

The HASA Legal Defense Assistance Plan When You Need It Most



Free With Membership

January 2002

**GENERAL PROVISIONS OF
THE HASA LEGAL DEFENSE ASSISTANCE PLAN**

- Free with membership.
- No hassle. One telephone call to the HASA Executive Director needed for approval.
- Free consultation with HASA attorney
- After free consultation, members may select their own private attorney.
- Deal directly with HASA; this is not an insurance policy, but a reserve cash fund that pays up to \$2,500 per incident on a matching basis.
- Incidents must be work related.
- This is a defensive plan where the member is defending against an adverse action taken against him/her.
- The Plan pays only for legal fees. Judgments and punitive awards are not covered.
- HASA pays whether member is found liable or not liable, and if policies, rules, procedures and/or laws were violated.
- Member will be reimbursed for legal fees on a matching basis, up to \$2,500, upon presentation of attorney's bills.
- HASA pays per incident, until dollar cap is reached.
- Members must be in good standing (dues are paid) at the time of the incident and remain in good standing throughout the resolution of the incident and payment by HASA.

ADMINISTRATIVE CONCERNS

School and district level administrators throughout the state are challenged. Jobs are being threatened and administrators are often faced with serious decisions. In this age of litigation, these decisions can result in legal consequences.

Private attorneys average \$200 per hour for non-trial representations.

Will the school board attorney represent you?

Will you be prepared if you have to protect yourself from threats against your certificate (such as revocation or suspension)?

Consider the realm of possibilities: demotions; transfers; dismissals; reprimands; negative personnel file documents; salary disputes; contract status; budget cuts; administrative re-assignments; official charges of misconduct; inquests; job suspensions; hearings; depositions; probable cause investigations; and lawsuits and appeals.

THE IMPORTANCE OF LEGAL PROTECTION?

Most requests for legal help from administrators arise from day-to-day on the job performance. Legal protection from the school board or from professional liability insurance usually protects the school board or the insurance companies from huge judgments or damages awarded to plaintiffs. School Boards are required to reimburse legal service fees to an employee who is charged with a civil or criminal action arising from, and in the course of, performance of official duties (s. 230.234 F.S.). The administrator, however, must prevail and cannot have pleaded guilty or nolo contendere.

Local school board policies typically include other limitations such as the administrator must have complied with all laws, regulations, and school board policies, exercised reasonable and prudent judgment, and that action of the administrator shall not have been willful or wanton. The school board is not required to defend the charged administrator for administrative or punitive discipline that might arise from a civil or criminal suit that is settled favorably or unfavorably. An example of this situation can arise when an administrator is charged and suspended pending dismissal or other punishment on charges of immorality, misconduct in office, incompetence, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

Even if an administrator is found not guilty in a court of law, or is recommended for reinstatement after a formal hearing,, the Florida Department of Education may, upon determining “probable cause” refer to the Professional Practices Commission. The committee can suspend or revoke the state certificate or impose other punishment. The administrator might be falsely accused of an act that can bring proceedings from the accuser, the school board, and the Florida Department of Education.

CONTACTS

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2002 HASA Executive Board

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Note: The HASA Legal Defense Assistance Plan will be reviewed on an annual basis. Renewal of the program will require approval of the HASA Board of Directors each year.