

CVE PROPOSAL
BETWEEN
CHULA VISTA ELEMENTARY SCHOOL DISTRICT
AND
CHULA VISTA EDUCATORS

December 3, 2024

ARTICLE 14: SAFETY

14.1 As part of its annual notification process, the District shall electronically provide PDFs to employees with the following education code provisions related to safety:

Education Code Section 44807 (Student Discipline).

Education Code Section 48900 (Suspension)

Education Code Section 48910 (Suspension).

Education Code Section 49079 (Behavior History).

14.2 Each Unit Member shall be given an electronic PDF copy of the school site's student discipline procedures at the start of the school year.

14.3 Student Discipline ~~and Consequences~~

14.3.1 ~~The District shall implement clear, consistent policies for student discipline, including a district wide progressive discipline process (See Appendix SAFETY).~~ 14.3.1 The District will follow Board Policy 5144 and Administrative Regulation 5144.1 when implementing student discipline, ensuring clear, consistent, and fair practices that prioritize student growth and success.

14.3.2 Teachers shall have the authority to enforce classroom rules and recommend consequences for student behavior in line with school and district policies.

14.3.3 ~~Unit members shall receive annual training on district disciplinary policies and intervention strategies to ensure consistency in managing student behavior across the district.~~ Unit members will receive annual training on the District's disciplinary policies and intervention strategies, ensuring consistency and alignment across the District in addressing student behavior. This training will emphasize proactive and restorative approaches to supporting student success.

14.4 Student Discipline and California Education Code 48900

14.4.1 The District shall enforce California Education Code 48900 regarding student discipline, ensuring a safe and respectful learning environment for all.

14.4.2 Teachers have the right to refer students for disciplinary action if their behavior meets criteria outlined in Education Code 48900, including but not limited to causing physical injury, willful defiance, or possession of dangerous objects ~~(See Appendix SAFETY).~~

14.4.3 Teachers shall be notified of any administrative action taken regarding students they refer for disciplinary reasons.

14.5 Unit Member Protection

14.5.1-14.3 An employee shall not be required to engage in any activity that could reasonably be deemed hazardous to life or limb. When conditions seriously threaten bodily harm, the employee shall report these conditions to the site administrator as soon as possible. The employee may submit a written incident report. If an employee is subjected to serious bodily harm (for example: scratch, bite, hit, kick) appropriate law enforcement such as the School Resource Officer (SRO) will be called and the member may file a police report. The site administrator shall follow up with a written report (as per ~~14.6-14.5.4.c~~).

14.5.2 Unit Member's Suspension of Student From Class

14.5.2.a 14.4 An employee may suspend any pupil, from the employee's class for any of the acts enumerated in Education Code section 48900 for the day of suspension and the day following. The employee shall immediately report the suspension to the principal of the school and send the pupil to the principal or designee for appropriate action. Pursuant to Education Code 48910, as soon as possible, the employee shall ask the parent or guardian or the pupil to attend a parent-teacher conference regarding the suspension. A school administrator shall attend the conference if the employee or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended during the period of suspension without the concurrence of the employee of the class and the principal as indicated by Education Code section 48910. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day, this provision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended. ~~Copies of Education Code Sections 48900 and 48910 respectively are attached as Appendices ___ & ___.~~

14.5.3 Work for Students on Suspension or Students Suspended Pending Expulsion

14.5.3.a The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension (Ed. Code 48913).

14.5.4 Student Assault or Attack on Unit Member

~~14.5.4.a Whenever any unit member is attacked, assaulted, or physically threatened by any student, the unit member shall promptly report the incident to the site administrator, and the unit member and the site administrator shall promptly report the incident to the appropriate law enforcement authority as required by Education Code Sections 44014 and 48902.~~

14.5.4.a In the event that a unit member is attacked, assaulted, or physically threatened by a student, the unit member will promptly report the incident to the site administrator. The unit member, in collaboration with the site administrator, will ensure that the situation is addressed in a way that prioritizes the safety and well-being of all individuals involved. If required by Education Code Sections 44014 and 48902, the incident will be reported to the appropriate law enforcement authorities.

14.5.4.b ~~14.5~~ When the safety of the employee is threatened, physical restraint may be used as is reasonable under the circumstances to protect the employee from assault. No certificated members, ~~except for the lead psychologists,~~ shall be required to use physical restraint; when physical restraint is used, the employee shall notify the immediate supervisor immediately.

14.5.4.b.1 ~~14.5.1~~ Certificated Employees will be offered the option each school year to attend Crisis Prevention Institute Nonviolent Crisis Intervention Training (CPI).

14.5.4.b.2 All unit members shall participate in District-provided behavior-de escalation training annually.

14.5.4.b.3 Each school site shall include at least one crisis response team. Each crisis response team will include at least one of the following individuals: (1) principal or assistant principal, (2) school psychologist, (3) counselor or social worker, (4) classified staff member, and (5) certificated staff member. CVE members in those categories must volunteer to participate in the crisis response team unless they are the only CVE member within that position at the site, in which case they will be required to participate in the crisis response team. When multiple CVE members are qualified to participate in a given category, but none volunteer to do so, the participant will be selected by random lot.

14.5.4.b.3.a The District recognizes its duty to provide reasonable accommodations to qualified employees with disabling conditions that affect their ability to fully participate in the CPI training and crisis response team activities described in 14.5.4.b.3 and agrees to convene the interactive process to discuss reasonable accommodations for those individuals when their disabling condition(s) limits their ability to participate in the CPI training and/or crisis response teams.

14.5.4.c ~~14.6~~ Employees shall, as soon as reasonably possible, report cases of assault suffered by them in connection with their employment to their immediate supervisor. The employee and his or her immediate supervisor shall report to the appropriate law enforcement authorities the incident. The employee may request in writing reasonable and non-confidential information in the possession of the District relating to the incident or persons involved. The District shall act reasonably, in an appropriate manner, on the request for the information.

14.5.4.d ~~14.7~~ Unit Members shall report to their immediate supervisor any abuse of school personnel, assault or battery upon school personnel, or any threat of force or violence directed toward school personnel which occurs at any time or place and is related to any school activity. Unit Members are obligated to prepare any reports required by the District relating to such incidents. The District will investigate and respond to students or adults who abuse, assault, insult or upbraid employees. The District shall, upon request, respond to the affected Unit Member within ten (10) working days as to what action has been taken or is being considered by the District with respect to the incident in question.

~~14.5.4.e 14.8~~ Unit Members who have been attacked, assaulted, or battered, or who have been threatened with injury by someone the Unit Member reasonably believes is capable of inflicting such harm, shall immediately report the incident to their immediate supervisor and to appropriate law enforcement authorities if they desire. In the face of physical assaults or threats of assaults, a Unit Member may also call 911.

~~14.5.4.f 14.9~~ The provisions of this Article shall apply to District authorized activities (such as a field trip) where the employee is assigned duty and such duty involves student contact.

14.5.5 Notification of Student Discipline History for Teacher of Record and VAPA Unit Members

~~14.5.5.a As required by Education Code Section 49079, the District shall inform the teacher of record and VAPA unit members, in writing or through the electronic student information system (e.g., TAC), prior to the first day of instruction, of each student who has engaged in or is reasonably suspected to have engaged in any of the acts described in any of the subdivisions, except subdivision (h) of Section 48900, as well as Sections 48900.2, 48900.3, 48900.4, or 48900.7.~~

14.5.5.a In accordance with Education Code Section 49079, the District will provide the teacher of record and VAPA unit members with timely information, either in writing or through the electronic student information system (e.g., TAC), about any student who has engaged in or is reasonably suspected to have engaged in behaviors outlined in Sections 48900 (excluding subdivision (h)), 48900.2, 48900.3, 48900.4, or 48900.7. This will be done prior to the first day of instruction to ensure that educators are equipped to support students in a proactive and positive manner.

~~14.5.5.b Scope of Information Provided~~ **(This is covered in the above)**

~~14.5.5.b.1 The District shall provide information regarding student conduct from the previous three school years, based on records the District maintains in the ordinary course of business or receives from law enforcement agencies. This information will include all relevant disciplinary incidents that may impact the learning environment or safety within the classroom or VAPA instructional settings.~~

14.5.5.c Confidentiality of Information

~~14.5.5.c.1 Any information received by the teacher of record or VAPA unit member under this provision is to be treated as confidential and shall be used solely for the purpose of maintaining safety and managing classroom behavior. The information shall not be further disseminated by the unit member(s).~~

14.5.5.c.1 Any information provided to the teacher of record or VAPA unit member under this provision will be treated with confidentiality and used solely to support a safe and respectful learning environment. This information will not be shared beyond the appropriate educational context to ensure the privacy and dignity of all students.

14.5.5.d Access to Discipline Records

14.5.5.d.1 The District shall ensure the teacher of record and VAPA unit members, regardless of the grade levels they serve (K-8), have secure access to the electronic database containing their assigned students' discipline records at the beginning of each school year. For VAPA teachers serving multiple sites or working with students from different classes, the District will provide timely updates to ensure they have accurate records for all students they instruct.

14.5.5.e Ongoing Updates

14.5.5.e.1 The District shall provide updates throughout the school year for any significant disciplinary incidents involving students assigned to the teacher of record and VAPA unit members.

~~14.11 All affected employees shall be notified by the District in writing of the violent behavior of any student assigned, or being assigned to them immediately upon assignment or knowledge of the behavior (Ed Code 49079).~~

14.5.6 ~~14.12~~ The District shall indemnify and hold harmless from liability any Unit Member who performs, within the scope of her/his authority, specialized health care services. Unit Members shall receive proper and adequate training in those health care services they are asked to perform. Training in these health services shall be provided by the District to employees at no cost to the employees. Said training shall either be during the employee workday or remunerated at the rate of pay established for workshop participants. Notwithstanding the above, and with the exception of nurses, no Unit Member will be required to perform catheterizations, diapering, injections, ileostomies, colostomies, gastrostomies, tracheostomy, suction, oxygen administration, gavage feeding or draining. Nothing herein shall be interpreted as preventing a Unit Member from performing the health care services described herein if the Unit Member volunteers in writing and has received proper training from a certified specialist in these procedures.

14.5.7 ~~14.13~~ No employee shall be required to lift a student without the assistance of another employee or a Hoyer lift or other similar device.

14.5.8 Reimbursement

14.5.8.a The District shall reimburse unit members for any and all damage to personal property, including repair or replacement costs, up to ~~\$1000~~ **\$400.00** per unit member per year as a result of assault. The unit member shall provide receipts for repair or replacement costs prior to receiving reimbursement from the District.

14.5.9 Parent Involvement and Classroom Visits

14.5.9.1 Notification Requirements

~~14.5.9.1.a Parents or guardians wishing to observe a classroom must provide the school site with a written request at least three (3) school days prior to the desired observation date. The request must include the specific date, time, and purpose of the observation.~~

14.5.9.1.a Parents or guardians wishing to observe a classroom must submit a written request to the site administrator within a reasonable amount of time prior to the desired observation date. The request must include the specific date, time, and purpose of the observation.

14.5.9.2 Observation Guidelines

~~14.5.9.2.a Classroom observations shall be limited to a maximum duration of fifteen (15) minutes to minimize disruption to the learning environment.~~

14.5.9.2.a Classroom observations shall generally be limited to a maximum duration of fifteen (15) minutes to minimize disruption to the learning environment, with the exception of required Independent Educational Evaluation (IEE) providers. The observation time may be adjusted as agreed upon by the teacher and site administrator.

14.5.9.2.b Parents or guardians must be accompanied by a school administrator or designee throughout the entire observation period.

14.5.9.2.c Observations are permitted solely for the purpose of understanding the instructional process or supporting their student's educational progress and/or behavior.

14.5.9.3 Confidentiality and Conduct

14.5.9.3.a Parents or guardians must respect the confidentiality of all students in the classroom and shall not engage in discussions with teachers, students, or staff during the observation.

14.5.9.3.b Parents or guardians must adhere to all school policies and conduct themselves in a manner that does not disrupt the educational process.

14.5.9.4 Special Considerations

14.5.9.4.a Exceptions to these guidelines may be made on a case-by-case basis with prior approval from the site administrator and in consultation with the teacher.

14.5.10 ~~14.10~~ The Board shall insure against the personal liability of members of the bargaining unit for damages resulting from death or injury to a person or damage to property caused by the negligent act or omission of the employee when acting in the scope of his or her office of employment. Such insurance shall be maintained in the amount of one million dollars (\$1,000,000). Employees shall be entitled to all expenses incident in litigation of resulting damage suits as set forth in the conditions of the insurance policy.

14.6 Emergency Supplies

14.6.1 ~~14.16~~ The District shall provide each classroom and major work areas with first aid kits and disaster preparedness kits. The District Safety department shall determine the contents of these kits. These kits shall be updated annually.

14.7 Communication Devices for Emergencies - Telephones and Walkie Talkies at Worksites

14.7.1 ~~14.17~~ Each classroom and major work areas shall have a working telephone with monitored central office intercom service and an outside line. The intercom shall be used only for emergency purposes or special announcements only. Intercoms shall be used for communications and monitoring safety conditions shall not be used for the purposes of evaluation, discipline, or discharge of unit members.

~~14.18 A unit member will be provided a walkie talkie for student safety, if the students behavior intervention plan indicates the need for an emergency response communication tool.~~

14.7.2 To ensure immediate communication in emergencies, the District shall provide every unit member with a functional walkie-talkie or equivalent communication device.

14.7.2.a Communication devices must be tested and maintained regularly by the District to ensure reliability during emergencies.

14.7.2.b Training on the proper use of communication devices shall be provided annually.

14.8 ~~14.20~~ Use of Surveillance Cameras:

14.8.1 ~~14.20.1~~ In accordance with Education code section 51512, the District, or any third-party employed by the District, may not place any electronic listening or recording device (including surveillance cameras) in any classrooms, bathrooms, locker rooms, dressing rooms, or dedicated employee break rooms at a school site or facility.

14.8.1.a ~~14.20.1.a~~ The following applies to the use of surveillance cameras at school site areas outside of a classroom.

14.8.1.b ~~14.20.1.b~~ The District, or any third-party employed by the District, will not use security cameras to make audio recordings on school sites.

14.8.1.c ~~14.20.1.c~~ When the District, or any third-party employed by the District, installs permanent security cameras at a school site or facility, the District shall post a sign at the site or facility to notify students, staff, and the public that video surveillance may occur.

14.8.1.d ~~14.20.1.d~~ The District shall notify CVE annually as to the location of all placed security cameras. The District shall provide CVE with an annual notification detailing the location of all security cameras installed at each school site. This notification shall include a comprehensive list and map indicating the placement of security cameras at each individual site.

14.8.1.e ~~14.20.1.e~~ Surveillance cameras shall not be used as de-facto time clocks.

14.8.1.f ~~14.20.1.f~~ Surveillance cameras shall not be used in any observation/evaluation.

14.8.1.g ~~14.20.1.g~~ Information gathered from surveillance cameras may only be utilized to enact employee discipline when there is alleged criminal activity, child abuse, or intentional misconduct endangering staff and/or students. Furthermore, the District, **and any third-party employed by the District**, affirms that it will not use security cameras for any purpose or in any manner in violation of Education Code 51512.

14.8.2 ~~14.20.2~~ The primary purpose of the security cameras and related technologies are to enhance the safety of students and staff and to assist in the prevention of thefts and vandalism and not to evaluate the performance of employees or to monitor their behavior or conduct.

14.8.3 ~~14.20.3~~ If security camera footage is being considered as evidence in an employee discipline matter, the video recordings shall be securely maintained. In the interest of due process, the employee and the Association will be notified in writing and the Association representative or employee representative shall be given access to the unedited footage as appropriate no less than forty-eight (48) hours in advance to prepare for an investigatory interview or other disciplinary proceeding. The employee will have the right to be represented in all investigatory meetings regarding alleged misconduct unless the employee declines representation. Any discipline that may be imposed against the employee shall be in accordance with the applicable provisions of this agreement, District policy, and the Education Code.

14.8.4 ~~14.20.4~~ The District shall inform the Association of who has access to the data and where the data is being stored.

14.9 Safe and Healthy Work Sites

14.9.1 ~~14.19~~ Each school site shall have a Site Safety Committee which shall develop and annually review its site safety, health, and emergency preparedness plan for distribution to employees at the site. The committee shall also make the District aware of any unaddressed safety issues. Unit members serving on site safety committees shall receive release time or their hourly rate of pay for committee work. Site plans are expected to cover contingency plans for a wide variety of safety risks, including, but not limited to, suspicious or unwanted persons on the worksite, fire, earthquake, flood, evacuations, and emergency closures. The District Safety Committee shall provide each school site with general procedures for safety with the site committee overseeing unique site issues. The District shall consider recommendations of the Site Safety Committee. Site Safety plans shall be signed by CVE site representatives.

~~14.14 The District will make every reasonable effort to be within the guidelines as contained in the Asbestos Emergency Response Act of 1986.~~

14.9.2 The District shall adhere to the guidelines outlined in the Asbestos Hazard Emergency Response Act (AHERA) of 1986, ensuring that inspections, management plans, and response actions are conducted to protect the health of staff and students.

14.9.2.a Teachers shall be informed of the location of asbestos-containing materials (ACM) in their work areas and any plans for asbestos abatement or disturbance.

~~14.15 All unit members have the right to a safe work environment. Unit members who feel they are being required to perform duties that would possibly endanger one's life, safety or welfare, shall report the concern to the site administrator. A plan will be developed to support the unit member in creating a safe working environment.~~

14.9.3 All unit members have the right to a safe and secure work environment. The District shall maintain a safe and healthy worksite in compliance with state and federal health and safety regulations, including those established by Cal/OSHA. Unit members who believe they are being required to perform duties that could endanger their life, safety, or welfare shall report their concerns to the site administrator. Upon receiving the report, the site administrator, in collaboration with the unit member, shall develop and implement a plan to address the concerns and ensure a safe working environment.

14.9.3.a Unit members also have the right to report unsafe working conditions without fear of retaliation or adverse consequences. The District shall act promptly to investigate and resolve any reported safety issues.

14.9.4 ~~14.15.1~~ In the event of an emergency closure of District facilities, including but not limited to natural disaster, quarantine, or government order, unit members shall receive their daily rate of pay and benefits. If make-up days are required by law, the District shall negotiate said days with the Association.