

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: INITIAL **READING: PROPOSED AMENDMENTS TO
SCHOOL BOARD POLICY 3120, EMPLOYMENT OF
INSTRUCTIONAL PERSONNEL**

COMMITTEE: **PERSONNEL, STUDENT, SCHOOL & COMMUNITY
SUPPORT**

**LINK TO STRATEGIC
PLAN:** **HIGHLY EFFECTIVE TEACHERS, LEADERS, & STAFF**

Authorization is requested for the Superintendent to amend Board Policy 3120, *Employment of Instructional Personnel*, to conform to F.S. 1012.57, *Certification of Adjunct Educators*.

Policy 3120, *Employment of Instructional Personnel*, is proposed for amendment to clarify that the District shall issue an adjunct teaching certificate for a part-time or full-time teaching position, where practicable and based on need, to any applicant who fulfills the requirements of Florida law and has subject-area expertise in the subject to be taught by demonstrating mastery through passage of a subject-area test. Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the District at the District's discretion if the applicant is rated effective or highly effective during each year of teaching under adjunct teaching certification. However, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than three (3) years and is nonrenewable. The District will post requirements on its website for the issuance of an adjunct teaching certificate and specify the subject area test through which an applicant demonstrates subject area mastery. Annually, the District will report to the FLDOE the number of adjunct teaching certificates issued for part-time and full-time teaching positions pursuant to this provision. The amendments also include the requirement for the Superintendent to conduct employment history checks of all candidates for instructional staff positions pursuant to F.S. 1012.31, which mirrors language Board Policies 1121.01, 3121.01, and 4121.01.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and policies with strikethroughs and underlines are attached.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policy 3120, *Employment of Instructional Personnel*.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 19, 2023, its intention to amend Board Policy 3120, *Employment of Instructional Personnel*, at its meeting of June 14, 2023.

PURPOSE AND EFFECT: Board Policy 3120, *Employment of Instructional Personnel*, is proposed for amendment to conform to F.S. 1012.57, *Certification of Adjunct Educators*.

SUMMARY: Policy 3120, *Employment of Instructional Personnel*, is proposed for amendment to clarify that the District shall issue an adjunct teaching certificate for a part-time or full-time teaching position, where practicable and based on need, to any applicant who fulfills the requirements of Florida law and has subject-area expertise in the subject to be taught by demonstrating mastery through passage of a subject-area test. The amendments also include the requirement for the Superintendent to conduct employment history checks of all candidates for instructional staff positions pursuant to F.S. 1012.31.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.32(2); 1001.41(1), (2); 1001.42(5), (7), (8); 1001.43(11).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1012.31; 1012.57.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF June 14, 2023, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by May 16, 2023, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICY are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.



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| Book | Policy Manual |
| Section | April 19, 2023 - <u>Initial</u> Reading |
| Title | EMPLOYMENT OF INSTRUCTIONAL PERSONNEL |
| Code | 3120 |
| Status | <u>Initial</u> Reading |

3120 - **EMPLOYMENT OF INSTRUCTIONAL PERSONNEL**

The term instructional personnel refers to K-12 staff members whose functions include the provision of direct instructional services to students. Instructional personnel also include K-12 staff members whose functions provide direct support in the learning process of students as defined by F.S. 1012.01.

I. Eligibility

Any person employed in an instructional position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District.

The Superintendent shall conduct employment history checks of all candidates for instructional staff positions. The employment history check shall include, but not be limited to, contacting any previous employer, reviewing each affidavit of separation from previous employers pursuant to F.S. 1012.31, and screening the candidate through the use of the screening tools described in State law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

Misstatement of fact material to qualification for employment or the determination of salary shall constitute grounds for dismissal.

A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

A person is ineligible for educator certification or employment in any position that requires direct contact with students if the person is on the disqualification list maintained by the department pursuant to F.S. 1001.10(4)(b), is registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C), would be ineligible for an exemption under F.S. 435.07, or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to any of the felony offenses listed in F.S. 1012.315.

Upon recommendation of the Superintendent, the School Board shall approve employment of instructional personnel.

Qualifications of instructional personnel shall be as required by law and Florida Administrative Code. To be eligible for appointment in any instructional position in the District, a person must be of good moral character; must have attained the age of eighteen (18) years; and must, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Board, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24.

Instructional personnel must meet the requirements for their position and follow the employment procedures as set forth in Florida statutes and State Board of Education Rules, including but not limited to: F.S. 1012.24, 1012.35, 1012.36, 1012.39, 1012.43, and 1012.56; and F.A.C. 6A-1.0502, 6A-1.0503, 6A-4.001, 6A-6.010, and 6A-6.014 as they may be amended from time to time.

II. Certification of Instructional Personnel

A. State Certification

Any person employed in a position requiring certification shall possess a valid teaching certificate issued pursuant to Florida law. Instructional personnel who teach classes or provide support services shall be certified or licensed as defined in F.S. 1012.56, and F.A.C. 6A-1.0502 and 6A-1.0503.

B. District Certification

Pursuant to F.S. 1012.39, 1012.55, and 1012.57, with regard to the employment of temporary instructors, teachers of adult education, non-degreed teachers of career technical education (CTE), adjunct educators, and experts in the field, the District will establish the minimum requirements for the issuance of District certificates. Such certificates establish eligibility for employment but confer no right to employment.

The Superintendent may revoke or suspend a District certificate.

The application fee for the District certificate shall be the same as a State issued Educator's Certificate.

Any employee who does not achieve a passing score on any subtest of the general knowledge examination shall be provided information regarding the availability of State-level and District-level supports and instruction to assist them in achieving a passing score.

III. Certification for Expert in the Field - Full-Time Instructional

Current teachers who hold a temporary certificate and have completed all requirements for professional certification but have not worked enough days to complete the ~~work~~ [related work-related](#) requirements, may be eligible for a District expert in the field certificate.

The application for the District expert in the field certificate shall be submitted to the Office of Instructional Certification. Following the clearance of fingerprints and employment in a full-time instructional position, the Office of Instructional Certification will issue to the

employee a District expert in the field certificate valid for one (1) school year beginning July 1st and ending June 30th. This certificate will be issued on a one-time basis and is non-renewable.

IV. **District Adjunct Teaching Certificate**

The District ~~may~~shall issue an adjunct teaching certificate for a part-time or full-time teaching position, where practicable and based on need, to any applicant who fulfills the requirements of State law and who has subject-area expertise in the subject to be taught. An applicant will be considered to have expertise in the subject matter to be taught if the applicant demonstrates sufficient subject-area mastery through passage of a subject-area test. Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the District at the District's discretion if the applicant is rated effective or highly effective during each year of teaching under adjunct teaching certification. However, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than three (3) years and is nonrenewable. The District will post requirements on its website for the issuance of an adjunct teaching certificate, and ~~also~~ specify the subject area test through which an applicant demonstrates subject area mastery. Annually, the District will report to the FLDOE the number of adjunct teaching certificates issued for part-time and full-time teaching positions pursuant to this provision.

Effective 7/1/11
Revised 6/17/15
Revised 4/29/20
Revised 12/15/21
Revised 1/18/23

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| Legal References: | F.S. 1012.01 |
| | F.S. 1012.22 |
| | F.S. 1012.24 |
| | F.S. 1012.27 |
| | F.S. 1012.315 |
| | F.S. 1012.32 |
| | F.S. 1012.33 |
| | F.S. 1012.42 |
| | F.S. 1012.55 |
| | F.S. 1012.56 |
| | F.S. 1012.57 |
| | F.A.C. 6A-1.0502 |
| | F.A.C. 6A-1.0503 |
| | 20 U.S.C. 6301 |
| | 20 U.S.C. 7801 |

Adoption Date: **05.11**
Classification:
Revised Dates: ; **01.23**
