

**SUBJECT: PROCEDURES FOR THE
NON-INSTRUCTIONAL 97 DAY
PROBATIONARY RELEASE**

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I. INTRODUCTION:

The purpose of this bulletin is to identify the necessary steps and procedures required by The 97 DAY Statute: Florida Statute Section 1012.33(1)(b) states: *“A supervisor or school principal shall be properly certified and shall receive a written contract as specified in this section. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal. The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract.”*

II. PROCEDURES

A. VERIFY CONTRACTUAL WORKDAYS

Contractual work days are used for this calculation. Using the employee’s official bargaining unit date, or official start date, count 97 workdays to determine the exact probationary period.

B. DETERMINE WHO IS ELIGIBLE FOR THE 97 DAY RELEASE

The 97 day probation period applies to administrators new to an supervisory position:

1. Who are newly hired in Broward County even if they have previous administrative experience.
2. Who previously resigned during a 97 day probationary period and have attained a new administrative position.
3. Who previously were released during the 97 day probationary period, had a break in the administrative service, and attained a new administrative position.

C. ACTIONS TO TAKE DURING THE PROBATION PERIOD

It is strongly recommended that supervisors implement the following during the probation period:

1. Clearly delineate job expectations upon hire.
2. Develop, assist, and support new hires to assure success in meeting work related expectations.

D. IMPLEMENTING A PROBATIONARY RELEASE:

When recommending termination of an employee’s contract during the 97 day probation period, the supervisor must adhere to the following:

1. CONFIDENTIAL/NEED TO KNOW

A. Ensure that the employment actions being taken are confidential and discussed on a need to know basis.

2. CONTACT EVALUATION COORDINATOR

Within the first 75 contract days, contact your designated Evaluation Coordinator for consultation.

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3. INFORM DIRECT SUPERVISOR

Meet with and inform direct Supervisor of intent to release employee.

4. SECURE APPROPRIATE SUPERINTENDENT SIGNATURE

Prior to implementing a 97 day release, submit the 97 day letter (on location letterhead) to your Area Superintendent or Executive Leader for signature.

E. RECEIVE LETTER WITH AREA SUPERINTENDENT'S OR EXECUTIVE LEADER'S SIGNATURE

After the letter with the Appropriate Superintendent's signature is returned, you are ready to meet and conference with the employee.

F. NOTICE

Request that the employee meet with you. You do not need provide any notice. You may call the employee into your office on the day that you plan to terminate. (It is recommended that this meeting occur at the end of the work day.)

G. REPRESENTATION

If requested, and at the discretion of the supervisor, the employee may have a representative present at the time of the meeting. This meeting may not be delayed or rescheduled as a result of the employee asking for representation.

H. CONFERENCE WITH EMPLOYEE

Conference to notify the employee of your decision to recommend a probationary termination under the provisions of the 97 day law. Inform the employee that he/she has the option under the law to resign. You may not compel the employee to resign in lieu of termination. (Note: *This is a "no cause" termination; therefore, you do not provide a reason. If you state a reason for termination, you provide cause. You may only state that his/her employment is "not a good match."*) If:

1. EMPLOYEE RESIGNS

A. If the employee exercises the option to resign in lieu of termination, you must accept the resignation.

B. The employee's last day of work is the date of the resignation.

C. The employee completes a letter of resignation.

D. The Letter of Resignation must be faxed to the appropriate Superintendent and Non-Instructional Staffing, along with the unsigned 97 day letter immediately.

1. Non-Instructional Staffing will see that the employee resigned in lieu of termination.

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2. EMPLOYEE IS TERMINATED USING THE 97 DAY LAW

A. If the employee does not resign and you exercise your right to recommend termination, present the 97 day letter with the Appropriate Superintendent's signature to the employee for his/her signature and date indicating that he/she is being recommended for termination within his/her 97 day probation period.

B. Inform the employee that the recommendation for dismissal will take place at the next available Board meeting.

C. A refusal to sign must be witnessed by another administrator or confidential clerical.

D. Fax the 97 day letter to the appropriate Superintendent and Non-Instructional Staffing.

E. The employee will remain on your payroll and actively employed until such time as the School Board acts upon and approves the recommendation to probationary release the employee. The work location for the employee is determined between the Area Office and the supervisor.

F. Non-instructional staffing and Instructional staffing will work together to have the employee placed back into an instructional position.

I. 97 DAY EMPLOYEES WHO REAPPLY WITHIN THE DISTRICT

Employees who are terminated or who resign during the 97 day probation period will need to complete an application to apply for any posted, vacant positions with The School Board of Broward County, Florida for which they are qualified. The employee is not placed in any Marginal File because he/she is terminated without cause.

III. REPORTING REQUIREMENTS

A. FORM COMPLETION

1. The Evaluation Coordinator gives the supervisor two forms, the 97 Day Release form and the resignation letter.
2. The supervisor puts the 97 Day Release letter on his/her school stationery (the resignation letter may stay on a plain letterhead).
3. Upon meeting with the supervisor for the 97 Day Release, the employee signs the appropriate document.
4. The form(s) are faxed to Non-Instructional Staffing.

BUSINESS PRACTICE BULLETIN
The School Board of Broward County, Florida

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DATE: JULY 1, 2008

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IV. DISTRIBUTION

All evaluation forms and procedures must be made readily available to all supervisors.
These documents will be housed on the website:
<http://www.broward.k12.fl.us/evaluationcoordinators/>

V. EXHIBITS

A. 97 Day Release Letter

Supersedes:
N/A New Business Practice Bulletin

Issued By:
Evaluation Coordinators

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**SUBJECT: PROCEDURES FOR THE
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Exhibit A

(INSERT DATE)

TO: Director, Non-Instructional Staffing

FROM:

SUBJECT: **RECOMMENDATION FOR TERMINATION OF EMPLOYMENT
OF NON-INSTRUCTIONAL EMPLOYEE
DURING THE 97 DAY PROBATIONARY PERIOD**

In accordance with Florida Statute 1012.33(1)(b), I recommend the termination of employment of _____, (insert personnel number) who is within the first 97 probationary workdays as an initial annual contract administrator. Please note the approval of my Area Superintendent or Executive Leader.

The affected employee has either signed this document or a witness has signed indicating that the employee declined an opportunity to sign.

Please take the necessary steps to implement this recommendation and place the above named employee on the next available School Board Agenda for approval of his/her probationary release.

By way of this memorandum, the affected employee's signature or witness's signature confirms that the employee has selected termination of employment in lieu of resignation and has been duly notified that a recommendation for termination of employment during the probationary period will be made at the next available School Board meeting. This document will be placed in the affected employee's personnel file.

Area Superintendent/Executive Leader Affected Employee/Date Witness

- c: Employee
- Area Superintendent/Executive Leader
- Area Director
- Evaluation Coordinator
- Personnel Records

Supersedes: N/A New Business Practice Bulletin	Issued By: Evaluation Coordinators
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