

Developed by the Professional
Rights & Responsibilities
Committee of CTA's State
Council with the assistance of
CTA's Legal Department.
(650)552-5425

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



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)*



MINI-GUIDE TO TEACHERS' RIGHTS

This is what you need to know.



BEST PRACTICES:

Keep accurate and on-going 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.

IN THE CLASSROOM TEACHERS HAVE THE RIGHT TO:

Make the final decision as to student grades.
EC 49066

Seize any injurious object from any student while on school premises or under the authority of school personnel.
EC 49331

Be 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

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

WITH ADMINISTRATORS TEACHERS HAVE THE RIGHT TO:

Ask what a meeting's purpose is before attending.

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

Not sure what to say? See back of brochure.

Stop a meeting that has become disciplinary in nature until 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.

CONCERNING PARENTS OR 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.