



SCHOOL BOARD OF POLK COUNTY

P.O. BOX 391
BARTOW, FLORIDA 33831

1915 SOUTH FLORAL AVENUE
BARTOW, FLORIDA 33830

(863) 534-0781 • FAX (863) 534-0737

September 1, 2009

Board Members

CHAIRMAN
FRANK J. O'REILLY
DISTRICT 1

LORI CUNNINGHAM
DISTRICT 2

HAZEL SELLERS
DISTRICT 3

DICK MULLENAX
DISTRICT 4

KAY FIELDS
DISTRICT 5

MARGARET A. LOFTON
DISTRICT 6

TIM HARRIS
DISTRICT 7

C. WESLEY BRIDGES, II
General Counsel

Administration

GAIL F. MCKINZIE, Ph.D.
Superintendent

HRS #10-004

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

MEMORANDUM

TO: Principals, Assistant Principals, and Principals' Secretaries

**FROM: Ron Ciranna, J.D., Assistant Superintendent
Human Resource Services**

José Farinas, Director of Employee Relations

**SUBJECT: Dismissal of First Year (Initial Hire) Annual Contract Teachers
Within Their 97-Day Probationary Period**

Florida Statute 1012.33 (3)(a) 4. entitled "Contracts with Instructional Staff, Supervisors and Principals," states:

"For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract."

This language only applies to first year annual contract teachers (initial employment with Polk County Schools).

Be advised that you have the authority to implement this provision for any new teacher (first year with Polk County Schools) at your school. **The principal must meet with the teacher being released in order to notify him/her of the decision.** The employee may have a union representative present if one is available at the time of the meeting. Remember that this is not a disciplinary meeting.

You are not required to share any reason with the employee beyond your assertion that per Florida Statute 1012.33 he or she is being dismissed during his or her probationary period (first 97-days of initial employment with Polk County Schools). Please remember that should you find yourself in a legal setting where you are required to justify why a teacher was released, you must be able to produce documented reasons that are legally defensible.

HRS Memo #10-004
September 1, 2009

Monitoring the initial date of hire and the 97th day of work is the responsibility of the hiring principal. Days are work days, not calendar days. The School Board must vote on said dismissal prior to the 97th day at its January 12, 2010 meeting.

With a first contract day of August 17, 2009 (Teacher work day) on the District Calendar, the 75th day is December 2, 2009 and the 97th day is January 14, 2010.

Therefore, the principal must submit an electronic Personnel Action Form (e-PAF) as well as a completed "Dismissal of Instructional Employee During 97-Day Probationary Period" form (see attachment) via fax (534-0737) or courier, to Cynthia Sprouse, Personnel Assistant in the Employee Relations Department of the Human Resource Services Division, prior to the conclusion of the employee's 75th contract day (**December 2**). Please note that this is a firm deadline; therefore, do not put the form in the courier on the 75th day and expect that it will be processed.

Note: The school/worksite payroll secretary is responsible for entering absence code OI52 "Leave Without Pay" in HR-CATS for every day not worked by the teacher before the School Board's action occurs for the teacher's 97-Day 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 97-Day Probationary Period

c: Dr. Gail F. McKinzie
Dr. Sherrie Nickell
Dr. Bruce Tonjes
Senior Directors
Directors
Human Resource Services



SCHOOL BOARD OF POLK COUNTY

P.O. BOX 391
BARTOW, FLORIDA 33831

1915 SOUTH FLORAL AVENUE
BARTOW, FLORIDA 33830

(863) 534-0781 • FAX (863) 534-0737

MEMORANDUM

Board Members

CHAIRMAN
FRANK J. O'REILLY
DISTRICT 1

LORI CUNNINGHAM
DISTRICT 2

HAZEL SELLERS
DISTRICT 3

DICK MULLENAX
DISTRICT 4

KAY FIELDS
DISTRICT 5

MARGARET A. LOFTON
DISTRICT 6

TIM HARRIS
DISTRICT 7

C. WESLEY BRIDGES, II
General Counsel

Administration

GAIL F. McKINZIE, Ph.D.
Superintendent

TO: Ron Ciranna, J.D.
Assistant Superintendent, Human Resource Services

FROM: _____
Principal

School

**SUBJECT: DISMISSAL OF INSTRUCTIONAL EMPLOYEE
DURING INITIAL 97-DAY PROBATIONARY PERIOD**

I recommend the dismissal of _____, SAP ID# _____, who is within the first 97 workdays of his/her probationary period as an initial annual contract teacher. I have met with the teacher and informed him/her of my recommendation.

Florida Statute 1012.33 (3)(a) 4. entitled "Contracts with Instructional Staff, Supervisors and Principals," states:

"For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract."

As an initial Annual Contract teacher, the individual below is aware that he/she may reapply for other vacancies within the District.

Date

Principal's Signature

The teacher being dismissed has either signed this document, or a witness has signed indicating that the teacher declined an opportunity to sign.

Initial Annual Contract Teacher

Witness (Signature and Title)

c: _____, Senior Director
José Farinas, Director of Employee Relations
File: Last six digits of Teacher's Social Security number _____