

ARTICLE 9
STUDENT SUPPORT, DISCIPLINE & SAFETY

The District and Association are committed to an approach for student conduct and discipline that aligns with the PPS Vision and utilizes research based in Racial Equity and Social Justice, Restorative Justice, Trauma Informed and Culturally Sustaining Practices to minimize the use of exclusionary discipline and to maximize instructional time, while repairing harm done within the school community. Student success will not be predicted nor predetermined by national origin, race, culture, ethnicity, sex, language, socio-economic status, mobility, sexual orientation, disability, and/or religion. Student behavior is a communication of unmet needs, and makes sense when put in context. The disciplinary response process should be aimed at meeting these needs and create an environment that helps students find new ways to meet their needs. With this belief PPS will begin to move from exclusionary discipline to Restorative Practices for all Pre-K to 12th grades. These practices paired with meaningful and accessible instruction and guidance offer students and staff the opportunity to learn, grow and contribute to the school community.

9.1 Professional Educator Authority and Protection

The following sources for determining professional educator authority and protection shall be provided for an Association representative in each building:

- 9.1.1.1 Oregon Statutes on Discipline, Attendance and Exclusion of Students, Chapter 339 Oregon Revised Statutes;
- 9.1.2 Current District Disciplinary Procedures: *The Student Rights and Responsibilities Handbook and Guide*;
- 9.1.3 All administrative directives which are for the general knowledge of professional educators including building handbooks/rules; and
- 9.1.4 “Policies and Regulations” **of the Board related to student discipline.**

It is recognized that there may be normal delays between the time of adoptions and delivery of such materials to the building.

9.2 Definitions

For the purposes of this article, the following definitions shall apply, **taking into account a student’s age and developmental abilities:**

- 9.2.1 Physical Attack/Harm: Intentionally **violent contact and/or** touching (~~e.g.: poking, pinching, pushing~~) or striking of another person against **their his or her** will or intentionally causing bodily harm to an individual.
- 9.2.2 Threat/Causing Fear of Harm: Physical, verbal, written or electronic action which immediately creates **an objectively reasonable fear** of harm, without displaying a weapon and without subjecting the victim to actual physical attack. **Threats may take many forms including verbal, gestural, written, electronic, or through a third person.**

9.3 Student **Support and** Discipline

- 9.3.1 The principal, supervisor or professional staff designee with input from the staff shall include the following minimum procedures in developing a written student **support discipline** plan. Such procedures shall exist in each building or program. The process must be in accordance with District policies and regulations and State law.
 - 9.3.1.1 Use by the professional educator of individual independent in-class expectations, rules, and plans for **classroom student** management, in conformance with the building’s **School**

Climate Plan discipline plan.

- 9.3.1.2 That a professional educator may ~~refer~~ **remove** a student from class who is disrupting the educational program in a manner requiring immediate action by the professional educator, or who has exhibited a pattern of disruptive behavior **after repeated and documented Tier 1 interventions, to the Principal or their designee, and send the student to a location designated by the principal. In such situations, the professional educator shall complete a referral. Referral to the Principal/designee shall not include needed breaks for students, brief reset and reteaching conferences with students, predetermined time-limited self-regulation strategies, and restorative practices. In such situations, an educator may will document the behavior with a level 1 referral.**
- 9.3.1.3 That the principal, supervisor or ~~their~~ **his/her** designee shall, at the professional educator's request, confer with the professional educator without disrupting the professional educator's classes. **Communication to the professional educator** ~~Such conference~~ generally shall take place prior to returning the student to class unless the principal, supervisor or ~~their~~ **his/her** professional designee is not available, in which case the conference shall take place when the principal, supervisor or professional designee becomes available.
- 9.3.1.4 That a procedure shall exist for **handling supporting** students removed from class when the principal, supervisor or professional designee is out of the building and, therefore, not available for a conference required by the professional educator. Such procedure shall provide that only professional personnel shall have a decision-making role in the **handling supporting** of such students.
- 9.3.1.5 That if **unacceptable disruptive** student behavior continues, at either's request, the principal, or supervisor, and the professional educator shall develop and implement a mutually acceptable behavior ~~support correction~~ plan (**Functional Behavior Analysis (FBA)/Behavior Support Plan (BSP), Safety Plan, Supervision Plan**) involving, as appropriate, the principal, supervisor, professional educator, student and parent(s) and other resource staff. **The plan must take into consideration the impact of issues related to the student's trauma, race, gender identity/presentation, sexual orientation, disability, social emotional learning, and restorative justice as appropriate for the student.** The plan could include, but would not be limited to, behavior contracts, ~~SIT special education~~ referral, involvement of appropriate community agencies, use of **time-out rooms reset/self-regulation spaces** or other activities. The plan shall include the specific areas of concern to be addressed, a timeline for completion, and the responsibilities of the student, professional educator, administrator and others.
- 9.3.1.6 If the support plan does not result in a change in the disruptive behavior, the administrator in conference with the professional educator will take additional steps as may be appropriate which are consistent with and guided by the *Students' Rights and Responsibilities Handbook/Guide*. Each professional Educator shall be allowed to write referrals for any student under ~~their~~ **his/her** supervision at any stage of the referral process. **The administrator receiving the referral shall provide feedback within a reasonable period of time, generally defined as within three (3) school days.** Professional educators shall have access to referrals written by them and shall be able to track or receive documentation of the disposition of the referrals.
- 9.3.1.7 An allegation that a student has committed Threat/Causing Fear of Harm or Physical Attack/Harm upon a professional educator shall result in the **temporary** removal of the student from the responsibility of the professional educator pending administrative investigation of the incident, **consistent with state and federal law.** The administrator shall **follow the adopted discipline policies to inform their next steps for the student utilizing all information from the investigation. exercise appropriate progressive discipline as set forth above. If the investigation shows Physical Attack/Harm did occur and the professional educator so recommends, the student shall not be returned to the affected professional educator's**

responsibility.

9.3.1.8 In accordance with **Oregon law the Students' Rights and Responsibilities Handbook/Guide**, any student who has been involved in a violation of state or federal law regarding **firearms weapons** at school shall be immediately suspended pending administrative investigation. If the investigation confirms that the student was in violation of state or federal law regarding weapons at school, the student shall be reported to the appropriate law enforcement agency. The student shall be expelled from school for a period of not less than one calendar year **for possession of a firearm in accordance with ORS 339.250(7)**. The Superintendent or the Deputy Superintendent may modify the disciplinary consequences on a case-by-case basis.

9.3.1.9 Any student found to have committed Threat/Causing Fear of Harm or Physical Attack/Harm upon a professional educator shall be immediately subject to appropriate discipline in accordance with the *Students' Rights and Responsibilities Handbook/Guide*. ~~However, there shall be a minimum of five (5) days suspension for a Threat/Causing Fear of Harm and mandatory expulsion for the remainder of the year for Physical Attack/Harm. The Superintendent or Deputy Superintendent may modify the disciplinary consequences on a case-by-case basis. A report of the modifications of disciplinary consequences shall be provided to the Superintendent at least twice a year.~~

~~For PK-5 students, the minimum five (5) day suspension for Threat/Causing Fear of Harm shall not apply; however, an intervention shall occur and the Threat/Causing Fear of Harm will be documented. If the Threat/Causing Fear of Harm rises to the standard in law, a suspension may be allowed.~~

9.3.1.10 Any student making a serious or menacing threat of harm to the person, property or family members of a professional educator shall be immediately subject to appropriate discipline in accordance with the *Students' Rights and Responsibilities Handbook/Guide*.

9.3.2 Culturally Responsive Tiered Fidelity Inventory (CR-TFI)

9.3.2.1 The building discipline procedure (School Climate Plan) is under continuous review in a process as outlined in a District approved Inventory of Multi-Tiered System of Supports (e.g.: Tiered Fidelity Inventory (~~TFI~~ **TFI**)).

9.3.2.2 Copies of the specific building discipline procedures/school climate **handbook plan** shall be clearly communicated to all staff during Professional Development (PD) before the start of each school year. Copies of the specific building procedures/school climate **handbook plan** shall be distributed to students and families by the end of the first week of school. Copies shall also be posted online on the school's website. **Individual buildings shall consider how to make the handbook accessible to families in consideration of languages spoken at home.**

9.3.2.3 The District shall ensure that all School Climate **Handbooks Plans** are in accordance with the District/PAT Collective Bargaining Agreement, District policy, and State and Federal laws.

9.3.2.4 The District shall ensure that all schools shall maintain a School Climate Team. Each member of the School Climate Team will complete training and the District shall provide substitutes as necessary when this training is taking place.

9.3.2.5 The District shall ensure that all schools establish and maintain a process to identify and implement school wide expectations (as contemplated by the CR-TFI) with students, teachers, and families using the following components of the CR-TFI as a guide:

a. 1.3 – Behavioral Expectations

- b. 1.10 – Faculty Involvement
- c. Student/Family/Community Involvement
- 9.3.2.6 Using 1.10 (Faculty Involvement) and 1.11 (Student/family/Community Involvement) of CR TFI, the District shall direct all schools to continue working towards the level of “Fidelity” in their Tier 1 work.
- 9.3.2.7 The District shall ensure that supports are available to facilitate this work including but not limited to:
 - a. Scheduled trainings **the district-designated online learning platform. on the Learning Campus** (required)
 - b. Funds available, **as circumstances allow**, to provide site-based trainings **(e.g., implicit bias, antiracism, and culturally responsive practices)** and provide sub coverage for staff, as well as extended hours to participate in identified professional development opportunities
 - c. ~~MTSS School Climate~~ TOSA for development and follow-up
 - d. Professional development time before the first student day designated to update staff on past climate plan work and to review school wide expectations
 - e. At least an hour a month in staff meetings designated to **school-related MTSS PD (SEL, RJ, Equity, PBIS, SIT, Tiered Support, PLC PD, etc.) building climate team work**.
- 9.3.2.8 The District shall direct Office of School Performance (OSP) Leadership to seek monthly updates of school process implementing the CR-TFI.
- 9.3.2.9 The District shall facilitate in-depth training for new building administrators on CR-TFI.
- 9.3.2.10 In the exercise of authority by a professional educator to **control and maintain an environment that is conducive to teaching and learning order and discipline**, the professional educator may use reasonable and professional judgment concerning matters not provided for by specific policies adopted by the Board and/or federal and state laws or regulations.

9.4 Behavioral Supports

- 9.4.1 The purpose of the District-level program of behavioral supports and strategies is to foster a sense of **agency, self-efficacy, and belonging a safe and supportive environment** for students and professional educators. This will be accomplished through the implementation of a multi-tiered system of support, and other practices and engagement strategies.
- 9.4.2 The work of the ~~Department of Student Support Service (DSSS)~~ **Office of Student Support Services** will include:
 - 9.4.1.1 Overseeing and assessing the behavioral support needs of the District;
 - 9.4.1.2 Building capacity within each school/program by working collaboratively with professional educators, building principals, and OSP Leadership;
 - 9.4.1.3 Reviewing school-based behavioral Tier 1 and Tier 2 supports in place at the school and in classrooms.
 - 9.4.1.4 Identifying appropriate Tier 2 and Tier 3 evidence-based behavior interventions to support schools.

- 9.4.1.5 Stabilizing critical situations for students and professional educators in a temporary capacity, until recommendations for support are communicated to the building principal, ~~Tiered Supports Team~~ and OSP Leadership.
- 9.4.3 The ~~DSSS OSSS~~ shall include a district-level **Tier III Rapid** Response Team (~~RRT~~) which shall be tasked with overseeing and assessing the support needs of the District with a special focus on students, teachers, and buildings as a whole.
- 9.4.4 The responsibilities of the **Tier III Rapid** Response Team (~~RRT~~) include but are not limited to:
 - 9.4.4.1 Stabilizing crisis situations for student and professional educators;
 - 9.4.4.2 Determining what existing personnel in the District and in the building can do to meet the support needs of students and professional educators identified by the team; and
 - 9.4.4.3 Determining when additional personnel and/or resources are needed to meet the support needs of students and professional educators identified by the team.

~~9.5 Full Continuum of Special Education Services~~

~~The District shall maintain a full continuum of special education services and sufficient seats in a variety of programs to meet students' identified special education needs. [MOVE TO ARTICLE 8, SECTION 8.10]~~

9.6 Personal Injury Benefits and Property Loss

- 9.6.1 Any case of Physical Attack/Harm or Threat/Causing Fear of Harm upon a professional educator while acting within the scope of **their his/her** duties shall be promptly reported in writing to the immediate supervisor who shall forward a copy to the appropriate Central Office Administrator and the Superintendent for investigation and resolution.
- 9.6.2 The District will create and maintain a packet of materials for professional educators who experience ~~a physical~~ a physical attack/harm at work. Items in this packet will include but not be limited to information about workers' compensation, the collective bargaining agreement, leaves of absence, insurance benefits, and the employee assistance program.
- 9.6.3 The District shall reimburse professional educator for loss of or damage to personal property excluding the professional educator's automobile under the following circumstances:
 - 9.6.3.1 when the loss is a result of any Physical Attack/Harm or Threat/Causing Fear of Harm on the professional educator's person suffered during the course of employment.
 - 9.6.3.2 property stolen or damaged by the use of forcible entry on a locked container. Every school shall provide a secure and lockable location for professional educators to use for such storage.
 - 9.6.3.3 loss of the professional educator's work-related equipment when the use of that equipment has been approved in writing by the principal/supervisor providing that the equipment was stored in a locked container when otherwise not in use.
- 9.6.4 Reimbursement shall be at replacement cost (not exceeding actual cost) less any insurance or worker's compensation reimbursement. Reimbursement shall not be made for losses of less than Five dollars (\$5.00) or that portion in excess of one thousand dollars (\$1,000) and shall not be made when carelessness or negligence on the part of the professional educator was evident.
- 9.6.5 Professional educators shall cooperate and support the District in its investigation and resolution of

any reported loss. The District shall provide assistance in attempting to investigate and/or reclaim other stolen or damaged personal property including automobiles.

9.7 Safety

9.7.1 A professional educator shall have the right to refuse to expose **themselves himself/herself** to immediate danger created by an unsafe working condition when such danger threatens substantial bodily injury or would be a significant health hazard to the professional educator. The professional educator shall give notice of the condition to **their his/her** supervisor and shall be subject to assignment to another location or duty while the condition is being investigated and/or corrected. The District recognizes the responsibility to make every reasonable effort to enhance the security of buildings and grounds as may be required through the use of necessary lighting and other safety precautions. The District shall comply with all state and federal OSHA requirements to post notice when non-routine cleaners, paints, sealants, and other chemicals are to be used at the worksite and shall take all reasonable steps, in good faith, to post such notices even where not required by state or federal OSHA.

9.7.2 The District shall furnish employment and places of employment which are safe and healthful for professional educators, and shall furnish and use such devices and safeguards, and shall adopt and use such practices, means, methods, operations and processes as are reasonably necessary to render such employment and places of employment safe and healthful and shall do every other thing reasonably necessary to protect the life, safety and health of such professional educators.

9.7.3 The District shall assure that there are emergency protocols at all worksites (including non- district worksites where professional educators work. These protocols shall include procedures for supporting professional educators who experience Physical Attack/Harm and/or Threat/Causing Fear of Harm.

9.8 Field Trips

A professional educator may request additional supports for a field trip or other excursions to reasonably ensure the safety of all involved. The District will provide additional supports to special education students as specified in their IEPs.

9.9 Student Behavioral Records

9.9.1 Student behavioral records shall be accessible to the receiving professional educator.

9.9.2 School officials shall set up procedures so that information about students with records of violence including weapon violations shall be available, in accordance with the law, to members who “need to know” as a result of an assignment to teach or supervise the student.

9.9.3 Reports from county/state/city law enforcement/courts concerning student information that may inform professional educators about potential safety issues shall be shared on a need to know basis. The District shall maintain a system to distribute these alerts on an ongoing basis.

9.10 The District shall provide a legal defense and indemnification to professional educators arising out of tort claims for any alleged act or omission occurring in the performance of the professional educator’s duty in accordance with, but subject to, the limitations provided in ORS 30.285 and 30.287. Professional educators shall cooperate with the Board and counsel in connection therewith as provided in ORS 30.287(2).

9.11 All building handbooks shall be consistent with District policies concerning mandatory reports to the Department of Human Services (DHS). Principals shall not direct or encourage professional educators to make such reports with administration or others in lieu of reporting to DHS as required by law.