

Article X
EMPLOYEE AUTHORITY AND PROTECTION

10.01 Corrective Action Plan for Discipline

- A. No employee shall be corrected for discipline including reprimand, suspension with or without pay, demotion, or discharge without just cause.
- B. Where a request for LCTA representation is made, corrective action for discipline shall be delayed for up to twenty-four (24) hours to allow employees to attain such representation.
- C. The correction action for the discipline plan anticipates that actions for a first offense will begin at the lowest level most appropriate to the behavior:
 - 1. Verbal warning
 - 2. Counseling memorandum
 - 3. Letter of reprimand
 - 4. Suspension without pay

And proceeding to higher, more intrusive discipline, should the desired behavior not be achieved. Corrective action at the lowest level for a first offense is not always appropriate when the severity of the misconduct demonstrates that discipline should begin at a higher threshold. In the event an investigation must take place to determine if corrective action is needed, an employee may be placed on administrative leave with pay to determine the merits of a corrective action or discipline. Both the District and the Association understand that there are violations of conduct where strict adherence to corrective action would be a breach of the District's duty. For the purpose of this process, a verbal warning is not considered part of the disciplinary procedure.

- D. If corrective action for discipline in the form of a written reprimand, suspension without pay, or discharge is to be taken against an employee, the site administrator or designee shall give the employee three (3) business days to provide written or oral information addressing the proposed action. A meeting with the site administrator or designee to review the information on which the corrective action is to be based, will then be scheduled.
- E. Corrective action for discipline administered by the District for a written reprimand and above shall be subject to the grievance process. If a grievance decision is rendered against the employee, the employee shall have an opportunity to respond in writing to any record that appears in the personnel file.
- F. An employee summoned to the office of a principal or appropriate site administrator, or designated district-level administrator for an investigatory conference (initiation of questioning) or meeting which may lead to disciplinary action or discipline, shall be advised that they have the right to Union representation. Employees, upon the request of the Union, may have access to representation during interviews with DCF. For matters unrelated to a safety or time-sensitive matter, which must be immediately addressed to mitigate further harm, if a Union representative is not available for the initially scheduled conference/meeting, the conference/meeting shall be rescheduled within twenty-four (24) workdays unless there are extraordinary conditions when Union representation is **not** available. The rescheduling shall, in no circumstances, result in an unreasonable delay. When a request for such representation is made, no action shall be taken with respect to the employee until such representation of the LCTA is present.
- G. The administrator/supervisor shall refrain from advising employees regarding Union participation and the necessity of representation for other groups, including but not limited to, DCF and Law Enforcement.
- H. Employees are entitled to a fair and thorough investigation by the District of their administrator/supervisor prior to receiving progressive discipline.

10.02 Personnel Files

- A. Derogatory materials relating to work performance or other matters that may be cause for discipline that are to be placed in an employee's District or school site personnel file are to be provided to the employee by personal delivery or mail, return receipt requested. The employee may respond in writing to the derogatory material, which response shall be attached to the material in the file(s).
- B. Employees may review and copy the materials in their school site or District personnel file under conditions necessary to provide for its integrity and safekeeping. The employee may be charged the authorized District charge for copying such materials. **Employees will be granted access to their files within 72 hours of their written request.**

10.03 If in the lawful performance of his/her prescribed duties an employee is:

- A. Complained against, or sued, as a result of any action taken by him/her, the Board agrees to exercise its right to defend that employee to the extent permitted by law, and time for appearances before a judicial body shall result in no loss of wages or reduction in accumulated leave.
- B. Injured, the employee shall be considered eligible for leave and benefits as provided in Section 16.12.

10.04 **Reimbursement for Damaged Personal Property**

- A. The District, through its Risk Management Office, will repay or reimburse employees the current value of any clothing or other personal property damaged or destroyed in the course of the legal performance of his/her assigned duties unless such loss is covered by insurance or reimbursement is obtained from other sources; **the district will reimburse the employee the amount of their insurance deductible.** This repair and reimbursement provision does not apply to clothing or personal property that is not reasonably related and appropriate to an employee's assignment such as expensive jewelry (other than wedding and engagement rings), ~~expensive watches, electronic devices such as cell phones,~~ high- fashioned clothing, etc. **In the event that an employee's car is damaged on District property by a student, as an act of vandalism, the employee will seek necessary repairs and provide the District a receipt of repairs for reimbursement.** In case of employee negligence, the Board will not be responsible for reimbursement or replacement of an employee's personal property. Claims for reimbursement must be filed with the Risk Management Office within three (3) days of the time of the incident; forms for this purpose are available through that office. **If an employee is a victim of theft in the course of the legal performance of his/her assigned duties unless such loss is covered by insurance or reimbursement is obtained from other sources; the district will reimburse the employee the amount of their insurance deductible.**

10.05 Classroom Discipline and Control

- A. The District agrees to give support and assistance to employees with respect to control and discipline in the classroom. The District additionally agrees to provide a written statement governing the use of punishment of students to all employees not later than the first week of each school year. Employees may use such force as is necessary in protection from attack or to prevent injury to another student or employee in accordance with state law.
 - 1. Support and assistance shall be provided within a reasonable time frame and last as long as needed to mitigate the situation.
 - 2. Additional support and assistance may be necessary after a discipline issue in the classroom. The teacher and administrator will work collaboratively to provide the appropriate resources to the student and classroom.
- B. Instructional personnel may undertake actions detailed in section 1003.32 Florida Statute, in accordance with District policy and any school-specific behavior management guidelines.
- C. Student discipline shall be addressed by site administrators within a reasonable timeframe.
 - 1. Class 1 Offenses Group A: within seven (7) school days
 - 2. Class 1 Offenses Group B: within five (5) school days
 - 3. Class 2 Offenses Group A: within three (3) school days
 - 4. Class 2 Offenses Group B & C: within one (1) school day
 - 5. Class 3 Offenses: immediately upon incident
- D. Referrals shall not be written under another bargaining unit employee's name and will not be modified without notation or deleted without notification.

10.06 Zero Tolerance

- A. The District is committed to a policy of zero tolerance on matters of student misbehavior, acts of violence or threatened acts of violence, and assault and battery on school personnel. It is recognized that it is the employee's responsibility to pursue the prosecution of perpetrators of such acts.
 - 1. If a teacher has an assault or battery committed against them, they will have the option to request paid leave immediately following the incident and will have the option to remain on leave for three days.
 - 2. If a teacher is threatened in the classroom, they will have the option to request paid leave immediately following the incident and will have the option to remain on leave for one day.
 - 3. If a fight between students occurs in a classroom, the teacher will have the option to request class coverage immediately after the incident for up to 2 class periods or two hours (the lesser of the two) on that day. Coverage should be provided by a full-time non-instructional staff member at the site.
 - 4. In an instance of student disruption where physical damage has occurred, the teacher will have the option to request class coverage immediately after the incident for up to 1 class periods or 1 hour (the lesser of the two) on that day. Coverage should be provided by a full-time non-instructional staff member at the site.
- B. Each site administrator will emphasize Board policies and procedures relevant to State and Federal Juvenile Justice and zero tolerance requirements with all employees at the beginning of each school year.

10.07 Assaults on Employees – Reporting Crimes of Violence

- A. Any case of assault on an employee shall be promptly reported to the site administrator or his/her designated representative. The Board agrees to provide legal counsel to advise the employee of his/her rights and obligations with respect to such assault and shall render all reasonable assistance to the employee in connection with handling the incident with law enforcement and judicial authority.
- B. An employee who knows or has reason to suspect that a person has committed, or has made a credible threat to commit, a crime of violence on school property shall report such knowledge or suspicion in accordance with the provisions of Section 1006.13, F.S. The Superintendent and each site administrator shall fully support good-faith reporting in accordance with this provision. Any person who makes a report required by law in good faith shall be immune from civil or criminal liability for making the report. An administrator or District employee shall follow up with the reporting employee on the outcome of the report within 48 hours.

10.08 Removal of Students from the Classroom

- A. An administrator or a designated person shall be in the building at all times when students are present to handle discipline problems and emergencies.
 - 1. An appropriate phone list and flow chart of contact shall be provided to employees at the beginning of the school year. This will be updated as needed for employee role changes and resent out to staff at the school site for best points of contact.
- B. Consistent with Section 1003.32, F.S., Board Policies 5500—Student Conduct/Discipline; 5540—The Schools and Investigations Involving Students; 5610.01—Emergency Removal of Students; and Administrative Procedures 5500—Juvenile Justice Information; and 5610—Student Discipline, an employee may:
 - 1. Send (or call for escort) a student to the site administrator's office to maintain effective discipline in the classroom. The site administrator shall respond by employing appropriate discipline-management techniques consistent with the student code of conduct under Section 1006.07, F.S.
 - 2. Have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students temporarily removed from the classroom for behavior management intervention.
 - 3. Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or District personnel.
 - 4. Remove a student from class (see paragraph 5 below for provisions relevant to ESE students) whose behavior the employee

determines is so unruly, disruptive, uncontrollable, or abusive that it seriously 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. If an employee has such a student removed from class, the site administrator may place the student in another appropriate classroom, in in-school suspension, or in an alternative education program as provided by Section 1003.53, F.S., or the site administrator 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 site administrator may not return the student to that employee's class without the employee's consent unless the committee, established under Section 1003.32, F.S. (see provisions stated below), determines that such placement is the best or only available alternative. The employee and the Placement Review Committee must render decisions within five (5) days of the removal of the student from the classroom.

- a. The provisions of Section 1003.32(6), F.S., providing for a Placement Review Committee are as follows: Each school shall establish a committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. Committee membership must include at least the following: Two (2) teachers, one (1) selected by the school's faculty and one (1) selected by the teacher who removed the student; One (1) member from the school's staff who is selected by the principal. The teacher who withheld consent to readmitting the student may not serve on the committee.
 - b. The teacher and the Placement Review Committee must render decisions within five (5) days of the removal of the student from the classroom. If the placement review committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the committee's decision to the Superintendent.
5. Have an ESE student removed from class for behavior that is so unruly, disruptive, or abusive that it seriously interferes with the employee's ability to communicate upon compliance with the provisions of Board Policy 5500—Student Conduct/Discipline/Discipline Procedures for Students with Disabilities, and State Board Rule 6A-6.0331 addressing ESE students.
- C. An employee who removes twenty-five (25) percent or more of his/her total class enrollment shall be required to complete professional development to improve classroom management skills.

10.09 **Student Records**

- A. The individual records maintained by the school administration on student discipline shall be available to designated employees as an aid for determining disciplinary recommendations concerning the students. These records shall contain infractions with dates and action taken. Individual records shall be available to all teachers of record for the current school year to create the best educational environment for the student. (FERPA 99.31) (~~Reference Board Policy 7.08 and Administrative Procedures D-2a, 2b, 2c, and D-15.~~)

Broward County Schools

1. **Personal Property:** If employees are attacked or assaulted or victim of theft or vandalism in the course of employment, the Board will insure or otherwise reimburse such employees for any loss, damage or destruction of clothing or personal property up to five hundred dollars (\$500) per employee per school year upon verification to the principal, unless the employee is otherwise reimbursed in which case the Board will reimburse employee the amount of their insurance deductible up to five hundred dollars (\$500) upon verification of the claim.

1. **Automobile Vandalism:** If an employee's vehicle is damaged as a

result of vandalism while on the property of a district school, or while on official School Board business, the employee will be reimbursed for the damage not to exceed seven hundred fifty dollars (\$750) when it is determined that the damage was caused on School Board property or while on official School Board business. Such determination may be made by a School Resource Officer, a School Security Specialist, or a SIU investigator (as determined by the Superintendent), a Police Officer, witness testimony or apprehension of the person(s) responsible for the damage.

FERPA Information

[§ 99.31 Under what conditions is prior consent not required to disclose information?](#)

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by [§ 99.30](#) if the disclosure meets one or more of the following conditions:

(1)

(i)

(A) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.