

THE SCHOOL BOARD OF ESCAMBIA COUNTY, FLORIDA

**NOTICE OF INTENT TO ADOPT AMENDMENTS TO
RULES AND PROCEDURES OF THE DISTRICT SCHOOL BOARD:
CHAPTER 2, HUMAN RESOURCE SERVICES**

Pursuant to Sections 120.54 and 120.81(1), Florida Statutes, any person affected by this rule may appear before the School Board of Escambia County, Florida, on the proposed adoption of the instant School District Rule(s) at the date and time listed herein:

NUMBER: 6Gx17-2.01; 2.02; 2.03; 2.04; 2.05; 2.06; 2.23; 2.34; 2.36

TITLE: HUMAN RESOURCE SERVICES

PURPOSE & EFFECT: to update specific sections of Chapter 2 of the Rules and Procedures of the District School Board.

CODING DEFINITION: Words ~~stricken~~ are deletions; words underlined are additions.

TEXT: The full text of this proposed amendment is available for inspection and copying by the public in the Office of the Superintendent, located in the Vernon McDaniel Building, 75 North Pace Blvd., Pensacola, FL 32505; or online at <http://www.escambia.k12.fl.us/board/agendas.asp>

Notice of Rule Advertisement appeared in the Pensacola News Journal on December 15, 2011 – Legal No. 1548382.

SUMMARY: The goal of these proposed revisions is to update specific sections of Chapter 2 of the Rules and Procedures of the District School Board. The Superintendent in his capacity as Executive Secretary of the School Board is authorized to correct article and section designations, punctuation, and cross references and to make other technical and conforming changes as may be necessary to reflect the intent of this Board in connection with the policy adopted.

RULEMAKING AUTHORITY:

Chapter 1012; and Sections 120.54; 1001.32; 1001.41; 1001.42, F.S.

LAWS IMPLEMENTED:

Chapter 1012; and Sections 120.54; 1001.32; 1001.41; 1001.42, F.S.

SMALL BUSINESS IMPACT: None

ECONOMIC IMPACT: None

PERSON ORIGINATING RULE: Dr. Alan Scott, Assistant Superintendent, Human Resource Services

SUPERVISOR APPROVING RULE: Malcolm Thomas, Superintendent

DATE APPROVED FOR SUBMISSION: November 29, 2011

ANY PERSON AFFECTED BY THIS RULE MAY APPEAR AT A PUBLIC HEARING TO BE HELD:

TIME AND DAY: 5:30 p.m., Tuesday

DATE: January 17, 2012

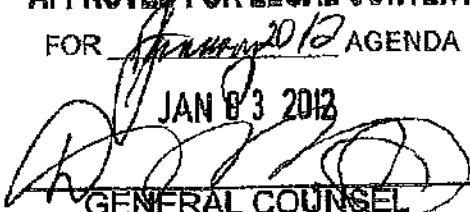
PLACE: J. E. HALL EDUCATIONAL SERVICES CENTER
ROOM 160
30 EAST TEXAR DRIVE
PENSACOLA, FLORIDA 32503

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Request for such assistance must be made in writing, directed to the Superintendent of Schools, 75 North Pace Blvd., Pensacola, FL 32505. Such request must be received by the Superintendent of Schools at least forty-eight (48) hours prior to the meeting. If you are hearing or voice impaired, call TDD 1-800-955-8771.

Any person who decides to appeal a decision of the School Board at such meeting is hereby advised that, for such purpose, such person may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based.

THE SCHOOL DISTRICT OF ESCAMBIA COUNTY, FLORIDA
Adopted on this 17th day of January, 2012, at Pensacola, Escambia County, Florida.

Malcolm Thomas, Superintendent

APPROVED FOR LEGAL CONTENT
FOR January 2012 AGENDA
JAN 8 3 2012

GENERAL COUNSEL
ESCAMBIA COUNTY SCHOOL BOARD

2.01 ADMINISTRATIVE AND PROFESSIONAL

(1) Superintendent of Schools

The Superintendent is responsible for the administration and management of the school system and for the supervision of instruction. The Superintendent exercises all powers, duties and responsibilities as specified in the Florida Constitution, Florida Laws, State Board of Education Rules, and the rules of the Escambia County School Board (the Board):

(2) Administrative Personnel

- A. Administrative personnel are those employees in positions specified on the current Administrative Classification Guide.
- B. Administrative personnel other than principals who are assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:
 - 1. Master's degree from an accredited educational institution;
 - 2. Certification in Administration and Supervision, Educational Leadership, or appropriate specialty area, by the State of Florida;
 - 3. Minimum five (5) years successful teaching experience in a specific subject area or five (5) years experience in the area to be supervised;
 - 4. Satisfactory completion of an approved Administrative Training Program or initial acceptance into the District Administrative Training Program; and
 - 5. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.
- C. Administrative personnel who are not assigned responsibility for working directly with instructional or other personnel in the improvement of the instructional program shall have the following qualifications:
 - 1. Master's degree from an accredited educational institution;
 - 2. Appropriate experience in the field in which they are employed; and

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3. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.

- (3) Principals, Assistant Principals, Interim Principals, and Interim Assistant Principals shall have the following qualifications:

- A. Principals and Interim Principals

1. Master's degree from an accredited educational institution;
2. Certification as a School Principal by the State of Florida;
3. Minimum five (5) years successful classroom teaching experience; and
4. Satisfactory completion of an approved Administrative Training Program.

- B. Assistant Principals and Interim Assistant Principals

1. Master's degree from an accredited educational institution;
2. Certification in Educational Leadership, School Principal or Administration and Supervision, by the State of Florida;
3. Minimum five (5) years successful classroom teaching experience; and
4. Satisfactory completion of an Administrative Training Program or initial acceptance into the District Administrative Training Program.

- C. Qualifications may vary from the above requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.

- D. Recruitment and Selection

The recruitment and selection of Principals, Assistant Principals, Interim Principals, and Interim Assistant Principals shall conform to the objective based process contained in the currently adopted William eCecil Golden Professional Development Program for School Leaders.

- (4) Professional

- A. Professional personnel are those employees in positions specified in the Professional Classification Guide.

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- B. Professional personnel shall meet the qualifications prescribed in the approved job description.
- C. Qualifications may vary from the requirements to such a degree as the Superintendent and the Board determine necessary and appropriate to ensure properly qualified personnel in each specialized assignment.

Statutory Authority:	Chapters 120 and 1012 and Sections 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32, F.S.
Law Implemented:	Chapters 120 and 1012 and Sections 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32, F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 03/26/07; 07/15/08; 11/17/09; 02/15/11.

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2.02 CERTIFICATED INSTRUCTIONAL PERSONNEL

- (1) Certificated instructional personnel are those employees who are assigned duties that require certificates issued by the Florida Department of Education or by the local district and who are assigned direct responsibility for the supervision, instruction, and evaluation of students or the provision of instructional support activities and services, including those full-time instructional personnel in the Adult Education Program.

- (2) Certificated instructional personnel shall have the following minimum qualifications:
 - A. A Florida teaching certificate, a Florida vocational certificate, or a local district certificate based on experience in business or industry in the subject area of assignment, or eligibility to obtain such certification.

 - B. A Florida teaching certificate in a subject other than the assignment area and documentation of subject content competency and knowledge in core academic subject(s) other than reading and English to Speakers of Other Languages (ESOL) the experienced teacher is teaching using the High, Objective, Uniform State Standard of Evaluation (HOUSSE) plan as outlined in 6A-1.0503, F.A.C., and 20 U.S.C. § 7801(23). (If applicable)

 - C. Compliance with No Child Left Behind (NCLB) standards.

- (3) Certificate Related Requirements and Conditions
 - A. Certificated instructional personnel shall be solely responsible for obtaining and maintaining proper certification for initial and continued employment.

 - B. Certificated instructional personnel shall submit all certificate numbers, changes in certificates, and new certificates to Human Resource Services.

 - C. Certificated instructional personnel shall be given a contract for employment only after a valid and appropriate certificate, or evidence of eligibility for such certificate, has been submitted to Human Resource Services and the employee's appointment by the Board.

 - D. Certificated instructional personnel shall be eligible for a salary increases supplement based on the attainment of a masters, specialist, or doctorate degree, or an advanced occupational certificate in accordance with Florida laws. Any increased rate of pay shall commence on the first working day following the completion date as verified on the official transcript.

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- E. Certificated instructional personnel shall be reappointed contingent upon having valid and proper certification for the assigned position or if out of field, having attained six (6) semester hours of credit in the field of certification required for the assignment.
- F. Out-of-Field Teachers
1. Out-of-field teachers shall have priority consideration in professional development activities and a plan of assistance will be prescribed by the principal and supervisor and/or director.
 2. The subject area supervisor or appropriate director will be provided a list of the out-of-field teachers. The supervisor and/or director will be advised to contact the principal for an appointment to discuss an out-of-field teacher and conduct a classroom visit during the teacher's 97-day probationary period.
 3. The principal and supervisor and/or director will review the inservice workshops available and prepare an appropriate plan of assistance for the out-of-field teacher.
 4. It is the responsibility of the coordinator of educator certification to follow-up with the out-of-field teachers to ensure that the six (6) semester hours credit is taken each school year.
- G. Prior to July 1, 2006, an experienced teacher may meet the designation of highly qualified teacher status by using the federal HOUSSE plan as outlined in 6A-1.0503, F.A.C., and 20 U.S.C. § 7801(23).
1. HOUSSE forms incorporating the required components and points for designation of highly qualified teacher status are to establish and document the experienced teacher's highly qualified status in a core academic subject other than reading and ESOL pursuant to NCLB standards. A copy of the HOUSSE form bearing the teacher's signature and the signature of the designated administrator and documentation of the basis for establishing highly qualified status are to be included in the teacher's personnel file.
- H. Certificated instructional personnel may be assigned other duties by the principal.
- I. Certificated instructional personnel shall teach assigned courses in an efficient and faithful manner using the prescribed materials and methods, keep accurate and timely records and reports required by law or rule, and fulfill the terms of any contract unless released from the contract by the Board.

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Statutory Authority:	20 U.S.C. § 7801(23). Chapters 120 and 1012 and Sections 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1002.20; 1003.02 1003.32; 1004.02; F.S.
Law Implemented:	20 U.S.C. § 7801(23). Chapters 120 and 1012 and Sections 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1002.20; 1003.02 1003.32; 1004.02; F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 08/20/02; 09/23/03; 01/18/05; 05/17/05; 03/26/07; 07/15/08; 11/17/09; 02/15/11.

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2.03 NON-CERTIFICATED INSTRUCTIONAL PERSONNEL

(1) Non-certificated instructional personnel are those employees who possess expert skill in or knowledge of a particular subject or talent. Such personnel provide certain instructional services, but are not required to possess a certificate issued by the Florida Department of Education or by the District. Non-certificated instructional personnel shall meet applicable requirements and only be employed as specified.

(2) Speech Pathologists, Occupational Therapists, Physical Therapists, and Audiologists

Speech Pathologists, Occupational Therapists, Physical Therapists, and Audiologists may be employed without a teaching certificate to provide instructional services in the individual's field of specialty pursuant to State Board of Education Rules under the following conditions:

- A. The employment procedures shall be the same as those for certificated instructional personnel.
- B. The employee's personnel records shall contain evidence of the individual's specialty consisting of at a minimum, copies of degree(s) earned, transcripts of courses taken in obtaining the degree(s), and a Florida licensure or registration. Additionally, the personnel records shall contain the employee's job-related work experience and the Board-approved job description including, if applicable, any duties of an instructional nature not within the scope of the employee's licensure or registration.
- C. Prior to assuming responsibility for the health, safety, and welfare of pupils or for promoting pupil learning, the immediate supervisor shall inform and instruct the employee on the relevant State Board of Education and School Board Rules, policies and practices regarding instructional responsibilities and shall ascertain that the employee possesses a clear understanding of such rules, policies, and practices. Additionally, the immediate supervisor shall determine that the employee possesses the necessary knowledge to perform such duties in a proper and reasonable manner.
- D. The procedural protection of law regarding employment shall be the same as that for certificated instructional personnel.
- E. Obtaining and maintaining a Florida licensure or registration in the field of specialty is the sole responsibility of the employee and is a condition of employment.

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(3) Vocational/Technical Training Instructional Personnel

- A. Individuals possessing expert skill or knowledge of a particular subject or talent taught in vocational or technical job courses may be employed as vocational/technical training instructional personnel without a teaching certificate to provide instructional services in the individual's field of expertise or specialty pursuant to State Board of Education Rules under the following conditions:
1. The employment procedures shall be the same as those for certificated instructional personnel except that these employees shall not be entitled to an annual, professional services, professional, or administrative contract.
 2. The employee's personnel records shall contain evidence of his or her expertise, knowledge, or specialty. Additionally, the personnel records shall contain the employee's Board-approved job description including instructional duties.
 3. ~~The job performance evaluation and assessment procedures shall be the same as those for certificated instructional personnel in compliance with Florida laws and any applicable collective bargaining agreement.~~
 4. The Principal of George Stone Vocational Technical Center shall be responsible for instructing such employees in the responsibility for the health, safety and welfare of students and in the State Board of Education and School Board Rules, policies and practices regarding instructional responsibilities and for ascertaining that the employee possesses a clear understanding of such rules, policies and practices. Additionally, the Principal shall determine that the employee possesses the necessary knowledge and skill needed to fulfill the instructional responsibilities and perform other assigned duties in a proper and reasonable manner.
 5. Employment during a fiscal year shall not exceed one hundred sixty (160) hours.
 6. The procedural protection of law regarding employment shall be the same as that for annual contract certificated instructional personnel.

(4) Non-degreed Vocational Instructional Personnel

- A. Individuals possessing occupational expertise in the career and technical education program cluster areas that are recognized in the state of agriculture, business, health occupations, home economics, industrial, marketing and public service education may be employed as full-time or part-time non-degreed vocational instructional personnel based primarily on successful occupational

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experience and industry certification credentialing rather than academic training provided the requirements of this rule are met. following requirements are met.

1. Submit fingerprints as required for all personnel through the online computer system.
2. Documentation of education, industry certification credential, and successful occupational experience including documentation of:
 - a. high school diploma or the equivalent; and
 - b. when a valid industry certification is available, an industry certification or license issued by a recognized state or national credentialing agency in an area specific to the area of assignment.
 - i. The list of appropriate credentials and the recognized credentialing agencies is compiled and published July 1 of each year by the State of Florida Agency for Workforce Innovation.
 - ii. Persons are required to present the appropriate valid certificate, registration or license previously described at the time of hire; and
 - c. occupational expertise in the area of assignment by one of the plans specified below:
 - i. Plan One: A minimum of six (6) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the teaching assignment; or
 - ii. Plan Two: A minimum of two (2) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the instructional assignment in combination with one of the options listed below:
 - (A) A bachelor's degree earned at an acceptable accredited institution with an undergraduate or graduate degree major related to the instructional assignment; or
 - (B) Thirty-six (36) semester hours of college credit earned at an acceptable accredited institution in skills or theory courses related to the instructional assignment; or
 - (C) Successful completion of a program of training specific to the area of assignment and completed at a post-secondary vocational or technical institution approved by the State

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Board of Education for Vocational Education in the state in which the institution is located; or

(D) A certificate of completion of an apprenticeship as established by the United States Department of Labor, the Florida Department of Labor, or any state apprenticeship department, which is specific to the area of assignment; or

(E) Thirty (30) semester hours of college credit earned by occupational competency tests (NOCTI tests) in the area of assignment at an institution which is approved by the State Board for Vocational Education in the state in which the institution is located; or

iii. Other requirements regarding occupational experience are

(A) Occupational experience shall be gained as a wage earner after age sixteen (16).

(B) The occupational experience shall be verified by former employers. For self-employment, experience in a family-owned business, or experience at a firm no longer in business, the prior occupational experience shall be verified by an individual knowledgeable of the applicant's service. Employment verification shall not be accepted from the person or family members. The verification shall be provided on business stationery or a notarized affidavit and specify the dates of employment, job title, and whether the employment was full-time or part-time. If employment was part-time, the number of hours worked per week shall be included.

(C) Recency of experience or training shall be required in the occupational field of the teaching assignment as follows:

i. At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of application for employment; or

ii. At least three (3) semester hours of college credit earned within the five (5) year period immediately preceding the date of application for employment at an acceptable accredited institution, completed in skills or theory courses related to the area of assignment; or

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- iii. Completion of a vocational training program or an apprenticeship program as described above, within the five (5) year period immediately preceding the date of application for employment; or
 - iv. One (1) year of successful teaching experience in the program area of assignment during the five (5) year period immediately preceding the date of application for employment.
- B. Non-degreed vocational instructional personnel shall only be assigned to teach vocational courses when the Course Code Directory specifies non-degreed vocational instructional personnel as appropriate.
- C. The Superintendent shall insure that personnel in non-degreed vocational instructional positions meet minimum requirements for employment and shall maintain records of such information in each employee's personnel file.
- D. ~~To be eligible for appointment to a full-time or part-time instructional position in a non-degreed vocational program, a person must:~~
- 1. ~~Submit fingerprints as required for all personnel through the online computer system.~~
 - 2. ~~Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board of Education which establishes the equivalency for a high school diploma and establishes the minimum competency of occupational expertise in the area of assignment based on the following criteria:~~
 - a. ~~Occupational expertise shall be established in the area of assignment by one of the plans specified below:~~
 - i. ~~Plan One: A minimum of six (6) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the teaching assignment; or~~
 - ii. ~~Plan Two: A minimum of two (2) years of full-time occupational experience, or the equivalent in part-time experience in the occupational field of the instructional assignment in combination with one of the options listed below:~~
 - (A) ~~A bachelor's degree earned at an acceptable accredited institution with an undergraduate or~~

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- ~~graduate degree major related to the instructional assignment; or~~
- ~~(B) Thirty six (36) semester hours of college credit earned at an acceptable accredited institution in skills or theory courses related to the instructional assignment; or~~
- ~~(C) Successful completion of a program of training specific to the area of assignment and completed at a post-secondary vocational or technical institution approved by the State Board of Education for Vocational Education in the state in which the institution is located; or~~
- ~~(D) A valid certificate, registration or license issued by a recognized state or national credentialing agency in an area specific to the area of assignment. The list of appropriate credentials and the recognized credentialing agencies which is compiled and published July 1 of each year by the State Director of the Division of Vocational, Adult and Community Education shall be used to determine the appropriate credential; or~~
- ~~(E) A certificate of completion of an apprenticeship as established by the United States Department of Labor, the Florida Department of Labor, or any state apprenticeship department, which is specific to the area of assignment; or~~
- ~~(F) Thirty (30) semester hours of college credit earned by occupational competency tests (NOCTI tests) in the area of assignment at an institution which is approved by the State Board for Vocational Education in the state in which the institution is located; or~~
- ~~(G) Written verification of the person's occupational competency signed by the District Director of Workforce Education and the chairperson of the Occupational Advisory Committee specific to the area of assignment. The verification shall include a listing of all current members of the advisory committee and verification that the person was endorsed by a majority of the membership.~~

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iii. ~~Other requirements regarding occupational experience are:~~

~~(A) Occupational experience shall be gained as a wage earner after age sixteen (16).~~

~~(B) The occupational experience shall be verified by former employers. For self employment, experience in a family owned business, or experience at a firm no longer in business, the prior occupational experience shall be verified by an individual knowledgeable of the applicant's service. Employment verification shall not be accepted from the person or family members. The verification shall be provided on business stationery or a notarized affidavit and specify the dates of employment, job title, and whether the employment was full time or part time. If employment was part time, the number of hours worked per week shall be included.~~

~~(C) When occupational credentialing is required for program approval or for students to obtain an appropriate level of employment, the person shall be required to present the appropriate valid certificate, registration or license previously described.~~

~~(D) Recency of experience or training shall be required in the occupational field of the teaching assignment as follows:~~

~~i. At least six (6) weeks of occupational experience gained within the five (5) year period immediately preceding the date of application for employment; or~~

~~ii. At least three (3) semester hours of college credit earned within the five (5) year period immediately preceding the date of application for employment at an acceptable accredited institution, completed in skills or theory courses related to the area of assignment; or~~

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~~iii. Completion of a vocational training program or an apprenticeship program as described above, within the five (5) year period immediately preceding the date of application for employment; or~~

~~iv. One (1) year of successful teaching experience in the program area of assignment during the five (5) year period immediately preceding the date of application for employment.~~

E. D. To be eligible for appointment to a full-time Junior Reserve Officers' Training Corps (JROTC) instructional position, a person must:

1. Submit fingerprints as required for all personnel through the online computer system.
2. Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board of Education which establishes the equivalency for a high school diploma.
3. Provide verification that the applicant is retired from active military duty, pursuant to ~~Chapter 102 of Title 10, U.S.C.~~ 10 U.S.C. 102.
4. Provide documentation that the applicant was a commissioned or noncommissioned military officer at the time of official separation from active military duty with an exemplary military record.
5. Satisfy criteria established by the appropriate military service for certification by the service as a JROTC instructor.

E. E. Full-time JROTC instructional personnel shall apply and qualify for a full-time certificate issued by the Board covering JROTC.

1. The initial JROTC certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
2. A full-time JROTC certificate valid for five (5) school years will be issued when the following requirements are met:
 - a. Completion of two (2) years full-time successful teaching experience; and

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- b. Verified demonstration of a Florida-approved Professional Education Competence Program.

G. F. Local Certificates

1. Full-time non-degreed vocational instructional personnel shall apply and qualify for a full-time vocational certificate issued by the Board covering the occupational field to be taught.
2. The initial vocational certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
3. A full-time vocational certificate valid for five (5) school years will be issued when the following requirements are met:
 - a. Completion of two (2) years full-time successful teaching experience in the area for which occupational expertise was established; and
 - b. Completion of twelve (12) semester hours of college credit in education as specified below:
 - i. Three (3) semester hours in principles and philosophy of vocational education;
 - ii. Three (3) semester hours in general methods of teaching vocational education which includes testing and evaluation;
 - iii. Three (3) semester hours in methods of teaching agriculture, business, health occupations, home economics, industrial, marketing, or public service education. The methods course shall be specific to the area of the teaching assignment to include course construction, lesson planning and management and safety procedures for the vocational classroom and laboratory; and
 - iv. Three (3) semester hours in vocational education designed for the special needs student.
 - c. Verified demonstration of a Florida-approved Professional Education Competence Program.

- H. G. Part-time non-degreed vocational instructional personnel shall apply and qualify for a part-time vocational certificate covering the occupational field to be taught.

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1. The part-time vocational certificate issued at the local district level shall be valid for five (5) school years with a validity period from July 1 to June 30.
 2. A part-time vocational certificate issued at the local district level will require no course work for renewal.
 3. The application and selection procedures and employment opportunities for full-time and part-time non-degreed vocational instructional personnel shall be the same as the procedures for certificated instructional personnel. An application for a Florida teaching certificate shall not be required. However, an application for a full-time or part-time local certificate covering the occupational field to be taught shall be required. A nonrefundable processing fee shall be required with each application.
 4. Full-time non-degreed vocational instructional personnel shall be given the same probationary or annual or professional service contract as they would be qualified for if they were certificated instructional personnel. Annual contracts shall be issued to the full-time non-degreed vocational instructional personnel in accordance with Florida laws and any applicable collective bargaining agreement.
 - a. ~~Annual contracts shall be issued to full-time non-degreed vocational instructional personnel for the first three (3) years of employment.~~
 - b. ~~Professional service contracts may be issued to full-time non-degreed vocational instructional personnel after the third year of employment when the following requirements are met:~~
 - i. ~~Three (3) years of successful teaching experience in the District in the area for which occupational expertise was established.~~
 - ii. ~~Demonstration of successful instructional performance on an instructional performance appraisal system approved for use by the State Department of Education.~~
 - iii. ~~A current and valid full-time Professional-Vocational Instructional Certificate issued by the Board.~~
- I. H. To For individuals awarded a professional service contract prior to July 1, 2011, in order to retain and be reappointed to a professional service contract, the employee shall maintain a current and valid full-time Professional Vocational Instructional Certificate issued by the Board in the area of occupational expertise by completing at least six (6) semester hours of college credit, which shall include

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three (3) semester hours specific to each area of the teaching assignment during each five-year validity period of each certificate. However, sixty (60) inservice points approved in the District Master Inservice Plan shall be considered equivalent to three (3) semester hours of credit.

J. I. Part-time non-degreed vocational instructional personnel shall be employed as if they were full-time non-degreed instructional personnel except that they shall not be entitled to contractual status.

K. J. Full-time non-degreed vocational instructional personnel shall be eligible for the same salary and salary increases as certificated instructional personnel with corresponding contractual status, years of service, and levels of training. Levels of training for full-time non-degreed vocational instructional personnel shall be comparable to levels of training for certificated instructional personnel for purposes of the salary schedule as described below:

1. Occupational expertise which establishes eligibility for employment shall be considered equivalent to a bachelor's degree level of training.

~~2. Occupational expertise which establishes eligibility for employment in combination with thirty six (36) semester hours completed through a planned advanced vocational program after requirements have been completed for the professional service contract shall be considered equivalent to a master's degree level of training. The advanced vocational program shall be completed at an accredited institution in a program designed for the employee by an official at the institution and shall include a minimum of twelve (12) semester hours in professional vocational education courses and a minimum of twelve (12) semester hours in general education or non vocational professional courses. The Superintendent or designee must approve the advanced vocational credits before increased pay is given.~~

L. K. Full-time non-degreed vocational instructional personnel shall be a member of the instructional personnel bargaining unit and shall be accorded the same rights and protections of the laws as certificated instructional personnel.

M. L. Part-time non-degreed vocational instructional personnel shall be eligible for the same salary established for part-time certificated non-degreed vocational personnel. For purposes of salary schedule placement, levels of training for part-time non-degreed vocational instructional personnel shall be comparable to levels of training for full-time non-degreed vocational instructional personnel.

N. M. Non-degreed vocational instructional personnel shall comply with the resignation policy established for certificated instructional personnel.

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Ø. N. Non-degreed vocational instructional personnel may be suspended or dismissed at any time during the school year pursuant to the provisions set forth for other certificated instructional personnel.

P. O. Discontinuation of Positions

1. Full-time non-degreed vocational instructional personnel shall be governed by the same provisions established for certificated instructional personnel if positions are discontinued. Should it be necessary to choose from among certificated and non-certificated instructional personnel, non-certificated instructional personnel shall have the same rights and protections as certificated instructional personnel.
2. Part-time non-degreed vocational instructional personnel shall be governed by the same provisions established for part-time certificated instructional personnel if positions are discontinued. Should it be necessary to choose from among certificated and non-certificated part-time, non-degreed vocational instructional personnel, non-certificated part-time non-degreed vocational instructional personnel shall have the same rights and privileges as certificated part-time instructional personnel.

(5) Part-time Adult Educational Instructional Personnel

Instructional personnel who are employed to teach part-time in the Adult Education Program shall be employed under and governed by the same rules regarding part-time non-degreed vocational instructional personnel except that, instead of meeting the occupational expertise requirements, these personnel shall hold a bachelor's degree or higher with an undergraduate or graduate degree major in the area of assignment or hold a bachelor's degree or higher in another area and thirty (30) semester hours in courses related to the area of assignment. The degree or college credit must have been earned at an acceptable accredited institution.

(6) Part-time Adjunct Certificates

A. An applicant may be issued a part-time adjunct certificate in accordance with Florida laws, which shall be valid for five (5) years if he or she: the term of an annual contract.

1. ~~Fulfills requirements of Section 1012.56, F.S.; and~~

2. ~~Meets specialization requirements for the area requested as outlined in the State Board of Education Rules.~~

B. ~~The principal will be responsible for the following:~~

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- ~~1. Provide an orientation to classroom management prior to assigning the adjunct teacher to a class.~~
- ~~2. Assign an experienced peer mentor to assist the adjunct certificate holder during the first year of teaching.~~
- ~~3. Observe the classroom during the first month of teaching and discuss the available workshops for beginning teachers. Allow the adjunct to select from all available workshops if the principal or the teacher feels that it would be helpful.~~
- ~~4. Evaluate part-time adjunct instructors in the same manner as other teachers.~~

G. B. An applicant may renew a part-time adjunct certificate for an additional ~~five (5)~~ years provided he or she receives a satisfactory performance evaluations during each year of teaching under the adjunct certificate.

(7) Degreed Career Specialist Certificates

- A. To be eligible for a degreed career specialist position, a person must:
1. Submit fingerprints as required for all personnel through the online computer system.
 2. Hold a bachelor's degree or higher from an U.S. accredited or approved institution as specified in 6A-4.003, F.A.C., and provide verification of at least two (2) years of full-time occupational experience or equivalent in part-time experience.
- B. The initial temporary certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
- C. A full-time degreed certificate covering career specialist valid for five (5) years will be issued when the following requirements are met:
1. Completion of two (2) years full-time successful teaching experience;
 2. Passing scores on the General Knowledge Exam;
 3. Passing scores on the Professional Education Exam;
 4. Completion of career education training conducted through the District Master Inservice Plan; and

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5. Verified demonstration of a Florida-approved Professional Education Competence Program.

(8) Non-Degreed Career Specialist Certificates

- A. To be eligible for a non-degreed career specialist position, a person must:
 1. Submit fingerprints as required for all personnel through the online computer system;
 2. Provide verification of at least six (6) years of full-time occupational experience or the equivalent in part-time experience; and
 3. Hold at least a high school diploma or the equivalent based on general education development tests or other achievement tests approved by the State Board of Education which establishes the equivalency for a high school diploma.
- B. The initial temporary certificate issued shall be valid for three (3) school years with a validity period from July 1 to June 30.
- C. A full-time non-degreed certificate covering career specialist valid for five (5) years will be issued when the following requirements are met:
 1. Completion of two (2) years full-time successful teaching experience;
 2. Completion of career education training conducted through the District Master Inservice Plan; and
 3. Verified demonstration of a Florida-approved Professional Education Competence Program.

(9) Denial, Revocation, or Non-Renewal of Local Certificates

- A. The Board issues to certain non-certificated instructional personnel a local certificate issued in accordance with Section (4), Non-degreed Vocational Instructional Personnel. Those eligible to receive local certificates include full-time non-degreed vocational instructional personnel, part-time non-degreed vocational instructional personnel, full-time ROTC instructors, part-time Adult Educational instructors, part-time adjunct instructors, and under provisions set forth in 2.09, S.B.R., Substitute Teachers.
- B. Local certificates are issued at the discretion of the Board and only upon completion of the requirements for the area of local certification. The issuance of

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a local certificate is for the purpose of enhancing administrative control and supervision over those instructional personnel who may teach in non-certificated positions. The issuance of a local certificate at the discretion of the Board and the utilization of that certificate by the Board or any school administration shall not create any property right in the holder of a local certificate or any right to employment or the continuation of employment.

C. In exercising its discretion to deny issuance of a local certificate, to revoke an existing local certificate or to deny renewal, the Board may consider the following:

1. If the applicant or certificate holder has supplied fraudulent information or obtained a local certificate by fraudulent means;
2. If the applicant or certificate holder has demonstrated through application or employment less than satisfactory qualifications or performance;
3. If the applicant or certificate holder meets hiring guidelines as defined in 2.04, S.B.R., Recruitment and Selection of Personnel;
4. If the applicant or certificate holder has met background screening requirements, has been convicted of a misdemeanor or felony, gross immorality or an act involving moral turpitude, or any other criminal charge other than a minor traffic violation;
5. If there is reasonable cause to believe the applicant or certificate holder is guilty of personal conduct which seriously reduces that person's effectiveness as an employee; and/or
6. Any other ground which the Board, in the reasonable exercise of its discretion, considers sufficient to deny local certification.

D. Any person denied local certification or any person whose existing local certificate is revoked or non-renewed, upon notice of denial, non-renewal or revocation, may appear before a panel of personnel, as appointed by the Superintendent. The person shall have reasonable opportunity to contest the truth or accuracy of information relied upon in denying, revoking or non-renewing a local certification.

Statutory Authority:	Chapter 120 and 1012 and Sections 1000.04; 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1004.02; 1008.405; 1008.41; 1009.22; 1010.22; 1010.215; 1011.80; 1012.39, F.S.
Law Implemented:	10 U.S.C. § 2301 et seq. Chapter 120 and 1012 and Sections 1000.04; 1001.01; 1001.03; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1004.02; 1008.405;

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	1008.41; 1009.22; 1010.22; 1010.215; 1011.80; 1012.39, F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 06/20/06; 03/26/07; 07/15/08; 10/21/08; 02/15/11.

2.04 RECRUITMENT AND SELECTION OF PERSONNEL

(1) Application

All prospective employees shall have a completed application on file with Human Resource Services before they may be considered for employment for any position. All personnel required to hold certification shall be employed in accordance with federal statutes, Florida Statutes, State Board of Education Rules, and School Board Rules. Although applications may be submitted at any time, only those applications for a particular position which meet the deadline specified in the advertisement shall be considered.

(2) Diversity Action Plan

The recruitment and selection of personnel shall be influenced and guided by the Diversity Action Plan approved by the Board.

(3) Position Advertising

- A. Instructional positions shall be advertised in accordance with requirements of any applicable collective bargaining agreement.
- B. Vacancies for administrative and professional positions with the exception of the Deputy Superintendent, Assistant Superintendent, Director of Human Resource Services, Director of Elementary School Education, Director of Middle School Education, Director of High School Education, and Executive Assistant to the Superintendent, shall be advertised for a period of no less than ten (10) days prior to the application deadline with the intent of establishing a pool of qualified candidates. Interviews of each member of this candidate pool shall be held. Recommendations for employment shall be made to the Board by the Superintendent only from said qualified candidate pool.
- C. The advertising requirements in Section B shall not be required where the Superintendent determines a vacancy should be filled by a lateral transfer or demotion of existing personnel. A lateral transfer or demotion is a reassignment of an employee from one position to another in the same or lower pay grade. This provision only applies to administrative and/or professional positions.
- D. Should no qualified candidates be found after advertising as set forth in Section B, the Superintendent shall re-advertise the position and repeat the process set forth herein until such time as a qualified candidate is identified.

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- E. However, for each vacancy advertised as set forth in Section B the Superintendent may request in writing that the Board waive the advertising requirements of this rule, provided that the Superintendent first certifies that no qualified candidates have been determined pursuant to advertising under this rule and sets forth in detail the reasons why waiver of the advertising provisions of the rule are deemed necessary.
- F. Upon receipt of the written certification and request in Section D, the Board may, in its discretion by a majority vote of its members, waive the advertising requirements of this rule as the Board deems necessary and proper.
- G. The Board may reject for good cause, any recommendation(s) for employment not made in compliance with this rule and its subparts.
- H. Other positions shall be advertised no less than ten (10) days prior to application deadline and in accordance with the requirements of any applicable collective bargaining agreement.

(4) Recommendation of Candidate for Employment

- A. Nomination of persons to fill positions shall be made to the Board by the Superintendent with the exception of the Board Attorney and the Auditing Department.
- B. A promotion to a higher pay grade under this provision shall not result in an employee's reduction in pay.
- C. The Superintendent may recommend step placement within the position's grade level, noticing the Board through memorandum of any placement exceeding five (5) steps.

- (5) All individuals applying for temporary and permanent employment including students working with the District, shall submit a full set of fingerprints through the online computer system via the District's home web page. All fingerprint results will be reviewed by authorized personnel in Human Resource Services. These fingerprints shall be submitted to the Florida Department of Law Enforcement and to the Federal Bureau of Investigation. The reports from such processing shall be used to complete background checks on new employees and to evaluate the requirement for good moral character. The fingerprint processing required by the Florida Department of Education for teacher certification shall meet the requirements of this rule. Applicants found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed. Probationary employees terminated because of their criminal record or failure to meet the requirements of good moral character shall have the right to appeal such decision. The appeal procedure shall be as provided for in the Florida Administrative

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Procedure Act, Chapter 120, F.S. Good moral character and moral turpitude shall be interpreted in accordance with Florida laws, State Board of Education Rules, related Florida court decisions, and School Board Rules. Prospective employees shall pay the cost of fingerprint processing and shall make such payment before being considered for appointment.

- (6) Hiring guidelines which may disqualify applicants from employment:
- A. Conviction (as defined in Sections 435.04 and/or 1012.315, F.S.) of a crime of moral turpitude (Section 1012.33, F.S.). Moral turpitude as defined by the District includes, but is not limited to, crimes listed in Sections 435.04 and/or 1012.315, F.S.
 - B. Two (2) or more misdemeanor charges within the past five (5) years, with final dispositions of guilty or plea of nolo contendere (no contest), regardless of adjudication(s) withheld.
 - C. A criminal history screening which demonstrates irresponsibility in private or social environments. Examples include, but are not limited to, the use of weapons, acts of violence, or patterns of irresponsibility including insufficient funds incidents, shoplifting, petty theft, robbery, loitering, larceny, breaking and entering, immoral conduct, etc.
 - D. Any other felony crime not listed in Sections 435.04 or 1012.315, F.S., with a final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication of guilt.
 - E. Enrollment in or failure to successfully complete a pre-trial diversion or intervention program for a disqualifying offense.
 - F. Any unlawful possession, sale, manufacture or association of controlled substances and drug related activities, including prescription forgery, regardless of the date of the incident or level of offense. (Arrests which resulted in dropped charges, dismissal, nolle prosequi, or a not guilty verdict will not disqualify the applicant.)
 - G. More than one (1) DWI, DUI, or BUI conviction. School bus operators cannot have a DUI or DWI conviction, regardless of adjudication(s) withheld.
 - H. Any incidence of violence misdemeanor or felony, with final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication(s) withheld. Examples include, but are not limited to, battery, aggravated battery or assault, or domestic-related violence.

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- I. Any omission, misrepresentation or falsification of information listed on any employment application or documents related to employment and benefits.
- J. Noncompliance with the District hiring requirements under Sections 435.04, 1012.465, 1012.315, and 1012.56, F.S. A record clear of disqualifying offenses as defined in Section A above is required for employment and continued employment with the District.
- (7) Applicants who have pending criminal charges for an offense which would disqualify the applicant from employment or who are currently on probation or participating in a program for first-time offenders as a result of the offense will be automatically disqualified from employment until resolution of the charge(s).
- (8) Offers of employment may be suspended, postponed, or withheld pending final disposition of the charges through the judicial process. Additionally, offenses in which youthful offender status was applied or where adjudication was withheld are considered convictions and shall be used in making employment decisions.
- (9) All applicants have the right to appeal before the Human Resources Appeals Committee. The Assistant Superintendent of Human Resource Services or designated representative will select the members of this committee to ensure diversity. The Committee is responsible for following and abiding by all local, state, and federal employment procedures and laws. A second applicant appeal will be granted only when new facts or additional information has been presented that was not considered in the first appeal hearing.
- (10) The Superintendent will review decisions made by the Human Resources Appeals Committee and has the authority to overturn the decisions made by the Committee, excluding appeals from offenses listed in Sections 435.04 and/or 1012.315, F.S.
- (11) Felonies involving breach of public trust and other specified offenses by public officers and employees are subject to forfeiture of rights and benefits under any public retirement system (Section 112.3173, F.S.). Conviction of felonies defined in Section 800.04, F.S., (lewd and lascivious offenses committed upon or in the presence of persons less than 16 years of age) or Chapter 794, F.S., (unlawful sexual activity with certain minors) when committed on or after October 1, 2008 by the employee if the offense occurred through the use of the power, rights, privileges, duties or position on a victim younger than 18, are subject to forfeiture of retirement benefits.

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(12) Prior to an appointment request in an instructional (by a principal) or school administrator (by a director) position that involves direct student contact, the District must contact each candidate's previous employer and screen the candidate through the educator screening tools provided in Section 1001.10, F.S. The District must document the results from:

- A. Professional Practices Database of Disciplinary Actions;
- B. Teacher Certification Database; and
- C. Candidate's previous employer. (If unable to contact previous employer, the District must document the efforts to contact the employer)

(13) Additional Requirements

- A. All candidates for employment shall submit to pre-employment drug screening testing. Refusal to submit to drug testing or having a confirmed positive drug test shall be used as a basis for denial of employment.
- B. All personnel shall take the Oath of Loyalty to the Constitutions of the United States and the State of Florida.
- C. All personnel shall submit to Human Resource Services, completed withholding allowance certificates, mandatory direct deposit forms, and retirement forms. All personnel shall submit to the Risk Management Department completed insurance forms.
- D. All personnel shall submit to Human Resource Services, a service record of all previous service claimed.

(14) Instructional Candidate Pool

- A. Human Resource Services shall establish and maintain a pool of qualified candidates for instructional positions.
- B. All full-time instructional employees shall be hired from candidates registered with the Instructional Candidates Pool.
- C. Human Resource Services shall identify and catalogue candidates according to the candidate's professional training and credentials. Additionally, Human Resource Services shall identify those candidates in critical shortage areas.
- D. For purposes of this rule critical shortage areas shall be as defined by current state law.

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- E. Principals shall make a sincere effort to recommend for employment qualified minority candidates. A minority candidate is defined as a person who is a member of an ethnic, racial, or gender group that is underrepresented in the District's instructional ranks.
- F. Principals shall make all recommendations for hiring of instructional positions from qualified candidates identified by Human Resource Services.
- G. Principal evaluations shall include a diversity component which shall measure the principal's annual performance in hiring a diversified staff.
- H. The Superintendent shall report in writing to the Board in February and September, data by school and by each critical shortage area identified herein, detailing information regarding the diversity initiatives for the previous reporting period.
- I. Notwithstanding any provision herein to the contrary, no part of this rule shall be construed to supersede any provision in any applicable collective bargaining agreement.

(15) Re-employment of Retired Instructional Employees

A retired instructional employee who is otherwise qualified under this rule may be re-employed as an instructional employee ~~on an annual contract basis~~ in accordance with Florida Statutes.

(16) Hiring Freeze

- A. In the fulfillment of its budgetary control and fiscal oversight responsibilities the Board may, by majority vote of its members, designate any administrative or professional position(s) above the school level within the District to remain vacant until further action by the Board. This designation shall be known as a hiring freeze.
- B. The Board shall have good cause to reject any recommendation for employment to a frozen position.
- C. The Superintendent may recommend frozen positions be filled by the Board, provided the Superintendent provides the Board with current job descriptions and pay grades of the referenced positions.

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Statutory Authority:	Chapters 120, 794 and 1012 and Sections 112.3173; 435.04; 440.102; 800.04; 943.051; 1001.01; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1003.451, F.S.
Law Implemented:	Chapters 120, 794 and 1012 and Sections 112.3173; 435.04; 440.102; 800.04; 943.051; 1001.01; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1003.451, F.S.
History:	New 11/27/90. Revised/Amended 02/20/01; 06/19/2001; 11/20/01; 12/17/02; 06/16/03; 09/23/03; 10/21/03; 11/18/03; 05/17/05; 09/20/05; 06/20/06; 03/26/07; 05/20/08; 07/15/08; 10/21/08; 11/17/09; 02/15/11.

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2.06 CONTRACTS AND CONDITIONS

(1) Administrative and Professional Contracts

- A. Administrative and professional personnel issued continuing contracts in their present positions prior to July 2, 1974, shall retain such contracts until they resign, voluntarily relinquish such contracts, or have their position abolished by the Board.
- B. Administrative and professional personnel may initially be employed under an annual contract, or for a lesser period. The initial annual contract shall include a 97-day probationary period during which the employee's contract may be terminated without cause or the employee may resign without breach of contract. Following a probationary period of not less than three (3) consecutive years of successful performance in an administrative or professional position, such personnel may, upon the recommendation of the Superintendent, become eligible for a multi-year contract not to exceed three (3) years.
- C. Administrative and professional personnel holding multi-year contracts who are not recommended for reappointment to the same position shall be so notified at least one (1) year prior to the expiration of their contract.
- D. Generally, administrative and professional contracts shall have beginning and ending dates which shall coincide with those of the Board's fiscal year.
- E. Administrative and professional personnel shall work a minimum of eight (8) hours per day, unless otherwise approved by the Board. Work schedules shall be approved in advance by the Superintendent.
- F. District administrative or supervisory staff, including any principal, on continuing contract as defined in Section 1012.33(4), F.S., may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- G. District administrative or supervisory staff, including any principal, except those defined in section F above, may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude.

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(2) Instructional Contracts

- A. ~~Instructional personnel shall receive a written contract in accordance with Florida law and any applicable collective bargaining agreement, as specified by Florida laws. All such contracts shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude. Moral turpitude is further defined in 2.04, S.B.R., Recruitment and Selection of Personnel.~~
- B. ~~For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract.~~
- C. B. No legal cause shall be required of the Board in the event that the probationary or annual contract employee is not re-employed after the last day of the contract term.
- D. ~~Professional service contracts shall be issued to those instructional personnel meeting all the following requirements:~~
1. ~~The employee must hold a professional certificate as prescribed by law and State Board of Education Rules. The employee must be properly certified in the subject area(s) assigned and meet NCLB standards.~~
 2. ~~The employee must have completed three (3) years of probationary service in the District during a period not in excess of five (5) successive years except for leave duly authorized and granted; and~~
 3. ~~The employee is recommended by the Superintendent for such contract and reappointed by the Board based on successful performance of duties and demonstration of professional competence.~~
- E. ~~Professional service contracts shall be effective at the beginning of the fiscal year following the completion of all requirements.~~
- F. ~~Employees who previously held a professional service contract or a continuing contract in Escambia or another Florida school district may serve three (3) years probationary period before being issued a professional service contract by the Board.~~

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- ~~G. The period of service provided herein may be extended to four (4) years when prescribed and approved by vote of the Board and agreed to in writing without duress by the employee at the time of reappointment. Only members who are certified in-field and meet NCLB standards will be eligible for a professional service contract.~~
- ~~H. A separate fourth year annual contract will be submitted to the Board by the Superintendent in all cases requiring a fourth year of annual service. Any member who has had three successive non-renewals (not recommended by a principal to return the following school year) of an annual contract cannot be reappointed unless duly authorized by the Superintendent.~~
- ~~I. A professional service contract shall be renewed each year, unless the Superintendent charges the employee with unsatisfactory performance as provided by law.~~
- ~~J. A professional service contract employee who has received an unsatisfactory annual evaluation shall be placed on performance probation for ninety (90) calendar days excluding school holidays and school vacation time. During the performance probation period, the employee must be evaluated periodically and provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the ninety (90) day period, the professional service contract employee may request a transfer to another appropriate position with a different supervising administrator; however, the transfer does not extend the period for correcting the performance deficiencies. Within fourteen (14) days after the end of the ninety (90) calendar days, the evaluator must determine if the deficiencies have been corrected and forward a recommendation to the Superintendent. Within fourteen (14) days after receiving the recommendation from the evaluator, the Superintendent will notify the employee of the recommendation to the Board to continue or terminate the employment contract.~~
- ~~K. C. Instructional personnel holding a continuing contract shall retain such contract and all rights arising therefrom unless the continuing contract is voluntarily relinquished in accordance with Florida law. A continuing contract may, but is not required to, be exchanged for a professional service contract. Instructional personnel holding a continuing contract may be dismissed, suspended or returned to annual contract status for another three (3) years as provided by law.~~
- ~~L. Any member of the District administrative or supervisory staff and any member of the instructional staff, including any school principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude, as these~~

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~~terms are defined by rule of the State Board of Education and in 2.04, S.B.R., Recruitment and Selection of Personnel.~~

- D. Instructional staff on continuing contract as defined in Section 1012.33(4), F.S., may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- E. Instructional staff, except those defined in section D above, may be suspended or dismissed during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory under Section 1012.34, F.S., two annual performance evaluation ratings of unsatisfactory within a 3-year period under Section 1012.34, F.S., three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under Section 1012.34, F.S., gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude.
- F. Instructional personnel on annual contract, hired on or after July 1, 2011, may be suspended or dismissed at any time during the term of the contract for just cause. Just cause, as defined in Section 1012.335, F.S., includes, but is not limited to, immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

(3) Compensation

- A. Salaries of all personnel shall be in accordance with Florida law and any applicable collective bargaining agreement and be based on salary schedules approved by the Board. Promotions for administrative and professional employees, including step increases, shall comply with the pertinent provisions of School Board Rules.
- B. In-grade step increases for administrative and professional employees may be awarded by the Superintendent provided:
1. The employee has a significant increase in job responsibilities; or
 2. The employee has demonstrated continued outstanding performance; or

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3. The employee's performance has resulted in substantial improvements in the performance of the employee's department/work section.

(4) Transfers

- A. Requests for transfer shall be made in the manner prescribed by the Florida law and any applicable collective bargaining agreement.
- B. The Superintendent shall recommend all transfers, promotions, or demotions of personnel to the Board for approval.
- C. During any valid emergency, the Superintendent may make any necessary transfer of personnel and shall report any such transfer to the Board for approval at its next regular meeting.

(5) Assessments

Performance assessments shall be in accordance with Florida laws and any applicable collective bargaining agreement.

(6) Summer Employment

Individuals who have resigned or were not employed the previous year shall not be eligible for summer employment, unless recommended by the Superintendent and approved by the Board. Instructional personnel employed in the summer must be certified in the area to which assigned.

Statutory Authority:	Chapters 120 and 1012 and Sections 119.07; 435.04; 943.051; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1004.02; 1010.215, F.S.
Law Implemented:	Chapters 120 and 1012 and Sections 119.07; 435.04; 943.051; 1001.10; 1001.32 to 1001.54; 1003.02; 1003.32; 1004.02; 1010.215, F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 11/19/02; 09/23/03; 09/27/04; 05/17/05; 10/18/05; 06/20/06; 03/26/07; 05/20/08; 07/15/08; 10/21/08; 11/17/09; 02/15/11.

2.23 MILITARY LEAVE

Personnel shall be granted military leave with pay, except as provided by Section 115.07, F.S., and this rule, when they are required to serve in the armed forces of the United States or this state in fulfillment of obligations incurred under selective service laws or because of membership in reserves of the armed forces or National Guard. Personnel may be granted military leave ~~when they volunteer for active duty in any of the armed forces for temporary duty, training duty or extended periods of service.~~ in accordance with the Uniformed Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301, et seq. Personnel ordered by the selective service system to report for physical examinations shall be granted leave with pay, the duration of which shall be determined by the circumstances.

(1) Reserve Duty

- A. Personnel who are members of the reserves of the armed forces or National Guard shall be granted a maximum of seventeen (17) calendar days military leave in any one (1) contract year, without loss of pay, time or efficiency rating, for annual field training or other active duty for training exercises upon presentation of a copy of official orders.
- B. Personnel who are members of the reserves of the armed forces or National Guard shall make written requests to the appropriate authorities to have their annual active duty for training scheduled during the summer months between regular school sessions and shall furnish a copy of such requests to the Board in order to be entitled for consideration for leave with pay in the event their tours are not scheduled as requested.

(2) Conditions for Military Leave with Pay

- A. The person has completed any applicable probationary employment period prior to the granting of such leave.
- B. The person has received notification from proper authorities to report for active duty with the armed forces. Except during a national emergency, voluntary enlistment into the armed forces shall void any claim for military leave or for reemployment preference.
- C. The person shall present to Human Resource Services the official notice of induction or recall into active duty or a verified copy within five (5) days of receipt. A copy of this notice shall be placed in the person's personnel file.

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(3) Return to Employment

Return to District employment after military deployment or service shall be governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301, et seq.

(4) Extended Active Duty During National/Regional Emergency

A. Employees who are members of the reserves of the armed forces or National Guard shall be granted the benefits in Section B if the following conditions are met.

1. A national or regional emergency has been declared by the appropriate federal or state authority.
2. The employee called to active duty provides a copy of his or her official orders for active duty.
3. The period of active duty exceeds seventeen (17) days.

B. For the first thirty (30) days of active duty, the employee shall receive all District salary and benefits, regardless of compensation received from the active duty service.

1. For any period exceeding an initial thirty (30) days of active duty, the employee shall be entitled to receive from District salary/wages equal to the difference between the employee's military pay and the employee's District salary, provided the employee's military pay does not exceed his or her District salary/wages and the employee provides District with all documentation necessary to permit the aforementioned computation prior to the expiration of the initial thirty (30) day period.
2. Employees who do not request district pay or fail to provide the documentation required in Section (1) Reserve Duty, shall not be entitled to receive any District salary or wages as set forth in that paragraph, but shall be entitled to continue to receive District health and other insurance benefits at the District's expense during the period of active duty service.

Statutory Authority:	38 U.S.C. § 4301, et seq. Chapter 1012 and Sections 115.01 to 115.14; 1001.32 to 1001.54, F.S.
Law Implemented:	38 U.S.C. § 4301, et seq. Chapter 1012 and Sections 115.01 to 115.14; 1001.32 to 1001.54, F.S.

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History:	New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 05/17/05; 06/20/06; 12/18/07; 02/15/11.
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2.34 RETIREMENT INCENTIVE

(1) Normal Retirement Incentive

- A. Personnel who retire by the end of the fiscal year in which they first become eligible under the FRS shall be paid a retirement incentive of twenty-five percent (25%) of their gross annual salary, provided they have a minimum of fifteen (15) years of service with the District. For purposes of calculating this incentive, gross annual salary shall be the salary actually paid, excluding supplements or extra pay, during the fiscal year in which the retirement occurs or the twelve (12) months preceding the date of retirement if the retirement occurs prior to the end of a fiscal year.
- B. Personnel participating in Deferred Retirement Option Program (DROP) are not eligible to receive the normal retirement incentive bonus unless their termination date and the DROP retirement date fall within the same fiscal year in which they first become eligible for normal retirement as defined in FRS Rules.

(2) Special Retirement Incentive

- A. Available to Administrative and Professional employees immediately and to Instructional and Educational Support employees upon agreement with the Union.
- B. To qualify, employees must be vested FRS members, have a minimum of ten (10) years of service and make their election on or before April 30, 2012, to participate in this Special Retirement Incentive and MUST retire or exit DROP no later than June 30, 2012. Employees that qualify will agree to not seek post-retirement employment in the Escambia County School District during the 2012-2013 fiscal year.
- C. All eligible employees who qualify will receive an incentive of 25% of their gross annual salary. For purposes of calculating this incentive, gross annual salary shall be the salary actually paid, excluding supplements or extra pay, during the fiscal year in which the retirement occurs or the twelve (12) months preceding the date of retirement if the retirement occurs prior to the end of a fiscal year. It is the intent of the District to replicate FRS procedures when calculating gross annual salary in cases involving workers compensation claims as the result of an on-the-job injury. In the case of an individual who has missed work due to a worker's compensation claim resulting in a reduced salary (66.66%) as the result of an on-the-job injury, the calculation will be based on the gross annual salary the individual would have earned if not for the on-the-job injury.
- D. Employees not qualifying for this Special Retirement Incentive:

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1. FRS members that will qualify for the Normal Retirement Incentive outlined in section (1) above.
2. Employees who are current DROP participants that have a DROP exit date prior to or on December 31, 2012.
3. Employees who have been re-employed after FRS retirement or previous DROP exit.
4. Annual contract teachers.

E. The Special Retirement Incentive will sunset June 30, 2013.

Statutory Authority:	Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.
Law Implemented:	Chapters 121 and 1012 and Sections 1001.32 to 1001.54, F.S.
History:	New 11/27/90. Revised/Amended 06/22/93; 06/23/98; 03/25/99; 11/20/01; 09/23/01; 05/17/05; 05/11/09; 11/17/09; 02/15/11.

2.36 POLITICAL ACTIVITIES OF PERSONNEL

- (1) Personnel shall not engage in political activity that conflicts or interferes with their own or another's performance of employment duties while on duty or during any time for which the employee is expected to perform services for compensation received from the Board. This shall not preclude discussion of political candidates, parties or issues for instructional purposes in the classroom.
- (2) At no time shall individual Board members, the Superintendent or any personnel use the authority or influence of their position to secure support for or oppose any candidate, party, or issue in an election or affect the results thereof.
- (3) Personnel shall not use any promise of reward or threat of loss to encourage or coerce other personnel to support or contribute to any political issue, candidate, or party.
- (4) The posting of non-school related notices, circular or petitions on Board property shall be subject to the reasonable regulation and approval of the administrator or designee responsible for the particular site.
- (5) If not otherwise prohibited by law, personnel may be candidates for, actively campaign for and serve in an elective public office, as long as such activities do not conflict or interfere with their employment with the District. During such times that it is necessary to be away from assigned duties for political activities or serve in elective public office, personnel may be granted a leave of absence without pay. However, the Board reserves the right to decide each case and to grant leaves or make any other adjustments affecting the person's assignment or status as may be in the best interest of the District.
- (6) Personnel elected to full-time public office which requires full-time responsibilities, upon written request to Human Resource Services shall be granted a personal leave of absence. Employees whose terms of elected office extend beyond one (1) year shall be required to request a leave of absence each year during their term of office. Upon termination of the personal leave for holding of public office, the employee shall be offered an available position for which the employee is qualified to hold, in accordance with any applicable collective bargaining agreement.
- (7) Notwithstanding any other provision of law to the contrary, district school board members and their relatives, as defined in Section 112.312 (21), F.S., may not directly or indirectly solicit any gift, or directly or indirectly accept any gift in excess of \$50, from

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any person, vendor, potential vendor, or other entity doing business with the school district. The term "gift" has the same meaning as in Section 112.312 (12), F.S.

~~(7)~~ (8) No person(s) shall solicit, contribute, or receive political contributions on Board property. Dues or deductions made by a collective bargaining agent, pursuant to Chapter 447, F.S., are exempt from this section.

~~(8)~~ (9) District personnel, including Board members and the Superintendent, shall not engage in activities supporting or opposing any political candidate on District property, with the exception of wearing political buttons, displays on their personal vehicles and as otherwise provided elsewhere in this rule.

~~(9)~~ (10) Candidates may campaign on Board property provided it is not during school hours or a school sponsored function.

~~(10)~~ (11) Nothing in this rule shall preclude the use of Board property as a polling place for any public election. Nothing in this rule shall preclude District personnel from serving as poll workers during any election in which a polling place is located on Board property, or employees acting as a polling place advocate on election day for candidates, issues or initiatives, provided that said employees take the appropriate leave from their regular duties.

~~(11)~~ (12) Political posters, signs, banners, or any other writing which promotes a political issue, cause, position, or candidate, shall not be posted in or on Board property, except that political materials may be displayed temporarily in or on Board property while the facility is in use by a political group or as permitted by elections laws/rules when a facility is used as a polling place. When such use is terminated, all political materials must be removed. This section shall not apply to displays on employee's personal vehicles. In no instance shall any political materials be displayed on Board property in excess of one (1) day.

~~(12)~~ (13) Use of the District's internal mail system, including non-mail placement ("stuffing") of personnel or department mailboxes, for political purposes is prohibited. However, political literature that is mailed via the U.S. Postal Service may be delivered to personnel or departmental mailboxes. This paragraph does not apply to the following:

- A. Labor organizations acting in fulfillment of their statutory duties as collective bargaining agents;
- B. School-sponsored student elections and campaigns; and

- C. Any activities, though political in nature, conducted in the classroom during the school day as part of the regular curriculum such as debates between local, state, or national candidates.

(13) (14) Administrators for each facility are responsible to ensure that this policy is enforced. Administrators failing to enforce said policy will be subject to disciplinary action.

Statutory Authority:	Chapters 447 and 1012 and Sections 104.31; <u>112.312</u> , 1001.32 to 1001.54, F.S.
Law Implemented:	Chapters 447 and 1012 and Sections 104.31; <u>112.312</u> , 1001.32 to 1001.54, F.S.
History:	New 11/27/90. Revised/Amended 11/20/01; 09/23/03; 11/18/03; 05/17/05; 07/15/08; 02/15/11.