

ARTICLE 9 STUDENT SUPPORT, DISCIPLINE & SAFETY

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 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"

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:

- 9.2.1 Physical Attack/Harm: Intentionally **violent contact and/or** touching **that violates bodily autonomy** (e.g.: ~~poking, pinching, pushing~~) or striking of another person against ~~his or her~~ **their** will or intentionally causing bodily harm to an individual.
- 9.2.2 Threat/Causing Fear of Harm: A **behavior that indicates** an intention to cause injury to the body, property, or rights of another person. A threat is intended to cause fear in the person threatened **without displaying a weapon and without subjecting the impacted individual(s) to actual physical attack. Threats may take many forms including verbal, gestural, written, electronic, or through a third person.**

9.3 Key Elements:

The District and the Association acknowledge that:

Restorative Justice (RJ) is a philosophy which allows educators and students to focus on repairing harm through engaging all education stakeholders. RJ shifts the focus to learning through mediation and common agreements, and from the individual to the community. It is the basis of a long-term response to disruptive behavior and is effective when combined with MTSS prior to any disruption and with an appropriate use of the Student Rights and Responsibilities Handbook and Guide.

Multi-Tiered System of Support (MTSS) is a framework that includes Response to Intervention (RTI) and Positive Behavioral Intervention and Supports (PBIS) frameworks. MTSS is effective when used in conjunction with RJ and appropriate student discipline as defined in the Student Rights and Responsibilities Handbook and Guide.

Student Discipline is a response to student behavior that disrupts the learning environment. It is used as a short-term District response that is effective if used with MTSS prior to student disruption and in conjunction with RJ.

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The Association and District further acknowledge that no system, no matter how it is designed, can be effective unless it is implemented with fidelity across the entire school system. Therefore, the District shall annually train all existing and newly-hired professional educators in the District's school climate systems, including RJ, MTSS and appropriate use of the SRR Handbook. The trainings shall be differentiated to meet individual building and professional educator need and experience.

9.4 Student Support and Discipline

- 9.4.1 The principal, supervisor or professional staff designee with input from the staff shall include the following minimum procedures in developing a written student ~~discipline plan~~ student support plan. Such procedures shall exist in each building or program. Each plan shall identify an intervention space(s) before the first student-day. The process must be trauma-informed as described by the CDC and in accordance with District policies and regulations and State law.
- 9.4.2 Use by the professional educator of individual independent in-class expectations, rules, and plans for ~~student classroom~~ management and student-centered intervention plan, in conformance with the building's ~~discipline plan~~ School Climate Plan. Adequate professional development time beyond that called for in Article 6.2.1.3 and 6.5 shall be allocated to complete these plans.
- 9.4.3 That a professional educator may remove a student from class who is disrupting the educational program in a manner requiring immediate action by the professional educator, or who, after repeated Tier 1 interventions, continues to disrupt instruction. The professional shall send the student to a location designated by the principal or principal's designee. In such situations, the professional educator shall complete a level 2/3 referral.
- 9.4.4 Removal from class as described in 9.4.3 does not include needed breaks for students, brief reset and reteaching conferences with students, predetermined time-limited self-regulation strategies, and restorative practices. In those situations, an educator may document the behavior with a level 1 referral.
- 9.4.5 The location designated by the principal will be staffed by an administrator or professional educator in order to allow for continued learning opportunities for the student. The selected space will contain developmentally-appropriate materials to assist the staff member and the student. Any professional educator assigned to this duty shall be released from all other duty responsibilities.
- 9.4.6 If a student is in the designated location and unable to self-regulate with staff support in order to return to class for more than one hour, or if the student returns to the space three or more times in a day, the building administrator shall contact the student's parent/guardian, and the student may be referred to the school SIT team.
- 9.4.7 That the principal, supervisor or his/her designee shall, at the professional educator's request, confer with the professional educator without disrupting the professional educator's responsibilities classes. Such conference ~~generally~~ shall take place prior to returning the student to class unless the principal, supervisor or ~~his/her~~ their professional designee is not available, in which case the conference shall take place when the principal, supervisor or professional designee becomes available.
- 9.4.8 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.

9.4.9 Each professional educator shall be allowed to write referrals for any student under ~~his/her~~ **their** supervision at any stage of the referral process. **Any referral submitted to a building administrator will be addressed within 72 hours of when the referrals are submitted.** 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. **The District shall develop a per-building on-line tracking system of referrals so that professional educators know administrative responses to referrals, and so that a record of building administrator responses to referrals are available to the District and the Board of Education. The District shall create a yearly report provided to the School Board and the PAT of building administrator responses to referrals.**

9.4.10 ~~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 correction~~ 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, ~~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.~~ **a review of the specific areas of concern to be addressed, supports for professional educators to enable the implementation of all components of the CRTFI with fidelity, and the responsibilities of the student, professional educator, administrator and others, and a timeline for completion of the plan. If a disability is suspected, a special education referral or 504 plan may be considered. If the student has an IEP, the Special Education case manager shall be included in the development of the plan.**

9.4.11 If the **support** plan does not result in a change in the disruptive behavior, the administrator in conference with the professional educator will **review the student support plan for the student and discuss the impact of issues related to the student's trauma, race, gender identity /presentation, equity, sexual orientation, disability, social emotional learning, and restorative justice as appropriate for the student, and take additional steps as may be appropriate which are consistent with and guided by the Students' Rights and Responsibilities Handbook/Guide.**

9.4.12 An allegation that a student has committed Threat/Causing Fear of Harm or Physical Attack/Harm upon a professional educator shall result in the removal of the student from the responsibility of the professional educator pending administrative investigation of the incident. The administrator shall 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. **In some instances, a change of placement review required under the IDEA or other applicable law may be required.**

9.4.13 In accordance with the *Students' Rights and Responsibilities Handbook/Guide*, any student who has been involved in a violation of state or federal law regarding 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~~ **firearms** 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 or~~ **Area/Senior Director** may modify the disciplinary consequences on a case-by-case basis. **The Superintendent, Deputy Superintendent, or Area/Senior coordinator may propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or**

instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs. A report of the modifications of disciplinary consequences shall be provided to the Superintendent at least twice a year.

- 9.4.14 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, or Area/Senior Director may modify the disciplinary consequences on a case-by-case basis provided the modifications follow district guidelines. A report of the modifications of disciplinary consequences shall be provided to the Superintendent and the PAT 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.

Regardless of the student's age or grade, the District shall ensure that student-services makes regular contact with the student while the student is out of the school.

- 9.4.15 To maintain compliance with federal and state laws protecting students with disabilities, no student eligible for services under IDEA or Section 504, or with a suspected disability, shall be suspended for more than a cumulative 10 days per year when their behavior demonstrates a pattern that has been determined to be a manifestation of their disability, unless the behavior meets the criteria addressed in Section 1415K of IDEA ("Placement in Alternative Educational Setting"). After the period of 10 days, if a student's behavior is determined to be a manifestation of their disability, the District shall supply additional resources/supports for home instruction. Professional educators who had instructed students under these circumstances may be offered the ability to voluntarily provide this instruction under Article 12.5.2.2 of this agreement.

Any manifestation determination meeting will include a building administrator and/or a Special Education Administrator. If the manifestation determination meeting finds that the behavior is not the result of the student's disability, standard discipline protocols should be applied.

- 9.4.16 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*.

9.5 Culturally Responsive Tiered Fidelity Inventory (CR-TFI)

- 9.5.1 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)).
- 9.5.2 Copies of the specific building discipline procedures/school climate 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 plan shall be distributed to students and families by the end of the first week of school in the languages spoken in the building. Copies shall also be posted online on the school's website in all supported languages. In addition, the School Climate Handbook will be posted online in all supported languages.
- 9.5.3 The District shall ensure that all School Climate Plans and Handbooks are in accordance with the District/PAT Collective Bargaining Agreement, District policy, and State and Federal laws.

- 9.5.4 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.
- 9.5.5 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:
- Behavioral Expectations
 - Faculty Involvement
 - Student/Family/Community Involvement
- 9.5.6 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.
- 9.5.7 The District shall ensure that supports are available to facilitate this work including but not limited to:
- a. Scheduled trainings on the **district-designated online learning platform**. ~~Learning Campus~~ (required)
 - b. Funds available 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. ~~School Climate~~ **Educator Directed access to TOSAs, such as MTSS TOSA** for development and follow-up
 - d. Professional development time **that is relevant and guided by educator input** 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 building climate team work.
- 9.5.8 The District shall direct Office of School Performance (OSP) Leadership to seek monthly updates of school process implementing the CR-TFI.
- 9.5.9 The District shall facilitate in-depth training for new building administrators on CR-TFI.
- 9.5.10 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.

9.6 Behavioral Supports

- 9.6.1 The purpose of the District-level program of behavioral supports and strategies is to foster **a sense of agency, self-efficacy, belonging and** 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.

9.6.2 The work of the ~~Department of Student Support Service (DSSS)~~ **Office of Student Support Services (OSSS)** **such as MTSS and Student Success and Health** will include:

- 9.6.1.1 Overseeing and assessing the behavioral support needs of the District;
- 9.6.1.2 Building capacity within each school/program by working collaboratively with professional educators, building principals, and OSP Leadership;
- 9.6.1.3 Reviewing school-based behavioral Tier 1 and Tier 2 supports in place at the school and in classrooms.
- 9.6.1.4 Identifying **and implementing with fidelity** appropriate Tier 2 and Tier 3 evidence-based behavior interventions to support **all** schools **and programs**.
- 9.6.1.5 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.

9.6.2 The ~~DSSS~~ **OSSS** shall include a district-level Rapid Response Team 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.

9.6.3 The responsibilities of the Rapid Response Team (RRT) include but are not limited to:

- 9.6.3.1 Stabilizing crisis situations for student and professional educators;
- 9.6.3.2 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
- 9.6.3.3 Determining when additional personnel and/or resources are needed to meet the support needs of students and professional educators identified by the team.

9.7 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.

9.8 Personal Injury Benefits and Property Loss

- 9.8.1 Any case of Physical Attack/Harm or Threat/Causing Fear of Harm upon a professional educator while acting within the scope of ~~his/her~~ **their** 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.
- 9.8.2 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.

- 9.8.3 The District shall reimburse professional educator for loss of or damage to personal property excluding the professional educator's automobile under the following circumstances:
 - 9.8.3.1 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.
 - 9.8.3.2 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.
 - 9.8.3.3 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.
- 9.8.4 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.
- 9.8.5 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.

9.9 Safety

- 9.9.1 A professional educator shall have the right to refuse to expose ~~himself/herself~~ **themselves** 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 ~~his/her~~ **their** 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.
- 9.9.2 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.

9.10 Duty Safety

All duty assignments will ensure that at least two professional educators/administrators/adults shall be assigned for student safety. At no time, will the number of assigned adults create a circumstance where students can be out of the line of sight of an adult. The building administrator(s) shall make reasonable efforts to avoid having mental health professional educators (counselors, social workers, school psychologists, QMHP and similar individuals) in positions where they must be the professional educators disciplining students.

9.11 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.

9.12 Student Behavioral Records

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

9.12.2 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.

9.12.3 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.

9.13 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).

9.14 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.

9.15 Environmental Safety

9.15.1 **[MOVED from 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.

9.15.2 The District shall ensure that the number of students assigned to a CTE classroom meets basic safety standards based upon the equipment required by the CTE course.

9.15.3 A professional educator may refuse to work in situations that would cause significant stress due to cold rooms or excessive heat. Specifically, no educator will be required to work in settings (for example classroom or office) where the temperature is below sixty (60) degrees Fahrenheit or above ninety (90) degrees Fahrenheit. If a professional educator’s class or office exceeds these temperatures, they will be able to move to an area without temperature stress.

- 9.15.4 A professional educator may refuse to work in an area that is below basic cleanliness standards (such as the presence of mold or rodent droppings). A professional educator may notify their administrator of problems caused by unclean work areas, and the administrator shall close the rooms to staff and students until the District facilities department can effectively clean the area. If a professional educator's class or office is closed because of an unclean workspace, the professional educator will be reassigned to an area that is clean.
- 9.15.5 A professional educator may refuse to work in an area that has active leaks in either the roof/ceiling or any pipes. A professional educator may notify the building administrator of a problem caused by water, and the administrator shall close the room(s) to staff and students until the District can effectively repair and clean the area. If a professional educator's class or office is closed because of active leaks, the professional educator will be reassigned to an area that is free from water leaks.
- 9.15.6 A professional educator shall not be made to work in any building that is without electricity. Building administrators shall immediately notify the District and the building shall be closed until power is restored. No professional educator shall suffer a reduction in pay due to a building closure caused by a lack of power.
- 9.15.7 Because of active shooter/intruder threats, all professional educators will have a classroom/office door that locks from the inside of the room. These safety precautions shall be in place no later than September of 2023.
- 9.15.8 Professional educators working with students shall have either VOIP access or a two-way radio.
- 9.15.9 All windows in any room in which a professional educator must work shall have working blinds that close.

