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MEMORANDUM

TO: School District Superintendents
Certification Contacts
Charter School Principals
Directors of Personnel

FROM: Jim Warford, Chancellor K-12 Education
Theresa Klebacha, Executive Director, Independent Education and Parental Choice

DATE: June 04, 2004

SUBJECT: **Amendments to State Board of Education Rules - Authority and Responsibility of Governing Boards of Charter Schools**

The State Board of Education has amended two rules relating to requirements and procedures for the employment of non-certificated personnel in charter schools and teachers who are designated "out-of-field" in the subject area(s) assigned to teach in charter schools. Information explaining the changes for each rule is shown below. These amendments basically extend the same authority and requirements that have been in place for district school boards to the governing boards of charter schools. The rules may be viewed in their entirety at <http://fac.dos.state.fl.us/faconline/chapter06.pdf>. If you have questions regarding the implementation of these rules in charter schools, the contact information is shown above.

JIM WARFORD
K-12 CHANCELLOR

Rule 6A-1-0502, FAC. Noncertificated Instructional Personnel.

Each charter school governing board is required to adopt policies to utilize persons who have expert skill or knowledge but do not hold a valid teaching certificate. The rule requires that the policies must address the following:

1. Health and age.
2. Employment procedures.
3. Personnel records.
4. Salary.
5. Assignment, suspension, and dismissal.
6. Assessment of performance.
7. Pupil welfare.
8. Instructional practices and policies.
9. Policies for part-time personnel.
10. Policies for licensed occupational therapists or physical therapists.
11. Policies for licensed audiologists or speech pathologists.

Please note, however, that a teacher who is appointed to serve in this capacity as a non-certificated teacher may not comply with the highly qualified teacher requirements of the No Child Left Behind Act. The federal law requires full state certification as one component of the highly qualified criteria.

Rule 6A-1.0503, FAC. Definition of Qualified Instructional Personnel.

- The rule provides conditions by which an instructional staff member may be defined as a qualified instructional employee and the conditions by which a teacher assigned outside the subject area of the certificate may be approved by the governing board of a charter school. The requirements to be approved as an out-of-field teacher are:
 1. the individual is in the first year of employment in the out-of-field assignment **and** has not been granted approval in any preceding year to teach in an out-of-field assignment, **or**
 2. the individual has earned the required college credit or approved inservice training points in the content area of the out-of-field assignment(s). The timeline and minimum credit earned in the English to Speakers of Other Languages (ESOL) assignment, another subject assignment, or in a combination of out-of-field in ESOL and another subject area are prescribed.
- The provisions for waiver of the college credit or inservice training are:
 1. an individual provides a doctor's statement certifying inability to earn credit,
 2. a superintendent or charter school chief administrator provides a statement of extraordinary, extenuating circumstances beyond the control of the teacher, or
 3. the Commissioner of Education grants to an entire district, a school site, or a charter school a waiver for a period of one year on a one-time basis for extenuating circumstances.

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All documentation relative to the governing board's appointment and approval of non-certificated teachers and out-of-field teaching assignments shall be maintained in the individual's personnel file to indicate compliance with the provisions of these rules. Transcripts or documentation of completion of the inservice points required for compliance shall also be maintained. Non-compliance may subject the charter school to a loss of student funding.

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