Mini-Guide to Teachers' Rights
This is what you need to know.

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)
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.

**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.

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.