

### **Contact Persons**

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### **MEMORANDUM**

**TO:** District School Superintendents  
District Directors of Personnel  
District Certification Contacts

**FROM:** David C. Ashburn

**DATE:** September 15, 2000

**SUBJECT: Information Relating to “Out-of-field” Teacher Designation**

Chapter 2000-301, Laws of Florida, known as “Educate 2000,” amended Section 231.095, Florida Statutes, that addresses the assignment of teachers outside the field in which the teacher is certified. Prior to the change, if a teacher in a district school system was assigned to teach outside the area in which he or she was certified, parents or guardians were to be notified in writing of such an assignment and the teacher was designated “out-of-field.” Pursuant to Section 6A-1.0503, FAC., such teacher had specific timelines and course requirements to meet in order to be considered qualified to teach in the out-of-field assignment with no penalty to the school district.

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The amendment to Section 231.095, Florida Statutes, adds two options by which a teacher is considered “infield” and is not to be designated as an out-of-field teacher. A teacher, other than a teacher of English/language arts to Limited English Proficient (LEP) students, is considered infield if one of the following conditions is met:

- holds a valid Florida Educator’s Certificate with an appropriate coverage as provided in the *Course Code Directory* for teaching the course, or
- holds a valid Florida Educator’s Certificate and has a minor in the field in which the instruction is provided, as shown on an official college transcript or as verified in writing by the college or university, or
- holds a valid Florida Educator’s Certificate and has demonstrated sufficient subject area expertise in the subject area in which the instruction is provided through an established plan as approved by the district school board.

Therefore, a notification to parents or guardians and the requirements of Section 6A-1.0503, FAC., are not required for a teacher who meets one of the above three options for being considered infield. **Please see the section below for special exceptions for teachers of English to Speakers of Other Languages (ESOL).** The personnel file of each teacher considered infield by one of these three options must include the documentation by which the infield determination is made.

The statute does not specifically state that the school board shall establish a plan or policy by which the subject area expertise demonstration is to be documented. The requirement for reporting out-of-field teachers is presented in the statute in the context of a district school system responsibility. Therefore, it is the Department’s position that the school board should adopt a district policy to establish guidelines for demonstrating subject area expertise. Demonstration of expertise in the subject area must be sufficient to enable the teacher to provide appropriate instruction for students to master the Sunshine State Standards. Subject area expertise may be demonstrated by several means or a combination of means including, but not limited to:

- presenting a passing score on a subject area test,
- demonstration of subject area competencies as established by the national subject professional organizations,
- demonstration of current subject area competencies as identified by the Department for the certification subject area tests (some areas will be revised beginning July 1, 2002),
- demonstration of the appropriate Subject Matter Content Standards for Teachers developed by the Education Standards Commission and approved by the State Board of Education in the areas of : Art, Elementary Education, English Language Arts, Foreign Languages, Health, Mathematics, Music, Physical Education, Sciences, or Social Studies,
- past successful experiences in the field, and

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- systematic observations and favorable evaluations of classroom instruction by supervisor(s) and other educators with expertise in the subject area.

The Department has given careful review and study to additional areas impacted by this legislation. These areas/topics are shown below:

**Programs for Limited English Proficient Students:**

By entering into the Consent Decree to resolve the case of LULAC et al. vs. State Board of Education, the Department has agreed to exercise its statutory authority in a manner which assures that Limited English Proficient students receive appropriate comprehensible instruction. Therefore, a teacher who provides the English/language arts instruction to a student classified as Limited English Proficient is required to have the ESOL endorsement or ESOL (K-12) certification coverage. Such teachers who do not hold appropriate ESOL certification shall be considered out-of-field and must complete the requirements pursuant to Section 6A-1.0503, FAC.

Please be reminded even though ESOL certification is not required of other subject area teachers of LEP students, and thus the in-field and out-of-field issue is not applicable, all other teachers of LEP students must complete the appropriate **ESOL training** requirements. The attached *Timelines for Completion of the ESOL Training Requirements* chart provides the specific certification and training requirements for the various categories of teachers of LEP students.

**Federal Regulations for Programs of Students with Disabilities:**

The Bureau of Instructional Support and Community Services has reviewed the applicable federal personnel requirements and has determined that the additional flexibility of Educate 2000 can be implemented in the exceptional student education certification areas. It is recommended that the entry-level competencies of the Council for Exceptional Children (CEC) serve as applicable subject area competencies for demonstration of subject expertise for providing instruction to students with disabilities.

**Data Elements and Reporting:**

The Certification/Licensure Status element collected on the Department of Education Automated Student Database will be changed to include codes for the new categories of in-field designation. The information reflecting the codes for reporting teacher assignments will be forthcoming from the Bureau of Education Information and Accountability Services with plans for districts to report the new categories beginning in February 2001.

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**Revision of Section 6A-1.0503, FAC:**

Substantive changes in this rule are being drafted for recommendation to the State Board of Education for approval. The definition of qualified personnel and the requirements for teachers who are required to complete the six semester hours college credit requirement each year for reappointment will be modified to align to the expanded definition of infield teacher in Section 231.095, Florida Statutes.

**Teacher Financial Aid and Critical Teacher Shortage Areas:**

Technical revisions are also in the process of being developed for Sections 6A-20.012 and 6A-20.025, FAC., for recommendation to the State Board of Education for approval. The changes will reflect a name change in the TR-1 form removing the use of the out-of-field language. This form is used for the Critical Teacher Shortage Tuition Reimbursement Program and Grants for Teachers for Special Training in Exceptional Student Education and is incorporated by reference in the above rules. Other than technical name changes, all other requirements of these programs remain the same.

Appropriate changes will also be recommended to the State Board of Education for Section 6A-20.0131, FAC., to address the identification of areas on the critical teacher shortage list. The proposed rule revision will include a change that data indicating the number of teachers that are “not certified” in an appropriate field rather than the number of teachers who are designated as out-of-field be one basis for establishing a critical shortage area.

**Noncertificated Personnel:**

The amendment to Section 231.095, Florida Statutes, does not in any way change the provisions in law or Section 6A-1.0502, FAC., relating to the selection of certain persons with expert skill or knowledge to serve as **noncertificated** instructional personnel.

We hope that you find this information useful. Please do not hesitate to contact Beverly Gregory or me as shown on the first page of this document if you need additional assistance.

DA/bg

Attachment

cc: MIS Directors  
Bilingual and ESOL Contacts  
ESE Directors