) Content literacy and mathematical practices.

365 (e) Strategies appropriate for instruction of English
366 language learners.

367 (f) Strategies appropriate for instruction of students
368 with disabilities.

369 (2) Adjunct certification enables ~~The Legislature intends~~
370 ~~that this section allow school districts to tap the wealth of~~
371 ~~talent and expertise represented in Florida's citizens who may~~
372 ~~wish to teach part-time in a Florida public school by permitting~~
373 ~~school districts~~ and charter schools to enhance the diversity of
374 course offerings, whether face-to-face or online, by using the
375 wealth of talent and expertise represented by the residents of
376 the state ~~issue adjunct certificates to qualified applicants.~~

377 ~~(3) Adjunct certificateholders should be used as a~~
378 ~~strategy to enhance the diversity of course offerings offered to~~
379 ~~all students. School districts may use the expertise of~~
380 ~~individuals in the state who wish to provide online instruction~~
381 ~~to students by issuing adjunct certificates to qualified~~
382 ~~applicants.~~

383 (3)(4) Each adjunct teaching certificate is valid through
384 the term of the annual contract between the educator and the
385 school district or charter school. An additional annual
386 certification and an additional annual contract may be awarded
387 ~~by the district at the district's discretion but only if the~~
388 applicant is rated effective or highly effective under s.
389 1012.34 during each year of teaching under adjunct teaching
390 certification.

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391 | (4)~~(5)~~ Individuals who are certified and employed under
392 | this section shall have the same rights and protection of laws
393 | as teachers certified under s. 1012.56.

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