

# ARTICLE IX

## Teachers' Authority and Protection

### 9.1 STUDENT DISCIPLINE DEFINITION

Student discipline, as used herein, shall mean the expectation and enforcement of a reasonable standard of orderly student behavior to permit effectuation of the educational program.

### 9.2 DISTRICT RESPONSIBILITIES IN STUDENT DISCIPLINE

Building principals and building administration, and the district administrative staff, shall support teachers in connection with all matters relating to student discipline. The District shall continue to implement a ~~program~~ process of identifying ~~cases of~~ students with ~~chronic personality or psychological problems~~ social-emotional needs which ~~endanger~~ adversely impact the success of the educational program, ~~and of attempting correction of such problems to the full~~ The District shall also continue to attempt to address the causes that are adversely impacting the success of an educational program to the full extent of available resources and competence. In consultation with the appropriate multidisciplinary team members, including but not limited to: principal, teachers, guidance counselors, school social workers, deans, special education staff members, resources or referral may be made to mental health professionals, law enforcement personnel, physicians, or other professional persons; ~~Whenever it is determined by the teacher and principal, or his designee, that a particular student requires the attention of special counselors, social workers, law enforcement personnel, physicians or other professional persons, the Board shall take reasonable steps to provide the appropriate attention needed by such student in consultation with the appropriate multidisciplinary team members, including but not limited to: Building principals, teachers, guidance counselors, school social workers, deans, special education staff members.~~

~~and the central administrative staff, shall reasonably support teachers in connection with all matters relating to student discipline.~~

Further, the district shall provide resources and support to the fullest extent possible for addressing social emotional concerns, impeding students from committing violent acts in school and protecting students and staff from threats of violence, by:

- Providing standardized threat assessment tools for schools to address students who pose a threat to self and/or others;

- Evaluating the threat to determine the level of concerns and action required;
- Creating a student-specific safety plan utilizing various resources to decrease the threat of violence;
- Involving parents/guardians/families as appropriate;
- Organizing resources and strategies to manage situations involving students that pose threats to other students and/or staff;
- Monitoring the progress and effectiveness of working with students who make threats of violence, including student academic and behavioral success;
- Working in collaboration with community partners to coordinate resources for the safety and well-being of students;
- Maintaining a sense of safety among students, teachers and parents;
- Implementing any other reasonable and necessary resource or strategy to address the causes adversely impacting an educational program.

In support of the above language, an MOU establishing the Tactical Assessment Team and District Safety Council have been drafted and incorporated into this Agreement.

### **9.3 CERTIFICATED PERSONNEL RESPONSIBILITIES IN STUDENT DISCIPLINE**

Teachers and other certificated/licensed educational employees of the district shall enforce student discipline as provided by Section 24-24 of the School Code. It is recognized that discipline problems are less likely to occur in classes, and elsewhere in the learning environment, where student interest in the educational program is maintained at a high level through effective teaching and leadership techniques. It is also recognized that when discipline problems occur, such problems may be dealt with most constructively by encouragement, praise, and emphasis upon the child's positive characteristics. A teacher may, in accordance with district student discipline guidelines, impose usual and customary methods to enforce classroom discipline as necessary in cases of minor breaches of student discipline.

### **9.4 EXCLUSIONS FROM CLASS**

In any case where usual and customary methods fail to correct a student discipline problem or classroom disruption, and where, because of the

magnitude of the breach of discipline or disruption, or the persistence of the misconduct, the educational program is disrupted, the teacher may exclude the offending student from class by referring the student to building administration. The teacher must notify the principal of such exclusion by the end of the class period in a timely manner. The teacher may, in such a case, request that readmission to class be preceded by a private conference between any or all of the following persons: the teacher, the building principal or his/her designee, the student, the student's parents or guardian. If such a request is made the conference shall be held as a condition to readmission. In cases of suspension, hospitalization, temporary placement, or exclusion, a re-entry conference is required to support the transition of the student back to the instructional setting. If the student's parents or guardian are requested to attend the conference, and they do not, the conference will be held without them. The building administrator or designee will make reasonable attempts to communicate the outcome of the meeting with the parents or guardian.

## 9.5 STUDENT DISCIPLINARY RECORDS

Each building principal, or his/her appropriate designee, shall maintain records of student disciplinary matters of which he/she has been made aware and shall make available for review by a teacher an individual student's record in connection with a specific disciplinary problem posed by that student for that teacher. The student disciplinary log of high school students transferred from one building to another shall accompany them will be maintained between enrollment sites.

## 9.6 ASSAULTS UPON TEACHERS

### 9.61 Recognition of Responsibilities

~~Assaults on~~ The safety of teachers shall continue to be regarded by district authorities as matters of grave-significant concern. Assault is a statement or action which carries with it a threat of imminent physical harm to the employee and a reasonable belief by the individual employee that there is the threat of physical harm. ~~The district recognizes the lawful right of a teacher to protect himself/herself or a student in a case of an unavoidable physical assault. The employee has the right to file a police report if he/she believes that an assault has occurred. In any case when~~ If an assault occurs during the assaulted teacher's performance of his/her duties, such assault shall-must be reported to the ~~immediate supervisor~~ building administration. Building administration shall-must ~~and the immediate supervisor shall immediately~~ report to other school authorities. The building administration will-must complete an investigation and a threat assessment, consider immediate classroom-based interventions, gather information, review consequence options, refer student to appropriate support services or restorative interventions, document all

interventions and measures, and impose exclusionary discipline in accordance with law and policy, only as a last resort. The district recognizes the lawful right of teachers to be free from threats of violence. Lastly, the employee has the right to file a police report if he/she believes that an assault has occurred.

### **9.62 Battery Upon Teachers**

Physical battery upon a teacher occurs when a student knowingly without legal justification by means 1) causes bodily harm to the teacher, or 2) makes physical contact of an insulting or provoking nature with an individual. Examples may include but are not limited to: deliberate hitting, pushing, poking, shoving, kicking, pinching, tripping, biting, spitting on, punching, or scratching another person. If battery occurs during the teacher's performance of his/her duties, such battery must be reported in a timely manner to the building administration and the building administration must report to other school authorities. The building administration must restore the safe learning environment, initiate, and complete an investigation. The purpose of the investigation will be to gather information, review support and consequence options, refer student to appropriate support services or restorative interventions, document all interventions and measures, and impose exclusionary discipline in accordance with law and policy, only as a last resort. The district recognizes the lawful right of teachers to be free from violence. The employee should complete an incident report in a reasonable and timely manner. The employee has the right to contact law enforcement authorities to initiate a criminal investigation. Battery is a physical attack upon an employee. Upon written notification, the district shall contact law enforcement authorities to initiate a criminal investigation.

### **9.63 Legal Implications/Work Time Lost**

In the event of an assault on a teacher, the Board shall, upon request, provide legal counsel to advise the teacher of his/her rights and obligations with respect to such assault and shall render all reasonable assistance to the teacher in handling the incident by law enforcement and judicial authorities. Work time lost to the teacher as a result of personal injury due to such assault or because of a subpoena to appear as a witness in connection with such assault shall result in no loss of wages to the teacher and shall not be charged to the teacher's sick leave account.

### **9.7 PARENT OR STUDENT COMPLAINTS**

A complaint about a teacher from a parent, student, or other individual shall be made known to such teacher in writing, including the name of the complainant and the nature of the complaint, before any action based upon such complaint is taken against the teacher. The administration shall conduct a thorough investigation to determine if there is a reasonable basis for any action to be taken and/or before any reference pertaining to such complaint is placed in the

teacher's personnel file. The teacher shall be notified within twenty (20) school days of the district's decision. When there is a concurrent investigation by a non-district agency, the teacher involved will be notified of said fact and the requirement for notification within twenty (20) school days shall not apply. In the event such an investigation by a non-district agency is ongoing, the teacher involved will be notified of said fact and the requirement for notification by the district shall be five (5) school days from the notification of completion of said investigation or within twenty (20) school days whichever is greater.

### **9.8 ADMINISTRATIVE INCIDENT REPORT**

An administrative incident report about a teacher shall be made known to such teacher in writing and discussed with the teacher at a meeting held within three (3) school days of the incident. The administration shall conduct a thorough investigation to determine if there is a reasonable basis for any action to be taken and/or before any reference pertaining to such incident is placed in the teacher's personnel file. Such incident report shall be provided to the teacher at a meeting held within twenty (20) school days of the incident except where there is a concurrent investigation by a non-district agency. In the event such an investigation occurs, the teacher involved will be notified that a non-district investigation is ongoing, the teacher involved will be notified of said fact and the requirement for notification within twenty (20) school days shall not apply. In the event such an investigation by a non-district agency is ongoing, the teacher involved will be notified of said fact and the requirement for notification by the district shall be five (5) school days from the notification of completion of said investigation or within twenty (20) school days whichever is greater.

### **9.9 ASSOCIATION REPRESENTATION DURING TEACHER DISCIPLINE**

A teacher shall be entitled to have present an Association representative when the teacher is being reprimanded, warned, disciplined, or dismissed, excluding informal criticisms or suggestions for improvement which do not form the basis of formal action. When a request for such representation is made, no action shall be taken with respect to the teacher until such Association representative is present. Requests from administrators to teachers to attend such a meeting or conference shall be in writing and shall include the purpose of the meeting.