POLICY 3.16

Adoption of proposed new Policy 3.16, to be entitled "Out-of-Field Teaching Assignments," to be adopted on a fast-track basis pursuant to the public hearing on Feb. 17, followed by 28 days' legal notice as allowed by the Administrative Procedure Act, thus taking effect on March 24, 2003.

[Contact: Marcia Andrews, 434-8953.]

Adoption per 28-day Notice, Ending March 24, 2003

Approved Feb. 17, 2003, to take effect March 24, 2003

- This Policy implements Waiver # 5 under Charter District status, approved by the State Board of Education.

- On January 13, 2003, after multiple opportunities for public input, the Board approved a document substantially the same as this proposed Policy, as part of the Charter School District application.

- On January 21, the State Board of Education approved a document substantially the same as this proposed Policy, as part of the SBE's granting of Charter District status.

- In spite of this District's tradition, the Administrative Procedure Act does not actually require two readings to adopt a rule/Policy. A Policy can be adopted by mere passage of time (28 days) after the first/only reading. (A second hearing would be required only if an affected person were to specifically request it within 21 days of the publication of notice.) *See* Fla. Stat. § 120.54(2)(c), (3)(a)(1), (3)(c)(1), and (3)(e)(2).

- Considering the previous level of public notice and opportunity for public input and the prior approval of substantially the same document by the School Board and State Board of Education, this Policy will be adopted on a fast-track basis on the 28th day after advertisement of notice following the Feb. 17 approval.

POLICY 3.16

OUT-OF-FIELD TEACHING ASSIGNMENTS

1. **Purpose**.-- Pursuant to Fla. Stat. § 1003.62(2), this Policy implements Waiver # 5 under charter district status, approved by the State Board of Education ("SBE") on January 21, 2003, providing exemption from the reporting timeline for teaching assignments of certified teachers in a field not listed on the certificate, by the dates normally required under State Board of Education Rule 6A-1.0503(3). The Policy should be revised as necessary to maintain consistency with the Charter School District Contract with the SBE and should be repealed if charter district status is not renewed. The scope of the exemption and the practices authorized to replace the waived requirements are set forth below, substantially as presented to the SBE.

2. **Rationale**.-- Under requirements otherwise applicable, the District would need to have Board approval of out-of-field teacher assignments prior to each of the state student enrollment FTE survey weeks in October and February, which follows the hire date of the respective teachers. Due to the staggered timelines for hiring teachers and the established schedule of School Board meetings, the District is not able to have all teachers assigned out-of-field prior to each of the State's enrollment FTE Survey weeks, and failure to do so results in audit findings and levying of fines on the District. Due to increasing student enrollments in the opening weeks of each school semester, it is impossible to accurately project and fill all teaching positions with highly qualified teachers prior to the state required FTE survey schedule. In addition, staff adjustments are made for all schools, based upon student enrollment, several times throughout the school year. As a result of these adjustments, teaching units are added and/or reassigned based upon need and student count.

3. **Approved Alternative Practice**.-- When the State FTE survey week dates conflict with School Board meeting dates, the list of out-of-field teacher assignments will be submitted for Board approval at the subsequent Board meeting date. This method will continue to ensure that all out-of-field teacher assignments are Board approved. It is not the intent of the District to forgo teacher quality by assigning teachers to positions out of their subject area. As before, out-of-field teacher assignments will be done only if there are no other qualified and certified teachers available from the applicant pool or faculty pool.

4. **Impact on Students**.-- The District will continue to strive to hire the best-qualified teacher for the classroom to support student learning. The alternative practice will allow for a teacher selection process that is solely based on hiring the best-qualified teachers and may decrease the need to hire out-of-field teachers to meet an FTE reporting timeline requirement. Monies that have been lost to FTE audit findings for failure to timely report out-of-field teachers can, with this waiver, be used to provide coursework leading to certification for out-of-field teachers and for the enhancement of instructional programs

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48 5. **Monitoring and Reporting**.-- The impact of this waiver will be measured by the
49 District having an FTE audit that does not result in fines for failure to report out-of-
50 field teaching assignments within the specified timeline. The District will monitor to
51 ensure that all out-of-field teachers are reported to the School Board for approval
52 during each semester of the fiscal school year. The status of all out-of-field
53 teachers will be monitored to ensure they are meeting the timeline of their out-of-
54 field agreement as required by State Board of Education rule and to determine their
55 eligibility to remain in the particular teaching assignment for the next school year.

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58 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.42(22); 1001.43(11); and 1003.62(2),
59 Fla. Stat.

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61 LAWS IMPLEMENTED: §§ 1001.41(1), (3); 1001.42(5); and 1003.62(2), Fla. Stat., and
62 exemption from the timeline under State Board of Education
63 Rule 6A-1.0503(3).

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65 ___/___/ 2003

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.16 and finds it legally sufficient for development by the Board.

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Attorney   Date