

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

December 18, 2023

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 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).

14.4 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.

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.

14.5.1 Certificated Employees will be offered the option each school year to attend Crisis Prevention Institute Non-Violent Crisis Intervention Training (CPI).

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.

14.7 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.

14.8 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.

14.9 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.

14.10 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.

14.11 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).

14.12 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.

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

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

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.

14.15.1 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.

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.

- 14.17 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.
- 14.19 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.
- 14.20 Use of surveillance cameras:
- 14.20.1 In accordance with Education code section 51512, 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.
- 14.20.1.a The following applies to the use of surveillance cameras at school site areas outside of a classroom.
- 14.20.1.b The District will not use security cameras to make audio recordings on school sites.

14.20.1.c When 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.

14.20.1.d The District shall notify CVE annually as to the location of all placed security cameras.

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

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

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 affirms that it will not use security cameras for any purpose or in any manner in violation of Education Code 51512.

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.

14.20.3 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.

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

Chula Vista Elementary School District

Chula Vista Educators

Signature

Signature

Print Name

Print Name

Date

Date