

STATE BOARD OF EDUCATION

Action Item

March 27, 2018

SUBJECT: Approval of Amendment to Rule 6A-1.0503, Definition of Qualified Instructional Personnel

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1002.33(12), 1012.32, 1012.55(1), 1012.56(6), Florida Statutes

EXECUTIVE SUMMARY

The federal Every Student Succeeds Act (2015) no longer requires Local Educational Agencies (LEAs) to comply with reporting highly qualified teacher status previously required under No Child Left Behind (2001). As a result, school districts will need to adhere to state definitions relating to the qualifications of educators. Qualified instructional personnel will need to meet one of the conditions outlined in Rule 6A-1.0503, F.A.C.

Proposed Rule 6A-1.0503, F.A.C., is recommended for amendment to adopt four additional in-field conditions authorized pursuant to existing Florida Statutes that define the qualifications of instructional personnel.

Changes are proposed to:

- Insert definitions for the following terms relating to instructional personnel:
 - Primary instructor
 - In-field
 - Out-of-field
- Clarify requirements for the continued use of the High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan, previously authorized under NCLB, as an in-field condition.
- Add the following in-field conditions currently provided in Florida Statutes to define qualified instructional personnel as an educator who:
 1. Holds a valid Florida educator’s certificate other than deemed appropriate by the Course Code Directory (CCD) but the instructional assignment is in the teacher’s minor field of study per s. 1012.42, F.S., and the minor field of study consists of at least fifteen semester hours in the subject area; or
 2. Holds a valid Florida educator’s certificate other than deemed appropriate by the CCD but has demonstrated sufficient subject area expertise for the instructional assignment through the passage of the appropriate subject area examination, pursuant to s. 1012.56, F.S., or a comparable method as established by school board policy per s. 1012.42, F.S.; or
 3. Is a prekindergarten instructor qualified to teach Voluntary Prekindergarten classes per ss. 1002.55(3)(c), 1002.55(4) and 1002.63(5), F.S.; or
 4. Is a part-time instructional staff member who holds an adjunct district certificate in the subject of the instructional assignment per s. 1012.57, F.S.
- Update outdated language from vocational to career and technical.

Supporting Documentation Included: Proposed Rule 6A-1.0503, F.A.C.

Facilitator/Presenter: Dr. Paul Burns, Deputy Chancellor for Educator Quality

6A-1.0503 Definition of Qualified Instructional Personnel.

~~A qualified instructional person is defined as an instructional staff member who meets one (1) of the following conditions:~~

(1) As used in this rule, the following terms have the following meanings:

(a) “Primary instructor” refers to any instructional employee of a Florida public school district who provides direct support in the learning process by planning, delivering, and evaluating instruction, including through virtual or blended environments, for all students during the entire class period.

(b) “In-field” means a teacher is assigned to a course covering subject matter for which the teacher holds a certificate per Section 1012.55, F.S., or demonstrates sufficient subject matter expertise as determined by paragraph (2)(a)-(h) of this rule. Holds a valid Florida educator’s certificate with the appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., or

(2) A primary instructor must meet one (1) of the following conditions to be considered in-field:

(a) Hold a valid Florida educator’s certificate with the appropriate coverage as provided for in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., or

(b) Hold a valid Florida educator’s certificate with coverage other than that deemed appropriate by paragraph (2)(a) but have completed a minor field of study in the subject area to be taught, as per Section 1012.42, F.S., and the minor field of study consists of at least fifteen (15) semester hours in the appropriate subject area, or

(c) Hold a valid Florida educator’s certificate with coverage other than that deemed appropriate by paragraph (2)(a) and have demonstrated sufficient subject matter expertise through passage of a standardized examination, pursuant to Section 1012.56, F.S., and Rules 6A-4.002, 6A-4.0021(12), and 6A-4.0243, F.A.C., or a comparable method for attainment of essential competencies in the subject area to be taught pursuant to district school board policy adopted as per Section 1012.42, F.S., or

(d) Hold a valid Florida educator’s certificate with coverage other than that deemed appropriate by paragraph (2)(a) and have previously documented subject matter expertise for the academic course assigned based on a High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan completed pursuant to 20 U.S.C. s. 7801(23)(effective January 8, 2002 to December 9, 2015); provided that the plan was completed under one (1) of the following conditions:

1. A Florida HOUSSE plan or out-of-state HOUSSE plan was completed by the beginning of the 2006-2007 school year and is filed in the educator's official personnel record; or

2. A HOUSSE plan documented subject matter expertise for a course in a world language when a Florida subject area examination has not been developed, a standardized examination had not been specified in state board rule, or the plan was completed prior to approval of a standardized examination in state board rule; or

(e) Hold a valid certificate issued by the school district as a nondegreed teacher of career and technical education courses employed under the provisions of Section 1012.39, F.S. The requirements in Sections 1012.39(1)(c)2.a. and b., F.S., must be satisfied prior to initial appointment to the position; or

(f) Hold appropriate credentials to qualify as a prekindergarten instructor to teach Voluntary Prekindergarten courses under the provisions of Sections 1002.55(3)(c), or 1002.55(4), F.S., or

(g) Hold a valid adjunct teaching certificate in the subject area to be taught, issued pursuant to district school board policy adopted under the provisions of Section 1012.57, F.S., to teach part-time as defined per Section 1012.36, F.S., or

(h) Hold neither a Florida educator's certificate nor a certificate issued by the school district and be employed to teach a course in the individual's field of specialty under the provisions of Rule 6A-1.0502, F.A.C. ~~Is a selected noncertificated person employed under the provisions of Rule 6A-1.0502, F.A.C., or~~

~~(3) Holds a valid Florida educator's certificate with coverage other than that deemed appropriate by subsection (1) and has documented a highly qualified designation pursuant to 20 U.S.C. s. 7801(23), by a High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan for the academic course assigned, or~~

~~(3) (4) A primary instructor considered out-of-field per paragraph (1)(c) of this rule, shall have~~ Holds a valid Florida educator's certificate with coverage other than that deemed appropriate by subsection (1) and does not meet the requirements of subsection (3) and has been approved by the school board or charter school governing board to teach out-of-field after determination that a teacher with appropriate certification coverage is not available. All evidence of such qualifications and approval must be reflected in the individual's official personnel record; provided, however, that such approval may be granted by the school board or charter school governing board only under one (1) of the following conditions:

(a) The individual is in the first year of employment in the out-of-field assignment and has not been granted, during any preceding year in the district or charter school, approval by either the school board or the charter school

governing board to be employed out-of-field in an area for which specific certification is otherwise required, or

(b) The individual has been approved to teach in the out-of-field assignment during any preceding year in the district or charter school and has earned the following college credit from an accredited or approved institution pursuant to Rule 6A-4.003, F.A.C., or inservice training in an approved district add-on program or district approved subject content professional development program:

1. Out-of-field assignment other than ESOL (English to Speakers of Other Languages). An individual ~~A teacher assigned to teach~~ out-of-field in a subject other than ESOL shall complete at least six (6) semester hours of college credit or the equivalent inservice toward the appropriate certification required in paragraph (2)(a) ~~subsection (1)~~ within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all requirements are completed for the appropriate subject certification;

2. Out-of-field assignment in only ESOL. An individual assigned to teach ~~A teacher~~ out-of-field in only ESOL shall complete at least three (3) semester hours of college credit or the equivalent inservice toward the ESOL requirements within the first two (2) calendar years from date of initial assignment to a class with limited English proficient (LEP) students and three (3) semester hours or the equivalent inservice during each calendar year thereafter until all requirements for certification in ESOL are completed; or

3. Out-of-field assignment in ESOL and another subject. An individual assigned to teach ~~A teacher~~ out-of-field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent inservice toward the appropriate certification required by paragraph (2)(a) ~~subsection (1)~~ within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all requirements are completed for the appropriate subject certification. The training shall be completed in the following manner: During the first two years, at least three (3) of the required twelve (12) semester hours or the equivalent inservice shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent inservice shall be completed in ESOL strategies and at least three (3) semester hours in the other out-of-field subject requirements. When either all ESOL or all other out-of-field subject requirements are completed, a teacher shall comply with the schedule specified in subparagraph (3) ~~(4)(b)~~ 1. or 2. of this rule as appropriate until all requirements are completed for both ESOL and the other out-of-field subject.

4. Waivers of college credit or inservice training in an approved district add-on or subject content professional development program may be obtained by one of the following provisions:

a. In lieu of college credit or the equivalent inservice specified in subparagraph ~~(3)~~ ~~(4)~~(b)1., 2. or 3. of this rule, an individual shall provide a doctor's statement certifying to medical inability to earn such credit during the prescribed time;

b. In lieu of college credit or the equivalent inservice specified in subparagraph ~~(3)~~ ~~(4)~~ (b)1. of this rule, the district superintendent or charter school chief administrator shall provide a statement certifying to extenuating circumstances beyond the control of the teacher to earn such credit during the prescribed time; or

c. In lieu of college credit or the equivalent inservice specified in subparagraph ~~(3)~~ ~~(4)~~ (b)1. or the criteria in paragraph ~~(3)~~ ~~(4)~~(a) of this rule, the Commissioner of Education may grant to the district, individual school sites, or a charter school a waiver of the requirements for a period of one (1) year on a one-time basis. The district superintendent or charter school chief administrator shall, pursuant to school board or charter school governing board approval for such waiver, show extenuating circumstances that create a hardship for the district or teachers in meeting the specified requirements. ~~;~~ ~~or~~

~~(5) Is a nondegree teacher of vocational education employed under the provisions of Section 1012.39, F.S. The requirements in Sections 1012.39(1)(c)2.a. and b., F.S., must be satisfied prior to initial appointment to the position.~~
Rulemaking Authority 1002.33(12)(f), 1012.32, 1012.55(1), 1012.56(6) FS. Law Implemented 1002.33, ~~1012.05~~, 1012.32, ~~1012.39~~, 1012.55, 1012.56 FS. History—New 4-19-74, Repromulgated 12-5-74, Amended 9-8-76, Formerly 6A-1.503, Amended 10-30-90, 10-3-91, 2-18-93, 5-25-04, 3-1-05.