

**ARTICLE ELEVEN
STUDENT DISCIPLINE**

- A. Student discipline is based on the requirement that all students must adhere to a code of behavior and to conform with all school rules and regulations.
- B. **District Discipline Committee:** The Student Conduct and Discipline Code adopted by the Board shall be reviewed once during the term of this contract by a committee appointed by the Superintendent. However, by mutual agreement between the parties, the Code can be reviewed and amended at any time. The Committee shall be comprised of the following individual/groups:
1. Employees, including four (4) elementary, four (4) middle, four (4) high, one (1) exceptional child, two (2) career and technical, (one from a high school and one from a technical center), one (1) guidance, one (1) psychologist, and one (1) social worker. Nine (9) of these employees shall be as recommended by the BTU.
 2. Four (4) parents or guardians, one (1) from each area of the district, selected by parents and guardians in a manner to be determined by the Superintendent.
 3. One (1) elementary, one (1) middle and one (1) high school, and one (1) center principal to be selected by their respective associations.
 4. Three (3) students selected by students in a manner to be determined by the Superintendent.
 5. The Superintendent or his/her designee and two (2) other designees of the Superintendent.
 6. The Chairperson shall be elected by and from the Committee members. The Committee's request for any necessary assistance and other resources needed to complete its function, may be submitted to the Superintendent. Such annual review of the Code shall be completed by May 1st of each year and any revisions of the Code recommended by the Committee shall be acted upon by the Board by July 1st of each year. Upon adoption, copies of the Code shall be distributed to all employees and students.
 7. The district shall update the Student Conduct & Discipline Code to reflect full compliance with F.S. 1006.09, (1) (C) which addresses

students found to have intentionally made false accusations that jeopardize the professional reputation, employment or professional certification of a teacher.

- C. **Support and Assistance To Employees:** The Board has the responsibility to give all reasonable support and assistance to employees with respect to the maintenance of control and discipline in the classroom and shall provide necessary services for the diagnosis and evaluation of exceptional students, including dispersal of medication, and for processing certificates of exemption from school attendance.

The principal, or in his/her absence, the person designated to be in charge of the school, shall have the responsibility for maintaining overall discipline within the school setting. Further, the principal shall delegate to the employee such responsibility for control and direction of the students as he/she considers desirable or as required by district policy and rules. When and where such responsibility, including dispersal of medication, has been delegated, the employees shall be supported in any reasonable action they may take.

Each pupil enrolled in a school shall, during the time he/she is attending school and during the time he/she is on the school premises, be under the authority of the principal or person designated to be in charge of the school, and under the immediate control and direction of the employee or other member of the instructional staff to whom such responsibility and authority may be assigned by the principal.

- D. **School Board Responsibility:** The Board shall do everything within its legal power to protect and support the principal and employees in their disciplinary role. This shall include, but not be limited to, legal defense or reimbursement in accordance with Florida statutes for any civil or criminal action brought against any employee arising out of and in the scope of his/her employment unless such employee acted in bad faith or with malicious purposes or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, and provided, however, that in any case where the employee pleads guilty or nolo contendere or is found guilty of such action, the employee shall reimburse the Board for the cost of any legal services for which the Board paid. The provisions of this section shall not apply to action of the Board against an employee. Each expenditure of funds for legal defense by the Board shall be acted upon at a public meeting with notice pursuant to Florida statutes. In addition, the Board shall assist the principal, employee and/or other school staff members in bringing about penalties for the disruption of school functions or assault or battery upon the instructional staff as set forth under Florida Statute 1006.145 and 784.081.

E. **Classroom Discipline:** An employee may impose customary classroom discipline (except corporal punishment) where necessary in cases of minor infractions and may use such force as is necessary in protection from attack or to prevent injury to himself/herself or another person. The use of reasonable force necessary to isolate the disruptive student from the classroom shall not constitute corporal punishment as defined in accordance with Section C above, and shall not be used as a basis for the suspension of an employee nor for holding an employee liable for such an act unless the force used is degrading or unduly severe as to its nature. The Administration shall, within five (5) days, accurately code student discipline actions in the Discipline Management System.

F. **Student Discipline Plan:**

1. Each school's School Advisory Council (SAC), working with teachers appointed by the school's Faculty Council, shall develop a comprehensive student discipline plan. The administration shall utilize the Administrative Discipline Matrix to ensure consistency of student discipline throughout the District, except when its use conflicts with a student discipline plan developed and adopted through a faculty vote following the process below. If a conflict between the Administrative Discipline Matrix and a school's discipline plan arises, the parties shall form a joint intervention team of two members appointed by each party to meet with the school's discipline committee to resolve any conflict and to ensure that the plan meets the intent of the matrix.

2. The Plan shall incorporate the principles of progressive discipline and provide for clear guidelines and consequences as well as encourage consistency in its school-wide application by teachers and administrators. Discipline procedures such as when and how a teacher should send a disruptive student to the administrative offices should also be addressed. The plan shall include procedures for a teacher to exclude a student from class and for the subsequent development of a behavior contract. The contract shall be developed by the committee recommending placement with input from the student's teacher and shall delineate what further disciplinary action may be recommended should the student violate the behavior contract. Said procedures shall be consistent with Florida Statutes and Board Policy. For the purpose of this project, the Faculty Council at each school shall appoint the following number of teachers to work with the SAC teams:

a. Elem. Schools, Exceptional & Alternative Educ. Ctrs. =3 teachers

- b. Middle Schools =4 teachers
- c. High Schools and Technical Centers =6 teachers

3. The plans will be developed and submitted as a component of the School Improvement Plan for implementation during the next school year.
4. **Faculty Vote:** Once the above-cited group finalizes the plans, the plans shall be voted on by the bargaining unit members in affected schools and must be approved by 66 2/3 percent of said members in accordance with the provision contained in Article Fifteen, Section G, 2-4 of this Agreement.

The Broward Teachers Union shall receive one (1) copy of each school's discipline plan.

If the plan is not approved, then Section 4 below of this contract shall be implemented.

5. If the faculty at a school cannot agree and approve a discipline plan, then the following provisions shall be implemented:
 - a. An employee may remove a student to the principal or his/her designee when the grossness of the offense, the persistence of the misbehavior or disruptive effect of the behavior makes the continued presence of the student in the classroom intolerable.
 - b. Prior to such student being readmitted to the classroom, the principal or his/her designee to whom the student has been removed shall provide in writing to the employee a statement of the specific action taken and the consequences to the student if the incident recurs. The teacher may exclude a student from the class in compliance with Florida Statutes and Board Policy.
 - c. The form shall contain a space where the teacher may recommend a consequence to the principal/ administrator for the offense. The administration shall utilize the Administrative Discipline Matrix and provide an explanation at the request of the referring teacher when the principal/ designee does not follow the teacher's recommendation.
 - d. The student referral form must contain a section indicating the specific action taken by the Administration and the consequences to the student if the incident recurs.

- G. **District Standard Referral Form:** There shall be one (1) student referral form used throughout the district (see Appendix D). When appropriate, teachers shall use this referral form to request administrative disciplinary action. Such administrative action shall be noted on the form and the referring teacher shall be provided a copy. A school may request a waiver of the district referral form consistent with the district waiver timeline and contract language concerning student discipline. Should a school be granted the waiver of the referral form, it is not necessary to renew the waiver each year unless the school decides to make a significant revision to the referral form. The referral form included in Appendix D may be modified with the agreement of both parties to achieve the goal of paperwork reduction while maintaining the requirements contained herein.
- H. **Written Statement:** When a student is referred for disciplinary action, the employee shall furnish the principal or designated representative, as promptly as teaching obligations will allow, with full particulars on the problem or incident in writing utilizing the student referral form. In cases where the student has been removed, the principal/designee shall furnish a written response on the referral form prior to returning the student to class. In cases where the student has not been removed from class, the principal/designee's response shall be provided to the employee within two (2) workdays.
- I. **Student Discipline File:** Individual records will be maintained by the principal or his/her designee on student discipline and will be available to employees as an aid for determining disciplinary recommendations concerning particular students.
- J. **Special Assistance:** Whenever it appears that a particular pupil requires the attention of special employees, the Board will take reasonable steps to assist the employee with respect to such pupils. The Board recognizes that the employee shall not be expected to assume the ongoing responsibility for psychotherapy. Additionally, the SIU shall provide schools with a copy of the Student Felony Arrest Information Transmittal for students who have been arrested for a felony crime, and the schools' administration shall provide affected employees with a copy of the form. Teachers shall keep this information confidential pursuant to the requirements of state law.
- K. **Reporting Incidents:**
1. Principals or other appropriate administrators shall be responsible for immediately reporting to the Superintendent, through the Special Investigative Unit, any person who (1) commits assault or

battery upon any employee, and (2) any person, excluding a student, who upbraids, abuses or insults any employee during employment, on school property or at a school activity, and (3) any person who is not otherwise subject to the rules and regulations of the school who creates a disturbance on the property or grounds of any school, or who commits any act which interrupts the orderly conduct of a school or any activity thereof.

2. Reports of death, and other threats of a violent nature made against an employee shall immediately be reported to the school administrator who shall immediately notify SIU and the affected employee. The employee shall be given the opportunity to immediately notify law enforcement officials, the union and other appropriate individuals if the employee so desires.
- L. **Filing Charges:** The Special Investigative Unit shall make an immediate investigation. The Superintendent or his/her designee shall assist the employee in filing charges against the individual committing such act or acts if the employee chooses to file charges.
- M. **Procedures To Correct Misbehavior:** School authorities will endeavor to achieve correction of student misbehavior through counseling, interviews and conferences, which when warranted, shall be extended to include the child's parents. Suspension, alternate school placement, and/or other appropriate action as determined by Board policy, may be imposed for serious or persistent infractions of normal good behavior.
- N. **Reimbursement To Employees:** The Board shall reimburse an employee for the cost of reasonable and necessary medical, surgical, or hospital services incurred as the result of any injury sustained in the course of his/her employment, less any such cost paid by district insurance programs or Worker's Compensation.
- O. **Field Trips:** Students may be denied the privilege of participating in field trips, social and/or extra-curricular activities if said student(s) have been disruptive, violate the student code of conduct or fail to conform with school rules and regulations. The teacher shall make this initial decision and inform the affected student and the principal/designee as to the reason for the denial of the privilege.

If the teacher's principal overrules this decision, the employee may appeal, in writing, to his/her Chief School Performance & Accountability Officer within two (2) work days of the principal's decision. The Chief School Performance & Accountability Officer will meet with the affected teacher, a representative of their choice, and the principal. The Chief School Performance & Accountability Officer shall issue a final and

binding decision, in writing, within two (2) work days of the meeting. The Chief School Performance & Accountability Officer's decision is exempt from the provisions of Article Thirty-Four of this contract.

- P. **Student Removal and Placement Review Committee:** Within the first four (4) weeks of the school year, the principal shall inform the teachers in writing about the availability, the procedures, and the criteria for removing a student from class and the establishment of the Placement Review Committee. The Placement Review Committee shall be organized according to procedures in Florida Statute and Board Policy.

- Q. **Child Protected Services:** Any person who knows, or who has reasonable cause to suspect child abuse, shall report it to the Child Protective Services. Relaying the information to an administrator does not relieve a mandatory reporter from making contact with Child Protective Services (FSS39.2011).