

**POLICY 3.16**

- 5-E** I recommend the Board approve the proposed new Policy 3.16, to be entitled "Out-of-Field Teaching Assignments," and that it be adopted on a fast-track basis with one reading followed by 28 days' legal notice as allowed by the Administrative Procedure Act.

[Contact: Marcia Andrews, 434-8953.]

**Development with Adoption upon Subsequent 28-day Notice**

**CONSENT ITEM**

- 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.) 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 should be adopted on a fast-track basis on the 28th day after advertisement of notice following today's approval.

POLICY 3.16

**OUT-OF-FIELD TEACHING ASSIGNMENTS**

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5 1. **Purpose.**-- Pursuant to Fla. Stat. § 1003.62(2), this Policy implements Waiver # 5  
6 under charter district status, approved by the State Board of Education ("SBE") on  
7 January 21, 2003, providing exemption from the reporting timeline for teaching  
8 assignments of certified teachers in a field not listed on the certificate, by the dates  
9 normally required under State Board of Education Rule 6A-1.0503(3). The Policy  
10 should be revised as necessary to maintain consistency with the Charter School  
11 District Contract with the SBE and should be repealed if charter district status is not  
12 renewed. The scope of the exemption and the practices authorized to replace the  
13 waived requirements are set forth below, substantially as presented to the SBE.  
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- 15 2. **Rationale.**-- Under requirements otherwise applicable, the District would need to  
16 have Board approval of out-of-field teacher assignments prior to each of the state  
17 student enrollment FTE survey weeks in October and February, which follows the  
18 hire date of the respective teachers. Due to the staggered timelines for hiring  
19 teachers and the established schedule of School Board meetings, the District is not  
20 able to have all teachers assigned out-of-field prior to each of the State's  
21 enrollment FTE Survey weeks, and failure to do so results in audit findings and  
22 levying of fines on the District. Due to increasing student enrollments in the  
23 opening weeks of each school semester, it is impossible to accurately project and  
24 fill all teaching positions with highly qualified teachers prior to the state required  
25 FTE survey schedule. In addition, staff adjustments are made for all schools, based  
26 upon student enrollment, several times throughout the school year. As a result of  
27 these adjustments, teaching units are added and/or reassigned based upon need  
28 and student count.  
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- 30 3. **Approved Alternative Practice.**-- When the State FTE survey week dates conflict  
31 with School Board meeting dates, the list of out-of-field teacher assignments will be  
32 submitted for Board approval at the subsequent Board meeting date. This method  
33 will continue to ensure that all out-of-field teacher assignments are Board  
34 approved. It is not the intent of the District to forgo teacher quality by assigning  
35 teachers to positions out of their subject area. As before, out-of-field teacher  
36 assignments will be done only if there are no other qualified and certified teachers  
37 available from the applicant pool or faculty pool.  
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- 39 4. **Impact on Students.**-- The District will continue to strive to hire the best-qualified  
40 teacher for the classroom to support student learning. The alternative practice will  
41 allow for a teacher selection process that is solely based on hiring the best-  
42 qualified teachers and may decrease the need to hire out-of-field teachers to meet  
43 an FTE reporting timeline requirement. Monies that have been lost to FTE audit  
44 findings for failure to timely report out-of-field teachers can, with this waiver, be

45 used to provide coursework leading to certification for out-of-field teachers and for  
46 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

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Date