

SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF

FILE: GCQF

TITLE: Suspension and Dismissal of Administrative or Instructional Staff

POLICY:

- (1) The Superintendent may suspend a member of the instructional or administrative staff, with pay, during an emergency for a period extending to and including the next meeting of The School Board of Orange County, Florida ("Board"). The Board shall be notified immediately of all such suspensions.
- (2) No member of the instructional or administrative staff shall be dismissed except by action of the Board.
- (3) No dismissal during the term of an appointment or contract of a member of the administrative or instructional staff may be made except for just cause. Just cause is defined for each group of employees as follows.
 - (a) Employees holding continuing contracts:
 - (i) Immorality;
 - (ii) Misconduct in office;
 - (iii) Incompetency;
 - (iv) Gross insubordination;
 - (v) Willful neglect of duty;
 - (vi) Drunkenness; and/or
 - (vii) Conviction of any crime involving moral turpitude.
 - (b) Employees holding professional service contracts:
 - (i) Misconduct in office;
 - (ii) Incompetency;
 - (iii) Gross insubordination;
 - (iv) Willful neglect of duty;
 - (v) Conviction of a crime involving moral turpitude;
 - (vi) Two (2) consecutive annual performance ratings of unsatisfactory under Section 1012.34, Florida Statutes;
 - (vii) Two (2) consecutive annual performance ratings of unsatisfactory within a three (3) year period under Section 1012.34, Florida Statutes; and/or
 - (viii) Three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.
 - (c) Employees holding an annual or multi-year administrative contract or district-based administrators employed on annual appointment as defined by the Florida Statutes and Department of Education rule:

- (i) Immorality;
 - (ii) Misconduct in office;
 - (iii) Incompetency;
 - (iv) Gross insubordination;
 - (v) Willful neglect of duty;
 - (vi) Drunkenness; and/or
 - (vii) Conviction of any crime involving moral turpitude.
- (d) Instructional staff holding an annual contract:
- (i) Immorality;
 - (ii) Misconduct in office;
 - (iii) Incompetency;
 - (iv) Gross insubordination;
 - (v) Willful neglect of duty; and/or
 - (vi) Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.
- (4) An employee holding a continuing contract may be dismissed or returned to annual contract at the end of any school year for “good and sufficient reasons” if notice is given prior to April 1 of the school year. “Good and sufficient reasons” shall include, but not be limited to, the following:
- (a) Neglect of duties and responsibilities that impairs teaching or other normal and expected services to the school district;
 - (b) Failure without justifiable cause to perform the terms of employment or intentional and knowing violation of rules of the Board;
 - (c) Physical, mental, or professional incompetence or failure or inability to discharge assigned duties effectively;
 - (d) Professional or personal conduct involving moral turpitude;
 - (e) Violation of the Code of Ethics of the Education Profession;
 - (f) Actions which impair, interfere with, or obstruct or aid, abet, or incite the impairment, interference, or obstruction of orderly conduct, processes, and functions of a school; and/or
 - (g) Failure to maintain satisfactory relationships with parents, students and other staff members to a degree that the education program is impaired.
- (5) Any falsification or material misrepresentation within an employment application shall be considered misconduct and may be regarded under these rules as cause for termination.
- (6) Willfully filing any false claim for leave may be regarded under these rules as

cause for action seeking dismissal.

- (7) Any suspension or dismissal shall be in accordance with procedures established by law.

SPECIFIC AUTHORITY: Sections 120.57; 1012.22; 1012.27; 1012.23; 1012.33; and 1012.335, Florida Statutes

Rules 6A-5.056; 6A-10.080; and 6A-10.081, Florida Administrative Code

TITLE: **Suspension and Dismissal Procedures**

POLICY:

No employee shall be suspended from duty except by the Superintendent or The School Board of Orange County, Florida ("Board"). No employee shall be dismissed or released due to reduction in personnel except by action of the Board.

- (1) The Superintendent may suspend an employee, with pay, during an emergency for a period extending to and including the day of the next regular or special meeting of the Board. The Board shall be notified immediately of all such suspensions.
 - (a) After investigation of the facts, the Superintendent may recommend suspension or dismissal of any employee for cause or may recommend reinstatement.
 - (b) If an employee is arrested for a crime constituting a felony or for a misdemeanor involving moral turpitude, the Superintendent or designee shall investigate the matter. The employee shall be given ninety (90) days to resolve a misdemeanor charge involving moral turpitude or 180 days to resolve a felony charge. If the employee fails to resolve his/her case within the allotted time period, the Superintendent may place the employee on relief of duty without pay status and recommend that the Board continue such relief of duty without pay status, pending adjudication of guilt. Upon final adjudication, the Superintendent shall review the findings and make an appropriate recommendation to the Board.
- (2) A recommendation for dismissal of any member of the administrative or instructional staff must be based on one or more of the reasons set forth in Board Policy GCQF, Suspension and Dismissal of Administrative or Instructional Staff, and Section 1012.33, Florida Statutes.
- (3) A recommendation for dismissal of a member of the non-instructional staff must be based on one or more of the reasons set forth in Board Policy GDQD, Suspension and Dismissal of Support Staff.

- (4) In order to fully comply with this section, Human Resources shall continually monitor reports from law enforcement agencies regarding arrests of employees.
- (5) Nothing contained herein shall be construed to prohibit the Board from dismissing employees whose positions are no longer needed and are therefore discontinued at the end of the fiscal year.

SPECIFIC AUTHORITY: Sections 1012.22; 1012.27; and 1012.33; 1012.335, Florida Statutes

Rule 6A-5.056, Florida Administrative Code

TITLE: Nonrenewal of Professional Service Contract

POLICY:

- (1) Each professional service contract shall be automatically renewed each year, without the necessity of renomination or The School Board of Orange County, Florida ("Board") action, unless the Superintendent shall charge the employee with unsatisfactory performance pursuant to Section 1012.34 and/or incompetence under Section 1012.33(1)(a), Florida Statutes. When such charges have been filed, the procedures enunciated in Article VIII, Section J of the contract between the Board and the Orange County Classroom Teachers Association shall be observed.
- (2) Upon receiving notice that the Superintendent will not recommend a new professional service contract be issued, the employee shall have fifteen (15) days to submit a written request for a hearing if there is a desire to contest the decision of the Superintendent. If no request for hearing has been received within fifteen (15) days after the Board votes to terminate the professional service contract, such termination shall be deemed final and the Board will enter a Final Order terminating the professional service contract at the next regularly scheduled Board meeting.
- (3) For all teachers hired prior to July 1, 2011, the appropriate provisions set forth in Sections 120.569 and 120.57, Florida Statutes, shall govern filings and the conduct of the hearing. All requests for hearing will be submitted by the Board to the Division of Administrative Hearings for an appointment of an Administrative Law Judge to conduct the hearing as set forth in Sections 120.569 and 120.57, Florida Statutes. For all teachers hired after July 1, 2011, such hearing shall be conducted as required by Section 1012.335, Florida Statutes.

SPECIFIC AUTHORITY: Sections 1012.22; 1012.27; 1012.23; 1012.28; 1001.54; 1012.33; and 1012.335, Florida Statutes

Rule -6A-5.056, Florida Administrative Code

TITLE: **Student Supervision**

POLICY:

- (1) Proper supervision of all students shall be provided while such students are under the immediate control of school administrative or instructional staff. Supervision shall be provided on school grounds, in classrooms, in student-occupied areas of buildings, on field trips, during any extracurricular activity, at school sponsored functions, or at any other school-related or sponsored activity.
- (2) Any member of the administrative or instructional staff who has the responsibility for the supervision of students and who fails to properly supervise students such that students leave the classroom and/or the school campus, without authorization, may be charged with willful neglect of duty. A charge of willful neglect of duty shall not be made against administrative or instructional staff who take reasonable steps to stop students from leaving the classroom and/or the school campus and are unable to do so because students ignore or do not comply with such reasonable steps.
- (3) Any member of the administrative or instructional staff who has responsibility for the supervision of students and who fails to provide such supervision by failing to report for duty or, by leaving the post of duty without being properly relieved of such duty, may be charged with willful neglect of duty.

SPECIFIC AUTHORITY: Sections 1001.54; 1003.31; 1003.32; 1006.07; 1006.09; 1012.23; 1012.28; 1012.33; and 1012.53, Florida Statutes

Rule 6A-5.056, Florida Administrative Code

TITLE: **Dating of Students Prohibited**

POLICY:

Instructional and administrative staff are prohibited from dating or agreeing to date any student enrolled in the Orange County Public School System. Violation of this rule constitutes gross insubordination and misconduct in office and shall be grounds for dismissal.

SPECIFIC AUTHORITY: Sections 1012.22 and 1012.23, Florida Statutes

Rule 6A-5.056, Florida Administrative Code

ADOPTED: 10/12/93
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