SPS Safe Worksplaces

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For questions and more information about this document, please contact the following:

Contact Name
Human Resources

hr@seattleschools.org
ARTICLE III: GENERAL RIGHTS AND RESPONSIBILITIES

SECTION F: CLASSROOM CONTROL

1. SEA and SPS agree to establish a joint work group in 2019-2020, to review and update the following sections for legal compliance and restorative justice purposes: Article III, Section F – Classroom Control, Section G – Employee Protection and Section H – Safety and Security. See MOU, Appendix PP.

SEA and SPS agree the use of disciplinary actions is not a substitute for culturally responsive behavioral and social-emotional supports for students with and without disabilities. SEA and SPS further agree that adult behaviors in the central office, school buildings, and classrooms be aligned with districtwide vision, values, and anti-racism initiatives.

2. SPS shall support and uphold employees in their efforts to maintain a safe and welcoming environment in accordance with SPS policies and SPS Student Rights and Responsibilities. Using professional judgment, the employee shall request assistance if a student substantially disrupts the classroom environment and shall provide written information/requests for assistance as required. Substantial disruption means significant interference with instruction, school operations or school activities, violent physical or verbal altercations between students, or a hostile environment that significantly interferes with a student’s education.

It shall be the responsibility of the appropriate administrator to provide assistance in an immediate or timely fashion consistent with the circumstances.

Consistent with SPS discipline procedures, the principal and certificated employees of each building shall confer at least annually for the purpose of developing, or reviewing, or both, and reviewing building discipline standards and the uniform enforcement of those standards. (WAC 392-400-110225 (1)(b)).

Employees are required by law to maintain a suitable environment for learning, and administrators have the responsibility for maintaining and facilitating the educational program. A student who by their behavior is substantially disrupting the classroom environment may be removed from a class pending action by SPS, subject to the provisions of SPS regulations and procedures in accordance with State law and Chapter 392-400 WAC. Students shall be removed from the classroom only for the violation of established rules as set forth in the SPS Statement of Rights and Responsibilities, the laws of the State of Washington, Chapter 392-400 WAC, or the rules and regulations of SPS and the Federal Government.

A student may be removed immediately from a class, subject or activity by a certificated teacher and sent to the building principal/program manager or other designated school authority provided the teacher has good and sufficient reason to believe the student’s presence poses an immediate and continuing danger to the student, other students, or school personnel or is an immediate and continuing threat of substantial disruption of the class, subject, activity or educational process of the student’s school, according to Chapter 392-400 WAC as now or hereafter amended.

The student shall remain out of the class, subject or activity only until the danger or threat ceases or until the building principal/program manager or other designated school authority acts to conference with student about behavior, impose discipline or short-term suspension, initiates a long-term suspension or expulsion, or imposes an emergency expulsion.

7. The building administrator will utilize written recommendations from employees in their deliberations relative to potential student classroom suspensions and expulsions.

8. When a student is returned to school following temporary removal or suspension from school or from a class, subject or school activity, the administrator, in consultation with the employee(s), shall specify in writing the conditions, if any, for the student to return.
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9.6. Prior to the time the student is returned to the class(s), subject(s) or activity(s), the building principal/program manager or school authority shall notify the teacher who removed the student of the action which has been taken or initiated.

10.7. Parents and/or guardians shall be adequately informed of the classroom behavior of their children so they may take corrective measures where necessary. SPS discipline policies and procedures must provide for early involvement of parents in efforts to support students in meeting behavioral expectations (WAC 392-400-110).

11. SPS will continue to provide classes and programs for students who are unable to profit from the regular educational program.

12.8. All visitors shall obtain the approval of the principal/program manager or their designee, prior to entering a classroom. The principal/program manager will contact the employee regarding the pending visit and will respect a request to postpone the visit if the timing would be disruptive to the activity taking place at the time. Visitors will be encouraged to contact the teacher to schedule the visit. Each school shall develop a plan to accommodate visitors during the spring assignment process. Prior to the adoption of the plan, the principal/program manager shall seek input from staff and parents. This does not apply to classroom visits by SPS personnel.

SECTION G: EMPLOYEE PROTECTION

1. SEA and SPS agree to establish a joint work group in 2019-2020, to review and update the following sections for legal compliance and restorative justice purposes: Article III, Section F – Classroom Control, Section G – Employee Protection and Section H – Safety and Security. See MOU, Appendix.

2. If the principal/program manager is aware of information about students who evidence behavior(s) that could present a safety concern to the students or staff, within twenty-four hours, they should follow the notification provisions in SPS policy 3143, pass this information along to the classroom teacher, and other non-supervisory certificated staff who regularly work with the students as long as the dissemination does not breach any legal requirements concerning confidentiality. This requirement may be waived if there are specific legal restrictions on the ability of SPS to inform the staff.

When new students transfer into the District, SPS will make contact with the previous school(s) to obtain any pertinent information that may be of concern to the staff at the receiving school. This information should be provided to staff within twenty-four hours following the notification provisions in SPS policy 3143 and Superintendent Procedure 3130 to all staff who regularly work with the student if it is not immediately accessible upon at the time of registration.

3. Employees have the right to call 911 in emergency or threatening situations. After making the 911 call the employee will immediately notify the supervisor or identified emergency building contact should the supervisor be out of the building. Principals/supervisors will notify the staff of the person(s) to contact when they are leaving the worksite.

Employees shall be trained by SPS prior to being assigned to insert catheters or perform other required medical procedures.

64. Employees shall be trained by SPS prior to being assigned to dispense medication. All dispensing of medication will be in accordance with the law.

SECTION H: SAFETY AND SECURITY

1. SEA and SPS agree to establish a joint work group in 2019-2020, to review and update the following sections for legal compliance and restorative justice purposes: Article III, Section F – Classroom Control, Section G – Employee Protection and Section H – Safety and Security. See MOU, Appendix.
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1. SEA and SPS are jointly committed to providing quality educational programs in a safe and welcoming environment that protects the safety and security of all students and staff. The parties also agree that an optimal teaching and learning climate for staff and students requires that SPS ensure that there are policies and procedures, including student discipline procedures, to make certain that schools are safe, and those sanctions can be upheld during due process hearings. Students who bring and use weapons and dangerous devices or who physically touch school staff in a manner that is designed to threaten, intimidate, and harm staff must be dealt with immediately through consequences, interventions, and/or behavioral training.

a. Establishing a Safe Environment - To achieve the above, consistent with student due process and other legal requirements, the parties agree to:
   1) collaboratively develop improved security procedures,
   2) expand training opportunities for all staff, and
   3) engage in cooperative problem solving to strengthen the working relationships among
      the administration, staff, students, families, and the community.

2. 911 calls should be made by or approved by the school principal, or designee, as the incident commander whenever possible, to ensure the best possible coordination with emergency responders. There may be exceptions for extreme cases, such as imminent threat of death. In such a case, the staff calling 911 should inform the principal or designee as soon as possible. The SPS Safety and Security Office should also be called in either instance, preferably before the 911 call if the emergency allows for that. SPS recognizes that anyone who believes that they are the victim of a crime has a right to call 911 on their own behalf if they do not believe school administration can address issue or are not satisfied with administration’s attempt to do so. This direction does not change mandatory reporting requirements for cases of child abuse. As a mandatory reporter, staff must report concerns of child abuse (including sexual assault) to Child Protective Services (where the alleged aggressor may be in the home or a relative) or the Seattle Police Department (where the alleged aggressor is a 3rd party, including staff or students).

3. SPS currently has in place a number of programs and procedures that have been designed to identify, sort, and direct resources to potentially dangerous students. These programs and procedures provide a wide range of effective interventions and sanctions to maximize staff and student safety, while maintaining student due process rights. These programs and procedures include:
   a. Central Intervention Team (CIT): The CIT is a team of multidisciplinary members comprised of school psychologists, special education, safety and security, legal, student assignment, ombudsman, nursing, school officials, and staff who know the student best. The CIT takes referrals from schools regarding difficult to manage and/or dangerous students. At the conclusion of the CIT, a plan is developed for dealing with the dangerous or problematic student.
   b. School Threat Assessment Team (STAT): The Threat Assessment Team, within the Safety and Security Department, becomes involved when administrators are concerned about a student’s safety. School administrators request STAT services when a student makes a direct and credible threat to do lethal harm, exhibits behaviors that cause sufficient concern that a student may pose a significant threat or is sexually aggressive or sexually inappropriate despite intervention/sanctions.
   c. Risk Assessments: Potentially assaultive or dangerous students are given risk assessments. These assessments are designed to identify the circumstances and variables that are known.
to be correlated with youth violence and aggression as well as to assist SPS staff in developing a case management plan. Risk assessments must be completed by a SPS-approved mental health provider trained in risk assessments.

d. Safety Plans: Safety plans are developed by the SPS in order to maximize safety and reduce fear. The development of these plans includes input from school administrators, affected staff, students, and parent/guardians. If the Safety and Security Department is involved in the Risk Assessment, then the department, in consultation with the General Counsel’s Office of Legal Counsel, will be involved with the creation and implementation of the Safety plan. The Safety plans are designed to change variables found in the risk assessment that affect social, emotional, and behavioral factors and promote safety for staff and students. These may include a range of interventions such as, but not limited to, social skills training, daily backpack checks, or transfer to another school.

Emergency Exclusion for Safety Reasons: A student may be placed on Emergency Exclusion during continuing investigation and risk assessment. This Safety Exclusion is not disciplinary but is a response to lethal and dangerous behavior. The Safety Exclusion continues until the danger is abated and may be re-instituted if the student does not follow the safety plan.

e. Whereas, SPS and SEA continue to support a policy of “no tolerance” for weapons, dangerous devices and assaultive behaviors and continue to support the use of expulsions from the school as an appropriate sanction for violations of the weapons policy. However, there are legal limitations to the ability to expel in every case, including particularly in cases of first offense for possession of weapons other than firearms in the absence of any exceptional circumstances.

a. Establishing a Safe Environment - To achieve the above, consistent with student due process and other legal requirements, the parties agree to:

1) collaboratively develop improved security procedures,

2) expand training opportunities for all staff, and

3) engage in cooperative problem solving to strengthen the working relationships among the administration, staff, students, and the community.

b. Weapons

1) Possession or use of weapons, explosives, firecrackers, illegal knives, or other items capable of producing bodily harm is prohibited.

2) Possession of Dangerous Device or Weapon Other Than Firearm: The normal penalty for possession or use of any weapons or dangerous devices will be based on mitigating and extenuating factors. However, elementary students cannot be expelled. Possession of an ordinary knife or other SPS-defined weapon may proceed to expulsion without regard to progressive discipline. For middle and high school age students, a school-based response, in-school suspension, short-term suspension, long-term suspension, and expulsion may all be considered in determining the appropriate discipline based on the individual student and facts surrounding the offense.

3) Items That Appear to Be Weapons: The normal sanction is expulsion when a student uses anything that appears to be a weapon, is used by the student/aggressor as a weapon and the victim reasonably believes it to be a weapon. However, elementary students cannot be expelled.
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and high school age students, a school-based response, in-school suspension, short-term suspension, long-term suspension, and expulsion may all be considered in determining the appropriate discipline based on the individual student and facts surrounding the offense.

4) The normal penalty is emergency expulsion and other appropriate sanction for any student who commits a serious assault.

Serious assaultive behaviors are defined as either physical assaultive behavior (purposeful assaultive, aggressive behavior, with intent to do serious harm), or verbal assaultive behavior (racial threat or threat to do physical harm, either student-to-student or student-to-staff).

5) The emergency expulsion will continue for up to 10 days and possibly converted to another form of corrective action if the principal or designee, in consultation with directly affected staff, has sufficient cause and sufficient reason to believe the student’s presence poses:

a) an immediate and continuing danger to employee(s), a student, other students, or school personnel;

b) an immediate and continuing threat of substantial disruption material and substantial disruption to the educational process, of the class, subject, activity, or educational process of the student’s school.

5. Repeat Weapons and Serious Assault Offenders: Repeat offenders relating to weapons and serious assaultive behavior will be expelled from their school, not from SPS.

6.3 An employee will not be expected or required to provide emergency treatment in situations involving weapons if the employee has a reasonable belief the scene/area is not safe or secure.

a. Consequences

1) The standards for weapons and dangerous devices and serious assaultive behavior apply to all students. School staff should work with staff from Interagency Academy and the Behavioral Health and Discipline Office to assess student needs and identify culturally appropriate community-based services to meet the identified needs of students expelled for weapons possession and/or serious assaultive behavior. Students will be referred to the appropriate SPS office for:

a) Referral to a behavior modification program, if available.

b) Support and intervention services, as appropriate, if available.

c) A temporary school assignment.

d) A new school assignment.

2) SPS will track these students when they request re-admittance after successfully completing a behavioral modification program, if program was required.

3) SPS will reassign these students on an even basis across SPS in appropriate individual schools and classrooms when they are readmitted to a regular school, unless there are extenuating circumstances.

4) SPS will provide the principal and SEA written reasons for the extenuating circumstances.

Students may return to their school when the suspension or expulsion is over. Expelled
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students who do not have a long-term suspension as part of the disciplinary response must be reassigned to another school within ten (10) school days of the expulsion. Students who are expelled or long-term suspended have the right to appeal the decision, including the right to petition for re-instatement.

5) The principal will be responsible for distribution to impacted staff.

6) The principal or designee will immediately and thoroughly investigate oral and/or written reports regarding weapons, explosives, and firecrackers and/or assaultive behavior.

7) The principal or designee will take prompt and reasonable action to protect employees and students and their property.

8) The principal or designee will report all incidents of weapons possession and/or serious assaultive behaviors to Safety & Security.

9) The student's parents or guardians will be promptly informed of the incident.

10) Students who have been expelled for offenses relating to weapons or serious assaultive behaviors must participate in and successfully complete an approved behavioral modification program prior to readmittance to a new regular Seattle Public School.

11) Every effort will be made to secure involvement and support of a parent, guardian or responsible adult.

Convicted sex offenders will not attend a school attended by their victims or a victim's sibling. The enrollment of juvenile sex offenders shall be in schools where victims or victims' siblings are not in attendance.

12) A student convicted, adjudicated, or entering into a diversion agreement for an assault, kidnapping, harassment, stalking, or arson against a teacher will not be assigned to that teacher's school. Neither will the student be assigned to a classroom where another student who was his or her victim for the offense is enrolled.

13) SPS policy regarding gangs on school grounds will provide for student suspension and/or expulsion.

a. Special Education: In the event a Special Education student is emergency expelled for misconduct related to the disability, SPS, if necessary: receiving certificated employees will be immediately given all information properly available concerning students expelled for weapons, dangerous devices, or serious assaults, including the intervention and behavior modification program or equivalent, related to the weapons/suspension prior to admittance to classrooms.

b. 1) Will file in the appropriate court a petition for a temporary restraining order and preliminary and permanent injunctions asking that the court authorize continued exclusion from school pending consideration of appropriate placement.

2) Receiving certificated employees will be immediately given all information properly available concerning students expelled for weapons, dangerous devices, or serious assaults, including the intervention and behavior modification program or equivalent, related to the weapons/suspension prior to admittance to classrooms.

Z.4. Disruptive Non-students: SPS will recommend to the appropriate prosecuting attorneys that any individual on school premises under the influence of alcohol or who has possession of drugs or other non-prescribed narcotic substances and/or who physically or verbally abuses or intimidates or
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interferes with an employee performing their duties will be prosecuted to the fullest extent provided by law.

8. Hearing Officers: SEA and SPS annually will jointly review and evaluate hearing officers.

9. Searches: Bargaining Unit employees, except house administrators and head teachers, will not be required to search a student, a student’s possessions, or a student’s locker. Employees may be assigned to supervise other students while search is in progress.

Health and Safety Needs:

a. SPS shall provide a safe and healthy workplace per State law, WAC 296-24-020.

b. Teaching stations shall be equipped for the purpose of communicating in emergency situations.

c. The District will inform all staff in an affected building or school as soon as possible upon learning that the building or school has failed an environmental safety test (e.g., water quality test). The District will meet with the building or school’s safety committee to both discuss the results of any such test, and any protective measures where such may be necessary, that will be taken to protect students, staff, and the public during any remediation period. Such notice shall be given to the affected building or school as soon as possible and in any event no later than five (5) working days after the District has knowledge that it has failed an environmental test.

HIV/AIDS, Hepatitis B Training and Inoculation Requirements:

b. SPS will advise the SEA of those employee groups which will receive special Hepatitis B training and who will be offered pre-exposure inoculations.

c. SPS will provide HIV/AIDS - Hepatitis B training as required by law.