

# BEST PRACTICES

**KEEP ACCURATE AND ONGOING RECORDS OF STUDENT DISCIPLINE.**

**TAKE AND KEEP NOTES OF ALL PARENT AND ADMINISTRATOR MEETINGS.**

**BE CAUTIOUS WITH WHAT YOU POST OR SHARE ON SOCIAL MEDIA.**

# USE YOUR WEINGARTEN RIGHTS

*“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative be present.”*

SCOTUS Decision: NLRB v. Weingarten, Inc.  
420 U.S. 251 (1975)



Developed by the Professional Rights & Responsibilities Committee of CTA's State Council with the assistance of CTA's Legal Department.

This pamphlet provides general information about your rights to assist you in critical situations. It does not provide legal advice.

LEARN MORE: [cta.org/yourrights](https://cta.org/yourrights)



# MINI-GUIDE EDUCATOR'S RIGHTS

*Know your rights! Use your rights!*



## IN THE CLASSROOM

Educators have authority to determine student grades.  
*Education Code (EC) 49066*

A school employee may take any injurious object away from any student while on school premises or under the authority of school personnel. *EC 49331*

By law, educators must be confidentially informed of each student who engaged in, or is reasonably suspected of, acts that are grounds for suspension or expulsion, within the past three years. *EC 49079*

Educators may suspend students from class for the day of suspension and the following day. Ask the parent or guardian to attend a conference regarding the class suspension as soon as possible.  
*EC 48910*

## WITH ADMINISTRATORS

Ask what a meeting's purpose is before attending.

Assert the right under Weingarten and EERA to union representation in meetings that have the potential to lead to discipline.

Stop a meeting that has become disciplinary in nature until union representation arrives.

Request unusual directives in writing before complying.

Refuse to give explanations and/or submit a written statement until after consulting with a union representative.

Remain silent and consult a lawyer if accused of conduct that could lead to criminal prosecution.

## PARENTS/GUARDIANS

Parents/guardians are liable for their minor children's willful misconduct that causes injury to person and/or property. *EC 48904, 48905*

A parent or guardian who materially disrupts a class or school activity is guilty of a misdemeanor. *EC 44811*

Immediately stop and demand the attendance of a union representative or administrator if a parent or guardian meeting becomes unpleasant.