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September 9, 2011

MEMORANDUM

To: District Career and Technical Education Directors

From: Loretta Costin, Chancellor, Division of Career and Adult Education

Subject: 2011 Legislative Changes to Florida Statutes 1012.39 - Employment of Nondegreed Teachers of Career Education

The 2011 Florida Legislature amended Section 1012.39 *Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists, students performing clinical field experience*. This memorandum specifically addresses changes related to the section of law that addresses employment of nondegreed teachers of career education. Effective July 1, 2011, the major changes are as follows:

- District school boards must require documentation of industry certification when state or national industry certifications are available and applicable in addition to the other qualifications established in statute for such teachers. (s. 1012.39 (1)(c)(2)(f), as amended in Chapter 2011-175, s. 34, Laws of Florida)

In an effort to assist career and technical education directors in addressing questions related to these changes, we have developed a "Questions & Answers" document. The attached document contains the most common questions we have received on these changes.

The amended statute may be reviewed at <http://laws.flrules.org/2011/175> (see section 34 beginning on page 40). If you have additional questions regarding these policy changes, please do not hesitate to contact Belinda Chason at 850-245-9020 or Belinda.Chason@fldoe.org

Thank you.

LC/kbt

Attachment

Questions and Answers on 2011 Florida Statutory Changes for Nondegreed Teachers of Career and Technical Education

Q1. When will the legislation become effective? The law went into effect July 1, 2011. District school boards issuing local teacher certifications to individuals on or after July 1, 2011, must establish minimum employment qualifications for nondegreed teachers of career education. According to section 1012.39, Florida Statutes, minimum qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 1012.32. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.
2. Documentation of education and successful occupational experience including documentation of:
 - a. A high school diploma or the equivalent.
 - b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area.

The district school board may establish alternative qualifications for teachers with an industry certification in the career area in which they teach.
 - c. Completion of career education training conducted through the local school district inservice master plan.
 - d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.
 - e. Demonstration of successful teaching performance.
 - f. Documentation of industry certification when state or national industry certifications are available and applicable.

Q2. Is this legislation retroactive? No, the legislation is not retroactive. Prior to July 1, 2011, section 1012.39, Florida Statutes, did not mandate that district school boards establish qualifications which included “*Documentation of industry certification when state or national industry certifications are available and applicable.*”

Therefore this additional qualification of “*Documentation of industry certification when state or national industry certifications are available and applicable*” does not apply to teachers who were issued local district-issued teacher certifications prior to July 1, 2011.

Q3. The statute uses the term, “industry certification,” would this include licensures, registrations or certifications issued by a state or federal regulatory entity? Yes.

- Q4. If a teacher holds an industry certification/licensure higher than the one the program they are teaching prepares for, do they have to obtain the lower certification (example – would a registered nurse need to hold the CNA)?** If the duties of the lower certification may legally be performed by a person with the higher certification, the higher certification will suffice.
- Q5. How long do teachers have to earn the industry certification?** This determination shall be made by the local school district board.
- Q6. What is the penalty if a teacher does not pass the industry certification exam?** The law does not specify any punitive actions for non-compliance. However it may become an issue at the time of local FEFP auditing.
- Q7. Does this statutory change only apply to teachers who teach in registered CAPE Academies?** No. This applies to all CTE teachers who hold district-issued teaching certificates regardless of whether they teach in a registered CAPE academy.
- Q8. Does this statutory change apply to individuals who hold CTE-related professional teaching certificates from the Florida Department of Education?** No. This does not apply to individuals who hold the state-issued teacher certifications (professional certificates) in degreed vocational coverage areas such as agriculture (grades 6-12), business education (grades 6-12), family and consumer science (grades 6-12), marketing (grades 6-12) and technology education (grades 6-12). Please visit <http://www.fldoe.org/edcert/subjlist.asp> for more information about Florida teaching certification coverages.
- Q9. Does this statutory change only apply to individuals who do not hold four year degrees?** This statutory change applies exclusively to individuals who hold local district-issued teaching certificates, irrespective of whether the individual holds a four year degree of any kind. Example: An individual holds a four year degree in nursing but teaches a health science course with a local district-issued certificate because the state does not have a degreed vocational coverage in health science. This statutory change would apply to this individual if hired on or after July 1, 2011, and if the local school district board has identified an available and applicable industry certification/license as part of its established qualifications.
- Q10. In programs that may prepare students to take multiple certifications, will the teacher be expected to earn all certifications?** The law states, *“Documentation of industry certification when state or national industry certifications are available and applicable.”* This determination shall be made by the local school district board.
- Q11. Who will decide which industry certification is available and appropriate?** This determination shall be made by the local school district board, subject to ordinary audit processes.

- Q12. If the teacher holds a four-year degree but will become employed on or after July 1, 2011, and be issued a district-issued teacher certification, will he/she be required to obtain the industry certification? (Example: Holds a bachelors degree in building construction but will hold a district-issued teacher certification for building construction)** Yes. The same requirement would apply as this individual does not hold a state-issued teacher certification (professional certificate) in a degreed vocational coverage area prior to the effective date of the revised statute.
- Q13. Will districts be required to report this information to the Department of Education?** No. The Department does not collect data on district-issued teacher certifications. Furthermore, it does not maintain a listing of the non-degreed vocational coverages offered by each district.