



SCHOOL BOARD OF POLK COUNTY

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September 19, 2011

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SHERRIE B. NICKELL, Ed.D.
Superintendent

HRS #12-004

Contact: José Farinas
Director of Employee Relations
534-0731 / 51529

MEMORANDUM

TO: Principals, Assistant Principals, and Principals' Secretaries

**FROM: Dennis F. Dunn, Interim Assistant Superintendent
Human Resource Services
José Farinas, SPHR, Director of Employee Relations**

**SUBJECT: Dismissal of Instructional Employees during their Probationary
Contract Period**

Effective July 1, 2011 a new Florida Statute (§ 1012.335) states that instructional personnel (teachers) hired on or after July 1, 2011 will have a one-year probationary period. This replaces the old "97-Day" probationary period. The differences between the old and new laws are that the probationary period has been extended from 97-days to one year, and that instructional personnel will be subject to a probationary period **each time** he/she is rehired after a break in service.

New Florida Statute § **1012.335** entitled "**Contracts with instructional personnel hired on or after July 1, 2011**" states:

(1) *DEFINITIONS.—As used in this section, the term:*

(c) *"Probationary contract" means an employment contract for a period of 1 school year awarded to instructional personnel upon initial employment in a school district. Probationary contract employees may be dismissed without cause or may resign without breach of contract. A district school board may not award a probationary contract more than once to the same employee unless the employee was rehired after a break in service for which an authorized leave of absence was not granted. A probationary contract shall be awarded regardless of previous employment in another school district or state.*

(2) *EMPLOYMENT.—(a) Beginning July 1, 2011, each individual newly hired as instructional personnel by the district school board shall be awarded a probationary contract. Upon successful completion of the probationary contract, the district school board may award an annual contract pursuant to paragraph (c)."*

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Be advised that you have the authority to implement this provision for instructional employees hired on or after July 1, 2011. **The principal must personally meet with each employee being released in order to notify him/her of the decision.** If they so request, employees may have a union representative present; however, remember that this is not a disciplinary meeting.

You are not required to share a reason beyond your assertion that per Florida Statute § 1012.335 they are being dismissed during their probationary period. Please remember that should you find yourself in a legal setting where you are required to justify why an employee was released, you must be able to produce documented reasons that are legally defensible.

The principal/supervisor must submit an electronic Personnel Action Form (e-PAF) as well as a completed "Dismissal of Instructional Employee During Probationary Contract Period" form (see attachment) via fax (534-0737) or courier Route E to Cynthia Sprouse, Employee Relations Specialist in the Human Resource Services Division.

Note: The school/worksite payroll secretary is responsible for entering Absence Code OI52 "Leave Without Pay" in SAP HR-CATS for every day not worked by the employee before the School Board's approval of the employee's Probationary Period termination.

If you have any questions concerning these issues, please contact José Farinas, Director of Employee Relations. We appreciate your cooperation in this matter.

Attachment: Dismissal of Instructional Employee During Probationary Contract Period Form

c: Sherrie B. Nickell, Ed.D.
David Lewis, Associate Superintendent, Learning
Ann Tankson, Associate Superintendent, School Based Learning
Assistant Superintendents
Senior Directors
Directors
Human Resource Services

Note: All HRS Memos are available in Outlook>Public Folders>All Public Folders>Human Resource Services> HRS Memos or www.polk-fl.net - Keyword: HR Memos