

State Board Rule 6A-1.0502 – Non-certificated Instructional Personnel

Effective October 27, 2020

To provide an additional pathway to hire personnel such as a school social worker. The effect will be that schools will be able to hire more professionals by creating an additional pathway for districts to hire qualified social workers to work in their schools.

<https://www.flrules.org/gateway/ruleNo.asp?id=6A-1.0502>

6A-1.0502 Non-certificated Instructional Personnel.

In each school district there are persons who possess expert skill in or knowledge of a particular subject or talent but do not hold a Florida teaching certificate. These persons constitute an invaluable community resource for the education of the pupils in that district. Each school board or charter school governing board shall adopt such policies as are necessary to ensure that the principals and teachers of that district or charter school may utilize in an appropriate instructional capacity the services of such expert persons in the community. Such persons may serve as a non-paid volunteer or as a paid member of the instructional staff to render instructional service in the individual's field of specialty but shall not be required to hold a Florida teaching certificate. The school board or charter school governing board policies for non-certificated instructional personnel shall include, but are not limited to, the following:

- (1) Health and age. Health and age requirements shall be the same as those required for certificated instructional personnel.
- (2) Employment procedures. Employment procedures shall be the same as those followed for certificated instructional personnel, except that non-certificated instructional personnel shall not be entitled to a contract as prescribed by subsection 6A-1.064(1), F.A.C.
- (3) Personnel records. The personnel records of the district or charter school shall contain information considered necessary by the school board or charter school governing board to establish the specialty of the individual, and a statement of the instructional duties assigned to and performed by such person.
- (4) Salary. The official salary scheduled for instructional personnel shall include a salary schedule for full-time and part-time employed non-certificated instructional personnel.
- (5) Assignment, suspension and dismissal. Procedures for the assignment, suspension, and dismissal of non-certificated instructional personnel shall be adopted and provided in writing to each such employee at the time of employment.
- (6) Assessment of performance. Procedures for assessing the performance of duties and responsibilities by all non-certificated instructional personnel shall ensure that each such person adequately performs the duties assigned.

(7) Pupil welfare. Procedures for assuring that each non-certificated instructional person who at any time is expected to assume responsibility for the health, safety, and welfare of pupils possesses, in advance of assuming the responsibility, a clear understanding of state rules and district or charter school rules policies relevant to instructional responsibilities. When assigned duties require knowledge of rules, regulations, or policies of a special nature, the policies shall specify that the person occupying a specifically named position is responsible to ascertain that the person possesses, in advance of assuming the duties, the necessary knowledge to perform such duties in a proper and reasonable manner.

(8) Instructional practices and policies. Procedures for assuring that each non-certificated instructional person who at any time is expected to assume responsibility for promoting pupil learning possesses, in advance of assuming this responsibility, a clear understanding of all state instructional practices and policies and district or charter school instructional practices and policies relevant to instructional responsibilities.

(9) In lieu of the requirements herein, the school board or charter school governing board may adopt special policies for those part-time personnel who are employed to teach no more than one hundred sixty (160) clock hours during a fiscal year.

(10) Notwithstanding the provisions of subsections 6A-1.0502(1) through (9), F.A.C., the school board or charter school governing board may employ non-certificated persons licensed by the State of Florida as occupational therapists or as physical therapists to render services to students in those areas covered by such license. The procedures for employment shall be the same as provided by law for certificated instructional personnel, and each person so employed shall be entitled to a written contract in the form prescribed pursuant to Rule 6A-1.064, F.A.C. Provided, however, that a non-certificated person employed to render services as an occupational therapist or as a physical therapist may be assigned duties of an instructional nature that are not covered within the scope of the person's license as defined by law.

(11) Notwithstanding the provisions of subsections 6A-1.0502(1) through (9), F.A.C., the school board or charter school governing board may employ persons certified as audiologists or speech pathologists under Chapter 468, Part I, F.S., to render services to students in those areas covered by such certificate of registration. The procedures for employment shall be the same as provided by law for certificated instructional personnel, and each person so employed shall be entitled to a written contract in the form prescribed pursuant to Rule 6A-1.064, F.A.C. Provided, however, that a non-certificated person employed to render services as an audiologist or speech pathologist may not be assigned duties of an instructional nature that are not covered within the scope of the person's certificate of registration as defined by law.

(12) Notwithstanding the provisions of subsections 6A-1.0502(1) through (9), F.A.C., the school board or charter school governing board may employ persons licensed as clinical social workers under Chapter 491, F.S., to render services to students in those areas covered by such license. The procedures for employment shall be the same as provided by law for certificated instructional personnel, and each person so employed shall be entitled to a written contract in the form prescribed pursuant to Rule 6A-1.064, F.A.C., provided, however, that a non-certificated person employed to render services as licensed clinical social worker may not be assigned duties of an instructional nature that are not covered within the scope of the person's license as defined by law.

(13) A non-certificated person employed pursuant to this section shall be accorded the same protection of the laws as that accorded the certificated teacher.

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