

## **STATE BOARD OF EDUCATION**

April 20, 2004

**SUBJECT:** Proposed Amendment to Rule 6A-10.060, The Dale Hickam Excellent Teaching Program.

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### **PROPOSED BOARD ACTION**

For Approval.

### **AUTHORITY FOR STATE BOARD ACTION**

1012.01, 1012.34, 1012.72, Florida Statutes.

### **BACKGROUND INFORMATION**

On or about November 21, 2003, the Florida Education Association and teachers/local union presidents Constance Higginbotham and Laverne Love ("Petitioners") sued the State Board of Education and Florida Department of Education ("Respondents") to invalidate alleged unpromulgated rules concerning The Dale Hickam Excellent Teaching Program ("Program") to include: (a) a rule that a teacher be a "teacher of record" for students for "at least a semester"; (b) a rule that a teacher be officially classified as a full-time classroom teacher during the entire school year; and (c) a rule that a "full-time classroom teacher" include only a teacher who provides instruction to students all day every day during the entire school year.

Respondents moved to stay the proceedings upon submitting a notice of proposed rule development. On January 14, 2004, the Administrative Law Judge ("ALJ") granted the stay, pending the filing of a status report by February 20, 2004, indicating whether the Department had published proposed rules. On February 3, 2004, the Department held a rule development workshop, at which petitioners and others offered comment on a draft revised Rule 6A-10.060. On February 20, 2004, the Department transmitted the final Rule 6A-10.060 with minor modifications for publication and consideration by the Board. On February 25, 2004, the ALJ entered an order continuing the case in abeyance in light of these developments.

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**Supporting Documentation Included:** Proposed Amended Rule and Incorporated Forms

**Facilitators/Presenters:** Commissioner Jim Horne