



**HERNANDO
SCHOOL DISTRICT**

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INVESTIGATIONS/ POTENTIAL DISCIPLINE FOR STAFF

*Investigation Procedures, Potential Disciplinary Outcomes, Forms and
Resources*

Update June 2024

INTRODUCTION

This handbook has been created to serve as a guide for administrators in reference to discipline issues for employees. It should serve to provide resources and insights for supervisors to conduct investigations, and when appropriate, prepare to discipline employees. It is not intended to be completely comprehensive, and supervisors may also utilize the assistance and direction that would be provided by the Human Resources Department. The details of each discipline or investigation are unique and should always be evaluated on their individual merit.

It is the desire of the district for disciplinary problems to be managed by supervisors at each work site. At the same time, notification should always be made to the Human Resources office for tracking and consistency regarding employee misconduct. When more severe disciplinary action is needed (based on the seriousness of the offense), some investigations may lead to a referral to the district office for further investigation.

The guidelines contained herein are general instructions for investigating allegations of misconduct and/or overseeing disciplinary issues. The Human Resources Department is here to assist and advise administrators in the handling of these issues. Please do not hesitate to contact the HR Department for assistance, or for specific individuals at the district office:

April Conn, Employee Relations Specialist, 870-489

Matthew Goldrick, Human Resources Director, 870-451

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PERFORMANCE vs. DISCIPLINE

One of the first and most important pieces of evaluating a violation is determining if the violation/offense is related to performance or if it warrants disciplinary action.

Tardiness, absenteeism, classroom management issues, grade discrepancies, interpersonal conflicts, simple parent complaints, poor quality lesson plans (or no lesson plans), etc. are usually performance issues and should be documented through the evaluation process by the site administrator. Extensive or reoccurring violations of these areas may eventually lead to discipline and/or a PIP plan for instructional employees or a corrective action plan for non-instructional employees.

First incidents of this nature should be documented as performance deficiencies using the Coaching Session Notes. The employee should be given clear direction on the appropriate action for the future and should also be given an opportunity to correct the deficiencies. If the same or similar incidents continue to occur, it can elevate to a disciplinary measure for not following previous directions. The seriousness of the issue may also require it to be addressed as a disciplinary measure.

PROCEDURES FOR ADDRESSING EMPLOYEE DISCIPLINE ISSUES AT THE WORK SITE

If you have discovered or received a report that an employee may have violated School Board Policy, Florida Statute, HCSB Staff Handbook regulations, a collective bargaining agreement, work location rules and regulations, the Principles of Professional Conduct, or other rule/infraction, you may need to conduct an investigation.

Use the *Notification Form (see next page)* to record the initial report. This includes the identifying information of the administrator and the accused/suspected employee, the initial first steps that may need to be taken, the allegation, and a synopsis. Scan and email this to April Conn and Matthew Goldrick. **If the alleged action of the employee in any way impacts the safety, security, and welfare of a child, the employee is to be removed from student contact immediately.** The employee should be notified that there is an allegation of misconduct and must be removed from student contact pending the outcome of your investigation. This will also necessitate a report to DCF. Always err on the side of caution in reporting, as DCF has their own protocol. Provide the employee with an alternative assignment at the work site. **Consult with Human Resources if administrative leave is appropriate for your circumstance.** The employee must remain in the alternative assignment until the reinstatement of their position has been approved. Notify the Human Resources Department of the allegation and removal of student contact and consult with them about the appropriate course of action.

Notification Form

Name of Administrator: _____

Allegation:

Staff Member: _____

First Steps:

Notify HR: Y N _____

Pull from student contact: Y N _____

Notify SRO: Y N _____

Call DCF: Y N _____

Notify Communications: Y N _____

Notify Safe Schools: Y N _____

Notify Parents: Y N _____

Take Student to Clinic: Y N _____

Synopsis of Immediate First Steps Taken:

Plan for Investigation (witnesses, cameras/videos, documents, texts, who needs to be interviewed, what policies/procedures might have been violated, remember to offer representation)

CONDUCTING AN INVESTIGATION

Notification of Employee

If the nature of the allegation necessitates removing the employee from student contact, notification typically happens immediately. Even when the type of investigation or situation doesn't require staff removal, you should notify the employee as close to the onset of the investigation as possible. Therefore, it will typically be necessary for you to meet at least twice with the employee: once at the onset for their notice, and again towards the end to ask them questions and interview them regarding the matter. The first short meeting will be for notice and a general sharing of the nature of the investigation (parent complaint, student complaint, etc). The interview of the employee is typically at the end, after you have interviewed others to determine the scope of the situation. It is possible that additional interviews will be necessary if added information becomes known.

Gathering the Facts

When you receive a complaint, you must conduct interviews with all of the parties who are involved, as well as witnesses who have relevant information. The witnesses interviewed should have first-hand knowledge (not just hearsay). Potential witnesses could include:

- Complainant (person initiating the complaint)
- Victim (if not the complainant)
- Other staff members
- Student witnesses
- Parents
- Subject of the complaint (accused party)
- School videos
- Social media, emails, correspondence

Conducting Witness Interviews

There may be a need to interview witnesses as part of the fact-finding/investigation process. If the witness is an employee, they are entitled to bring union representation with them. Notify the employee that you would like to speak with them because they may have knowledge of information that you need as you conduct an investigation. Offer the opportunity to bring a union advocate with them if they so desire.

When Conducting the Witness Interview:

- Document a verbatim record of the interview (minutes, summary, etc.)
- Be objective
- Do not disclose too much information to a witness
- Do not discuss your opinion or conclusions with witnesses
- Ask who, what, when, where, why and how
- Ask open-ended questions
- Try to avoid asking leading questions
- Look for behaviors and actions rather than opinions
- Give the witness the opportunity to share everything he/she knows

- As information is shared, clarify whether the witness was present or if they heard the information from someone else

With each interview, it is imperative that you remind all parties involved that they are not to discuss the interview, allegation, or complaint with any other person. To ensure that you receive all of the necessary information to conduct a thorough investigation, you should ask each person involved in the complaint whom they believe may have witnessed the incident or have relevant information to contribute to the investigation. Conducting the interview **requires planning** - write out some possible questions ahead of time. Due to the focus of interviewing, including reflecting on the answers and viewing the body language of the interviewee, the **best practice is to have another person take notes** so that this becomes part of your investigation packet.

Examples of Witness Interview Questions

- What happened?
- When did it occur?
- Where did it happen?
- Who was present?
- Who else may have witnessed the event?
- What is his/her relationship (social/historical/physical proximity) to the subject?
- Did you actually witness/hear this?
- Avoid asking leading questions, e.g., “Did you hear Mr. X say that he would hurt Billy?” Instead, ask, “Did you hear Mr. X say anything to Billy? If yes, what did he say?”

Witness Statements

There may be situations where written witness statements are submitted as evidence, such as an allegation that occurred in a classroom where students were present. Students and any other witnesses may be asked to provide a written statement. **It is a judgment call based on the situation, but in most cases, written statements should not be used to replace a witness interview.**

- Statements should be on the Witness Statement Form HCSD or word documents dated and signed by writer. If young students make note of who captured their words
- All statements must be signed
- If the statement is being taken by someone (i.e., guidance counselor of a student who is too young to write a statement) this information should be noted on the form and the person taking the statement should sign as the note taker
- Statements should be in ink (pencil copies do not photocopy or retain well)
- Statements should not be on colored paper (colored paper does not copy well)

Interviewing the Employee Suspected/Accused of Violation

Prior to interviewing the employee, notify them that they are entitled to bring a union representative with them to the meeting and provide a date and time.

- Document a record of the interview (minutes, summary, etc.)
- State the specific allegation
- State the factual information you have regarding the allegation

- Advise no judgments have been made about the validity of the complaint and that you are fact-finding/investigating to determine exactly what occurred
- Allow the employee to tell his/her side of the story
- Give full opportunity for response to each accusation
- If you suspect the employee is not being truthful or is not fully disclosing all information, use fact-based questions to get back on track
- Summarize the information
- Ask if they have any witnesses that can corroborate their information
- Ask if they have any further relevant information to share
- Inform them this matter is under investigation and they are not to discuss it with anyone other than their union representative
- Notify the employee that retaliation is prohibited (if applicable to situation)
- Notify the employee that you will schedule a follow up meeting with them to share your findings and determination

Examples of Interview Questions to Ask Employee Suspected/Accused

- Exactly what occurred?
- When did it happen?
- Where did it happen?
- Who was present?
- Who else may know relevant information?
- How did it happen?
- Who did or said what? In what order?
- Why did it happen?
- Could it have been avoided?
- Are there any notes, documents, or other evidence?
- Did you do it?

Other Helpful Hints When Interviewing Employee:

- Be in control of the investigation
- Regularly re-state what the employee has said. This is useful to:
 - Ascertain whether you have been hearing the employee accurately
 - Assure the employee that you have been hearing him or her
 - Close a particular topic or keep the discussion on track
- Ask follow up questions
- Ask questions to corroborate or refute information provided by other witnesses or evidence. If appropriate, ask questions such as, "If your position is accurate, then how would you explain...?"
- Ask repetitive questions. Repeating a question several minutes after you first ask it may be useful. Not only may you verify the initial answer, but you may also get more information if the person initially avoided answering the question. If the person is attempting deception, they may trip themselves if they are unable to repeat their initial rendition of the incident
- Ask whether she or he knows of additional evidence or relevant situations that have not been covered in the interview. Conduct a complete investigation that tells you the most

accurate story but keep comprehensiveness within reason. You do not need to investigate every lead if some are remote and unlikely to produce results

- Don't be afraid of silence. People are often uncomfortable with silence. It may prompt a nervous employee to provide relevant information or allow an emotionally distraught person to regain his or her composure
- Look for behaviors and actions rather than "I feel" statements – what action or behavior occurred?
- Periodically summarize and review what has been stated
- Before concluding, give the employee an opportunity to disclose anything else she or he wants you to know
- Remember – union representatives do not have a right to speak to the issues

DOCUMENTATION

Documentation is an important part of the process. Having appropriate documentation is one way to demonstrate that an employee received due process for disciplinary action.

Investigative documents become public record ten days after the accused employee receives notice of a closed investigation. All information is public record except items exempt by law which includes, but is not limited to, student names and medical information.

Review and finalize all notes taken. Assume all cases are going to be challenged, making sure notes are legible, accurate, and free from scribbling, misspellings, and errors so that you are not discredited during litigation. **Accurate and thorough documentation is critical!**

Documentation should be:

- Clear
- Concise
- Organized
- Factual
- Objective

The more thorough the record and the more documentation presented in a clear and concise manner, the more likely you will arrive at a valid conclusion with respect to the investigatory question.

See the next page for a form that summarizes the steps to conduct the investigation and can be used to take notes as you track yourself completing the process.

Conducting an Employee Investigation Form

Step 1: Call Director of HR or designee. Make sure you can provide the following information:

- a. Name of employee
- b. Specific allegation and how this information came to you
- c. Any action taken so far

Step 2: Use the Notification Form as a guide and a place to document actions. Take immediate steps to consider employee removal and notifications to the correct people (OSS, Dir of Comm., DCF, SRO, parents, larger audience, etc.).

Step 3: Plan for investigation:

- a. Create a running log of my actions showing dates and times for steps I take.
- b. Do I need to take the student to the clinic?
- c. Do I need to preserve video? (Send an email to OSS to preserve video. Copy Matt Goldrick. Request video be placed in folder on shared drive.)
- d. Who will I need to interview?

- e. Create pre-questions for the various interviews. Do I need to get support from my supervisor or district in drafting questions?
- f. Did I secure a confidential secretary or another appropriate person to take notes?
- g. Did I offer union representation?
- h. What documents do I need to collect?

- i. What other steps do I need to take for this specific situation?

Step 4: Prepare a packet to send to Human Resources for review:

- a. Create a summary using the notations I've made, outlining the steps I took and what was collected through interviews, documents, video review, etc. Indicate a finding regarding the allegation using either substantiated, unsubstantiated or unfounded. Sign and date.
- b. Does my summary include all the initial steps indicated on the notification form?
- c. Double check that everything is included (all statements collected, emails, interview summaries, other documents).
- d. Do all the statements have signatures and dates?
- e. Do all the interviews have participants listed and a date/time?

Principal or site administrator must sign off on all packets *prior* to submission to HR.

MAKING A DETERMINATION

Once you have interviewed the witness(es), met with the employee/accused, and reviewed all other relevant information, it is time to make a determination or finding.

To determine a finding:

- Review all notes and statements
- Take note of inconsistencies
- Consider all evidence

There are three possible outcomes:

1. **Unfounded:** The available evidence clearly showed the charges to be unsupported by the evidence.
2. **Unsubstantiated:** The available evidence was not conclusive and did not clearly point to “guilt” or “innocence.”
3. **Substantiated:** The available evidence clearly showed that the charges were true and that there are grounds for disciplinary action.

Unfounded Allegations

A determination of “Unfounded” completes the investigation. It means the allegation was not proven, the evidence does not support the allegation, or it was determined that there was no cause for further action. The employee should be informed of this finding and that the investigation is complete. This should be documented in writing and be part of the file.

Taking Action on Unsubstantiated Allegations

Sometimes the information gathered in an investigation is not conclusive and the administrator makes a finding of “Unsubstantiated.” When this occurs, the administrator may not be able to prove the allegation but may still have some concern regarding the information received. In this situation, it is recommended the employee receive a warning or a reminder to adhere to policies.

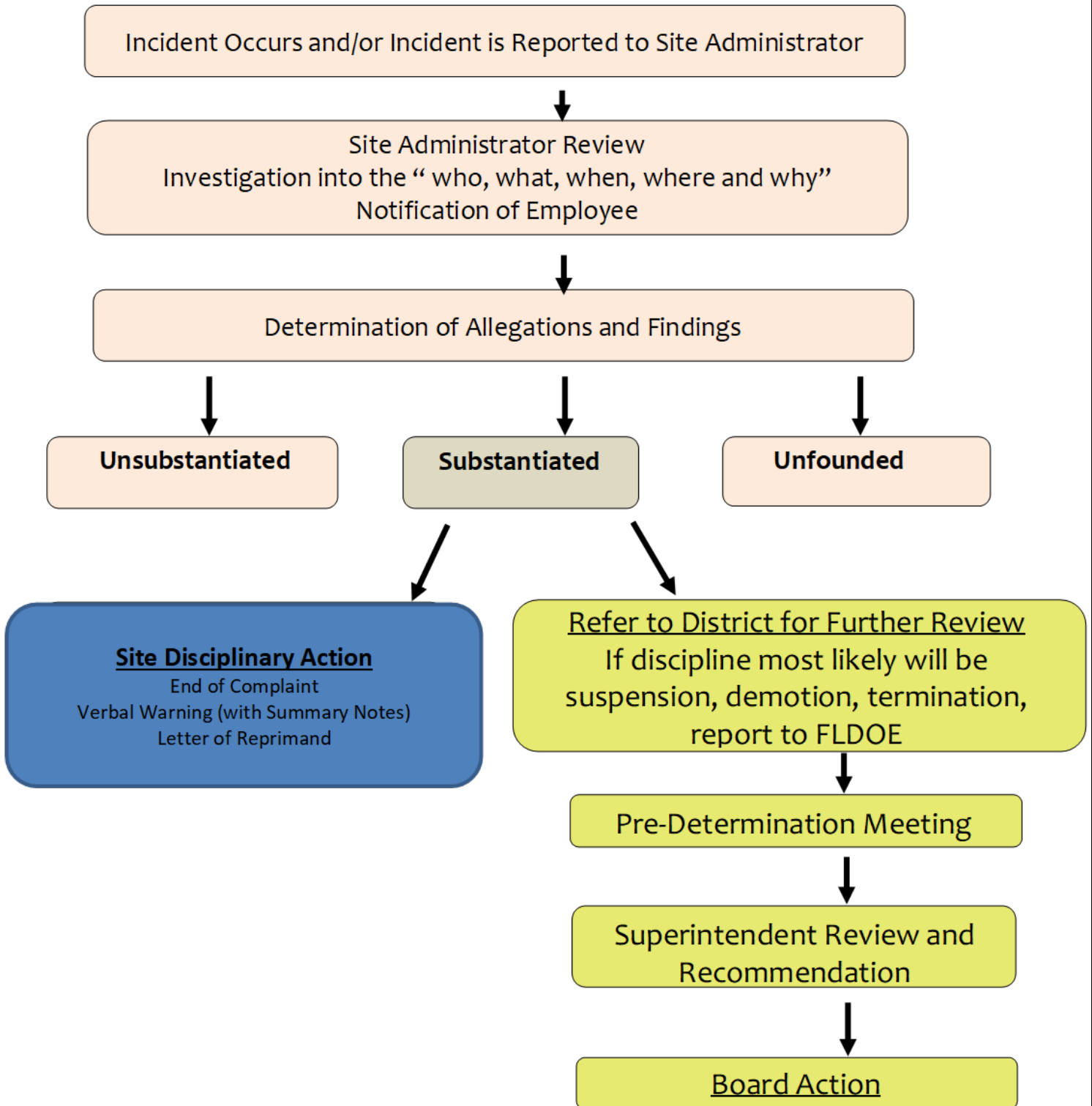
Taking Action on Substantiated Allegations

If a determination of “Substantiated” is made, a form of discipline must be administered. The exact discipline will vary based on the nature of the offense. To determine the discipline, the administrator should align each allegation and subsequent facts collected from with applicable laws or policies to indicate the specific violations.

After a determination is made, a summary should be written that captures all the steps taken (in chronological order) and the determination that was made. If the allegation was substantiated, then discipline will likely occur. At the school site, this will likely be a written discipline or a plan such as a coaching note, ECR, Letter of Reprimand, or Corrective Action Plan. If the misconduct is more serious, then the matter will be referred to Human Resources and a pre-determination meeting will occur. Outcomes from the predetermination meeting

See the next page for an organizational chart of the investigative process and possible outcomes.

DISCIPLINE PROCESS OVERVIEW



FORMS FOR WRITTEN DISCIPLINE:

Coaching Note: Used for performance issues or first-time warnings, this document becomes part of the employee's personnel file at his/her site. This may become part of his/her district personnel file at a later time when there is further discipline or when the employee resigns/retires.

Employee Conference Reports (ECR): Used for policy violations and first-time issues, this document becomes part of the employee's personnel file at both his/her site and the district office.

Corrective Action Plan: Used when corrective action is needed, this document becomes part of the personnel file at both the employee's site as well as the district office. A plan is made to correct an issue. Support can be put in place. Periodic meetings occur to check progress. A final meeting occurs to determine if the steps supported change.

Letter of Reprimand (LOR): Used as a follow up for a repeated issue that was addressed by a coaching note or ECR, this document becomes part of the personnel file at both the employee's site as well as the district office. It can be used for first incidents for more serious issues.

Standard Language in Written Discipline: Both the ECR and LOR will often contain the two paragraphs below in order to address two points:

1. Further misconduct will result in continued progressive discipline
2. Any investigation becomes public record 10 days after it is closed. The employee has the right to compose a rebuttal to any discipline that will be included in the personnel file. Rebuttals should be received from the employee within 10 days so that it is included when the file becomes public record.

You are reminded to strongly adhere to the Principles of Professional Conduct for the Education Profession in Florida. Further incidents of this nature can result in additional discipline, up to and including termination.

All materials relating to this issue will be placed in your personnel file after ten (10) days of your receipt of this form, as per Florida Statute 1012.31. You are advised that you may write a response to these documents and the said response will be included in the official file.

**Template
Coaching Session Notes**

Date: _____

Meeting attended by:

Purpose of meeting:

Discussion:

Recommendations:

Employee Printed Name

Administrator Printed Name

Employee Signature

Administrator Signature

*This form should only be used for performance concerns and is not to be used for issues involving misconduct. This form will be kept at the site and must be provided upon request. Misconduct should be documented on an Employee Conference Report.

Form SO-Per-171
DISTRIBUTION
August 2009
Administrator
On line only
Employee

THE SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA

Employee Conference Report

I have on this date discussed with the below named employee the topic described.

Date _____

Employee _____ Position _____

Topic _____

Complainant: Name _____ Phone _____
(If applicable)

Address _____

Action Taken Instructions to Employee

You are reminded to strongly adhere to the Principles of Professional Conduct for the Education Profession in Florida. Further incidents of this nature can result in additional discipline, including, up and to termination.

All materials relating to this issue will be placed in your personnel file after ten (10) days of your receipt of this form, as per Florida Statute 1012.31. You are advised that you may write a response to these documents and said response will be included in the official file.

Other _____

Witnesses at Meeting _____

Representation Requested ☐ Yes ☒ No

Representative Present at meeting ☒ Yes ☐ No

Representation Offered ☐ Yes ☒ No

Signature of Administrator

Date

Signature of Employee (indicating receipt of this form)

Date

The employee has a right to write a rebuttal to this information.

The rebuttal should be sent to the Professional Services Department within 10 days of receiving this conference report.

Template Corrective Action Plan

Employee Name: _____

Employee Title: _____

The following performance deficiencies have been identified:

Action Plan:

Target date for next review:

Notate if employee is asking for assistance and type requested:

Administrator completing form (printed): _____

Administrator signature: _____

Employee signature: _____

RESULTS:

- ☐ All deficiencies have been corrected
- ☐ All deficiencies have not been corrected
- ☐ Employee made some progress and will be placed again on a Corrective Action Plan for another 30 calendar days
- ☐ Employee made progress and will be reassessed in 90 calendar days
- ☐ Employee has not satisfactorily met expectations and has been put on notice that employment action will be taken (ie. demotion, recommendation for nonreappointment, termination)

Comments:

Administrator completing form (printed): _____

Administrator signature: _____

Employee signature: _____

Template Modify and Place on Site Letterhead

Date

Name

Work Location

RE: Formal Letter of Reprimand

Dear _____:

This letter is being given to you to address _____. This correspondence is being given to you as a Formal Letter of Reprimand for violations of HCSB Policies, including but not limited to HCSB Policy _____. You are reminded that you _____. You are reminded to strongly adhere to Principles of Professional Conduct. You are expected _____.

Regardless of the circumstances that may have brought them about, such inappropriate actions on your part do not reflect positively on your position. You are directed to refrain from engaging in the same or similar conduct in the future. Failure to do so will result in further disciplinary actions, which may include a recommendation for your termination.

All materials relating to this issue will be placed in your personnel file ten (10) days after your receipt of this letter and are subject to public inspection pursuant to Florida Statutes 119.07 and 1012.31. You are advised that you may write a response to these documents and said response will be included in the official file.

Sincerely,

Administrator Name,
Administrator Title

cc: Personnel File

Enclosures

Receipt of Acknowledgment

Employee Name

Date

PROBATIONARY PERIOD

New employees and current employees with employment unit changes work for a probationary period during which they can be terminated without cause. For instructional employees, the probationary period is one (1) year as per Florida Statute. For instructional staff who work less than one-half of their contract year, if reappointed, will be issued a probationary contract for the next full school year. If an instructional employee has a break in service, they will be issued a new probationary contract upon return to active employment if the break in service was not for an approved extended leave. A break in service occurs when an employee resigns, retires, is terminated or is non-reappointed, and is not re-hired before the first day of the teacher contract for the next school year. The probationary period begins on the first workday. The probationary period excludes weekends, paid/unpaid holidays, and orientations. The probationary period for administrators is 97 workdays. For all other job types, the probationary period is 60 workdays.

REAPPOINTMENTS AND EMPLOYMENT CONTRACTS

An instructional employee who is still within the probationary period is not guaranteed reemployment each year and may be recommended for non-reappointment. Additional information regarding annual contract can be found in 8.105 of the Agreement between the Hernando County School Board and the Hernando Classroom Teachers' Association. If a teacher was employed within the Hernando County Schools on a Professional Services Contract and is rehired after a break in service, he/she will be placed back on Probationary Contract, in accordance with Florida law. If an employee on an annual or probationary contract is not being recommended for reappointment, a reason or justification is not required due to annual contract status.

PROBATIONARY RELEASE

Call HR to ensure that the probationary period is accurate and to review any concerns. HR will provide one of three templates depending on the job type of the employee: instructional, non-instructional, and all others. It is important that you use the right template for the job type of the person that will be probationary released. Administrators prepare the letter using the template on their letterhead and complete a PAF for termination within probationary period. The employee receives a copy of the letter and the letter and PAF are sent to HR which results in the employee being closed out and the position being posted again.

ATTENDANCE

All employees are expected to be present during all working hours. Absence without prior approval (also called absence without authority – AWA) from an administrator or supervisor, chronic absences, absences without paid leave, habitual tardiness or abuse of designated working hours are all considered neglect of duty and will result in disciplinary action, up to and including dismissal. Sick leave and leaves made necessary by sudden emergencies may be granted if the employee makes a prompt report to administration concerning the absence. Refer to HCSB Policies 1430, 3430, and 4430 for more information.

ABSENCE WITHOUT PAID LEAVE TIME / AUTHORITY

If an employee has extensive absences during a school year, the timekeeper should notify the site administrator as soon as the employee takes time off without pay. If the employee, or the employee's family member, has a serious medical condition that is contributing to the need for unpaid leave then a Request for Extended Leave (SO-Per-018) & Certification of Physician form (SO-Per-178) must be completed and forwarded to Human Resources for consideration of intermittent or extended FMLA. Administrators should not approve leaves without pay (unless first approved by HR for extreme cases). For those employees who take leave without pay, please follow these procedures:

1. First unpaid occurrence - Have a meeting and use the Coaching Session Notes form (SO-PER 171) as soon as the employee returns to work. Notes need to include that absenteeism affects performance.

2. Second unpaid occurrence - Institute a Corrective Action Plan (SO-Per-175) Follow up with a letter to employee. (Template Letter #1) One of the requirements of the plan should be a mandatory doctor's note for the remainder of the school year and the requirement to call the administrator directly.

3. Third unpaid occurrence - Have an Employee Conference and give an Employee Conference Report to employee. Include a reference to the verbal conference and corrective action plan. Send to HR for placement in the personnel file.

4. Fourth unpaid occurrence - Compose a letter of reprimand. (Template Letter #2) Include a copy of the coaching session form, Corrective Action Plan and Employee Conference Report. Send all to HR for placement in Personnel File

5. Fifth unpaid occurrence - Excessive and continued absenteeism: This is now considered willful absenteeism and the employee is subject to disciplinary action, up to and including termination. Contact Matt Goldrick or April Conn in Human Resources for further direction.

This process must be applied consistently for all staff.

Note: If the employee has used all available paid time off and takes off but does not return, please send certified letter, return receipt requested (Template 3) and send copy to Human Resources.

What administrators/supervisors should say during the Coaching Session?

Absences directly affect performance. Unless an employee has extenuating circumstances, no unpaid leaves will be approved. Extenuating circumstances include those leaves referenced in policies 1430, 3430, or 4430 series. Have a copy of these policies available for the employee to review. Advise the employee that Family Medical Leave can be taken on an intermittent basis but must be approved by Human Resources first by completing and forwarding to Human Resources a Request for Extended Leave & Certification of Physician form.

Administrators/supervisors can also use the language contained in the letter templates to assist them.

What administrators/supervisors should write on the Corrective Action Plan (CAP)?

The following deficiencies have been identified: Excessive absenteeism

Action Plan: The employee will make every attempt to be in attendance every day. All future absences will require a doctor's note for the remainder of the 20__ - 20__ school year. You will hand the doctor's note to _____ immediately upon return from any absence. In the event that a future absence is absolutely necessary, you are required to contact me directly on my cell phone (# _____) to notify me of such.

What administrators should write on ECR?

Topic: Excessive Absenteeism

Action Taken: Third time reminding the employee about excessive absenteeism. Reinforce procedures outlined in Coaching notes and CAP. The employee must report to work when no accrued leave is available. The employee must report all absences to the administrator - give name and contact info expected.

CAP intro letter Template for Step 2

Send by US Mail Return Receipt Requested

Date

Employee
Address

Dear:

As has been discussed with you previously, your performance is being impacted by your poor work attendance. I am placing you on notice that your attendance must improve, and I am instituting a Corrective Action Plan (SO-PER-175) to that effect. Punctual and regular attendance is an essential function of your job. You are to attend work as scheduled. You must arrive on time fully prepared to begin work and remain at work through the entire work period. Any tardiness or absence affects your performance and causes problems for fellow employees and our organization.

In the event a future absence is absolutely necessary, you are required to contact me directly on my cell phone # _____ to notify me of such.

In the event that a medical illness is preventing you from being in attendance and performing your job duties, please consider an extended leave of absence, possibly under the Family Medical Leave Act (FMLA) if you so qualify.

If your attendance does not improve it will lead to progressive disciplinary actions, up to and including a recommendation for termination as you are not able to perform the required duties of your position when you are not at work.

If you have any questions, please contact me.

Sincerely,

Administrator Signature
Title

cc: Personnel File

LOR Template for Step 4

Date

Employee name
School/Department

RE: Letter of Reprimand

Dear:

You have been absent on the following dates within the last __ (year, month, etc.) __:

In discussions with you about your continued absenteeism without pay, you were directed to take measures to correct occurrences of absenteeism. Punctual and regular attendance is an essential function of your job. You continue to be absent from your job and as such this letter of reprimand is being issued for excessive absenteeism and failure to comply with the Corrective Action Plan dated _____.

You have been given ample opportunity to conform to acceptable standards. Consider this letter of reprimand as official notice that any further incidents of absenteeism will be considered willful absenteeism, and I will recommend that your employment with the Hernando County School District be terminated. This letter will be placed within your personnel file.

Administrator/Supervisor Signature

I have been advised of the contents of this Letter of Reprimand. I understand that my signature indicates receipt of the document only and does not indicate my agreement/disagreement with the contents.

Employee Signature

Date

Cc: Personnel File

JOB ABANDONMENT

When the absences are not chronic and periodic but rather a person stops coming to work the supervisor should contact the employee right away. If the employee has no leave time or the employee cannot be reached the supervisor should send letter #1 of the job abandonment process. HCSB Policy 1430, 3430, and 4430 are resources depending on employee job type and should accompany the letter as well as the section on the staff handbook about absences. If the employee does not return still, then letter #2 is sent. If the employee still does not return, then Human Resources sends letter #3 resigning the employee. All letters should be sent by email, general mail, and Certified mail. Remember resignations must be in writing. Verbal resignations cannot be accepted.

Letter # 1 Template for Job Abandonment

Sent via US Mail and Certified Mail, Return Receipt

Date

Employee
Address

Dear _____,

It has come to my attention that you have exhausted all earned leave and you have not submitted the appropriate paperwork to request an extended leave. Until that time, you will be submitted to the District Office as absent without approved leave.

You have until _____ (date) to:

1. Return to work, or
2. Submit a resignation letter, or
3. Request an extended leave

If no response is received by the above date, we will consider your position abandoned and will request the office of Professional Standards take the appropriate employment action.

If you have any questions, please contact me.

Sincerely,

Administrator Name
Title

cc: Personnel File

Template for Employees on Leave Not Returning on Date Expected

Send by US Mail Return Receipt Requested

Date

Employee
Address

Dear:

I am writing in regard to the request to extend your previously approved Extended Leave. To ensure continuity of instruction which we feel is best for student performance, please be advised that the only extended leave that may be approved will be one that ends on the last contract day of the school year, June _____.

Regular attendance is an essential function of your job. Any absence affects your performance and causes problems for fellow employees and our organization. Repeated absences can affect the students who depend on you for instruction.

You must submit a request, in writing, to extend your leave until the end of the school year. If you do not accept the terms outlined above, it will be necessary for you to return to work on _____. If you do not return on this day, we will consider this as your irrevocable resignation and the School District may terminate your employment and treat it as a voluntary separation.

If you have any questions, please contact me.

Sincerely,

Administrator Signature
Title

cc: Personnel File

Letter #2 Template for Job Abandonment

Sent via US Mail and Certified Mail, Return Receipt

Date
Employee name
Address

Dear:

You have been absent on the following dates without notification to your supervisor: _____ . We must notify you that as of _____ you have been on leave without authority and consequently you are in violation of School Board Policy.

You have conducted yourself in a manner that is not consistent with School Board policy 1430, 3430, 4430, specifically:

“A leave of absence is permission granted or allowed by the School Board under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of the leave.”

“Staff members shall not be absent from their assigned duties except as authorized by the Superintendent. A support staff member who is willfully absent from duty without authority shall forfeit compensation for the time of such absence. If an employee is absent without authority for more than five (5) consecutive days, it will be considered job abandonment. A request for leave shall be filed in advance of the date on which the proposed leave is to become effective unless conditions beyond the control of the employee make such advance notification impossible.”

Because you have failed to follow policy as described above, you are now considered “willfully absent from duty without authority and shall forfeit compensation for the time of such absence.” We are giving you a final opportunity to follow policy.

You have until _____ (date) to:

1. Return to work, or
2. Submit a resignation letter, or
3. Request an extended leave (if leave is due to illness, a doctor’s certification is required)

Please notify your administrator, _____, of your intent immediately. If no response is received by the above date, we will consider your position abandoned and will request the Human Resources Department take the appropriate employment action.

If you have any questions, please contact me.

Administrator Name and Title

ALLEGATIONS OF PHYSICAL CONTACT WITH STUDENTS

Allegations regarding physical contact with students can range from touching a student's backpack to grabbing a student to inappropriate relationships with students. Removal from student contact and a call to DCF by the end of the day is always recommended in these circumstances. The removal is important to protect all parties in the incident. As facts become clearer through the investigation and with consultation with Human Resources it will dictate how to manage the employee. If the situation is quickly resolved and simple such as a teacher grabbing a backpack to guide a student, then the discipline will likely be handled at the sight with written discipline ranging from the coaching note to the LOR depending on the context of the situation and/or pattern. DCF is always best called when as much known information can be communicated about what happened and if there was any significant such as bruises. However, a call should be made at the end of the day even when the incident comes to the supervisor's attention at the end of the day and therefore less might be known. If the incident is more significant and the employee is considered a risk, or the process may take more time, it might be appropriate to place the employee on administrative leave. This decision will be made in consultation with the district office. If the situation is more serious, discipline is not finalized at the site. The employee will likely be referred to the district office for a pre-determination meeting and options such as reporting to FLDOE Professional Practices, suspension without pay, and/or termination may be considered at the end of the investigation.

If you create a written discipline for physical contact, you will refer to the section in the Staff Handbook on Supervision of Students that references that staff do not touch children: *Employees are advised that they should not touch students in any way except for the protection of the health, safety and/or welfare of a student or for protection of themselves.* A copy of this section of the staff handbook should accompany any discipline. Every discipline should also receive a copy of **Rule 6A-10.081, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida.** This can be found online or in the Staff Handbook under ethics or in policies 1210, 3210, or 4210 depending on the job type of the employee.

Coaching Note: This is used if the touch is tied to performance such as a light touch on a backpack or a touch on a shoulder to get attention, so the employee is managing students or getting their attention. Verbal prompts should always be encouraged.

ECR: This is used for simple violation of the policy. Future expectations are set in the Action Taken section of the form. The two standard language in written discipline paragraphs (referenced on page 12) about future discipline, public record, and employee's right to write a rebuttal are included in action taken.

LOR: This is used in the same way as ECR but can also be the next step after an ECR as a continued level of progression for discipline. The LOR template was built to address specific policy violations. Standard two paragraphs at end are included in a LOR.

SUPERVISION OF STUDENTS

Students always need to have the person assigned to them supervising them. Tied into this are considerations about how we relate to students and all staff are cautioned about being alone with students. Staff should not drive students unless permission has been obtained through processes outlined for such things as sporting events where permissions are obtained, and licenses are checked. The other exception may be friends of employee's children. This is best managed by being named on the emergency card of any student for whom transportation may be provided. Policies 1213, 3213, and 4213 are resources for these situations as well as the Staff Handbook section on Supervision. Every discipline should also receive a copy of **Rule 6A-10.081, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida**. This can be found online or in the Staff Handbook under ethics or in policies 1210, 3210 or 4210 depending on the job type of the employee.

Coaching Note: Usually this is used if lack of supervision is noticed during an observation and can also be referenced on an observation form as part of the evaluation process for instructional staff or paraprofessionals may also receive this type of coaching.

ECR: This is used for simple violation of the policy. Future expectations are set in the Action Taken section of the form. The two standard language in written discipline paragraphs (referenced on page 12) about future discipline, public record, and employee's right to write a rebuttal are included in action taken.

LOR: This is used in the same way as ECR but can also be the next step after an ECR as a continued level of progression for discipline. The LOR template was built to address specific policy violations. Standard two paragraphs at end are included in a LOR.

More significant lack of supervision incidents could result in referral to the district office and no discipline is finalized at the site level.

Student Self Harming or Threatening: When students express self-harming comments or take any action this needs to be dealt with immediately. Staff should get someone to their location and should not leave the student alone until a certified school counselor has the student to evaluate. This is also true for threats. Administrators and the SRO are resources for these issues and should be contacted immediately at the location. Supervisors will address this with the Staff Handbook section regarding Student Conduct Policies. These issues will often rise to the level of a LOR or a referral to district office depending on the context and variables involved.

Mandatory Reporters: All school and district staff are mandatory reporters. If ever in doubt, all employees should consult with their supervisors. Staff need to report any suspected abuse or neglect to DCF. Also, staff must report to the site leader all knowledge of sexual harassment. Title IX regulations were recently updated and make it necessary for all staff to report observation/suspicion of sexual harassment. Staff failing to act in this capacity will likely be referred to the district office for a pre-determination meeting after an investigation into these types of allegations of not reporting.

Stealing Time: Staff should always be actively engaged in their job performing their duties during the workday. Staff should not take longer breaks than indicated by policy or contract. Staff should not leave work early or come in late. The contracts are a resource for supervisors addressing this misconduct. Policy 8700 also refers to Fraud which may be indicated depending on the context of the misconduct. Every discipline should also receive a copy of **Rule 6A-10.081, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida**. This can be found online or in the Staff Handbook under ethics or in policies 1210, 3210, or 4210 depending on the job type of the employee.

Coaching Note: Usually this is used if the time is minor, like being a few minutes late, so the employee can have their awareness raised and supervisors can encourage and help build a plan for the employee to be successful.

Corrective Action Plan: This will be used to address a minor pattern around this issue and to have a check-in between the employee and supervisor.

ECR: This is used for simple violation of the policy. Future expectations are set in the Action Taken section of the form. The two standard language in written discipline paragraphs (referenced on page 12) about future discipline, public record, and employee's right to write a rebuttal are included in action taken.

LOR: Used in same way as ECR but can also be the next step after ECR as a continued level of progression for discipline. The LOR template was built to address specific policy violations. Standard two paragraphs at end are included in a LOR.

More significant stealing of time incidents could result in referral to the district office and no discipline is finalized at the site level.

Theft: Taking anything that belongs to the school district or to other people is not tolerated. Minor incidents (like accidentally eating someone's yogurt from the common fridge) might be dealt with at the site though coaching or an ECR. Otherwise, the situation is likely to rise to the LOR level or a referral to district office.

Falsifying Documents/Plagiarism: Employees should avoid submitting documents that contain things that are not true. Applications should be filled out honestly. Assignments submitted for PD must be the original work of the employee. All these situations will likely result in a referral to the district office for a pre-determination meeting if the investigation substantiates the allegation.

Other Policy Violations- In reviewing attendance, supervision, managing student conduct, and the stealing time sections of the last few pages there was a demonstration of how the context and severity of the situation and alleged misconduct of the employee will dictate the actions of the supervisor in conducting an investigation. These variables will lead the supervisor after completing the investigation and with consultation with Human Resources to conclude the investigation at their site or refer the matter to the district office. Supervisors should always be reviewing and updating their knowledge of the Staff Handbook.

RECENT LEGISLATION

Bathrooms- Staff should use proper gender assigned bathrooms. First step is to ask them to. After that the legislation indicates the need for progressive discipline. Follow similar steps to taking leave without authority or accrued leave. Steps can be skipped for more serious or disruptive situations.

Leaving Doors/Windows Propped Open- In 2024 HB 1473 was passed requiring that any staff leaving windows or doors propped open be investigated and addressed. Notification requirements have been introduced with this legislation. Alert the Office of Safe Schools within 24 hours of an incident. Then conduct an investigation to ensure that you give the employee due process regardless of the nature of how you know. Then inform the Office of Safe Schools what the outcome was ASAP to allow the Office of Safe Schools to report within 72 hours. For example, you do coaching notes on the first time, once the notes are signed call the Office of Safe Schools to report.

LESSONS TO PASS ON TO EMPLOYEES

Making a Threat to Students- Employees that have stated anything about killing or shooting students have been released, resigned, or been non-reappointed. It is important that employees avoid this behavior and find other ways to express frustration that should be expressed away from students and the work site. Keep an eye out for employees that are indicating stress, frustration or depression-make sure to offer them the Employee Assistance Plan or contact HR to assist in problem solving to support our employees.

Texting/Social Media with a Student- Employees should only communicate with Parent Square or an approved platform. If ever forced to use texting (malfunctioning platform on a field trip) then use group with another adult. Employees should be discouraged from being too friendly with students. Students should not be confidantes for employees. Employees should avoid any appearance of impropriety with students. Discipline will be on a case by case basis for these situations and consultation with HR from the onset is critical.

Take a Break- Employees need to avoid making bad decisions when things escalate. Employees should ask for help and avoid making bad decisions. Make sure to arrange for supervision of students if necessary.