

ARTICLE VIII -- SAFE LEARNING ENVIRONMENT

Section 1. Student Discipline

- A. A safe and orderly learning environment is a major priority of the parties. Such an environment requires that disruptive behavior be dealt with safely, fairly, consistently, and in a manner which incorporates progressive disciplinary measures specified in the Code of Student Conduct.
- B. Rules governing discipline are set forth in the Code of Student Conduct, School Board Rules, and Procedures for Promoting and Maintaining a Safe Learning Environment and, by reference, are made part of this Contract.
- C. The parties strongly urge firm and consistent enforcement of the appropriate disciplinary action with regard to assault on any employee and the other violations cited in Group V and VI of the Code of Student Conduct.
- D. The parties recognize the potential for difficult circumstances and problems related to the use of corporal punishment. Accordingly, the parties agree that such punishment shall be prohibited as a disciplinary option, and further agree to act affirmatively in continuing to identify and implement more effective alternatives for dealing with student behavior. The involvement of school-site personnel in developing such alternatives is critical to their potential for success.
- E. The teacher shall have the authority to remove a seriously disruptive student from the classroom. In such cases, the principal or designee shall be notified immediately and the teacher shall be entitled to receive, prior to or upon the student's return to the classroom, a copy of the Student Case Management Form (SCAM) describing corrective action(s) taken. Guidelines for implementing this provision shall be developed by EESAC or other appropriate committee designated by EESAC.
- F. In the case of an intentional and deliberate assault and/or battery upon a M-DCPS employee by a student, the principal shall immediately suspend and recommend expulsion of said student. In these instances, it is the intent of the parties that the employee press charges. The Board shall:
 - 1. Provide the employee with released time for court appearances; and,
 - 2. Ensure no loss in monetary compensation or accumulated leave for said employee, per Article XIV, Section 1 of this Contract.

A student shall be immediately suspended for the following: disorderly conduct that results in physical harm to an employee and excessive profanity or obscenity directed at instructional and other personnel.

- G. The principal must immediately report to the appropriate police agency, and to the Miami-Dade Schools Police Department, any criminal act occurring on school premises or at any school-related function, such as athletic events, field trips in and out of the district, and dances. The criminal acts which shall be reported include, but are not limited to:

ARTICLE VIII (cont.)

Homicide	Aggravated Battery
Sexual Battery	Assault
Sexual Assault	Battery
Sex Offenses	Property Damage
Arson	Possession of Explosives
Kidnapping	Bomb Threat
Weapons, Possession, Use, Sale, and/or Concealment of	Trespassing on School Property
Robbery/Armed	Mood Modifiers, Possession, Sale, or Distribution of
Theft	Breaking and Entering
Aggravated Assault	Inciting Individuals to Disrupt Any School Function or Class

- H. A copy of the Student Case Management (SCM) System Codes List shall be given to instructional personnel at the start of each school year. An NCR copy of the SCM Student Services Form shall have enough copies to allow teachers to keep one copy for their records, prior to submitting said form.

Section 2. School Visitations

The Board and the Union welcome members of the community and other interested persons to visit our schools. School improvements often come from suggestions originating from such visits. However, in the interest of maintaining a safe learning environment and continuity of instruction, observers and/or visitors to classrooms shall be limited to authorized employees of the school district, parents of students in the visited classroom, and other persons expressly authorized or invited by the teacher and the administration. Where requested, an administrative staff representative will be assigned to monitor classroom visits by "other persons".

Section 3. Physical Restraint

- A. There are instances where students exhibit behaviors that are disruptive to the learning environment and pose a threat to the safety of persons or property.
- B. Some special education students because of the nature of their disability, may, on occasion, experience impaired impulse control of such severity that the use of physical restraint is necessary to prevent such students from inflicting harm to self and/or others, or from causing damage to property.
- C. The purpose of physical restraint is to prevent injury to persons or destruction of property. It is not to be used to "teach the child a lesson" or as punishment.

ARTICLE VIII (cont.)

- D. For students who exhibit such behaviors, the use of physical restraint procedures shall be discussed as part of the Individualized Education Program (IEP) development and review process. A recommendation for the use of Board-approved physical restraint procedures must be made by the Multi-Disciplinary Team (M-Team) and shall be documented on the student's IEP form before the use of such procedures may be authorized. When parents or surrogates are not present at the IEP meeting, written notification to them regarding the use of physical restraint will be provided.
- E. Strategies for the prevention of aggressive behavior shall be utilized on an ongoing basis. However, when an explosive event occurs without warning and is of such degree that there is imminent risk to persons or property, the use of physical restraint techniques is authorized for such circumstances.
- F. Subject to available funding, the Board shall provide for the training of instructional and support staff in physical restraint techniques, as well as strategies for prevention of aggressive behavior. Training manuals developed for this purpose are, by reference, incorporated and made a part of this Agreement.
- G. Physical restraint techniques provided in training programs approved by the Board are authorized and, when utilized in accordance with the training provided and these guidelines, shall not constitute grounds for disciplinary action.
- H. If an employee is faced with an emergency, the employee is authorized to employ the moderate use of physical force or physical contact as may be necessary to maintain discipline or to enforce Board Rules 6Gx13- 5D-1.07 and 1.08. The appropriate use of these procedures shall not constitute a violation of the corporal punishment policy (Board Rule 6Gx13- 5D-1.07) and shall not constitute grounds for disciplinary action.
- I. Physical restraint refers to the use of physical intervention techniques designed to restrict the movement of a student in an effort to de-escalate aggressive behavior. In order to promote a safe learning environment, the District has authorized the implementation of specific physical restraint procedures to be used in Special Education programs when a student's IEP documents the potential need for their use. These procedures include, but are limited to, holding and escape techniques which, when implemented, prevent injury to students and staff or prevent serious damage to property. Specific physical restraint procedures may also be approved for use with other specific student populations, upon mutual agreement of the parties, and would be reviewed on an annual basis.
- J. The use of physical restraint must be documented as a part of the SCM system. Instructional or support staff who utilize physical restraint techniques shall complete the SCM Student Services Form to record student case information regarding each incident. Directions shall be provided to instructional and support staff to assist them in completing the appropriate form.