

CHAPTER 2023-38

Committee Substitute for House Bill No. 1035

An act relating to K-12 teachers; requiring the Commissioner of Education to take specified actions relating to classroom teacher training requirements by a specified date; amending s. 1001.20, F.S.; authorizing the Office of Inspector General within the Department of Education to investigate allegations and reports of suspected violations of certain persons' rights; amending s. 1003.32, F.S.; revising the disciplinary actions a principal may impose on a student; revising requirements for disciplinary actions a principal may impose; amending s. 1009.26, F.S.; revising the courses eligible for a fee waiver; creating s. 1009.31, F.S.; establishing the Dual Enrollment Educator Scholarship Program; providing requirements for the department and the Board of Governors in administering the program; providing eligibility criteria for applicants; requiring scholarship recipients to agree to specified conditions; providing what the scholarship funds must cover; providing that funding for the program is contingent upon appropriation; requiring the State Board of Education to adopt rules; creating s. 1012.555, F.S.; establishing the Teacher Apprenticeship Program; providing eligibility requirements for apprentice teachers; providing requirements for mentor teachers; providing that a mentor teacher may receive a bonus under specified conditions; providing that an apprenticeship classroom may exceed class size requirements up to a specified limit; authorizing the state board to adopt rules; amending s. 1012.56, F.S.; revising the validity period for certain temporary certificates; amending s. 1012.59, F.S.; waiving specified certification requirements for retired first responders; creating s. 1012.715, F.S.; establishing the Heroes in the Classroom Bonus Program; providing that a retired military veteran or first responder who becomes a full-time classroom teacher may receive a one-time bonus, subject to legislative appropriation; defining the terms "retired first responder" and "veteran"; providing eligibility requirements for the bonus; defining the term "disciplinary action"; providing responsibilities for the department; providing responsibilities for the school district; authorizing the state board to adopt rules; creating ch. 1015, F.S., to be entitled "Teachers' Bill of Rights"; creating s. 1015.01, F.S.; providing a short title; creating s. 1015.02, F.S.; providing legislative findings; creating s. 1015.03, F.S.; providing that the right of certain employees to work may not be denied or abridged by specified actions; providing civil and criminal immunity for teachers under certain circumstances; requiring that teachers have access to certain liability coverage under certain circumstances; providing that teachers may receive reimbursement of certain expenses under certain circumstances; providing that certain persons have the right to be free from discrimination; providing that teachers must be provided multiple pathways to earn an educator certificate; creating s. 1015.04, F.S.; providing that teachers are guaranteed a coordinated system of professional development; providing that certain teachers may receive specified tuition and fee

waivers; creating s. 1015.05, F.S.; authorizing teachers to control and discipline students in their classrooms and certain other places and to take specified actions; creating a rebuttable presumption for teachers under certain circumstances; creating s. 1015.06, F.S.; providing that teachers have the right to direct their classroom instruction; authorizing teachers to bring actions against school districts and request the appointment of a special magistrate under certain circumstances; providing requirements and responsibilities for such magistrates; providing requirements for the state board; providing that teachers have the right to receive certain data in a timely manner; providing an effective date.

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

Section 1. By December 31, 2023, the Commissioner of Education shall:

(1) Conduct a thorough and comprehensive review of all classroom teacher training requirements in federal and state law or rule and district policy.

(2) Assess all classroom teacher training requirements and identify any duplicate federal and state training requirements.

(3) Evaluate any potential negative impacts of eliminating certain classroom teacher training requirements in state law or rule or district policy.

(4) Review all available literature related to comprehensive reviews of classroom teacher training requirements in other states.

(5) Eliminate any classroom teacher training requirements not required by federal or state law.

(6) Provide recommendations to the Legislature for eliminating classroom teacher training requirements in state law or rule or district policy.

Section 2. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) *Office of Inspector General.*—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the

Blind, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, or the Florida College System institution, the office must shall conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office may investigate allegations or reports of suspected violations of a student's, parent's, or teacher's rights. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 3. Subsection (3) of section 1003.32, Florida Statutes, is amended to read:

1003.32 Authority of teacher; responsibility for control of students; district school board and principal duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07. After determining that the student has violated the student code of conduct, the principal shall respond either by employing the teacher's recommended consequence, or by imposing a more serious disciplinary action, if the student's overall behavioral history of disruptive behavior warrants it. If the principal determines that a lesser disciplinary action other than that recommended by the teacher is appropriate, the principal should consult with the teacher before prior to taking disciplinary action. If the principal determines that the student has not violated the student code of conduct, the principal may not impose any discipline. The principal shall notify the teacher of any decision regarding discipline, or lack thereof, and interventions provided to a student to address the behavior. If the principal deviates in any way from the teacher's recommendation, the principal must provide the reasons for any such deviation in writing to the teacher.

Section 4. Subsection (18) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

(18)(a) For every course in a Program of Strategic Emphasis, as identified in subparagraph 3., or a state-approved teacher preparation program, in which a student is enrolled, a state university shall waive 100 percent of the tuition and fees for an equivalent course in such program for a student who:

1. Is a resident for tuition purposes under s. 1009.21.
2. Has earned at least 60 semester credit hours towards a baccalaureate degree within 2 academic years after initial enrollment at a Florida public postsecondary institution.
3. Enrolls in one of 10 Programs of Strategic Emphasis as adopted by the Board of Governors or a state-approved teacher preparation program. The Board of Governors shall adopt eight Programs of Strategic Emphasis in science, technology, engineering, or math and, beginning with the 2022-2023 academic year, two Programs of Strategic Emphasis in the critical workforce gap analysis category for which a student may be eligible to receive the tuition and fee waiver authorized by this subsection. The programs identified by the board must reflect the priorities of the state and be offered at a majority of state universities.

(b) A waiver granted under this subsection is applicable only for upper-level courses and up to 110 percent of the number of required credit hours of the baccalaureate degree program for which the student is enrolled.

(c) Upon enrollment in a Program of Strategic Emphasis or a state-approved teacher preparation program, the tuition and fees waived under this subsection must be reported for state funding purposes under ss. 1009.534 and 1009.535 and must be disbursed to the student. The amount disbursed to the student must shall be equal to the award amount the student has received under s. 1009.534(2) or s. 1009.535(2).

(d) Each state university shall report to the Board of Governors the number and value of all waivers granted annually under this subsection. A state university in compliance with this subsection may earn incentive funding, subject to appropriation, in addition to the funding provided under s. 1001.92.

(e) The Board of Governors shall adopt regulations to administer this subsection.

Section 5. Section 1009.31, Florida Statutes, is created to read:

1009.31 Dual Enrollment Educator Scholarship Program.—

(1) The Dual Enrollment Educator Scholarship Program is established to assist teachers of grades 9-12 in public schools in this state in obtaining the graduate degree and credentials necessary to provide dual enrollment coursework directly to students on the campuses of such schools.

(2) The Department of Education shall:

(a) Administer the scholarship program in accordance with rules adopted by the State Board of Education.

(b) In consultation with the Board of Governors, identify graduate-level degree programs offered at state universities which meet accrediting agency requirements for teaching general education core courses, as identified in s. 1007.25. The department shall provide the list of approved degree programs to school districts and post it on its website.

(c) In consultation with the Board of Governors, identify qualified degree programs that are available entirely online.

(d) Identify and prioritize districts for participation in the scholarship program based on each district’s ratio of students from low-income and moderate-income households, the availability of dual enrollment courses in the district, and the geographic proximity of high schools in the district to participating postsecondary institutions.

(e) Prioritize scholarship program applicants who are currently enrolled in an approved graduate program at a state university.

(f) Identify school districts with the highest need for teachers, as described in subsection (1), in which participants completing the scholarship program may teach to satisfy the requirement imposed by subparagraph (4)(a)3.

(3) A scholarship applicant must satisfy the following eligibility criteria:

(a) Be a certified teacher of grades 9-12 in a public school in this state.

(b) Be accepted into, or currently enrolled in, an approved graduate program in a subject within his or her area of certification, as identified pursuant to paragraph (2)(b).

(4)(a) As a condition of receiving a scholarship, the recipient must agree to do all of the following:

1. Complete the graduate degree program and additional required credentials within 3 academic years of the initial award.

2. Upon completion of the degree, teach at least one general education core course, as identified in s. 1007.25, per semester at a public school mutually agreed upon by the school district and the postsecondary institution. The recipient may teach additional courses at the school upon the approval of the school district and the postsecondary institution.

3. Remain in his or her district, or an eligible district as identified by the Department of Education, as a certified classroom teacher for at least 3 school years after completion of his or her degree.

(b) A scholarship recipient who does not complete an identified degree, or who does not complete at least 3 school years of service after the completion of an identified degree, must repay the amount of the scholarship to the Department of Education on a schedule determined by the department. The department may provide the teacher additional time to meet his or her service requirement if the department finds that circumstances beyond the control of the teacher caused or contributed to his or her failure to complete the degree or meet the service requirement.

(5) The scholarship must cover the full cost of tuition and fees, including a book stipend each semester, required to complete the teacher's program.

(6) Funding for the Dual Enrollment Educator Scholarship Program is contingent upon the appropriation of funds in the General Appropriations Act.

(7) The State Board of Education shall adopt rules to implement this section.

Section 6. Section 1012.555, Florida Statutes, is created to read:

1012.555 Teacher Apprenticeship Program.—

(1) The Teacher Apprenticeship Program is established to create an alternative pathway for individuals to enter the teaching profession. The Department of Education shall administer the program in accordance with s. 446.011.

(2)(a) An individual must meet the following minimum eligibility requirements to participate in the apprenticeship program:

1. Have received an associate degree from an accredited postsecondary institution.

2. Have earned a cumulative grade point average of 3.0 in that degree program.

3. Have successfully passed a background screening as provided in s. 1012.32.

4. Have received a temporary apprenticeship certificate as provided in s. 1012.56(7)(d).

(b) As a condition of participating in the program, an apprentice teacher must commit to spending the first 2 years in the classroom of a mentor teacher using team teaching strategies identified in s. 1003.03(5)(b) and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.

(c) An apprentice teacher must do both of the following:

1. Complete 2 years in an apprenticeship before being eligible to apply for a professional certificate established in s. 1012.56(7)(a). Completion of the Teacher Apprenticeship Program does not exempt an apprentice teacher from the requirements of s. 1012.56(2)(c).

2. Receive related instruction as provided in s. 446.051.

(d) An apprentice teacher must be appointed by the district school board as an education paraprofessional and must be paid in accordance with s. 446.032 and rules adopted by the State Board of Education.

(e) An apprentice teacher may change schools or districts after the first year of his or her apprenticeship if the hiring school or district has agreed to fund the remaining year of the apprenticeship.

(3) A teacher who serves as a mentor in the apprenticeship program shall mentor his or her apprentice teacher using team teaching strategies and must, at a minimum, meet all of the following requirements:

(a) Have at least 7 years of teaching experience in this state.

(b) Have received an aggregate score of highly effective on the three most recent available value-added model (VAM) scores, as used by the department, or have received an aggregate score of highly effective on the three most recent available performance evaluations if the teacher does not generate a state VAM score.

(c) Satisfy any other requirements established by the department.

(4) Subject to legislative appropriation, a teacher who serves as a mentor in the apprenticeship program may receive a bonus, as specified in this subsection. If such funding is available:

(a) The district school board must pay a teacher who serves as a mentor 50 percent of the bonus amount upon completion of the first year of the apprenticeship.

(b) The district school board must pay a teacher who serves as a mentor the remainder of the bonus at the conclusion of the apprenticeship if:

1. The teacher successfully guides his or her apprentice to completion of the apprenticeship program;

2. Upon completion of the apprenticeship program, his or her apprentice is hired by a school district or charter school in this state; and

3. The teacher meets any additional requirements imposed by state board rule.

(5) A class in which an apprenticeship is conducted may exceed the class size limitation imposed in s. 1003.03(1) up to 1.5 times the allowable number of students under that subsection.

(6) The State Board of Education may adopt rules to implement this section.

Section 7. Paragraph (d) and present paragraph (e) of subsection (7) of section 1012.56, Florida Statutes, as amended by chapter 2023-16, Laws of Florida, are amended, and a new paragraph (e) and paragraph (f) are added to that subsection, to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(d) The department shall issue a temporary apprenticeship certificate to any applicant who:

1. Meets the requirements of paragraphs (2)(a), (b), (d), (e), and (f).
2. Completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge as provided in subsection (5).

(e) A person who is issued a temporary certificate under paragraph (b) must be assigned a teacher mentor for a minimum of 2 school years after commencing employment. Each teacher mentor selected by the school district, charter school, or charter management organization must:

1. Hold a valid professional certificate issued pursuant to this section;
2. Have earned at least 3 years of teaching experience in prekindergarten through grade 12; and
3. Have earned an effective or highly effective rating on the prior year's performance evaluation under s. 1012.34.

(f)1.(e) A temporary certificate issued under paragraph (b) is valid for 5 school fiscal years and is nonrenewable.

2. A temporary apprenticeship certificate issued under paragraph (d) is valid for 5 school years, may be issued only once, and is nonrenewable.

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate were not completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, other extraordinary extenuating circumstances, or if the certificateholder is rated highly effective in the immediate prior year's performance evaluation pursuant to s. 1012.34 or has completed a 2-year mentorship program

pursuant to subsection (8). The department shall extend the temporary certificate upon approval by the Commissioner of Education. A written request for extension of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 8. Paragraph (d) is added to subsection (3) of section 1012.59, Florida Statutes, to read:

1012.59 Certification fees.—

(3) The State Board of Education shall waive initial general knowledge, professional education, and subject area examination fees and certification fees for:

(d) A retired first responder, which includes a law enforcement officer as defined in s. 943.10(1), a firefighter as defined in s. 633.102(9), or an emergency medical technician or paramedic as defined in s. 401.23.

Section 9. Section 1012.715, Florida Statutes, is created to read:

1012.715 Heroes in the Classroom Bonus Program.—

(1) PURPOSE.—Subject to legislative appropriation, the Department of Education must provide a one-time sign-on bonus, as provided in the General Appropriations Act, to retired first responders and veterans who commit to joining the teaching profession as a full-time classroom teacher. A retired first responder or veteran may receive an additional bonus for teaching a course in a critical teacher shortage area as defined in s. 1012.07.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Retired first responder” means an individual who can document his or her full retirement as a law enforcement officer as defined in s. 943.10(1), a firefighter as defined in s. 633.102(9), or an emergency medical technician or paramedic as defined in s. 401.23.

(b) “Veteran” has the same meaning as in s. 1.01(14).

(3) ELIGIBILITY.—To be eligible to receive a bonus under this section, an individual must:

(a) As applicable, document that he or she has not been the subject of any disciplinary action during the most recent 5 years of his or her employment. For purposes of this paragraph, the term “disciplinary action” includes suspensions, dismissals, and involuntary demotions associated with disciplinary actions;

(b) Document his or her honorable discharge from the military;

(c) Document receipt of a professional certificate or temporary certificate under s. 1012.56(7)(a) and (b)1., respectively; and

(d) Commit to maintaining employment with the district or charter school for a minimum of 2 school years.

(4) DEPARTMENT DUTIES.—The Department of Education shall administer the bonus program. At a minimum, the department shall:

(a) Establish a method for determining the estimated number of eligible military veterans and first responders hired in the applicable fiscal year.

(b) Establish additional minimum criteria necessary to receive the bonus.

(c) Establish an estimated cost to the department associated with developing and administering the program.

(d) Establish a method by which a teacher must reimburse the state if he or she receives the bonus payment under the program but fails to maintain continuous employment for the required 2-year school period.

(e) Identify critical teacher shortage areas in which a military veteran or retired first responder who teaches may be eligible for an additional bonus.

(5) DISTRICT DUTIES.—A school district that hires eligible participants must:

(a) Provide any necessary information requested by the department.

(b) Notify, in a manner established by the department, eligible employees for whom such employment may impact their pension from a previous position.

(6) RULES.—The State Board of Education may adopt rules to implement this section.

Section 10. Chapter 1015, Florida Statutes, consisting of ss. 1015.01-1015.06, Florida Statutes, is created and entitled “Teachers’ Bill of Rights.”

Section 11. Section 1015.01, Florida Statutes, is created to read:

1015.01 Short title.—This section and ss. 1015.02-1015.06 may be cited as the “Teachers’ Bill of Rights.”

Section 12. Section 1015.02, Florida Statutes, is created to read:

1015.02 Legislative findings.—The Legislature finds that education is critically important in the development of children in this state. The Legislature additionally recognizes the supreme importance of having high-quality teachers in the classroom. Further, the Legislature finds it is

necessary to establish a clear set of rights for teachers regarding their profession and classrooms.

Section 13. Section 1015.03, Florida Statutes, is created to read:

1015.03 Rights of employment.—

(1) Pursuant to s. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or nonmembership in any labor union.

(2)(a) A teacher, except in cases of excessive force or cruel and unusual punishment, may not be held civilly or criminally liable for actions carried out in conformity with State Board of Education rules. Pursuant to s. 1012.75, a teacher shall have access to liability coverage, subject to the General Appropriations Act, through the educator liability insurance program.

(b) Pursuant to s. 1012.26, a teacher may receive a reimbursement of reasonable expenses for legal services from his or her school district if the teacher is charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities.

(3) All students and public K-20 educational institution employees, including teachers, have the right to be free from discrimination in public K-20 educational institutions.

(4) Pursuant to s. 1012.56, teachers must be provided multiple pathways to earn an educator certificate.

Section 14. Section 1015.04, Florida Statutes, is created to read:

1015.04 Right to continuing education.—

(1) Teachers are guaranteed a coordinated system of professional development with the goals of increasing student achievement, enhancing classroom instruction, and preparing students for continuing their education or joining the workforce. Pursuant to s. 1012.98, the Department of Education, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations must work collaboratively to provide a coordinated system of professional development.

(2) Pursuant to s. 1009.26(10), teachers employed by a school district may receive a waiver for tuition and fees for up to 6 credit hours per term at a state university or Florida College System institution.

Section 15. Section 1015.05, Florida Statutes, is created to read:

1015.05 Right to control the classroom.—

(1) In accordance with state board rules and general law, a teacher has the authority to control and discipline students in his or her classroom and in other places in which the teacher is assigned to be in charge of students. Pursuant to s. 1003.32 and in order to provide an orderly and safe learning environment for students, a teacher may:

- (a) Establish classroom rules of conduct.
- (b) Establish and implement consequences, which are designed to change behavior, for infractions of classroom rules of conduct.
- (c) Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.
- (d) Have violent, abusive, uncontrollable, or disruptive students directed to appropriate school or district school board personnel for information and assistance.
- (e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.
- (f) Request and receive information relating to the disposition of any referrals to administration for a violation of classroom rules of conduct or school rules.
- (g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in the case of an emergency.
- (h) Request and receive training and other assistance to improve his or her skills in classroom management, violence prevention, conflict resolution, and related areas.
- (i) Press charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.
- (j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(2) For purposes of this section, in cases in which a teacher faces litigation or professional practices sanctions for an action taken pursuant to subsection (1), there is a rebuttable presumption that a teacher was taking necessary action to restore or maintain the safety or educational atmosphere of his or her classroom.

Section 16. Section 1015.06, Florida Statutes, is created to read:

1015.06 Right to direct classroom instruction.—

(1)(a) In accordance with general law and State Board of Education rules, a teacher has the right to direct his or her classroom instruction. If a

teacher is directed by his or her school district or school to violate general law or state board rules, he or she may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the teacher and the school district, and render a recommended decision for resolution to the state board within 30 days after receipt of the request by the teacher.

(b) The state board must approve or reject the special magistrate's recommended decision at its next scheduled board meeting. The costs of the special magistrate must be borne by the school district.

(c) If the school district is found in violation of general law or state board rules, the state board may withhold the salary of the superintendent until the violation is corrected.

(2) Pursuant to s. 1008.25, a teacher has the right to receive student assessment data in a timely manner in order to assist in instruction.

Section 17. This act shall take effect July 1, 2023.

Approved by the Governor May 9, 2023.

Filed in Office Secretary of State May 9, 2023.