

ARTICLE VII  
Professional Employee Authority and Protection

TA  
Wagner  
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A. Authority of Professional Employee

Teachers and other members of staff within the school shall have the authority for control and discipline of students per Florida Statute, Authority of Teacher 1003.32. ~~in accordance with Florida law.~~

~~1. The parties agree that effective student control and discipline is prerequisite to effective teaching and learning. It is agreed further that appropriate motivation of the student toward worthy learning activities prevents disciplinary problems and promotes self-discipline on the part of the student. It follows that the first responsibility of the professional employee is to exercise their full professional competence toward the motivation of students into worthy learning activities and to thereby establish effective discipline for each child and for the classroom.~~

~~1. Teachers and instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom with a positive and effective learning environment that maximizes learning and minimizes disruption. Teachers and instructional personnel shall:~~

- ~~a. Establish and enforce classroom rules of conduct that treat all students equitably, and implement consequences designed to change behavior for infractions of classroom rules.~~
- ~~b. Work with parents and other school personnel to solve discipline problems in their classrooms.~~
- ~~c. Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.~~
- ~~d. Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.~~
- ~~e. Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency, and request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.~~
- ~~f. Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.~~
- ~~g. Use reasonable force, according to standards adopted by the State Board of Education, to protect themselves or others from injury.~~

~~2. It is recognized that discipline problems are less likely to occur in classes where a high level of student interest is maintained through effective teaching and leadership techniques. It is likewise recognized that when discipline problems occur, they may most constructively be dealt with by encouragement, praise, and emphasis upon the student's desirable characteristics. A professional employee may impose authorized classroom discipline within legal limits where necessary in cases of minor infractions and may use such legal force as is necessary in protection from attack or to prevent bodily injury.~~

- ~~2. Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to them by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which they are assigned to be in charge of students. Teachers and instructional personnel may:~~

  - ~~a. Send a student to the principal's office to maintain effective discipline in the classroom and may recommend an appropriate consequence consistent with the student code of conduct under s. 1006.07.~~
  - ~~b. Remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn. Each district school board, each district school superintendent, and each school principal shall support the authority of teachers to remove disobedient, violent, abusive, uncontrollable, or disruptive students from the classroom.~~
    - ~~i. If a teacher removes a student from class as stated above in b, the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless an established committee determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.~~
3. Employees shall be afforded an opportunity to participate in an evaluation of the school center disciplinary program each year and propose revisions thereto. Principals shall give consideration to employee proposals in updating the program for the ensuing year.
4. The Board recognizes its responsibility to give assistance and support to employees with respect to the maintenance and control of discipline in the classroom. Whenever it appears that a particular student requires the attention of special employees, the principal may, after consultation with the professional employee when appropriate, request the services of the appropriate department or agency.
5. Any professional employee, when referring a student for disciplinary action, shall submit a completed, signed, county Student Discipline Report (form supplied by the Board or online as required), so that the principal or designee can take appropriate disciplinary action based upon information stated in the discipline report. A copy of the report, including action taken, will normally be returned to the professional employee within the next workday. Professional employees referring students to the principal or designee after following the procedures outlined in this Article will receive a copy of the report indicating action taken before or as the student is returned to class.
6. Physical assault upon a professional employee shall be promptly reported to the Board, or its designated representative. The Board will provide legal counsel to advise the professional

employee of their rights and obligations with respect to such assault and shall render available assistance to the professional employee in connection with handling of the incident by law enforcement and judicial authorities.

7. If a professional employee is sued as a result of any legal action taken during assigned duties by the professional employee while in pursuit of their employment, the Board shall provide legal counsel.

8. The professional employee shall be notified of any known life-threatening medical condition, felony conviction, placement by a court order, or other potentially dangerous condition(s) prior to a student attending the class provided no laws of confidentiality are violated.

**B. Protection of Professional Employee**

1. A professional employee will be furnished a copy of any formal complaint against him by a student, parent or other employee if the complaint is to be included in the professional employee's personnel file. The employee shall have the right to attach a statement to this written complaint.
2. Professional employees shall be disciplined only for proper cause.
3. When an employee is required to appear before an administrator/supervisor, Weingarten rights shall apply. When an employee is to be given a ~~reprimand called in for discipline~~ letter of reprimand or final letter of reprimand, the employee shall ~~normally~~ be given no less than twenty-four (24) hours<sup>2</sup>-written notice of such meeting (~~unless a shorter period of time is mutually agreed upon~~) and shall be entitled to an Association Representative to be present during the reprimand ~~disciplinary meeting~~. At the request of the employee, such meeting shall be delayed until the end of the employee's workday. In the event that a condition exists where the employee should not continue to be on duty, the employee may be suspended without any delay by the administrator/supervisor, provided the suspension of an employee shall be with pay, until reviewed by the Superintendent, at which time the Superintendent will decide whether the employee shall be suspended with or without pay until a hearing before the Board.
4. When Association representation is requested by the employee and the employee is to be represented by the Association Representative, the meeting shall be scheduled when an Association Representative can be present, not to exceed three (3) working days from the date of the requested meeting.
5. The administrator/supervisor shall provide official reprimands to the employee, which will be placed in the employee's personnel file after ten (10) working days. The employee shall have the opportunity to make a written response to the reprimand. A copy of the response shall be provided to the principal or appropriate administrator/supervisor and to the Associate Superintendent for Human Resources.
6. Any memorandum or letter of reprimand to a professional employee from their principal or supervisor, which indicates a copy to the personnel file, will be signed (all copies) by the professional employee prior to being placed in the personnel file, provided:

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- a. The professional employee's signature on the copies does not signify agreement but only verifies that the professional employee received a copy of the memorandum or letter.
- b. In the event a professional employee is not available to sign the letter or memorandum, a copy will be sent to the professional employee by certified mail with return receipt requested.
- c. The professional employee may write a letter of rebuttal which will be attached to any letter of reprimand.

**C. Personnel File Review:**

1. Although the Board agrees to protect the confidentiality of personal references and other similar documents, an employee shall have the right to review other contents of their personnel file and to receive a copy of requested items. An employee shall be entitled to have an Association representative accompany them during such review.
2. Material derogatory to an employee shall not be placed in their personnel file unless the employee has an opportunity to review, sign and date said material. Copies of any complaints directed toward a professional employee, which are placed in the personnel file, are to be sent to the professional employee at their residential address, with an additional copy sent to the employee's principal or supervisor.
3. The professional employee shall have the right to respond to all materials contained in said file. Such professional employee response shall be attached to that material and shall become part of said file.
4. Personnel files of members of the bargaining unit shall be maintained in accordance with Florida Statutes. Employees shall have the right to place written materials in their personnel file that pertain to the employee's position in the district, such as commendations, or summaries of achievements of noteworthy nature.

Employees may make an inquiry with the Community Relations Department to determine if their personnel file has been reviewed under the Florida Public