

ARTICLE 18: INSTRUCTION

Section A - Behavioral Supports and Student Discipline~~Disruptive Students~~

Both the District and Association agree, it is in the best interest of students that disruptive behavior shall not be allowed to hinder the progress of a class. When a student's behavior interferes with the classroom instruction to the detriment of other students, the professional educator shall initiate the process defined below to ensure that the classroom environment remains supportive to all students and staff.

1. Building Level Behavioral Support/Discipline Plan

- a. ~~1. Disciplinary actions~~ **Behavior management** by school personnel will be most effective when applied fairly and consistently and when students and their parents understand the methods and reasons for **behavioral supports and potential** disciplinary measures. ~~Schools~~ **Administrators and professional educators** shall **collaboratively** develop **behavioral supports and** discipline procedures **at every worksite.** ~~based on~~ **This plan will be included in** the Student Rights and Responsibilities Handbook that has been adopted by the Board.

- b. ~~2. Every building will have a~~ **behavior support/discipline plan,** ~~which specifies procedures to be used by professional educators for removing disruptive students from the classroom. This plan will be included in the building staff handbook.~~ ~~By June 1, a~~ **A committee shall be established in each building consisting of the building administrator(s) and at least three (3) Association designees. This committee shall prepare for the upcoming school year with a meeting to be held by June 1st of each year. The committee shall work together to update/amend the building behavior support/discipline plans before the end of each contract year for the upcoming school year. All professional educators in the building will have an opportunity to suggest revisions for the following year.**

The committee shall also convene at least once mid year, with the meeting to be held no later than January 15th, to review any concerns regarding the building behavior support/discipline plan. Revisions shall be made as needed, with consensus of the committee. Additional committee meetings may occur at the request of either party. and will be reviewed with staff annually.

- c. The building behavioral support/discipline plan shall include the following: the designation of a location for students to be sent who are compromising the safety of staff or other students, the possible responses to student behaviors, the communication protocols between teachers and administrators regarding student behaviors, the steps that will be taken if a student threatens or harasses an educator or another student, student removal and return to class, and the ways staff could recognize positive student choices. This plan will also include a coverage protocol when administration is not available. The building plan may also list the kinds of support and how the teacher can access support from others, including building administrators, counselors, and District specialists, and any other pertinent information.

2. Classroom Management

The District and Association recognize that the primary responsibility for student management rests with the professional educator. In the exercise of authority by a professional educator to control and maintain order and discipline, the professional educator may use reasonable and professional judgment.

3. Disruptive Students

- a. Right to Remove a Student: When a student's behavior interferes with the classroom instruction to the detriment of other students, the professional educator shall send the student or students to the building's designated location. The professional educator shall communicate with the office regarding the incident, and all involved will follow the steps in the building behavioral support/discipline plan. The administrator or designee will communicate with the professional educator prior to the student returning to class, without disrupting instructional time. The building plan will detail how students are returned into the classroom.
- b. A procedure shall exist for handling students removed from class when the principal, supervisor or their designee is out of the building or unavailable and therefore cannot communicate with the professional educator prior to the return of the student to class. Such procedure shall provide that only professional educators or administration shall have a decision-making role in the handling of such students.

- c. **Individual Student Support Plans: If a student is showing a pattern of disruption, the principal, supervisor and/or professional educator shall initiate the development of a written student behavior support plan. The development of the individual's plan shall follow the following process:**
- i. **A conference which shall include, as appropriate, the principal, supervisor, professional educator, student and parent(s) and other resource staff. The creation of the student's behavior support plan shall include the specific areas of concern to be addressed, a timeline for completion, and the responsibilities of the student, professional educator, administrator, and others.**
 - ii. **If the plan does not result in a change in the disruptive behavior, the administrator, in conference with the professional educator, will take additional steps as may be appropriate which are consistent with and guided by the school behavior support/discipline plan.**
 - iii. **Each professional educator shall be allowed to write referrals for any student under their supervision at any stage of the referral process. Professional educators shall have access to referrals written by them and shall be able to track or receive documentation of the disposition of the referrals.**
- d. ~~3.~~ The decision of a building assistant principal **or designee** regarding the disciplinary action taken in the case of a disruptive student may be appealed by the involved professional educator(s) to the principal. The decision of a building principal may be appealed by the involved professional educator(s) to the Superintendent for final resolution. Prior to rendering a decision, the Superintendent will arrange for a conference with the professional educator(s), the principal or designee, and other appropriate school professionals.

4. ~~Excluding Students from the Classroom/Workstation:~~

- ~~a. When professional educators exclude a disruptive student from their workstation and/or duty station the professional educator will provide an explanation of what happened.~~
- ~~b. Prior to the student being re-admitted to class, the professional educator will be informed about the resolution of the problem.~~

- e. An allegation that the student has committed Threat/Causing Fear of Harm or Physical Attack/Harm upon a professional educator shall result in the removal of the student from the responsibility of the professional educator pending administrative investigation of the incident. The administrator shall exercise appropriate progressive discipline as set forth above. If the investigation shows Physical Attack/Harm did occur and the professional educator so recommends, the student shall not be returned to the affected professional educator's responsibility.

 - f. Any student found to have committed Threat/Causing Fear of Harm or Physical Attack/Harm upon a professional educator shall be immediately subject to appropriate discipline in accordance with the school handbook, "The Students Rights and Responsibilities Handbook." However, there shall be a minimum of five (5) days suspension for a Threat/Causing Fear of Harm and mandatory pre-expulsion hearing for Physical Attack/Harm.
 - i. PK-5 students, in lieu of a five (5) day suspension, will participate in a five (5) day out-of-the-regular-classroom Social Emotional Learning (SEL) program which may include restorative justice activities, school counseling, and/or other activities found to be appropriate by the education team.

 - g. A professional educator who is assigned to teach or supervise a student may ask the building administrator(s) to discuss any disruptive situation involving that student and explain how the situation was handled and any ongoing developments. If the professional educator completes a written behavioral referral to a building administrator, the professional educator shall receive feedback about the action taken within a reasonable time frame, generally within 48 hours for a major referral.
4. District administration, Association leadership, and students shall work together to review and update the Student Rights and Responsibilities Handbook by the end of the current school year for subsequent year's implementation.
5. Exclusions for School Counselors: School Counselors work to support academic, social/emotional and career development with students. To maintain positive student/counselor relationships and allow counselors to perform their professional

duties, counselors will not be required to provide disciplinary consequences to students.

Section B - Assessment of Students

The professional educator shall maintain the responsibility to assess student progress and development. When a professional educator's assessment is challenged by a parent or student, the student and/or parent shall first present their request for a grade change to the professional educator with supporting information and rationale. If the professional educator does not agree to change the grade, no grade or evaluation given by a professional educator shall be changed without the approval of the professional educator, unless the student, parent(s), or legal guardian(s) file an appeal with the principal.

1. Appeals shall be heard by a review panel. The panel shall consist of three (3) members. The first member shall be a representative appointed by the professional educator, the second member shall be the principal. The third member who shall be used as the chairperson shall be a person mutually appointed by the professional educator's representative and the principal, unless the student and/or parent requests to choose the third panel member. If the student and/or parent make such a request the third panel member shall not be a District professional educator and shall have no family relationship to the student and/or parent. If the student and/or parent appoint the third member, the principal shall serve as chairperson.
2. The panel may change the grade, establish additional requirements or deny the appeal.
3. The panel's decision shall be final and binding and communicated to the professional educator by the principal.
4. If the professional educator has left the District or otherwise is unavailable, the Association shall appoint the professional educator's representative.

Section C: Academic Freedom

Purpose of Curriculum

MSD and the Association agree that the purpose of curriculum is to be a resource for educators and that curriculum should not be used as a prescriptive tool for delivering content in classrooms.

1. Adoption and Purchase of Instructional Materials: The development and delivery of instructional materials is a collaborative process that includes teachers, instructional technology curriculum developers, and administrators. Whenever MSD is considering the purchase, design or redesign of instructional materials, it will establish a joint curriculum team for that purpose.

- a. The Association shall appoint at least three professional educators to the team. The curriculum team shall share preliminary decisions and reasoning with affected staff for peer review and shall incorporate any resulting input in further discussion, analysis, and selection. The curriculum team shall use a consensus model when recommending final selections for board adoption.
- b. Members of the curriculum design and adoption team will be compensated at the per diem rate for any work performed outside the regular work day. The curriculum design and adoption team will be compensated for four (4) hours of substitute lesson plan design at the per diem rate for each meeting which requires a substitute.

2. Learning the Curriculum

Whenever a new curriculum is adopted, the District shall offer eight (8) hours of professional learning time to professional educators who are expected to use the curriculum.

- a. This educational time must be prepared and presented by an expert in the adopted curriculum and must take place at least a month before the curriculum is expected to be implemented.
- b. The professional learning shall occur during the regular workday. The professional learning will not occur until all adopted curriculum and supplemental materials are available for educator use.
- c. The eight (8) hour time of professional learning will be evenly divided between a guided time with the curriculum expert and collaboration time to review and explore the curriculum with colleagues.
- d. Professional educators will be compensated for four (4) hours at the per diem rate for each full day of professional learning, or part thereof, in order to prepare substitute lesson plans. Professional development occurring within the student contact day will be compensated for four (4) hours of substitute lesson plan design at the per diem rate for each meeting which requires a substitute.

4. Delivery of Content

Professional educators shall be solely responsible for:

- a. Making decisions regarding the methods and materials used for the instruction of students, consistent with the educator's professional opinion and general grade level and/or subject content guidelines.
- b. Determining when and how to modify, supplement, or replace lessons to meet the needs of students and to achieve unit and lesson objectives.
- c. Developing, sequencing, and pacing daily lesson plans, subject to standards adopted by the state.
- d. Modifying pace and delivery, based on student needs.

5. Protection from Censorship

- a. Controversial Material: Professional educators shall have the freedom to present and discuss political, religious, or otherwise controversial materials, provided the materials are relevant to the course content and appropriate to the grade level of the student.
- b. Personal Opinion: Professional educators shall have the right to discuss their personal opinions on all matters relevant to the course content, so long as they indicate that they are expressing their private opinion and are not speaking on behalf of MSD, its administration, or the Board.
- c. Censorship: MSD agrees to protect professional educators from any censorship or restraint that interferes with the performance of their teaching functions.

6. Recordings and Electronic Devices

MSD shall not record, or allow students to record, classroom activities without the prior written consent of the professional educator being recorded. MSD shall not use any electronic device to listen to classroom activities or private conversations in the classroom. Educators providing instruction outside a regular classroom environment shall not be monitored during their instructional periods. Recordings from school site cameras shall not be reviewed without just cause.

7. Intellectual Property Rights

The ownership of any materials, processes, or inventions developed by a professional educator's individual effort, time and expense shall vest in the professional educator and be copyrighted or patented, if at all, in the professional educator's name.