

UNITED TEACHERS LOS ANGELES
Bargaining Proposal
February 16, 2017

The following document provides proposals for new language (underlined) and deletion of language (~~strikethrough~~) in Article XXIV of the UTLA-LAUDS Agreement. UTLA proposes no changes to the sections of Article XVIV not included in this document.

ARTICLE XXIV

~~STUDENT DISCIPLINE,~~
~~LEGAL SUPPORT AND PROPERTY LOSS~~
SCHOOL CLIMATE, STUDENT DISCIPLINE, AND POSITIVE BEHAVIOR
SUPPORT

1.0 District Code of Student Conduct and School Climate & Discipline Plan: It is the intention of the parties that teachers, parents, students, and administrators work in a mutually supportive manner to maintain healthy school climates that support effective proper student discipline practices. ~~There are three levels or sources of student disciplinary rules:~~

a. In order to improve consistency and accountability in student discipline, the District shall develop and issue (and may revise from time to time) a District-wide Code of Student Conduct. UTLA shall be one of the principal participating stakeholders in that process.

b. Local School Leadership Councils shall, pursuant to Article XXVII, Section 2.4, annually create, and approve by a majority vote, issue local rules of a School Climate & Discipline Plan student conduct, supplemental to and consistent with the District-wide Code of Student Conduct, prior to the first day of each school year. ~~and~~

c. Local School Leadership Councils shall annually review and evaluate the effectiveness of the existing School Climate & Discipline Plan as part of the process for creating a Plan for the following school year, in accordance with Article XXIV, Section 1.b. This process should start no later than March 1 of each school year.

d. The annual School Climate & Discipline Plan shall include, but not be limited to, the roles and responsibilities of students, classroom teachers, parent/guardians, HHS staff, out of classroom teachers, classified support staff, and school administrators in supporting the Plan. The annual School Climate and Discipline Plan shall also indicate ongoing efforts and supports for positive behavior support and learning, including, but not limited to, professional development and training for certificated, classified, and administrative staff, parent education, and student programming.

e. The annual School Climate & Discipline Plan shall include, but not be limited to, the process for referring students for school discipline and/or

intervention outside of the classroom and possible consequences for violations within the Plan.

f. A teacher shall also have the right to issue and enforce reasonable rules of classroom conduct applicable to students in the teacher's classes, supplemental to and consistent with the School Climate & Discipline Plan and District-wide Code of Student Conduct and local school rules.

1.1 Schools shall annually, ~~at or soon after the start of the school year,~~ post and distribute the School Climate & Discipline Plan and District Code of Student Conduct and local school rules of student conduct to students, parents, teachers and staff no later than the tenth school day of each school year. Any later changes to such rules shall also be posted and distributed.

1.2 Before a student is transferred by the school from a teacher's class for disciplinary reasons or due to a parental request, the site administrator or designee shall give to the teacher an explanation for the transfer. The teacher may attach a written reply for the record.

2.0 Student Suspensions from Classroom: In addition to the normal disciplinary measures such as counseling, parent conferences, and office referrals, the teacher may suspend a student from the teacher's class for that day and the following day for any of the causes set forth below. However, this is not to suggest that teacher-imposed suspensions from class are to be the sole, or even typical, remedy for such offenses. Many of these offenses are likely to result in imposition of more extended administratively-imposed suspensions, criminal proceedings and/or expulsions. Therefore, in criminal or other severe situations where the student should not be released from direct supervision, teachers shall contact the site administrator for assistance before taking action. Subject to the foregoing, the offenses which may warrant a teacher-imposed suspension are as follows:

- a. Disruptive behavior or willful defiance of valid authority;
- b. Obscenity, habitual vulgarity, profanity or hate language (e.g., slurs based on race, ethnicity, sexual orientation, gender, religion, etc.);
- c. Causing, attempting or threatening violence or physical injury;
- d. Theft or damage to school property or personal property;
- e. Extortion or robbery;
- f. Possessing, using, offering for sale, furnishing or being under the influence of any controlled substance, alcoholic beverage or intoxicant of any kind;
- g. Possessing, using, offering for sale or furnishing any drug paraphernalia;

- h. Offering for sale or furnishing any substitute substance represented as a controlled substance, alcoholic beverage or intoxicant;
- i. Possessing, using, offering for sale, or furnishing any firearm, or imitation firearm, explosive, knife or other dangerous object;
- j. Falsely reporting a fire or bomb.
- k. Possessing, or using tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
- l. Knowingly receiving stolen school property or private property.
- m. Committing or attempting to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a or 289 of the Penal Code or committing a sexual battery as defined in Section 243.4 of the Penal Code; or
- n. Harassing, threatening, or intimidating a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

2.1 Teachers who choose to impose suspensions from their class shall immediately ~~notify report same to~~ the site administrator and ~~suspend send~~ the student from the classroom in accordance with the School Climate & Discipline Plan to the office. As soon as possible. Upon request by the teacher, the teacher a site administrator shall notify the parent or guardian of the student about the classroom suspension and/or schedule a conference with ~~ask~~ the parent or guardian of the student to meet with the teacher. During the period of the suspension the student shall not be returned to the teacher's class without the consent of the teacher, or be placed in another regular class. The teacher may require the completion of tests and assignments missed due to the suspension. Apart from or in addition to a teacher-imposed suspension, the teacher may refer a student to the site administrator for consideration of a suspension from school or an expulsion.

2.2 Prior to or upon the student's return to the classroom, a copy of the District's documents applicable to the act for which the student was suspended, including corrective action taken, shall be provided to that student's teacher(s).

3.0 Legal Assistance and Support: If an altercation, disturbance, student discipline situation or similar circumstance results in a lawsuit against an employee for conduct occurring within the course and proper scope of the employee's duties, the District shall, to the extent permitted by law, provide a defense to the employee and indemnify and hold the employee harmless against any resulting civil liability. The Board of Education may, in its discretion under

Government Code Section 825, indemnify the employee against punitive or exemplary damages.

3.1 If an employee's person or property is injured or damaged by the willful misconduct of a student while on school property, or while attending or being transported to or from a school-sponsored activity, or in retaliation for conduct of the employee within the course and proper scope of the employee's duties, the employee shall immediately notify the site principal in writing and may, in addition to any independent remedy the employee may have, request the District to pursue legal action against the student and/or the student's parents or guardians pursuant to Education Code Sections 48904 and 48905. After evaluating the circumstances, the District may bring such a legal action to recover damages. Under all circumstances, the site principal shall provide a written report to the affected employee(s), including what action shall be taken regarding the student and/or the student's parents or guardians, within five (5) days of receiving notification from the employee.

6.0 Positive Behavior Support & Restorative Practices Committee

a. A district committee shall be formed and maintained, consisting of educators, parents, students, community, and administrators, to identify and develop professional development models that support implementation of positive behavior support and restorative practices in our schools.

b. The committee shall identify and develop curriculum and instruction approaches that are consistent with and supportive of positive behavior support and restorative practices (for example, ethnic and cultural studies, collaborative learning, etc.).

c. The committee shall identify and develop school vision and structure models that are consistent with and supportive of positive behavior support and restorative practices (example: sustainable community schools). The school vision and structure model shall include particular attention to creating deep, ongoing engagement among students, parents, community, and school staff.

d. The committee shall prepare a report on the resources, staffing, and support services for students and families that are necessary for successful implementation of positive behavior support and restorative practices in our schools. This report will include data on the use of full-time on-site PBIS and RJ experts.

e. The committee shall identify demonstration schools that can be visited for others to learn about positive behavior support and restorative practices. The committee shall identify a cadre of advocates -- including committee members -- to visit self-selected schools interested in implementing positive behavior support and practices, and meet with school staff, parents, students, and community at the schools. The cadre of advocates shall facilitate dialogue about the benefits to student learning and child development that come with the implementation of positive behavior support and restorative practices,

and discuss concrete steps that the school communities can take towards implementation, including but not limited to visiting demonstration schools and writing plans.

f. The committee shall begin meeting no later than September 1, 2017 and provide a written report to the Board of Education, in accordance with d. above, no later than December 1, 2017.

g. The committee shall be ongoing and will monitor the implementation of positive behavior support and restorative practices. In particular, the committee shall monitor the following elements, as they relate to positive behavior support and restorative practices: professional development, curriculum and instruction, school structure, stakeholder engagement, resources/staffing/support services, and support needed for schools moving towards implementation.

h. The committee shall also identify, on an annual basis, schools for targeted school climate & discipline support and intervention. The District shall create a School Climate & Discipline Action Team to provide necessary support and intervention for the identified schools. The Team shall include no less than two UTLA appointees and two (2) LAUSD appointees. Under all circumstances, the team shall be composed of an equal number of UTLA and LAUSD appointees. Targeted intervention and support may include, but is not limited to: professional development, plan development, implementation, and evaluation, peer coaching, additional staffing, and other additional resources.

i. The committee shall meet no less than twice per month during District business hours. Certificated bargaining unit members appointed to the committee shall be released from their regular employee duties at no loss of salary or benefits.

j. The committee shall consist of six (6) UTLA appointees and six (6) LAUSD appointees. Both UTLA and LAUSD will include among its appointees, respectively, one (1) parent, one (1) student, and one (1) community leader. Current UTLA represented Restorative Justice advisors, paid for by LAUSD or through grants, may be appointed to the committee or utilized for support of the committee's work.

