

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; revising requirements for  
14          determining and imposing discipline; requiring  
15          principals to provide specified notification to  
16          teachers and to consult with teachers before taking  
17          disciplinary action for certain students; conforming  
18          cross-references; amending s. 1012.75, F.S.; creating  
19          a rebuttable presumption in certain proceedings for  
20          teachers and staff members who take specified actions  
21          to maintain safety or the educational atmosphere;  
22          authorizing such individuals to receive specified  
23          legal services; providing an 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,

48 |

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. After determining that the  
 112 student has violated the student code of conduct, the principal  
 113 shall respond either by employing the teacher's recommended  
 114 consequence, or by imposing a more serious disciplinary action,  
 115 if the student's overall behavioral history of disruptive  
 116 behavior warrants it. If the principal determines that a lesser  
 117 disciplinary action other than that recommended by the teacher  
 118 is appropriate, the principal should consult with the teacher  
 119 before ~~prior to~~ taking disciplinary action. If the principal  
 120 determines that the student has not violated the student code of  
 121 conduct, the principal may not impose any discipline. The  
 122 principal shall notify the teacher of any decision regarding  
 123 discipline, or lack thereof, and interventions provided to a  
 124 student to address the behavior. If the principal deviates in  
 125 any way from the teacher's recommendation, the principal shall

126 provide the reasons for any such deviation in writing to the  
127 teacher.

128 ~~(6)-(5)~~ If a teacher removes a student from class under  
129 subsection (5) ~~(4)~~, the principal may place the student in  
130 another appropriate classroom, in in-school suspension, or in a  
131 dropout prevention and academic intervention program as provided  
132 by s. 1003.53; or the principal may recommend the student for  
133 out-of-school suspension or expulsion, as appropriate. The  
134 student may be prohibited from attending or participating in  
135 school-sponsored or school-related activities. The principal may  
136 not return the student to that teacher's class without the  
137 teacher's consent unless the committee established under  
138 subsection (7) ~~(6)~~ determines that such placement is the best or  
139 only available alternative. The teacher and the placement review  
140 committee must render decisions within 5 days of the removal of  
141 the student from the classroom.

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

144 1012.75 Liability of teacher or principal; excessive  
145 force.—

146 (1) Except in the case of excessive force or cruel and  
147 unusual punishment, in any administrative, civil, or criminal  
148 proceeding there shall be a rebuttable presumption that an  
149 action by a teacher or other member of the instructional staff,  
150 a principal or the principal's designated representative, or a

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151 bus driver was necessary to restore or maintain safety or the  
152 educational atmosphere. Such individuals may receive legal  
153 services pursuant to s. 1012.26 and shall not be civilly or  
154 criminally liable for any action carried out in conformity with  
155 State Board of Education and district school board rules  
156 regarding the control, discipline, suspension, and expulsion of  
157 students, including, but not limited to, any exercise of  
158 authority under s. 1003.32 or s. 1006.09.

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