

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/HB 1035 K-12 Teachers

**SPONSOR(S):** Civil Justice Subcommittee, Gonzalez Pittman and others

**TIED BILLS:** None. **IDEN./SIM. BILLS:** SB 244

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**FINAL HOUSE FLOOR ACTION:** 92 Y's

22 N's

**GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/HB 1035 passed the House on March 31, 2023. The bill was amended in the Senate on April 4, 2023, and was returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on May 3, 2023.

Florida's public schools must comply with requirements relating to training employees and third-party vendors. While certain training requirements are redundant, overly burdensome, or no longer necessary, others are necessary and cannot be eliminated. The bill supports Florida's teachers by requiring the Commissioner of Education, by December 31, 2023, to conduct a comprehensive review of all federal, state, and local teacher training requirements, identify any duplicate training requirements, and eliminate training requirements not required by state and federal law or that are duplicative.

The bill expands opportunities for teacher recruitment and retention, and clarifies teachers' rights. Specifically in the areas of teacher recruitment and retention, the bill:

- Authorizes state-approved teacher preparation programs to be eligible for the buy-one-get-one tuition and fee waiver for qualified students.
- Establishes the Dual Enrollment Educator Scholarship Program to assist Florida public high school teachers in obtaining the graduate degree and credentials necessary to provide dual enrollment coursework directly to students on a Florida high school campus.
- Establishes the Teacher Apprenticeship Program as an alternative pathway for individuals to enter the teaching profession, and authorizes a temporary apprenticeship certificate.
- Waives teacher certification initial exam and certification fees for a retired first responder.
- Establishes the Heroes in the Classroom Bonus Program to provide a one-time sign-on bonus to retired first responders and veterans who become a full-time classroom teacher.

The bill creates chapter 1015 of the Florida Statutes to catalog a number of teachers' rights that are currently guaranteed in law regarding employment, continuing education, controlling the classroom, directing classroom instruction, and receiving timely assessment data. The bill creates an appeal process for teachers who believe the school district has directed him or her to violate state law or State Board of Education (SBE) rule. The bill authorizes the teacher to request an investigation by a special magistrate, who will report findings to the SBE.

The bill provides that when a student is sent by a teacher to the principal's office for behavioral issues, a principal must determine whether the student violated the code of conduct. If a principal finds that no violation occurred, he or she is prohibited from imposing any disciplinary action on the student. However, if a principal determines that a student's disruptive behavior, coupled with his or her overall disciplinary behavioral record, warrants more serious disciplinary action than the teacher recommended, he or she may impose a more serious disciplinary action.

The fiscal impact of the bill is indeterminate. See Fiscal Comments.

The bill was approved by the Governor on May 9, 2023, ch. 2023-38, L.O.F., and will become effective on July 1, 2023.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Review of Teacher Training Requirements

#### Present Situation

Public schools in the state must comply with requirements relating to training employees and third-party vendors in areas such as policy and procedure,<sup>1</sup> curriculum,<sup>2</sup> professional development,<sup>3</sup> health and wellness,<sup>4</sup> human resources,<sup>5</sup> and school safety and security.<sup>6</sup> Certain training requirements are redundant, overly burdensome, or no longer necessary while other training requirements are necessary and cannot be eliminated.

While only one area of statutorily required training, teacher certification renewal represents a significant amount of required training for teachers. In Florida, an educator must submit an application,<sup>7</sup> pay a fee,<sup>8</sup> and earn at least six college credits or 120 inservice points, or a combination of both, during each 5-year validity cycle to renew his or her professional certification.<sup>9</sup> At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.<sup>10</sup>

For each area of specialization to be retained on a certificate, the teacher must earn at least three of the required credit hours or equivalent inservice points in the specialization area.<sup>11</sup> Training in other topics such as drug abuse, dropout prevention, or child abuse and neglect may also be applied to certain specialization requirements.<sup>12</sup>

In addition to specialization requirements, to renew a professional certificate, each teacher must also earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities.<sup>13</sup> This requirement may not add to the total 120 hours required by the Department of Education (DOE) for continuing education or inservice training.

Considered separately, many training requirements can be viewed as sincere efforts to enhance the quality of education, student achievement, health and wellness, safety and security, accountability, transparency, and the efficient expenditure of taxpayer money, but their combined effect can result in

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<sup>1</sup> See, e.g., ss. 1001.42 and 1001.43, F.S.

<sup>2</sup> See, e.g., s. 1006.28, F.S.

<sup>3</sup> See, e.g., s. 1012.98, F.S.

<sup>4</sup> See, e.g., ss. 381.0056, 381.0057, and 402.3026, F.S.

<sup>5</sup> See, e.g., s. 1012.34, F.S.

<sup>6</sup> See, e.g., s. 1006.07, F.S.

<sup>7</sup> Rule 6A-4.0051(3)(b), F.A.C. The Department of Education processes certification renewals for individuals who are not employed by district schoolboards. Section 1012.585(1)(b), F.S. District schoolboards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

<sup>8</sup> Rules 6A-4.0051(3)(b) and 6A-4.0012(1)(a)1., F.A.C. The fee for a certification renewal is \$56.

<sup>9</sup> Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a)1., F.A.C.; see r. 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

<sup>10</sup> Section 1012.585(3)(a), F.S.

<sup>11</sup> Section 1012.585(3)(a), F.S. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education (SBE) in the district's approved master plan for inservice educational training; however, such points may not be used to satisfy specialization requirements.

<sup>12</sup> See s. 1012.585(3)(a), F.S.

<sup>13</sup> Section 1012.585(3)(e), F.S.

an unwieldy and burdensome task of complying with deadlines and reporting, recordkeeping, and paperwork requirements.

### Effect of the Bill

The bill requires the Commissioner of Education, by December 31, 2023, to conduct a review of all required teacher training under federal and state law or rule and district policy. As part of this review the DOE must:

- assess all classroom teacher training requirements and identify any duplicate federal and state training requirements;
- evaluate any potential negative impacts of eliminating certain classroom teacher training requirements in state law or rule or district policy; and
- review all available literature related to comprehensive reviews of classroom teacher training requirements in other states.

After it completes its review, the DOE must eliminate any classroom teacher training requirements not required by federal or state law and provide recommendations to the Legislature for eliminating training requirements in state law or rule or district policy.

### **Office of Inspector General**

#### Present Situation

The Office of Chief Inspector General (CIG) is responsible for promoting accountability, integrity, and efficiency in agencies under the Governor's jurisdiction. The CIG also monitors the activities of the agency inspectors general under the Governor's jurisdiction.<sup>14</sup>

Authorized under s. 20.055, F.S., an Office of Inspector General (OIG) is established in each state agency to provide a central point for the coordination and responsibility for activities that promote accountability, integrity, and efficiency in government. Agency OIG duties include:

- Assessing agency performance measures and standards, and evaluating agency actions to improve performance.
- Supervising and coordinating audits, investigations, and reviews relating to the programs and operations of the state agency; and
- Conducting, supervising, or coordinating activities to prevent and detect fraud and abuse in agency programs and operations.<sup>15</sup>

The OIG in the DOE is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind (FSDB), and Florida College System (FCS) institutions in Florida. The OIG is authorized to conduct, coordinate, or request investigations into substantiated allegations of waste, fraud, or financial mismanagement if the Commissioner of Education determines a school district, the FSDB, or an FCS institution is unwilling to address allegations. The office must also 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.<sup>16</sup>

### Effect of the Bill

The bill expands the scope of DOE OIG investigation authority by permitting the OIG to investigate allegations or reports of suspected violations of a student's, a parent's, or a teacher's rights.

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<sup>14</sup> Section 14.32, F.S.

<sup>15</sup> Section 20.055, F.S.

<sup>16</sup> Section 1001.20(4)(e), F.S.

## Postsecondary Tuition and Fees

### Present Situation

Under Florida law, “tuition” is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.<sup>17</sup> Florida law provides that all students enrolled in college credit programs at state universities will be charged fees, except students that are exempt or those whose fees are waived.

The resident undergraduate tuition rate for the State University System (SUS) is currently set in statute at \$105.07 per credit hour.<sup>18</sup> The average tuition and fees per credit hour are \$199.72.<sup>19</sup>

Florida law provides for waivers from specified fees to certain students who meet identified criteria. Some waivers are mandatory, while others are permissive. For example, an SUS or FCS institution may waive tuition and fees for a classroom teacher who is employed full-time by a school district and who meets the established academic requirements, up to 6 credit hours per term on a space-available basis in undergraduate courses approved by the DOE. Such courses must be limited to undergraduate courses related to special education, mathematics, or science.

### *Buy One, Get One Free Tuition & Fee Waiver*

SUS institutions must provide a “buy one, get one free” (BOGO) tuition and fee waiver on upper-level courses in one of ten science, technology, engineering, or math (STEM) programs of strategic emphasis (PSE), as adopted by the Board of Governors (BOG). Specifically, for every course in a qualifying PSE in which a student is enrolled, a state university must waive 100 percent of the tuition and fees for an equivalent course in such program. To be eligible, a student must:

- Be a resident for tuition purposes;<sup>20</sup>
- Earn at least 60 semester credit hours towards a baccalaureate degree within two academic years after initial enrollment at a Florida public postsecondary institution; and
- Be enrolled in one of 10 STEM PSE.<sup>21</sup>

On June 22, 2021, the BOG adopted eight programs for the BOGO fee waiver: Civil Engineering, Computer + Information Science, Computer Engineering, Electrical + Electronics Engineering, Information Technology, Management Information Systems, Mathematics, and Physics.<sup>22</sup>

Beginning in the 2022-2023 academic year, students are eligible to receive the tuition and fee waiver in two additional PSE, finance and accounting, as adopted by the BOG.<sup>23</sup>

The tuition and fee waiver is applicable only for upper-level courses and for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.<sup>24</sup> This means that for a 120-credit hour state university baccalaureate degree program, the waiver is applicable unless the student has earned an excess of 132 credit hours.

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<sup>17</sup> Section 1009.01 (1), F.S.

<sup>18</sup> Section 1009.24, F.S.

<sup>19</sup> See State University System of Florida, *Tuition and Required Fees, 2022-23 (2022)*, available at [https://www.flbog.edu/wp-content/uploads/2023/01/2022-2023-SUS-Tuition-and-Fees-Report\\_updated-with-footnote.pdf](https://www.flbog.edu/wp-content/uploads/2023/01/2022-2023-SUS-Tuition-and-Fees-Report_updated-with-footnote.pdf).

<sup>20</sup> A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate. Section 1009.21(1)(g), F.S.

<sup>21</sup> Section 1009.26, F.S.; r. 6A-14.0542, F.A.C.

<sup>22</sup> State University System, *Strategic Planning Committee Meeting Agenda for June 22, 2021*, available at <https://www.flbog.edu/session/strategic-planning-committee-klwekqle/>.

<sup>23</sup> The Florida Channel, *Florida BOG Meeting Part 2 June 29, 2022*, at 6:20 – 14:51, available at <https://thefloridachannel.org/videos/6-29-22-florida-board-of-governors-meeting-part-2/>.

<sup>24</sup> Section 1009.26(b), F.S.

## Effect of the Bill

In order to increase the number of students who choose to enroll in an initial teacher preparation program at a state university, the bill includes state-approved teacher preparation programs as eligible programs for the buy-one-get-one tuition and fee waiver for qualified students.

## **Dual Enrollment**

### Present Situation

Dual enrollment (DE) is the enrollment of an eligible public or private school student in grades 6-12 or home education student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree. Students who meet the eligibility requirement and who participate in DE programs are exempt from the payment of registration, tuition, and laboratory fees.<sup>25</sup> However, exemption and fees do not apply to dual enrollment at an eligible private postsecondary institution.<sup>26</sup>

Each faculty member providing instruction in college credit DE courses must, among other requirements, meet the qualifications, including college level teaching credentials, required by the entity accrediting the postsecondary institution offering the course, regardless of the location of instruction.<sup>27</sup> For example, the Commission on Colleges of the Southern Association of Colleges and Schools requires faculty teaching general education courses to have a doctorate or master's degree in the teaching discipline, or a master's degree with at least 18 graduate semester hours in the teaching discipline.<sup>28</sup>

## Effect of the Bill

### *Dual Enrollment Educator Scholarship Program*

The bill establishes the Dual Enrollment Educator Scholarship Program (DEES Program), administered by the DOE in accordance with State Board of Education (SBE) rules, to assist Florida public high school teachers in obtaining the graduate degree and credentials necessary in order to provide DE coursework directly to student on a Florida high school campus. The DOE, in consultation with the BOG, must:

- Identify graduate-level degree programs offered at SUS institutions that would authorize an individual to teach postsecondary general education core courses and post it on its website.
- Identify qualified degree programs that are available entirely online.

The DOE must:

- Identify and prioritize districts for participation in the DEES Program based on each district's ratio of students from low-income and moderate-income households, the availability of DE courses in the district, and the geographic proximity of high schools in the district to participating postsecondary institutions.
- Prioritize DEES Program applicants who are currently enrolled in an approved graduate program at a state university.
- Identify school districts with the highest need for teachers, in which participants completing the DEES Program may teach at for at least three years.

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<sup>25</sup> Section 1007.271, F.S.

<sup>26</sup> Section 1011.62(1)(i), F.S.

<sup>27</sup> Section 1007.271(5), F.S.

<sup>28</sup> Southern Association of Colleges and Schools, Commission on Colleges, *Faculty Credentials Guidelines* (Apr. 2018), available at <https://sacscoc.org/app/uploads/2019/07/faculty-credentials.pdf>.

To be eligible for the DEES Program, an applicant must be a certified teacher in grades 9-12 in a Florida public school and be accepted into, or currently enrolled in, an approved graduate program in a subject within his or her area of certification.

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

- Complete the graduate degree program and additional required credentials within three academic years of the initial award.
- Upon completion of the degree, teach at least one identified and mutually agreed upon general education core course per semester at a public school. The recipient may teach additional courses at the school upon approval.
- Remain in his or her district, or an eligible district as a certified classroom teacher for at least three school years after completion of his or her degree.

A scholarship recipient who does not complete an identified degree, or who does not complete at least three school years of service after the completion of such degree, must repay the amount of the scholarship to the DOE. The DOE may provide the teacher additional time to meet the service requirement under specified circumstances.

Funding for the DEES Program is contingent upon the appropriation of funds in the General Appropriations Act (GAA).

The SBE must adopt rules to implement the DEES Program.

## **Apprenticeship Programs**

### Present Situation

The federal government works in cooperation with states to oversee the nation's apprenticeship programs. The states have the authority to register apprenticeship programs through federally-recognized State Apprenticeship Agencies. In Florida, the DOE serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.<sup>29</sup>

Work-based learning opportunities in Florida are encouraged to prioritize paid experiences, such as apprenticeship and preapprenticeship programs.<sup>30</sup>

### *Registered Apprenticeship Programs*

Florida law defines an apprentice as a person at least 16 years of age who has entered into a written apprentice agreement with an employer, an association of employers, or a local joint apprenticeship committee to learn a recognized skilled trade through actual work experience under the supervision of another worker who has completed an apprenticeship program or has worked in the field for a minimum number of years established by industry standards. Training for an apprentice should be combined with properly coordinated studies of related technical and supplementary instruction.

An apprenticeship program must be registered and approved by the DOE,<sup>31</sup> which is responsible for establishing minimum standards for registered apprenticeship programs and facilitating and supervising registered apprenticeship programs.<sup>32</sup> In the 2021-2022 program year, the DOE registered 27 new apprenticeship programs for a total of 275 programs, training 15,479 apprentices. Of these apprentices,

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<sup>29</sup> 29 C.F.R. s. 29

<sup>30</sup> Section 446.0915, F.S.

<sup>31</sup> Section 446.021, F.S.

<sup>32</sup> Section 446.041, F.S.

1,917 completed a program and received an apprenticeship certificate and an average exit annual salary of \$49,629.<sup>33</sup>

### *Grow Your Own Programs*

Grow Your Own (GYO) programs can be targeted to different groups, including high school students and paraprofessionals,<sup>34</sup> or teaching positions, including hard-to-staff schools, but they are typically focused on recruiting and preparing community members to address local teacher shortages. Several states are in various stages of development for a GYO program, including teacher apprenticeships. Tennessee and West Virginia have registered teacher apprenticeship programs with the United States Department of Labor.<sup>35</sup>

### Effect of the Bill

#### *Teacher Apprenticeship Program*

The bill establishes the Teacher Apprenticeship Program (TAP), administered by the DOE, to create an alternative pathway for an individual to enter the teaching profession. To participate in the TAP, an individual must have:

- Received an associate degree from an accredited postsecondary institution.
- Earned a cumulative grade point average of 3.0 in that degree program.
- Successfully passed a background screening pursuant to law.
- Received a temporary apprenticeship certificate created in the bill.

As a condition of participating in the TAP, an apprentice teacher must commit to spending the first two years in the classroom of a mentor teacher using team teaching strategies as specified in law<sup>36</sup> and fulfilling the on-the-job training component of the registered apprenticeship and its associated standards.

An apprentice teacher must receive related instruction required for the apprenticeship, and complete two years in an apprenticeship before being eligible to apply for a professional certificate. However, completion of the TAP does not exempt an apprentice from earning a bachelor's degree or higher.

An apprentice teacher must be appointed by the district school board as an education paraprofessional and must be paid in accordance with law and SBE rules. An apprentice teacher may change schools or districts after the first year of participation if the hiring school or district agrees to fund the remaining year of the TAP.

A teacher who serves as a mentor in the TAP must mentor the apprentice teacher using team teaching strategies and must, at a minimum meet all of the following requirements:

- Have at least seven years of teaching experience in Florida.
- Have received an aggregate score of highly effective (HE) on the 3 most recent available value-added model (VAM) scores,<sup>37</sup> as used by the DOE, or have received an aggregate score of HE

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<sup>33</sup> Florida Department of Education, *Florida's Annual Apprenticeship and Preapprenticeship Report (2022)*, at 6 and 31, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/2122ApprenticeshipReport.pdf>.

<sup>34</sup> Education paraprofessionals is defined as individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Section 1012.01(2)(e), F.S.

<sup>35</sup> Education Commission of the States, *State Approaches to Fund Grow-Your-Own Programs (2022)*, available at [https://www.ecs.org/wp-content/uploads/State-Information-Request\\_Grow-Your-Own-Programs-and-Teacher-Apprenticeship-Programs.pdf](https://www.ecs.org/wp-content/uploads/State-Information-Request_Grow-Your-Own-Programs-and-Teacher-Apprenticeship-Programs.pdf).

<sup>36</sup> "Team teaching" or "co-teaching" means two or more teachers are assigned to a group of students and each teacher is responsible for all of the students during the entire class period. Section 1003.03(5)(c), F.S.

<sup>37</sup> Rule 6A-5.0411(2), F.A.C. "Value-added model" or "VAM." is a statistical model used for the purpose of determining an individual teacher's contribution to student learning growth.

on the 3 most recent available performance evaluations if the teacher does not generate a state VAM score.

- Satisfy any other requirements established by the DOE.

Subject to legislative appropriation, a teacher who serves as a mentor in TAP may receive a bonus. If such funding is available, the district school board must pay a teacher who serves as a mentor:

- Fifty percent of the bonus amount upon completion of the first year of the apprenticeship.
- The remainder of the bonus at the conclusion of the apprenticeship if:
  - The teacher successfully guides his or her apprentice to completion of the TAP;
  - Upon completion of the TAP, his or her apprentice is hired by a Florida school district or charter school; and
  - The teacher meets any additional requirements imposed by SBE rule.

A class in which an apprenticeship is conducted may exceed the class size maximums<sup>38</sup> as required by law up to 1.5 times the allowable number of students.

The SBE is authorized to adopt rules to implement the TAP.

## **Educator Certification**

### Present Situation

Educational personnel in public schools must possess appropriate skills in reading, writing, and mathematics; adequate pedagogical knowledge; and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.<sup>39</sup> In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.<sup>40</sup>

The SBE designates the certification subject areas, establishes competencies, and adopts rules in accordance with which education certificates are issued by the DOE to qualified applicants.<sup>41</sup>

### *General Eligibility*

In order to seek educator certification, a person must attest to uphold the principles of the United States and meet other general eligibility requirements, which include receipt of a bachelor's or higher degree from an approved postsecondary institution and minimum age, background screening, moral character, and competence requirements.<sup>42</sup>

### *Professional Educator Certificate*

A professional teaching certificate is valid for five school fiscal years and is renewable. A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of:<sup>43</sup>

- General knowledge, only if serving as a classroom teacher.
- Subject area knowledge.
- Professional preparation and education competence.

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<sup>38</sup> Section 1003.03, F.S.

<sup>39</sup> Section 1012.54, F.S.

<sup>40</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>41</sup> Section 1012.55(1)(a), F.S.

<sup>42</sup> Section 1012.56(2), F.S., and r. 6A-4.003, F.A.C.

<sup>43</sup> Section 1012.56(2)(g)-(i), F.S.



Acceptable means of demonstrating mastery of general knowledge include passing one of several different examinations identified by the SBE, having a valid teaching certificate from another state, having a valid certificate from the National Board for Professional Teaching Standards (NBPTS), teaching a minimum of two semesters in either full-time or part-time status at a state college or university or at the private college level, or having a master's or higher degree from an accredited postsecondary education institution.<sup>44</sup>

The acceptable means of demonstrating mastery of subject area knowledge include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.<sup>45</sup>

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing score on the corresponding professional education competency exam required by the SBE.<sup>46</sup> Other means include a valid certification from another state, postsecondary teaching experience, or completion of a professional development education competency program.<sup>47</sup>

Currently, 37 school districts operate their own DOE approved professional development certification programs.<sup>48</sup>

### *Temporary Educator Certificate*

A temporary teaching certificate is valid for three school years and is nonrenewable.<sup>49</sup> The DOE is required by law to issue a temporary certificate to any applicant who:<sup>50</sup>

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the DOE at the level required for the subject area specialization in SBE rule.

A person who is issued a temporary certificate must be assigned a teacher mentor for a minimum of two school years after commencing employment. Each teacher mentor selected must:<sup>51</sup>

- Hold a valid professional certificate;
- Have earned at least 3 years of teaching experience in prekindergarten through grade 12; and
- Have earned an effective or highly effective rating on the prior year's performance evaluation.

A classroom teacher under a temporary certificate has the validity period of the certificate to complete the remaining requirements of general knowledge and professional preparation and education competence in preparation for application for a professional certificate.<sup>52</sup>

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<sup>44</sup> Section 1012.56(3), F.S.; and r. 6A-4.004, F.A.C.

<sup>45</sup> Section 1012.56(5), F.S., and r. 6A-4.002(4), F.A.C.

<sup>46</sup> Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida* (Oct. 1, 2020), incorporated by reference in rule 6A-4.0021, F.A.C., available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10344>.

<sup>47</sup> Section 1012.56(6), F.S.

<sup>48</sup> Florida Department of Education, *Professional Development Certification Programs*, <https://www.fldoe.org/teaching/preparation/pdcp.shtml> (last visited May 4, 2023).

<sup>49</sup> Section 1012.56(7), F.S.

<sup>50</sup> Section 1012.56(7)(b), F.S. As specified in law, an alternative pathway for a temporary certificate is available for a military service member, for a subject area specialization for which the SBE otherwise requires a bachelor's degree.

<sup>51</sup> Section 1012.56(7), F.S.

<sup>52</sup> Florida Department of Education, *Upgrading from the Temporary to the Professional Certificate*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/moving-from-the-temporary-to-the-profe.shtml> (last visited May 4, 2023).

### *Other Instructional Staff Options*

Florida law provides other mechanisms for school districts to hire classroom teachers, which include:

- Non-certificated personnel who may provide instructional services in the individuals' fields of specialty or assist instructional staff members as education paraprofessionals.<sup>53</sup>
- Issuance of an adjunct teaching certificate to any applicant who satisfies general eligibility requirements for certification and has demonstrated expertise in teaching area.<sup>54</sup>
- Non-degreed teachers of career education, whose qualifications are based primarily on successful occupational experience rather than academic training, and who may only teach in a career and technical education program.<sup>55</sup>

### *Certification Exam Fee Waivers*

The SBE is required to, in rule, establish separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping. Each fee must be based on DOE estimates of the revenue required to implement the Florida law relating to certification of school personnel. Each examination fee must be sufficient to cover the actual cost of developing and administering the examination.<sup>56</sup>

The SBE is required to waive initial general knowledge, professional education, and subject area examination fees and certification fees for:

- A member of the U.S. Armed Forces or a reserve component thereof who is serving or has served on active duty or the spouse of such a member.
- The surviving spouse of a member of the U.S. Armed Forces or a reserve component thereof who was serving on active duty at the time of death.
- An honorably discharged veteran of the U.S. Armed Forces or a veteran of a reserve component thereof who served on active duty and the spouse or surviving spouse of such a veteran.<sup>57</sup>

A fee waiver is valid for up to five years after the veteran or his or her spouse is determined eligible.<sup>58</sup>

### Effect of the Bill

#### *Educator Certification*

In order to support the newly created Teacher Apprenticeship Program, the bill requires the DOE to issue a five-year nonrenewable temporary apprenticeship certificate to any applicant who meets specified eligibility requirements and completes specified subject area content requirements pursuant to SBE rule or law.

The bill extends the duration of temporary teaching certificates from 3 years to 5 years.

#### *Certification Exam Fee Waivers*

The bill waives initial general knowledge, professional education, and subject area exam fees and certification fees for a retired first responder, which includes a law enforcement officer, a firefighter, or an emergency medical technician or paramedic.

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<sup>53</sup> Section 1012.55(1)(c), F.S.

<sup>54</sup> Section 1012.57(1), F.S.

<sup>55</sup> Section 1012.43, F.S.

<sup>56</sup> Section 1012.59, F.S.; r. 6A-4.0021, F.A.C.

<sup>57</sup> Section 1012.59(3), F.S.

<sup>58</sup> Rule 6A-4.0012(8)(e), F.A.C.

# Teacher Recruitment for Military and First Responders

## Present Situation

### *Federal Troops to Teachers Program*

In 1993, the Department of Defense (DOD) established the Troops to Teachers (TTT) program to assist transitioning service members and veterans in beginning careers as school teachers. The program provided counseling and referral services to assist members and veterans in meeting education and licensing requirements to secure a teaching position.<sup>59</sup>

Within the program, the DOD provided assistance of up to \$5,000 to eligible members to obtain certification or licensing as educators, and up to \$10,000 in bonuses to participants who agree to teach in high-poverty schools.

Members of the armed forces who wish to receive the program's assistance for placement are required to have a bachelor's or advanced degree, and priority is given to those members who have educational or military experience in science, mathematics, special education, or vocational/technical subjects.<sup>60</sup> To receive the stipend, participants are required to:

- Be enrolled in an accredited institution that would result in licensure as a full-time teacher;
- Commit to full-time teaching in an eligible or high need school for three years; and
- If not retired or discharged due to service-connected physical disability, commit to serving three years in reserves.

The program's goals include reducing veteran unemployment, increasing the number of male and minority teachers in classrooms, and addressing the teacher shortage issues in schools that serve low-income families and in the critical subject areas including math, science, special education, foreign language, and career and technical education. Since the program's launch in 1993, more than 100,000 veterans have transitioned to a career in education.<sup>61</sup>

The TTT program was extended through July 1, 2025, in the National Defense Authorization Act for Fiscal Year 2022.<sup>62</sup>

### *Alternative Certification Pathway for Veterans*

In 2022, the Legislature provided an alternative pathway for veterans seeking subject area certification by removing the requirement for a baccalaureate degree for issuance of their temporary educator certificate if certain requirements are met, which include 48 months of active duty service and completion of 60 college credits.<sup>63</sup>

## Effect of the Bill

### *Heroes in the Classroom Bonus Program*

The bill establishes the Heroes in the Classroom Bonus Program (HCB Program) to provide a one-time sign-on bonus, as provided in the GAA, to retired first responders and veterans, as defined, who commit to joining the teaching profession as a full-time classroom teacher. An eligible individual may

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<sup>59</sup> United States Army, *Troops to Teachers (TTT)*, [https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-\(TTT\)?serv=122](https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-(TTT)?serv=122) (last visited May 4, 2023).

<sup>60</sup> U.S. Department of Education, *Troops to Teachers Program*, <https://www2.ed.gov/programs/troops/index.html> (last visited May 4, 2023).

<sup>61</sup> United States Army, *Troops to Teachers (TTT)*, [https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-\(TTT\)?serv=122](https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-(TTT)?serv=122) (last visited May 4, 2023).

<sup>62</sup> Pub. L. No. 117-81, s. 1605 (Dec. 27, 2021).

<sup>63</sup> Section 1012.55(1)(d), F.S.

also receive an additional bonus for teaching a course in a critical teacher shortage area<sup>64</sup> as defined in law.

To be eligible to receive a bonus under the HCB Program, an individual must document:

- As applicable, that he or she has not been the subject of any specified disciplinary action during the most recent 5 years of his or her employment;
- His or her honorable discharge from the military;
- Receipt of a professional or temporary certificate; and
- Commit to maintaining employment with the district or charter school for a minimum of two school years.

The DOE must administer the program and establish:

- A method for determining the estimated number of eligible military veterans and first responders hired in the applicable fiscal year.
- Additional minimum criteria necessary to receive the bonus.
- An estimated cost to the DOE associated with developing and administering the HCB Program.
- A method by which a teacher must reimburse the state if he or she receives a bonus payment but fails to maintain continuous employment as required.

In addition, the DOE must identify critical teacher shortage areas in which a military veteran or retired first responder who teaches may be eligible for an additional bonus.

Under the HCB Program, a school district that hires eligible participants must:

- Provide any necessary information requested by the DOE.
- Notify, in a manner established by the DOE, eligible employees for whom such employment may impact their pension from a previous position.

The SBE is authorized to adopt rules implement the HCB program.

## **Teacher Rights**

### Present Situation

The Florida Constitution and Early Learning-20 Education Code contain a number of educator rights and protections.

#### *Right-to-Work*

The State Constitution provides that Florida is a right to work state; therefore, the right of an individual to work cannot be denied or abridged based on membership or non-membership in any employee organization.<sup>65</sup> As such, public employees<sup>66</sup> have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.<sup>67</sup>

#### *Teacher Liability*

Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff must not be civilly or criminally liable for any action carried out in conformity with

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<sup>64</sup> Section 1012.07, F.S., *Identification of Critical Teacher Shortage Areas for 2022-2023 (2022)*, available at <https://www.fldoe.org/core/fileparse.php/20042/urlt/7-2.pdf>

<sup>65</sup> Art. I, s. 6, Fla. Const.

<sup>66</sup> Section 447.203(3), F.S.,

<sup>67</sup> Sections 447.301(1)-(2) and 447.203(11), F.S.

SBE and district school board rules regarding the control, discipline, suspension, and expulsion of students.

The SBE is required to adopt rules that outline the administrative standards for the use of reasonable force by school personnel to maintain a safe and orderly learning environment.

In addition, the DOE is responsible for administering an educator liability insurance program to protect full-time instructional personnel from liability for monetary damages and the costs of defending actions resulting from claims made against the instructional personnel arising out of occurrences in the course of activities within the instructional personnel's professional capacity. Liability coverage of at least \$2 million must be provided to all full-time instructional personnel and may be provided at cost to part-time instructional personnel, administrative personnel, and students enrolled in a state-approved teacher preparation program.<sup>68</sup>

### *Access to Legal Services*

Each district school board may provide legal services for officers and employees of the school board who are charged with civil or criminal actions arising out of and in the course of performance of assigned duties and responsibilities. The district school board must provide for reimbursement of reasonable expenses for legal services for such officers and employees who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon successful defense by the employee or officer.<sup>69</sup>

However, in any case in which the officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee must reimburse the district school board for any legal services which the school board may have supplied.<sup>70</sup>

### *Discrimination*

Discrimination on the basis of race, color, national origin, sex, disability, or marital status against a student or employee in the state system of public K-20 education is prohibited.

Florida law requires that no person shall, on the basis of race, color, national origin, sex, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.<sup>71</sup>

A person aggrieved by a violation of such discrimination has a right of action for such equitable relief as the court may determine and the court may award reasonable attorney's fees and court costs to the prevailing party.<sup>72</sup>

### *Continuing Education*

Through the School Community Professional Development Act, each district school board is required to develop a professional development system with the purpose of increasing student achievement, enhancing classroom instructional strategies, and prepare students for continuing education and the workforce. The system must be developed in consultation with teachers, teacher-educators of FCS and

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<sup>68</sup> Section 1012.75, F.S.

<sup>69</sup> Section 1012.26, F.S.

<sup>70</sup> Section 1012.26, F.S.

<sup>71</sup> Section 1000.05(2)(a), F.S and r. 6A-10.081(2), F.A.C

<sup>72</sup> Section 1000.05(9), F.S.

SUS institutions, business and community representatives, and local education foundations, consortia, and professional organizations, and be DOE approved.<sup>73</sup>

### *Authority of Teachers and Responsibility for Control of Students*

Subject to law and to the rules of the district school board, each teacher or other member of the school staff have authority for the control and discipline of students and must keep order in the classroom and in other places in which he or she is assigned to be in charge of students.

In accordance with this authority and within the framework of the district school board's code of student conduct, teachers and other instructional personnel have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom, including:

- Establishing classroom rules of conduct.
- Establishing consequences, designed to change behavior, for infractions of classroom rules.
- Having disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention, or directed for information or assistance from appropriate school or district school board personnel.
- Assisting in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities, and pressing charges if there is a reason to believe that a crime has been committed in such places or activities.
- Requesting and receiving:
  - Information as to the disposition of any referrals to the administration for violation of classroom or school rules.
  - Immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.
  - Training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.
- Using reasonable force, according to standards adopted by the SBE, to protect himself or herself or others from injury.
- Using corporal punishment according to school board policy and required procedures, if a teacher feels that corporal punishment is necessary.<sup>74</sup>

In exercising his or her statutory authority, each teacher must:

- Set and enforce reasonable classroom rules that treat all students equitably.
- Seek professional development to improve classroom management skills when data show that they are not effective in handling minor classroom disruptions.
- Maintain an orderly and disciplined classroom with a positive and effective learning environment that maximizes learning and minimizes disruption.
- Work with parents and other school personnel to solve discipline problems in their classrooms.<sup>75</sup>

A teacher is authorized to send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence that is consistent with the school district student code of conduct. The principal must employ the teacher's recommended consequence or a more serious disciplinary action, if warranted. If the principal determines that a lesser disciplinary action is appropriate, the principal should consult with the teacher prior to taking disciplinary action.<sup>76</sup>

Furthermore, a teacher may remove from class a student whose behavior interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Each district school board, each district school superintendent, and each school

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<sup>73</sup> Section 1012.98, F.S.

<sup>74</sup> Section 1003.32, F.S.

<sup>75</sup> Section 1003.32(2), F.S.

<sup>76</sup> Section 1003.32(3), F.S.

principal are required to support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.<sup>77</sup>

### *Education-related Disputes*

The Commissioner of Education may appoint a special magistrate<sup>78</sup> to determine facts relating to an education-related dispute, consider information provided by all parties, and render a recommended decision for resolution to the SBE within a specified time. The SBE must approve or reject the recommended decision at its next regularly scheduled meeting.<sup>79</sup>

### *Florida Standards Assessment and End-of-Course Assessments: Reporting of Results and Achievement Levels*

To facilitate timely interventions and supports specified in law, results of the first two administrations of the coordinated screening and progress monitoring system in English Language Arts and mathematics must be provided to a student's teacher within 1 week and to the student's parent within 2 weeks of the administration of the progress monitoring.<sup>80</sup>

### Effect of the Bill

#### *Teachers' Bill of Rights*

The bill presents Legislative findings to support the establishment of a clear set of rights for teachers in their profession and in the classroom. Accordingly, the bill creates chapter 1015 of the Florida Statutes to catalog many of the rights of teachers specified elsewhere in law regarding employment, continuing education, controlling the classroom, and directing classroom instruction. This is similar to the catalog of rights for K-12 students and parents.<sup>81</sup>

The catalog reiterates that a teacher has a right to:

- Work regardless of union membership, pursuant to s. 447.301, F.S.
- Liability coverage pursuant to s. 1012.75, F.S.
- Reimbursement of specified legal services, pursuant to s. 1012.26, F.S.
- Be free from discrimination pursuant to s. 1000.05, F.S.
- Earn an educator certificate through multiple pathways pursuant to s. 1012.56, F.S.
- A continuing education pursuant to ss. 1012.98 and 1009.26, F.S.
- Control his or her classroom pursuant to s. 1003.32, F.S.
- Receive student assessment data in a timely manner pursuant to s. 1008.25, F.S.

The bill reaffirms that a teacher has a right to direct his or her classroom instruction in accordance with general law and SBE rules.<sup>82</sup> The bill establishes a new state-level administrative process to protect a teacher who is directed to violate such laws or rules. The bill authorizes a teacher to request the Commissioner of Education appoint a specified special magistrate to determine the facts and render a recommended decision for resolution to the SBE within 30 days after receipt of the request.<sup>83</sup> The SBE:

- Must approve or reject the special magistrate's recommended decision at its next scheduled board meeting and any costs of the special magistrate must be borne by the school district.

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<sup>77</sup> Section 1003.32(4), F.S.

<sup>78</sup> "Special Magistrate" means an administrative law judge provided by the Division of Administrative Hearings under section 120.65(6), F.S., or a person appointed by the Commissioner of Education who is a member of the Florida Bar in good standing with a minimum of five years of administrative law experience. Rule 6A-6.0791(2)(f), F.A.C.

<sup>79</sup> See ss. 1001.42(8)(c)7. and 1002.333(11)(c), F.S.

<sup>80</sup> Section 1008.25, F.S.

<sup>81</sup> See s. 1002.20, F.S.

<sup>82</sup> Section 1012.53, F.S.

<sup>83</sup> Section 120.65, F.S. and r. 6A-6.0791(2)(f), F.A.C.

- May withhold the salary of the superintendent until the violation is corrected, if the school district is found in violation of general law or SBE rules.

Under the bill, when a student is sent by a teacher to the principal's office for behavioral issues, the principal must determine whether the student violated the code of conduct. If a principal finds that no violation occurred, he or she is prohibited from imposing any disciplinary action on the student. However, a principal who determines that a student's disruptive behavior, coupled with his or her overall disciplinary behavioral record, warrants more serious disciplinary action than the teacher recommended, may impose a more serious disciplinary action.

Additionally, a principal must inform the referring teacher of any disciplinary action taken, or lack thereof, if the situation so warrants. If a principal deviates from the teacher's recommended course of action, he or she must inform the teacher in writing of the basis for such a deviation from the recommendation.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See Fiscal Comments.

#### 2. Expenditures:

The bill may have an indeterminate fiscal impact on state expenditures by requiring the Commissioner of Education to conduct a comprehensive review of all federal, state, and local classroom teacher training requirements, including district-specific requirements, and to take action to eliminate redundant or duplicative requirements by December 31, 2023. See also Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill may have an indeterminate fiscal impact on local governments by requiring local school districts to be responsible for the costs associated with the special magistrate procedure created in the bill.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate.

Without supplemental state funding, the inclusion of a fee waiver for those enrolling in a state-approved Teacher Preparation Program and fee waivers for continuing education for teachers, would result in a revenue loss for post-secondary institutions. For Fiscal Year 2023-24, the proposed GAA provides



\$38,485,298 for the Programs of Strategic Emphasis tuition and fee waiver including two teacher preparation programs identified by the BOG.

There could be a significant impact to general revenue for the DOE to implement the DEES Program and provide exam and certification fee waivers for first responders. Without an Agency analysis, the amount is indeterminate. However, funding for the program is contingent upon the appropriation of funds. For Fiscal Year 2023-24, the proposed GAA provides \$3.5 million to implement this program.

There could also be a cost to the DOE or additional full-time equivalent positions needed to implement the TAP. The TAP mentor bonus and HCB Program are subject to legislative appropriation. For Fiscal Year 2023-24, the proposed GAA provides \$4 million to implement the TAP and \$10 million for the HCB Program.