

## 3700 - TEACHERS' BILL OF RIGHTS

Pursuant to F.S. 1015.01 through 1015.06, teachers' rights include, but are not limited to, the following:

### A. Rights of Employment

1. Pursuant to F.S. 447.301 and s. 6., Art. I of the State Constitution, the right of public employees, including teachers, to work may not be denied or abridged on account of membership or non-membership in any labor union.
2. A teacher, except in cases of excessive force or cruel and unusual punishment, may not be held civilly or criminally liable for actions carried out in conformity with State Board of Education rules. Pursuant to F.S. 1012.75, a teacher shall have access to liability coverage, subject to the General Appropriations Act, through the educator liability insurance program.

Pursuant to F.S. 1012.26, a teacher may receive a reimbursement of reasonable expenses for legal services from the District if the teacher is charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities.

3. All students and public K-20 educational institution employees, including teachers, have the right to be free from discrimination in public K - 20 educational institutions.
4. Pursuant to F.S. 1012.56, teachers must be provided multiple pathways to earn an educator certificate.

### B. Right to Continuing Education

1. Teachers are guaranteed a coordinated system of professional development with the goals of increasing student achievement, enhancing classroom instruction, and preparing students for continuing their education or joining the workforce. Pursuant to F.S. 1012.98, the Florida Department of Education, public postsecondary educational institutions, public school districts, public schools, State education foundations, consortia, and professional organizations must work collaboratively to provide a coordinated system of professional development.
2. Pursuant to F.S. 1009.26(10), teachers employed by the District may receive a waiver for tuition and fees for up to six (6) credit hours per term at a State university or Florida College System institution.

### C. Right to Control the Classroom

1. In accordance with State Board rules and general law, a teacher has the authority to control and discipline students in their classroom and in other places in which the teacher is assigned to be in charge of students. Pursuant to F.S. 1003.32 and in order to provide an orderly and safe learning environment for students, a teacher may:
  - a. establish classroom rules of conduct, including designating an area for wireless communication devices during instructional time for students in grades 9 through 12.
  - b. establish and implement consequences, which are designed to change behavior, for infractions of classroom rules of conduct.
  - c. have disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.
  - d. have violent, abusive, uncontrollable, or disruptive students directed to appropriate school or School Board personnel for information and assistance.

- e. assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.
  - f. request and receive information relating to the disposition of any referrals to administration for a violation of classroom rules of conduct or school rules.
  - g. request and receive immediate assistance in classroom management if a student becomes uncontrollable or in the case of an emergency.
  - h. request and receive training and other assistance to improve their skills in classroom management, violence prevention, conflict resolution, and related areas.
  - i. press charges if there is a reason to believe that a crime has been committed on school property, during school-sponsored transportation, or during school-sponsored activities.
  - j. use reasonable force, according to standards adopted by the State Board, to protect themselves or others from injury.
2. For purposes of this section, in cases in which a teacher faces litigation or professional practices sanctions for an action taken pursuant to Paragraph (1), there is a rebuttable presumption that a teacher was taking necessary action to restore or maintain the safety or educational atmosphere of their classroom.

**D. Right to Direct Classroom Instruction**

1. In accordance with general law and State Board ~~of~~ rules, a teacher has the right to direct the teacher's classroom instruction. If a teacher is directed by the District or school to violate general law or State Board rules, the teacher may request that the Florida Commissioner of Education appoint a special magistrate who is a member of the Florida Bar in good standing and who has at least five (5) years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the District procedure or practice, consider information provided by the teacher and the District, and render a recommended decision for resolution to the State Board within thirty (30) days after receipt of the request by the teacher.

The State Board must approve or reject the special magistrate's recommended decision at its next scheduled board meeting. The costs of the special magistrate must be borne by the District.

If the District is found in violation of general law or State Board rules, the State Board may withhold the salary of the superintendent until the violation is corrected.

2. Pursuant to F.S. 1008.25, a teacher has the right to receive student assessment data in a timely manner in order to assist in instruction.

**Special Magistrate for Teacher Empowerment**

Pursuant to F.A.C. 6A-1.094127 (Special Magistrate for Teacher Empowerment), a teacher may request a special magistrate be appointed if the teacher believes they were directed by their school or the District to violate general law or State Board rules as described in F.S. 1015.06.

**A. Designation of FLDOE Contact**

The following individual(s) are responsible for responding to FLDOE inquiries regarding a request for appointment of a special magistrate by a teacher:

**[DRAFTING NOTE: The School District must identify at least one (1) individual to serve in this capacity and provide their name(s) and e-mail address(es) to the FLDOE.]**

1. ☒ \_\_\_\_\_ Director of  
Personnel

2. ☐ \_\_\_\_\_

B. Response to Receipt of Teacher Request for Appointment of a Special Magistrate

Within fifteen (15) days of receipt of notice from the FLDOE that a teacher has requested the appointment of a special magistrate, the \_\_\_\_\_ Director of Personnel must provide to the FLDOE a written statement addressing the following:

1. whether the person requesting the appointment of a special magistrate is a classroom teacher employed by the District;
2. a description of the District's procedures for resolution, including citations where the procedures can be found;
3. whether the District's procedures for resolution were fully utilized at the school and District level and whether any School District remedies continue to be available for resolution;
4. whether any of the grounds for dismissal as described in F.A.C. 6A-1.094127 apply to the request for appointment of a special magistrate; and,
5. any other information which would assist the FLDOE with the request for appointment.

C. Contact for Payment of a Special Magistrate

The District ~~( ) Purchasing Department~~ ☒ \_\_\_\_\_ Finance Department is responsible for expeditiously contracting for payment of a special magistrate appointed by the Commissioner of Education and notifying the FLDOE within no more than twenty (20) days after receiving notice of the appointment of a special magistrate that an agreement has been reached for payment with the appointed special magistrate.

D. Impact on Other Pending Employment Matters

Initiating a special magistrate proceeding under F.A.C. 6A-1.094127 does not affect an ongoing employment action against a teacher or prevent a school or the District from initiating an employment action against a teacher. However, the special magistrate's recommendation, if approved by the State Board, as well as the State Board's order on the recommendation, can be used as evidence in an employment action if otherwise permitted by law.