



# Back to school basics

- Pencils ✓
- Paper ✓
- Textbooks ✓
- Lesson plans ✓
- Bus routes ✓
- Cleaning supplies ✓
- Knowledge of your contract and legal protections ✓

It's the beginning of a new school year. New faces fill the hallways. New lessons are taught. New standards and expectations are shared. Possibilities are endless. Although you may not have any pressing concerns about nonrenewals, terminations or other employment-related issues, now is the perfect time to consider these 10 guidelines in order to avoid potential problems during the year:

### **Maintain your boundaries with students.**

Unfortunately, far too many educators and school employees forget their roles. Remember that you are in a position of trust. Do not do or say anything to a student that you would not say or do in front of their parents. Failure to maintain appropriate relationships with students could result in job action and/or discipline against your license, certificate or permit.

### **Be aware of how and when you communicate with students.**

The use of newer technologies presents certain challenges. Email and text messages allow quicker and, in some cases, immediate access to educators. Immediate access is not always better. It is difficult to defend a questionable communication that occurred at midnight on a Saturday. Email and text messages can be tracked and used as evidence in disciplinary hearings by your employer or the Ohio Department of Education (ODE). In addition, resist the temptation to be less formal via email and/or text message. These messages can easily be taken out of context and manipulated.

### **Read your entire contract.**

It is your guide to your rights in your district, MRDD, etc. While you may have additional statutory

protection, the first line of defense always lies within the four corners of your collectively bargained agreement (CBA) between your employer and your local association. For example, your CBA may state that you can only be nonrenewed for cause, giving more protection than statute.

### **Know your grievance timelines.**

Your CBA will outline the process to be used to address violations of the contract, including the timelines for filing a grievance and moving it through the grievance process. If you miss a timeline at any stage of the grievance process, you may have no remedy for the violation of the contract, if your contract supersedes the law. Work with your local association leadership to address problems and access the grievance process. Your Labor Relations Consultant is also available to assist your local association.

## **Report suspected child abuse.**

Under Ohio law, all school and MRDD employees have a duty to report to the local law enforcement agency or child services agency when he or she “knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect...” R.C. 2151.421. Making a report to the administration does not satisfy your obligation under the law. You must make the report to one of the designated agencies. Individuals who in good faith report such known or suspected child abuse have criminal and civil immunity for injury or loss to person or property as a result of the report.

## **Read the new Licensure Code of Professional Responsibility (Code).**

On March 11, 2008, the State Board of Education (SBE) adopted the Code into policy. It did not change current state law. The Code outlines what the SBE considers to be “conduct unbecoming” which is subject to discipline by the SBE through ODE. The SBE has the authority to take action against a person’s license, certificate or permit. If you are accused of professional misconduct, you have all due process rights guaranteed by law. In addition, the Code does not change the disciplinary process under your CBA. However, the underlying conduct may subject you to discipline by your employer as well.

## **Review your personnel file.**

A majority of the items in your personnel file are public records, which means that anyone can request a copy of this file. Certain items such as Social Security numbers must be removed from any document prior to its release. Disciplinary actions taken, such as letters of reprimand, usually can be found in the personnel file. It may be possible to have inappropriate items removed from your personnel file, depending on the item. Often, the ODE requests a copy of an individual’s personnel file when it begins an investigation into alleged misconduct.

## **Do not use the school’s computer to access inappropriate websites or check personal email during the workday.**

In most cases, the administration can track the time and frequency of Internet access. Know your employer’s computer use policy. You may have been asked to read and sign it. Violating the policy may also be grounds for discipline, up to and including termination.

## **Request union representation when called into a meeting with your supervisor that may result in discipline.**

Do not waive this right even if you believe you have done nothing wrong. The association representative will be a witness to the meeting and will be able to assist you in determining the appropriate next steps, which may include filing a grievance or accessing legal services.

**Although nothing can guarantee that you will never find yourself in a difficult employment situation, these general guidelines should help minimize your risks.**

## **Make sure that all necessary employment requirements are in order.**

When does your license expire? Are you on track for the completion of any renewal requirements? Have you completed any necessary background check? Failure to complete these requirements could result in job loss or employment action. A district cannot pay an individual who is not licensed, and recent legislation will allow the ODE to inactivate an individual’s license for not completing the required background checks.

Although nothing can guarantee that you will never find yourself in a difficult employment situation, these general guidelines should help minimize your risks. If you have questions about your contract or a specific employment situation, contact your Labor Relations Consultant.

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