

ARTICLE 63 - WORKING CONDITIONS

1. General Working Conditions

- 1.1 The District shall make adequate lunchroom, restroom and lavatory facilities available for unit members' use. **These facilities shall be for staff only and not for student or public use.**
- 1.2 All teachers shall have access to 911 from their classroom(s). FTA and/or affected unit member(s) shall notify the appropriate District department as soon as possible if there is a problem with such access.
- 1.3 No unit member shall be required to transport pupils in a private vehicle.
- 1.4 **In order to provide for member safety, the district shall present a written copy of the district policy for student discipline, site policy for student discipline, including dress code, tardies, and rights of suspended students before the start of instruction. A copy of the member's right to suspend students under the Education Code, section 48900, shall also be distributed to the members before the start of instruction. Members will have an opportunity in a group to ask questions and get answers without being placed in "parking lots." There shall be an annual acknowledgment form that is signed by each site member that they have received this policy and understand their rights. Any revision of the above information necessitated by a change in law shall be communicated to the members upon adoption by the District.**

2. Work Place Safety

- ~~2.1~~ Bargaining unit members shall not be required to work under unsafe conditions or to perform tasks which endanger their health or safety. ~~which have been brought to the attention of the District.~~
- a. room ~~air~~ filters shall be changed quarterly.
- b. classroom climate shall be maintained during hours that unit members are using classrooms at a minimum from 7am till 5:30pm.
- 2.2 When a unit member reports unsafe or hazardous conditions, site administration shall investigate and take appropriate action. ~~When the unsafe or hazardous condition is confirmed by the District to exist, the District shall take steps to correct the condition within a reasonable period of time. If it is determined that no emergency exists and no action is required, the reasons for that judgment shall be given in writing to the member within ten (10) working days from the date that determination was made (no more than 14 days past reporting).~~
- 2.3 If a unit member is attacked, assaulted, or physically threatened by a student while on duty, the unit member shall **call police department immediately and report the incident.** The unit member shall also report the incident in full detail to his/her immediate supervisor **immediately after calling the police department.** The District shall thereafter submit a report to the appropriate law enforcement authorities.

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2.3.1 A unit member who is the victim of an assault, attack, threat, verbal or physical, and who requests, shall be immediately granted the remainder of the day of the assault, attack, or threat released from duty. The released day shall not be charged against any of the unit member's accrued or accumulated leaves specified in article 29, 30, 31 and 32.

2.3.2 Students determined to be the perpetrator of an assault, attack, threat, verbal or physical, against a unit member shall not be returned to the unit member's class(es) or caseload for the remainder of the instructional year without the permission of the unit member. If permission is given, then:

~~2.3.3 Students involved in a physical assault, attack or verbal threat against a unit member, shall not be returned to the unit member's class(es) until a A meeting between the unit member and an administrator is held, and the consequences to the student(s) should be determined by both parties and must occur before returning.~~

2.4 Repairs of equipment and instructional devices that pose a safety hazard shall be made as soon as possible by qualified repair personnel.

Whenever possible, unit members shall be given at least a two (2) day notice of the routine repair and maintenance of their classroom and classroom fixtures.

3. Notice to Unit Members:

3.1 Pursuant to Education Code section 49079, a unit member shall be informed in writing at the time a student is enrolled in his/her class, ~~or as soon as the administrator knows,~~ of the student's history of violent behavior or conduct which caused, or was a threat to cause, bodily injury to another person. Any information received by a unit member pursuant to this provision shall be maintained in confidence and shall not be further disseminated by the unit member.

3.1.1 The site administration shall inform any other unit members who, in the judgment of the administration, should also be aware of a particular student's history of violent behavior or conduct, which caused, or threatened to cause, bodily injury to another person. All information regarding a particular student's history is confidential and shall not be further disseminated by the unit member.

3.2 The District will make every reasonable effort to notify unit members of specific threats to

teachers of physical violence and/or the presence of weapons or criminal activity on or in the immediate vicinity of the school site **within 24 hours**.

4. Investigation by District

- 4.1 The District will investigate any reports of work place violence or harassment or threatened violence and reasonably pursue all avenues to provide a safe work place. **District will provide written notification to all site unit members of the outcome of the investigation and actions that the District has taken or will take within ten (10) days of finalization.**
- 4.2 After procedures at the school site have been exhausted, the School Building Committee may request that the Division Office review evening activities in terms of time, place, and safety for all participants.

5. Suspension of Students from Classroom

- 5.1 A unit member may suspend a student from his/her class for the day of the incident and the day following for any act which would serve as a basis for suspension and/or expulsion under Education Code section 48900. The unit member shall immediately report the suspension to the site administration and send the student to the site administrator for appropriate action. As soon as possible following the suspension from class, the unit member shall contact the student's parent or guardian of the student and arrange a parent/unit member conference regarding the suspension.

6. Personal Property Loss—Reimbursement

The District shall reimburse members for personal effects damaged in the performance of duties provided such damage occurs as a result of an action of someone other than the members or of a circumstance for which the school district is responsible. Personal effects shall be defined as those articles pertaining to one's own person which may include, but not be limited to, eye glasses/contact lenses, hearing aids, dentures, watches or articles of clothing. The District will replace other damaged or lost personal property provided:

6.1 The use of the property has been mutually agreed upon by the site/program administrator and the employee. If there is no agreement, the employee may appeal to the next level of administration.

6.2 The property has been registered with the site/program administrator.

6.3 Reasonable provision has been mutually made for the security of the property.

6.4 The District will not assume that portion of personal losses covered by private insurance carriers.

6.5 The District shall provide employees copies of the form(s) necessary to register personal property under this section.

7. FTA Safety and Discipline Strategy for Students and Educators

The Fresno Teachers Association is dedicated to improving the safety and discipline policies in Fresno Unified. Teachers have been hired to teach but we are currently being asked to handle discipline in a way that is inconsistent from school to school. FUSD discipline directives lack clarity to the point that nearly identical behavior issues at the same school, on the same day, can lead to a very different and unpredictable outcomes and consequences. Student discipline is handled in such an inconsistent manner that we are confident that randomly selected teachers from all across the district would give a wide variety of responses regarding how discipline is being handled.

Our concerns are supported by the 2015/2016 FTA confidence survey. This also revealed differences noted among different teachers at the same site. Most importantly we know that our schools must be safer and more secure environments. To this end, we have developed a new framework to improve safety and discipline at all FUSD schools.

Restorative Justice (RJ):

1. Must be used as a conflict resolution strategy
2. Is impossible to establish any successful conflict resolution process without first focusing on building the trust and understanding of each school site community (students, staff-educators, CAs, site administrators, and parents).
3. To accomplish number 2 above requires a clear and concise RJ plan, attached herein as addendum 1.
4. In order to complete and adopt a final RJ plan, immediate steps must be taken to bring the school site community at each site together to work on the final product and agree to its implementation.
5. At the end of each plan adoption, RJ contracts should be signed by all school site community participants and should be required of all other students, staff, & parents.
6. Failure to create an inclusive RJ input model is a violation of FUSD Discipline Rules from the 2015/2016 Student Parent Handbook. If RJ is going to be successful in Fresno Unified it must be integrated into both the district and each sites overall school culture and philosophy.
7. Plan must include a component to address the issue of decreases in suspensions & expulsions without corresponding changes in the behaviors that lead to suspensions & expulsions
8. RJ can have on-site temporary options
 - a. Transition rooms; staffed by credentialed teachers
 - b. Responsibility/Reengagement centers-These options must be part of a structured model with oversight by designated administrative and certificated staff
9. Acts of a certain nature as defined by the California Education Code cannot be solely handled through Restorative Justice.
10. We support hiring more counselors to make this plan viable. Restorative Justice shall not be implemented at any schools without a full-time RCA (Restorative Counseling Aide) at that school. The RCA must hold a valid certificate.
11. The necessary number of psychologists, social workers, and other mental health professionals will be hired to make RJ effective at each school site

Elementary Sites

Young learners require support and education in the realm of learning social skills. With the demands of the Common Core curriculum, the classroom teacher should not be expected to implement the proactive social skill programs without support.

At this age, it is vital that our students be taught consistently through the grades from PreK- sixth grade. Several programs have already been adopted by FUSD, however the time to consistently implement them with fidelity is not occurring from classroom to classroom and school to school. With this in mind, we suggest programs like;

Second Step Programs, Class meetings, Olweus Programs: CHAMPS, MAC, discipline that restores, Targeted Psychologist Support, Boys to Men or Girls to Women like programs, parent education and involvement, and having a specially trained TSA to help implement and support these programs. These programs shall not constitute in excess of 45 minutes of instruction per week.

Alternative Education Sites:

In order to ensure that our school sites and classrooms are always safe and welcoming to the students of Fresno we know that more specialized non-traditional sites must be opened across the district. It is not possible to offer support and intervention for all of the discipline issues AND maintain safe and effective learning environments without having more specialized non-traditional sites that can be utilized for an "interim" period until a student is ready to transition back to a traditional class environment.

This will necessitate establishing a small number of sites (2-4) across Fresno Unified that are directly linked to each high school region and can offer the support for kids via the "Phoenix" model, elementary and secondary schools, where students can get the needed support prior to re-entering their high school region. We will not support shuffling students all over the district in an effort to give a student a "fresh start". The goal is for each high school region to take ownership of their students and become invested in welcoming back students after appropriate support and intervention has been utilized at an alternative site.

1. Possession or use of alcohol
2. Repeatedly disrupts the classroom environment; no more than 6 occurrences
3. Willful defiance resulting in refusal to engage in learning
4. Fighting
5. Using obscenities or speaking in a demanding, loud, insulting and/or demeaning manner
6. Bullying including cyber bullying

Before a transfer to an alternative site for these offenses, the following actions must be taken:

1. Saturday school
2. Campus beautification participation
3. Detention with curriculum support
4. Mandated conferences/meetings with a campus behavior specialist
5. Removal from a class or classes until a behavior agreement is reached with parent and student
6. Off-site community service managed by DPI (Department of Prevention and Intervention)
7. One Day off-site suspension
8. Parent joins student in the classroom for instruction

Ongoing habitual disruptive behavior shall fall under the responsibility of the site administrator to remove the student for the benefit of students trying to learn and the unit member. Any plan for behavior improvement must receive the permission and approval of the unit member (teacher) involved. No member shall be required to help develop or implement a behavior plan without their permission.

All students sent to alternative sites will be allowed to return to their original school site/feeder region upon completion of corrective negative behavior

Notification Regarding Expulsion:

In order to create a consistent policy for all of our students we believe a clear policy must be adopted with a strict set of guidelines that delineates how violence, threats to cause harm to a student or teacher, possession of drugs with intent to distribute, and weapons are handled consistently throughout the district. Violations of this magnitude are of the highest order and we must work to ensure the safety of all of our students and staff. These violations will also result in immediate disciplinary hearings that could result in the placement of these students at alternative education sites such as the “Phoenix model” (to be discussed in more detail later), immediate suspensions, and/or immediate expulsion (most of this section is from the FUSD District Handbook, 2014-2016).

1. Possessing loaded or unloaded firearms
2. Brandishing a knife at another person
3. Possession of explosive devices, or other dangerous objects
4. Unlawfully selling of a controlled substance
5. Sexual assault (including attempt) or sexual battery
6. Caused, attempted to cause or threatened to cause serious physical injury to another person, or willfully used force or violence upon person of another, except in self-defense;
7. Commission of/or attempted arson
8. Terroristic threats.

This policy shall apply to students in grades 4-12. This policy will be in effect in all elementary, middle and high schools. Hereafter, all students who possess and/or commit the actions listed under the *Notification Regarding Expulsion* section will be immediately suspended and recommended for expulsion, unless the particular circumstances of the case show that expulsion is inappropriate. NO exceptions shall be made in the case of the possession of a loaded or unloaded firearm.

All acts of violence and possession of weapons will be recorded for every pupil on their record. In every case, students who violate applicable Education and Penal Codes referenced by this policy will be referred to the appropriate law enforcement authorities.

This notification will be given to each parent and student during the first week of each new school year. Parents and high school students will be required to sign for receipt of the notification.

Site administrators and educators must also sign the notification, and any site administrator who fails to adhere to the notification and its guidelines can be held personally liable for a subsequent act from the same student/s.

Safety & Discipline issues that have or could lead to suspension and/or expulsion, shall be discussed at every site staff meeting so that all educators have the opportunity to be informed. This information shall also be shared via email to all appropriate school site staff.

General Safety Principles:

Currently many of these discipline issues are handled very differently on each school site and even within a school site there is great variation depending on which site administrator is assigned the

student. To create more consistency, the following must be included in our safety and discipline strategy:

1. Students need to know exactly what will occur if they cross certain well established lines at our school sites.
2. The discipline must be clear, consistent and effectively communicated to students, staff and parents. This will ensure that the adults working with the students are not seen as choosing to give punitive consequences, but rather they are simply following established norms.
3. It is critical to the process to establish an anonymous reporting system, hotline/email/drop box at all sites to be utilized by any FUSD employee. This will aid in the reporting of undue pressure placed on employees to alter established discipline procedures to show favoritism for a student or to make it appear as if discipline issues were not occurring.¹This will be shared with a newly formed district safety committee consisting of representatives from FTA, SEIU, CSEA & FUSD. FTA also proposes having 2-3 parents on this committee.
4. When students make poor choices FUSD shall not shuffle students from one high school region or school to the next
5. Regions should not be put in any “data” competitions or comparisons.
6. This work takes time and Fresno Unified district leadership cannot impose any policy via email, PowerPoint, or through “trainings” without the true buy in from the site community

We are not suggesting that school sites develop different discipline policies but the implementation and communication utilized in how this policy will be carried out at each site and region may have some variations due to outcomes of investing time with teachers and community stakeholders to find the best solutions for each school or region.²

Additional Information:

We hold that the following FUSD Board Discipline Polices are not being currently enforced in an even or consistent manner.

Rights of Teachers

- To expect and receive the attention, effort, and participation of the students attending their classes;
- To have parental and administrative backing when enforcing rules designed to provide an optimum learning climate;
- To teach with interruptions held to an absolute minimum regardless of the cause or source; and
- To enjoy the same level of respect and courteous treatment accorded members of the class individually and collectively.

TRUANT STUDENTS

E.C. 48260 (a)

Any student subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three (3) full days in one (1) school year, or tardy or absent for

¹ FTA Confidence Survey, which demonstrated clearly that teachers feel much more, supported by site administrators than FUSD district office.

²FUSD RIGHTS AND RESPONSIBILITIES E.C. 48980 (a) Teacher Rights, 2015/2016 Handbook

more than any thirty (30)-minute period during the school day without a valid excuse on three (3) occasions in one (1) school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the Superintendent of the school district.

Habitual Truant

E.C. 48262

Any student is deemed an habitual truant who has been reported as a truant three (3) or more times per school year, provided that no student shall be deemed a habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one (1) conference with a parent/guardian of the student and the student after the filing of either of the reports required by Education Code Section 48260 or Section 48261.

PARENT NOTIFICATION

E.C. 48260.5

CIVILITY POLICY

B.P./A.R. 1265

Maintaining an environment supportive of learning and free of disruptive conduct is important to the success of our children's education. To further this goal, it is the intent of the district to promote, through this policy, mutual respect, civility and orderly conduct among district employees, parents/guardians, and other members of the public. It is also the intent of this policy to encourage positive communication and discourage disruptive, volatile, hostile or aggressive communication or actions. Furthermore, this policy is intended to maintain, to the extent possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents/guardians and the public. It is not the district's intent to deprive any person of his/her right to freedom of expression. The district encourages the public's cooperation with and adherence to this policy.

Expected Level of Behavior:

Unacceptable/Disruptive Behavior:

Any conduct that disrupts or interferes with the discipline, good order, lawful conduct or administration of any school class or activity of the school or district, constitutes unacceptable conduct behavior.

Unacceptable conduct includes but is not limited to:

1. Disruption of or threats to disrupt school classrooms, activities, and/or operations;
2. Threats to the health and safety of students or district employees;
3. Battery or assault upon students, district employees or other persons;
4. Using obscenities or speaking in a demanding, loud, insulting and/or demeaning manner; and/or
5. Unauthorized entry onto district premises and school grounds.
6. Recourse Available to Parents/Guardians and Public in handling

DISCIPLINE RULES

E.C. 35291; A.R. 5144, 5144.1

Requires school site discipline rules to be established by school committees with specific membership and filed with the Governing Board, and requires notification to parents/guardians and enrollees of site and District rules. In addition to the written Discipline Rules, all schools shall determine a method to orally deliver to the students, at regular intervals during the school year, the behavioral expectations and consequences arising from non-compliance with the written Discipline Rules. This delivery method may take the form of an all-school assembly, small group discussions, or even delivery in a specific class (such as P.E.) or by a class-by-class basis

ADDENDUM 1

Restorative Justice Plan

1. Twice a year training of site communities at each site, including CAs
2. Trainings will recognize unique site issues
 - population
 - language needs
3. Trainings will address SPED and non-SPED student needs
4. All restorative justice policies will work in conjunction with other forms of site discipline
5. Trainings will incorporate the RJ experience of site educators and administrators.
6. Trainings will be facilitated by experienced outside specialist from California State University Fresno, Fresno Pacific University, or other qualified specialists (not DPI).
7. The districts Department of Prevention and Intervention must attend two of the trainings per year at the same school site.
8. Cultural sensitivity trainings, including unconscious bias, and other trainings necessary to help with improving classroom environments will also be provided.

Safety Committee (SC) Responsibilities & Make-up

1. One (1) parent from each region shall be on safety committee
2. Each labor group shall have no more than 2 representatives on the safety committee
3. FUSD shall have no more than 3 representatives on the safety committee
4. The SC will review and respond, when appropriate, to all anonymous safety & discipline concerns addressed to the SC
5. The SC will review all suspension & expulsion data, study patterns, and make reports once a quarter at school board meetings
6. The SC will review all cases of students who move from RJ to Transition sites.
7. The SC will review all cases of students who move from Transition sites to suspension
8. The SC will review all cases of students who move from suspensions to expulsions.
9. The SC can be part of the SBCs or can be a separate committee

*There can be no punitive action taken on teachers, counselors, or site administrators due to suspensions and/or expulsions. No school to prison pipelines will exist in our schools-- appropriate monitoring and reporting of suspension/expulsion data will be available and any data reflecting patterns of concern will be taken up by the safety committee. Suspension & expulsion data will be produced monthly, delineated by region, school, and ethnicity and will be available at the first School Board meeting following the month in which the data is compiled.