

HR

TENTATIVE AGREEMENT

ECRA/UTLA

January 28, 2016

ARTICLE XXI

STUDENT DISCIPLINE, PROPERTY LOSS AND LEGAL SUPPORT

21.1 Codes of Student Conduct:

It is the intention of the parties that teachers and administrators work in a mutually supportive manner to maintain proper student discipline.

21.1.1 In order to improve consistency and accountability in student discipline, ECRA shall develop and issue (and may revise from time to time) a Code of Student Conduct. UTLA shall be one of the principal participating stakeholders in that process, and ECRA will be responsible for posting, distributing these rules as well as updates;

21.1.2 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 ECRA Code of Student Conduct.

21.2 Explanation for Student Transfers.

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.

21.3 Student Suspensions

21.3.1 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. Nevertheless, suspension (whether from school or from class) is not to be the sole, or even typical, remedy for such offenses but should be reserved for only for the most serious offenses or after other remedial measures have been attempted without success. Furthermore, 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.

21.3.2 Teachers who choose to impose suspensions from their class shall immediately report same to the site administrator and send the student to the office. As soon as possible, the teacher shall 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

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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.

- 21.3.3 Prior to or upon the student's return to the classroom, ECRA will provide the unit member with written confirmation of the suspension, including any corrective action taken.

21.4 Student Expulsion

ECRA will follow the requirements and procedures set forth in its Charter Petition with respect to matters of student expulsion.

21.5 Notification to Teacher Regarding Past Misconduct by Student:

When ECRA has knowledge, based upon records ECRA maintains in its ordinary course of business or from a law enforcement agency, of misconduct on the part of a student, occurring within the previous three (3) years, and which would have constituted grounds for suspension, it shall make a good faith effort to inform every teacher to whom that student is regularly assigned. Any such information shall be received by the teacher in confidence for the limited purpose of alerting the teacher, and shall not be further disseminated by the teacher.

21.6 Loss, Destruction, Damage, Theft and Vandalism:

Employees shall be reimbursed for lost, damaged, destroyed, stolen or vandalized personal property as provided below. The maximum limit for reimbursement shall be \$1000. Claims which are reported to the employee's personal insurance carrier shall be limited to the insurance deductible, if any, plus any other non-insured loss. In no case shall ECRA reimbursement exceed \$1000, except that ECRA may, upon application and in its sole discretion, approve a reimbursement in excess of the normal maximum or a reimbursement which does not otherwise qualify under the provisions below.

21.6.1 ECRA shall pay the cost of replacing or repairing:

- a. An employee's property necessarily worn or carried (such as eyeglasses, hearing aids, dentures, watches or clothing) damaged or stolen in the course of duty without fault of the employee; or
- b. The loss (from theft, damage or destruction by vandalism, burglary or arson) of personal property used at ECRA, when approval for such use was given by the site administrator before the property was put into use and the value of the property was agreed upon in advance (complete the Property Registration Form); or
- c. The loss from damage to, or theft of, an employee's automobile as the result of the malicious act of another and without fault of the employee, while

transporting others on authorized school business, or while the vehicle is parked or driven on or adjacent to school grounds, other ECRA premises, or the site of authorized ECRA activities; or

d. The damage to an employee's automobile caused by students being transported by the employee on authorized school business.

21.6.2 Items damaged beyond repair or stolen shall be reimbursed at the actual value of such items (subject to the limitations herein) determined as of the time of the loss including normal allowances for depreciation.

21.6.3 No payment shall be made for any loss having a depreciated value of less than \$10, or for ordinary wear and tear.

21.6.4 Where a claim for loss involves a vehicle or theft of property a report shall be made to the police and the police department report number included in the claim. If damage is to a vehicle, two estimates of the repair costs shall be provided.

21.6.5 A request for reimbursement, co-signed by the immediate administrator, shall be filed by the employee with the Executive Director or designee within 60 calendar days of the loss.

21.6.6 In the event the employee receives payment from ECRA pursuant to this section, ECRA shall have the right of subrogation against those who caused the damage or loss, to the extent of its payment.

21.6.7 If the Executive Director or designee denies a claim, an employee may file a grievance pursuant to Article VI.

21.7 Liability for Employees Whose Duties Require Transportation of Students in the Employee's Own Vehicle:

21.7.1 ECRA shall, to the extent permitted by law, assume primary liability and defend, at its expense, any employee who is required or properly authorized to transport students in the employee's personal vehicle where an accident occurs during such transport which leads to actual or threatened civil liability to a student passenger or the family of a student passenger.

21.7.2 In instances where student transportation is not available through routine sources such as parents, ECRA transportation vehicles or emergency vehicles, the site administrator may authorize employees to transport pupils in their personal automobiles, pursuant to ECRA policies.

21.7.3 Students transported to home shall be released only to the custody of a responsible adult, the person named on the student's emergency card authorized

to accept custody of the student, or a person otherwise authorized by the parent/guardian.

21.7.4 The responsibility of ECRA with regard to reimbursement and liability when students are transported in the personal vehicles of employees is described in Section 21.6.1 above.

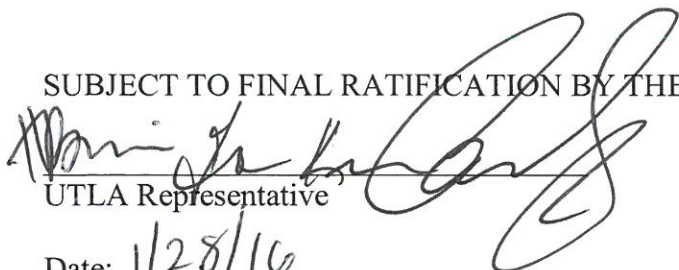
21.7.5 Following the normal procedures, employees using their personal vehicles to transport students shall receive mileage reimbursement at the current IRS rate.


21.8 Legal Assistance and Support:

21.8.1 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, ECRA 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 Directors may, in its discretion under Government Code Section 825, indemnify the employee against punitive or exemplary damages.

21.8.2 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 may, in addition to any independent remedy the employee may have, request ECRA to pursue legal action against the student and/or the student's parents or guardians. After evaluating the circumstances, ECRA may bring such a legal action to recover damages.

SUBJECT TO FINAL RATIFICATION BY THE PARTIES:


UTLA Representative
Date: 1/28/16


ECRA Representative
Date: 1/28/16

