

1 A bill to be entitled
 2 An act relating to teacher training and conduct;
 3 requiring the Commissioner of Education to take
 4 specified actions relating to classroom teacher
 5 training requirements by a specified date; amending s.
 6 1003.32, F.S.; authorizing classroom teachers and
 7 other members of staff to request a special magistrate
 8 or bring a specified action against a school district
 9 if directed by his or her school district or school to
 10 violate general law or rule; providing requirements
 11 for the appointment of such magistrate; providing for
 12 the award of attorney fees and court costs under
 13 certain circumstances; requiring principals to notify
 14 teachers of the discipline and interventions provided
 15 to certain students and to consult with teachers
 16 before taking disciplinary action for certain
 17 students; conforming cross-references; amending s.
 18 1012.75, F.S.; creating a rebuttable presumption in
 19 certain proceedings for teachers and staff members who
 20 take specified actions to maintain safety or the
 21 educational atmosphere; authorizing such individuals
 22 to receive specified legal services; providing an
 23 effective date.

24
 25 WHEREAS, education is critically important in the

26 development of children in the state, and

27 WHEREAS, high-quality teachers are supremely important in a
 28 child's education, and

29 WHEREAS, public schools in the state must comply with
 30 requirements relating to training employees and third-party
 31 vendors in areas such as policy and procedure, curriculum,
 32 professional development, health and wellness, human resources,
 33 and school safety and security, and

34 WHEREAS, certain training requirements are redundant,
 35 overly burdensome, or no longer necessary while other training
 36 requirements are necessary and cannot be eliminated, and

37 WHEREAS, considered separately, many training requirements
 38 can be viewed as sincere efforts to enhance the quality of
 39 education, student achievement, health and wellness, safety and
 40 security, accountability, transparency, and the efficient
 41 expenditure of taxpayer money, but their combined effect can
 42 result in an unwieldy and burdensome task of complying with
 43 deadlines and reporting, recordkeeping, and paperwork
 44 requirements, and

45 WHEREAS, relief from burdensome training requirements can
 46 save school districts and taxpayers money and result in more
 47 efficient operations, NOW, THEREFORE,

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 49 Be It Enacted by the Legislature of the State of Florida:
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51 Section 1. By December 31, 2023, the Commissioner of
52 Education shall:

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

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

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

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

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

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

69 Section 2. Subsections (1) through (9) of section 1003.32,
70 Florida Statutes, are renumbered as subsections (2) through
71 (10), respectively, present subsections (3) and (5) are amended,
72 and a new subsection (1) is added to that section, to read:

73 1003.32 Authority of teacher; responsibility for control
74 of students; district school board and principal duties.—Subject
75 to law and to the rules of the district school board, each

76 teacher or other member of the staff of any school shall have
77 such authority for the control and discipline of students as may
78 be assigned to him or her by the principal or the principal's
79 designated representative and shall keep good order in the
80 classroom and in other places in which he or she is assigned to
81 be in charge of students.

82 (1) Teachers and other members of the staff have the right
83 to direct classroom instruction in accordance with general law
84 and rule. A teacher or other member of the staff who is directed
85 by his or her school district or school to take an action that
86 would violate law or rule may:

87 (a) Request the Commissioner of Education to appoint a
88 special magistrate who is a member of The Florida Bar in good
89 standing and who has at least 5 years' experience in
90 administrative law. The special magistrate shall determine facts
91 relating to the dispute over the school district procedure or
92 practice, consider information provided by the school district,
93 and render a recommended decision for resolution to the State
94 Board of Education within 30 days after receipt of the request
95 by the teacher or staff member. The State Board of Education
96 must approve or reject the recommended decision at its next
97 regularly scheduled meeting that is more than 7 calendar days
98 but not more than 30 days after the date the recommended
99 decision is transmitted. The costs of the special magistrate
100 shall be borne by the school district. The State Board of

101 Education shall adopt rules, including forms, necessary to
102 implement this subsection.

103 (b) Bring an action against the school district to obtain
104 declaratory or injunctive relief for a violation of this
105 subsection. A court may award damages and shall award reasonable
106 attorney fees and court costs to a teacher or staff member who
107 receives declaratory or injunctive relief.

108 (4)-(3) A teacher may send a student to the principal's
109 office to maintain effective discipline in the classroom and may
110 recommend an appropriate consequence consistent with the student
111 code of conduct under s. 1006.07. The principal shall respond by
112 employing the teacher's recommended consequence or a more
113 serious disciplinary action if the student's history of
114 disruptive behavior warrants it. The principal shall notify the
115 teacher of the discipline and interventions provided to a
116 student to address the behavior. If the principal determines
117 that a lesser disciplinary action is appropriate for a student
118 without a history of disruptive behavior, the principal should
119 consult with the teacher before ~~prior to~~ taking disciplinary
120 action.

121 (6)-(5) If a teacher removes a student from class under
122 subsection (5) ~~(4)~~, the principal may place the student in
123 another appropriate classroom, in in-school suspension, or in a
124 dropout prevention and academic intervention program as provided
125 by s. 1003.53; or the principal may recommend the student for

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126 out-of-school suspension or expulsion, as appropriate. The
127 student may be prohibited from attending or participating in
128 school-sponsored or school-related activities. The principal may
129 not return the student to that teacher's class without the
130 teacher's consent unless the committee established under
131 subsection (7) ~~(6)~~ determines that such placement is the best or
132 only available alternative. The teacher and the placement review
133 committee must render decisions within 5 days of the removal of
134 the student from the classroom.

135 Section 3. Subsection (1) of section 1012.75, Florida
136 Statutes, is amended to read:

137 1012.75 Liability of teacher or principal; excessive
138 force.—

139 (1) Except in the case of excessive force or cruel and
140 unusual punishment, in any administrative, civil, or criminal
141 proceeding there shall be a rebuttable presumption that an
142 action by a teacher or other member of the instructional staff,
143 a principal or the principal's designated representative, or a
144 bus driver was necessary to restore or maintain safety or the
145 educational atmosphere. Such individuals may receive legal
146 services pursuant to s. 1012.26 and shall not be civilly or
147 criminally liable for any action carried out in conformity with
148 State Board of Education and district school board rules
149 regarding the control, discipline, suspension, and expulsion of
150 students, including, but not limited to, any exercise of

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151 | authority under s. 1003.32 or s. 1006.09.

152 | Section 4. This act shall take effect July 1, 2023.