

ARTICLE 9
PROTECTION OF TEACHERS

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- A. While the Building Administrator bears the primary responsibility for maintaining proper control and discipline within the school building and grounds, each teacher bears the primary responsibility for maintaining proper control and discipline within the classroom. Teachers also share responsibility for the maintenance of proper control and discipline in other areas of the school building and grounds. The Board recognizes its responsibility to give support and assistance to teachers with respect to the maintenance of control and discipline in the classroom. ~~Disciplinary actions and methods shall be reasonable, just, and in accordance with policies and procedures of the District (Policy #5600 and its subsections) and building discipline codes.~~

Disciplinary actions and methods shall be reasonable, just, and in accordance with District policies and procedures. Administrators and staff in each school/building will jointly develop discipline procedures that are aligned with the Districts policies and the Student Handbook.

A copy of each school/building discipline (i.e. office referral/incident) procedure will be completed and submitted to the head of the Instructional Division of the District within thirty (30) calendar days from the beginning of the school year. A copy of all schools/buildings discipline procedures shall be provided to the Association.

- B. The principal or assistant and the teacher will ~~cooperatively endeavor~~ **work jointly** to achieve correction of pupil behavior through whatever avenues are available in accordance with established Board policies, **the Student Handbook, and discipline procedures.**
1. A teacher may exclude a pupil from the classroom temporarily when the grossness of the offense, the persistence of the misbehavior, or the disruptive effect of the violation makes the continued presence of the pupil in the classroom intolerable. In such cases, the teacher will furnish the administration ~~full particulars of~~ **specific facts of** the incident(s) as promptly as teaching obligations will allow, ~~but in no case later than the end of the teacher day unless extenuating circumstances dictate otherwise.~~ Before the principal or assistant returns the pupil to the classroom, he/she shall inform the teacher, with a personal contact or in writing, of the corrective measures taken. **Each school/building will jointly establish the process for administration to inform teachers of corrective measures taken as part of the discipline procedures process.**
 2. Whenever it appears to the teacher and principal that a particular pupil requires the attention of counselors, social workers, law enforcement personnel, physicians, or other professional persons, the Board will take immediate steps to provide such supportive help for the teacher.
 3. A pupil may be permanently removed from the class when the teacher and principal concur that disruptions by said pupil may impede the education of the balance of the class and the following courses of action have proved to be ineffective:
 - a. Personal consultation with the pupil concerning his/her conduct
 - b. Parental conferences or notification of the conduct concerned

c. Referral of the pupil to the Building Administrator

If a request to remove a pupil is denied, the teacher shall have a right to pursue the appeal process ~~set forth in the Board's Student Discipline Code~~. The removal of the pupil is subject to the policies and procedures of the District and building discipline codes.

Board and Student Handbook

If a request to remove a pupil is denied, the teacher shall have the right to appeal the decision to the Superintendent, or designee. The removal of a pupil is subject to the policies and procedures of the Board and Student Handbook.

4. The Board agrees to indemnify and hold harmless any teacher to the extent held pecuniarily liable in excess of \$150,000 for any claim for damages to persons or property that arise out of an incident related to employment and further agrees to provide a defense against any such action excepting, however, such coverage will not be provided in those cases of ~~willful and wanton misconduct~~ **gross negligence** by the teacher.
5. Any case of employment-related assault and battery upon a teacher shall be immediately reported to the immediate supervisor. Upon written request, the Board shall provide legal counsel to advise the teacher of any rights and obligations in connection with handling of the incident by law enforcement and judicial authorities, provided that the teacher is warned that no attorney/client relationship is established between the teacher and the Board's legal counsel to the exclusion of the Board of Education. Instead of consulting the Board's attorney, the teacher shall have the right to consult with the Association or independent legal counsel at the teacher's expense. Such consultations shall be provided with up to ~~one-half (1/2)~~ **one (1)** day of leave not chargeable to the teacher.

A teacher alleging to be assaulted by a student will be afforded the opportunity to present his/her case in person to the District's Consultation Expulsion Team. The teacher may choose, at their discretion, to be accompanied by their LSEA advocate. If the title "District's Consultation Expulsion Team" should be changed in the future, the current language remains the same.

6. Any teacher who is absent because of an injury suffered from a physical assault as a result of employment-related activity shall receive from the Board the difference between the teacher's weekly income and the amounts to which the teacher is entitled under provisions of Worker's Compensation laws for a period up to thirty (30) work weeks. Beyond thirty (30) work weeks, such payments would be charged against compensable leave on a pro-rated basis computed on the relationship of the differential pay to the teacher's regular weekly pay until the compensable leave is exhausted.

Upon returning from leave, the balance of the compensable leave time will be rounded up to the nearest half (1/2) or whole increment.

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7. The Board will repair or reimburse teachers the current value (up to a maximum of \$500 **\$1,000** per incident) of any clothing or other personal property damaged or destroyed as the result of an accident, act of vandalism, or assault and/or battery upon them suffered in the course of their employment unless such loss is covered by insurance or reimbursement is obtained from other sources. (Forms for reimbursement are available from one's immediate supervisor.)
8. Time lost by a teacher, other than for disability, where the teacher is found in a court of competent jurisdiction not to be the responsible party, shall not be charged against the teacher.

- C. 1. No complaint by any parent, pupil, or other person not employed by the Lansing School District shall become part of a teacher's personnel file without such complaint first being reviewed at a hearing in which the participants shall include the involved teacher, an LSEA representative, the teacher's immediate supervisor, and the Chief Administrator for Personnel Matters and/or designee. The complaining party may be present if the party desires.
2. After such review, only those complaints determined to be valid by the Board may be included in the teacher's personnel file. However, the determination of validity shall be subject to the grievance procedure. A transcript of the entire hearing may be taken at the election and expense of the teacher and made part of the file at the teacher's election. Teachers shall have the right to enter personal statements relative to the complaint in their personnel files.
- D. Employees shall not be required to enter a locker room or a restroom designated for use by the opposite sex except in cases of disturbances or an emergency.
- E. A student who is suspended for physically assaulting a teacher or possessing a lethal weapon on School District property will not be returned to any classroom or program without prior notification to the teacher(s) affected.

An employee alleging to be assaulted by a student will be afforded the opportunity to present his/her case in person to the District's Consultation Expulsion Team. The teacher may choose, at their discretion, to be accompanied by their LSEA advocate. If the title "District's Consultation Expulsion Team" should be changed in the future, the current language remains the same.

In the event that an employee has been threatened with harm and/or physically assaulted, the administration and employee will mutually discuss safeguards before the student is returned to class.

- F. All teachers shall have the exclusive right and responsibility to assign student grades in accordance with Board Policies 5124 and 5124.1 and Administrative **Guidelines**. Regulations 5124 and 5124.1 Any changes in grades by anyone other than the assigning teacher shall be done in accordance with Administrative Regulation 5124.1 **Guidelines**.

The following is the Board's policy on grade changes. There shall be no modification of Board policy during the life of this contract without the consent of the Professional Council.

Neither the Board of Education nor any Lansing School District employee shall have authority to change a student's assigned grade unless one of the following occurs.

1. The teacher who gave the grade is informed of one or more reasons why the grade should be changed and then concurs with that recommendation.
2. If the teacher objects to altering the grade, the parent of the student or the student if 18 years of age must file a written request with the Director of Board/Information Services for a hearing before a review panel. Such a request must be filed no later than ten (10) school days after the teacher has issued a ~~written response~~ **reply**. The Director of Board/Information Services shall schedule that hearing within fifteen (15) school days after receipt of the request and notify the parties as to the time and date of the meeting. Hearings before the review panel shall be conducted in closed session to protect the

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student's right to non-disclosure of educational records without the consent of the parent or the student if 18 years of age.

The review panel shall be composed of three (3) teachers designated by the Lansing Schools Education Association (LSEA), one (1) member of the Board of Education appointed by the President, and the Superintendent of schools or an appropriate designee. The three (3) teacher representatives shall not be from the same school as the student involved in the case.

The recommended grade change shall be implemented if a majority of the review panel members so agree unless the teacher involved appeals that decision to the Board of Education.

3. If the teacher objects to making the recommended grade change, he or she must file a written statement with the Director of Board/Information Services within five (5) school days after having received the review panel's written decision to request a hearing before the Board of Education. The Director of Board/Information Services shall schedule that hearing within fifteen (15) school days after receipt of the request and notify the parties as to the time and date of the meeting.

The parent of a student involved in such an appeal to the Board of Education, or the student if 18 years of age, shall have the right to request that the hearing before the Board be conducted in closed session to protect the student's right to non-disclosure of educational records without the consent of the parent or the student if 18 years of age.

Upon hearing such an appeal, the Board of Education shall be presented with the rationale for the grade change. A decision by a majority of Board members elected and serving shall be final.

At any step in the above appeals process, the parent of the student involved in the case, or the student if 18 years of age, shall be notified of any grade change which may be made pursuant to this regulation.

Any School District employee who violates the grade changing procedures outlined in this regulation shall be subject to disciplinary action by the Board of Education.

- G. Elementary teachers have the responsibility to make the initial determination as to whether or not a student shall advance to the next grade. The principal may overrule that decision. However, the student's CA60 shall carry a copy of the student retention form. The principal will inform the teacher of this action at the earliest practical time and provide a completed copy of the retention form.

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