

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, and Trauma Informed 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 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 (SRR) 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.

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.

9.2 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:

9.2.1 Oregon Statutes on Discipline, Attendance and Exclusion of Students, Chapter 339 Oregon Revised Statutes;

9.2.2 Current District Disciplinary Procedures: *The Student Rights and Responsibilities Handbook and Guide*;

- 9.2.3 All administrative directives which are for the general knowledge of professional educators including building handbooks/rules; and
- 9.2.4 "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.

9.3 Definitions

For the purposes of this article, the following definitions shall apply:

- 9.3.1 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.
- 9.3.2 Threat/Causing Fear of Harm: ~~Physical, verbal, written or electronic action~~ **A behavior that indicates an intention to cause injury to the body or property or rights of another person** ~~A threat is intended to cause fear in the person threatened~~ which immediately creates ~~an objectively~~ **reasonable** fear of harm, without displaying a weapon and without subjecting the ~~victim~~ **impacted individual(s)** to actual physical attack. **Threats may take many forms including verbal, gestural, written, electronic, or through a third person.**

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~~ **support-School Climate plan** to outline the procedures for Tier 1, 2, and 3 supports. Such procedures shall exist in each building or program. ~~To preserve student dignity and maintain an environment conducive to learning for all students, prior to the first student day, each plan shall identify a location or locations other than the student's classroom for professional~~ **licensed educators, support staff, or building leadership to implement crisis prevention and/or deescalation strategies as identified in each School Climate plan.** The process must be in accordance with District policies and regulations and State law.
- 9.4.2 ~~Use by the p~~ **Each professional educator will develop** ~~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 p~~ **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~~ **A** professional educator may **temporarily** 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 and 2 interventions or implementation of a pre-existing Tier 2 plan,** continues to disrupt instruction. If a student is in crisis or needs support with deescalation, ~~the professional shall send the student to a location designated by the principal or principal's designee as referenced in article 9.4.1. the professional shall implement the crisis plan identified in the Climate Plan.~~ In such situations, the professional educator shall complete a level 2/3 referral and may need a referral to the Student Intervention Team (SIT).
- 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 ~~their~~ ~~his/her~~ designee shall, at the professional educator's request, confer with the professional educator without disrupting the professional educator's ~~responsibilities~~ ~~classes~~. Such ~~communication to the professional educator 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~~ 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. ~~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. During the monthly Building representative/administration meeting referenced in Article 29.5, teams will review discipline data for the month no less than quarterly.
- 9.4.10 ~~That if unacceptable continuous disruptive student behavior occurs continues,~~ at either's request, the principal, or supervisor, and the professional educator shall develop and implement a mutually acceptable ~~behavior-correction support 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, ~~special education Student Intervention Team (SIT) 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 CRTTI with fidelity, and the responsibilities of the student, professional educator, administrator and others, and a timeline for completion of the plan.** The behavioral assessment and planning will be implemented in alignment with requirements outlined in Oregon State Law and any other applicable requirements of the CBA . 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 **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 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 until a restorative reentry meeting and safety plan have been completed.~~
- 9.4.13 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, **the student shall be removed from class or school**. A relevant and actionable Tier III intervention **will be** ~~has been~~ identified prior to their scheduled return. ~~and a restorative reentry meeting and safety plan have been completed.~~ Prior to student reentry to the classroom a safety plan will be developed with the impacted professional educators' input and a restorative reentry meeting will be held. The intervention shall be communicated in writing to the student's guardians and all professional educators who are responsible for the student prior to the student's return to school or class. 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. ~~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.~~

- 9.4.14 In accordance with **Oregon law and** 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 Director 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.
- 9.4.15 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*.

- 9.5.1 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)) as well as those domains included in the Fidelity of Implementation Tool (FIT) Assessment that pertain to strong and positive school culture and inclusive behavior/social emotional instruction. The principal and the Building Climate Team shall include the following minimum procedures in developing a written School Climate Plan to outline the building procedures for Tier 1, 2, and 3 supports and each building's behavioral matrix based off of the Student Rights and Responsibilities Handbook. Such procedures shall exist in each building or program. The process must be trauma-informed in accordance with District policies and regulations and State law.
- 9.5.2 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 in the languages spoken in the building. Copies shall also be posted online on the school's website in all supported languages.
- 9.5.3 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. Nonviolent Crisis Intervention strategies, relevant to the school, will be included in the building climate plan and implemented as designated in the plan.
- 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. Additionally, the School Climate Team will participate in ongoing training in implicit bias, antiracism, and culturally responsive practices. These would be in addition to the required implicit bias, antiracism, and culturally responsive practices training received by all staff. A designated Each cluster The Tier III Rapid Crisis Response Team(s) will be provided training in Nonviolent Crisis Intervention for responding to student crises.
- 9.5.5 During the preservice school climate professional development time, all staff will receive training in de-escalation strategies from the relevant portion of the Nonviolent Crisis Intervention training.
- 9.5.6 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. Behavioral Expectations
 - B. Faculty Involvement
 - C. Student/Family/Community Involvement
- 9.5.7 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.
- 9.5.8 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, 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. ~~School Climate Educator~~ Directed access to TOSAs, such as MTSS TOSA for development and follow-up
 - d. Professional development time **that is relevant and provided by the building climate team with 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 ~~monthly~~ in **professional learning and/or** staff meetings, as professional learning time allows, designated to building climate team work.
- 9.5.9 The District shall direct Office of School Performance (OSP) Leadership to seek monthly updates of school processes implementing the CR-TFI.
- 9.5.10 The District shall facilitate in-depth training for new building administrators on CR-TFI.
- 9.5.11 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, **which includes school-based mental health professionals, access to the clusterwide district-level mental health team(s), providing a minimum support of staffing of mental health school based teams pursuant to Article XXX (Mental Health & Wellness Supports)**, 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:
- 9.6.2.1 Overseeing and assessing the behavioral support needs of the District;
 - 9.6.2.2 Building capacity within each school/program by working collaboratively with professional educators, building principals, and OSP Leadership;
 - 9.6.2.3 Reviewing school-based behavioral Tier 1 and Tier 2 supports in place at the school and in classrooms.
 - 9.6.2.4 Identifying **and supporting implementation of with fidelity** appropriate Tier 2 and Tier 3 evidence-based behavior interventions to support **all schools and programs**.
 - 9.6.2.5 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 affected~~ **Professional Educators**, and OSP Leadership.
- ~~9.6.3~~ **Mental Health Teams:** Each Portland Public School ~~High School cluster~~ serving students in ~~PK-12~~ shall have a Mental Health Support Team composed of each category of professional educators in the following positions **described in Appendix XX1**. These individual positions shall each play a distinct and important role in providing complementary mental health support to the schools **within their assigned cluster** as described below. The District may add additional FTE to support the Mental Health of students, based on the needs of students in a given building. ~~These teams will collaborate~~

with the Rapid Response Team for that cluster to ensure the mental health and hygiene of Portland Public Students.

~~9.6.4 Tier III Rapid Response Team(s): The DSSS OSSS shall include 9 cluster a district-level Tier III Rapid Response Teams (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. Each cluster Rapid Response Team(s) will be housed in a school building in that cluster that currently serves students. Each RRT(s) will may be composed of at least: 1 (one) TOSA or OSA, 1 (one) QMHP & 2 (two) Student Success Advocates and/or Behavior Intervention Specialists (BIS). [Bargaining Note: This is replaced by the MOA on Mental Health Teams]~~

9.6.5 The terms of this Article do not in any way modify or replace the current staffing models for the school based mental health professional educators defined in Appendix XX1. No positions current to the 2023-24 school year shall be eliminated or moved due to the creation of these teams.

9.6.6 Access to Mental Health and Tier III Rapid Response Teams:

9.6.6.1 Mental Health Teams will regularly connect with schools in their cluster to support building staff in the ongoing mental hygiene wellness of students.

9.6.6.2 The Tier III Rapid Response Team will be deployed to schools when a student's behavior is unsafe or disruptive and when the school's climate team has determined building level support is insufficient.

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

9.6.7.1 Stabilizing crisis situations for student and professional educators;

9.6.7.2 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 to support Tier III Behavioral Support; and

9.6.7.3 Determining when additional personnel and/or resources are needed to meet the support needs of students and professional educators identified by the team as follows:

A. Unless the ISST professional educators and the RRT (s) working with the student determines the support is no longer needed; RRT Tier III staff will continue support of the student as a behavior/support plan is finalized and staff receive training through modeling on how to implement the determined plan. A minimum of 3 weeks (or 15 continuous work days, whichever is longer) that includes all of the following supports will be utilized:

1. Weekly meetings with the RRT as well as all adults supporting the student in the form of an Individual Student Support Team (ISST) assembled for the student.

2. Week 1: Additional behavior support personnel will provide 1:1 support in all student learning areas throughout the student's school day to ensure safety as well as to collect Antecedent/Behavior/Consequence (ABC) data. RRT members will also conduct teacher interview/s and will support the collection of any additional information & the completion of the first iteration of the student-centered Tier III function-based behavior support plan along with the ISST.

3. Week 2: Continuation of Week 1 with the addition of plan refinement and future planning.

4. Week 3: Evaluation of Next Steps:

- i. If data indicates adequate growth RRT will coordinate the gradual release of student support including the training of the on-site personnel who will continue to implement the Tier III behavior plan.
- ii. If data indicates insufficient growth, RRT will coordinate with the SIT, Climate Team and the office of Student Success and Health in order to provide additional staffing at the site.

9.6 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.

9.7 Duty Safety

- 9.7.1 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.
- 9.7.2 The building administrator(s) shall make reasonable efforts to assign avoid having mental health professional educators (counselors, social workers, school psychologists, QMHP and similar individuals) duty with a professional educator outside of this job type. in positions where they must be the professional educators disciplining students. This language shall not preclude mental health professional educators from duty responsibilities.

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 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 Safety Committee

The District will provide a template that each building's safety committee will fill in and submit in order to identify school safety needs and priorities. All items must be specific to facility safety concerns and submitted through the established reporting process. At least one member of the school's Safety Committee will be trained on Heat mitigation and the use of the Heat Index Psychrometer. The Safety Committee's duties will include that address:

- A. Completing the PPS Safety Audit Committee Inspection Checklist consisting of a facility assessment & site-based response plan that prioritizes a list of items requiring mitigation. The Safety Committee Inspection Checklist will be updated by mutual agreement of the parties within 90 days of the ratification of this agreement. Any updates will abide by Occupational Safety and Health Administration (OSHA) guidelines.
- B. Developing and recommending an Escalation Plan (including the mitigation/immediate relief plan in 9.8.4) as part of the PPS Safety Committee Inspection Checklist.
- C. Developing and recommending a Bbuilding-specific safety plan as part of the PPS Safety Committee Inspection Checklist for:
 1. Loss of Electricity, Internet and/or Water
 2. Presence of pests

3. Presence of mold, asbestos, smoke or other impacts to air quality
4. Presence of leaks
5. Extreme temperatures as defined in 9.14.3, and;
6. Any other sitewide environmental safety concerns

[Bargaining note: Building specific-processes will not conflict with the law and/or District policies and procedures]

- 9.9.2.1 Each safety committee will provide the list of recommendations of safety issues to the school administrator and Facilities Operation Manager before the end of September each year. PPS Facilities will use each building's Safety Audit Committee Inspection Checklist to prioritize and mitigate the environmental factors defined under 9.8.2.C that impact learning and teaching.
- 9.9.2.2 The District is committed to providing all potential immediate relief when possible, as well as long-term resolutions which include, but are not limited to, bond funded improvements.
- 9.9.2.3 This Safety Plan will be posted on each school's website by the end of the first week-month of the student year in all supported languages, as soon as available, and reviewed and updated throughout the year.
- 9.9.3 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, as well as procedures for reporting and tracking environmental and facilities issues.
- 9.9.4 Mitigation and ~~plan/Immediate Relief plan~~

The District will provide an actionable plan that provides immediate relief for and/or mitigation of issues identified during the initial Safety Audit Committee Inspection Checklist conducted at each building by the Safety Committee. The actionable plan will include:

- A. An estimated timeline for the completion of the relief action that contains immediate relief, midterm relief, and long-term resolution.
- B. "Immediate relief" will mean within 2 weeks, with extreme temperatures (as defined in 9.14.3) mitigation being provided within 24 hours.
- C. "Midterm relief" will mean solutions that are not permanent but actionable within the work year.
- D. "Long-term resolution" will mean the solution that will resolve the issue completely.

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 assign avoid having mental health professional educators (counselors, social workers, school psychologists, QMHP and similar individuals) duty with a professional educator outside of this job type, in positions where they must be the professional educators disciplining students. This language shall not preclude mental health~~

~~professional educators from duty responsibilities.~~ [MOVED TO 9.7]

9.10 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.

9.11 Student Behavioral Records

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

9.11.2 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.

9.11.3 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.

9.12 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).

9.13 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.

9.14 Environmental Safety

9.14.1 **[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.

9.14.2 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.

9.14.3 When temperatures reach below sixty (60) degrees and/or the heat index reaches above eighty-five (80.5) degrees in a professional educator’s work setting (for example, classroom or office), the following shall occur:

- A. The educator will inform their administrator of the conditions outlined in 9.14.3 in writing;
- B. The district will provide relief according to the process outlined in 9.8.2 and the PPS Heat Mitigation Plan;
- C. If the temperature cited in 9.14.3 occurs during the student day, the district will

provide an alternative space for learning as outlined in the PPS Heat Mitigation Plan;

- D. If the temperatures cited in 9.14.3 occur outside of the student day, the professional educator will have the ability to complete their work duties and planning in an area without temperature stress. The professional educator will inform the administrator of their new location in writing.

[Bargaining Note: The temperatures in this section refer to OSHA regulations and the PPS Heat Mitigation Plan. They are intended to be in alignment with that plan.]

- E. If all of the above do not occur and the hazardous environment continues, educators may use article 9.9.1, if applicable, ~~to refuse to expose 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.~~

9.14.4 When there is evidence of hazardous conditions as described under 9.9.2.C, in a professional educator's work setting (for example, classroom or office), the following shall occur:

- A. The educator will inform their administrator of the conditions outlined in 9.9.2.C in writing;
- B. The district will provide relief according to the process outlined in 9.9.4;
- C. If the hazardous conditions cited in 9.9.2.C occur during the student day, the district will provide an alternative space for learning;
- D. If the hazardous conditions cited in 9.9.2.C occur outside of the student day, the professional educator will have the ability to complete their work duties and planning in an area that is ~~clean~~ free of hazardous conditions as described under 9.9.2.C

9.14.5 A professional educator shall not be made to work in any building that is without electricity for more than 2 hours or whose lack of electricity creates the hazardous environment as described in 9.9.2.C. Building administrators shall immediately notify the District and the building shall be closed until the hazardous conditions have been resolved in accordance with 9.8.4. No professional educator shall suffer a reduction in pay due to a building closure caused by hazardous conditions as described in 9.8.2.C.

9.14.6 All classroom/office spaces will have ~~interior-looking~~ doors that lock from the inside.

[Bargaining Note: 9.14.6 refers to staff and student occupied spaces.]

9.14.7 Professional educators working with students shall have Voice Over Internet Protocol (VOIP) device access by the start of the 2024-2025 school year. Every building will have a school safety plan to account for the lack of VOIP device access during emergencies.

9.14.8 All windows in any room in which a professional educator must work shall have working blinds or working window coverings that close.

Article 9 Tentative Agreement


For the Association

11/24/23
Date


For the District

11/26/23
Date