POSP Proposal 11:48 AM

APPENDIX A

CALIFORNIA EDUCATION CODE: Suspension and Expulsion

2026.10.26 PUSD to PEA
EC §48900 and EC §48910
CALIFORNIA EDUCATION CODE: Suspension and Expulsion

EC §48900 – Grounds for suspension or expulsion; jurisdiction; legislative intent

PUSD strikethrough ~~***(Amended by Assembly bill 86 effective January 1, 2009)***~~
(Current text as amended, effective January 1, 2025)

PUSD strikethrough ~~A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:~~

~~(a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.~~

~~(2) Willfully used force or violence upon the person of another, except in self-defense.~~

~~(b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.~~

~~(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.~~

~~(d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.~~

~~(e) Committed or attempted to commit robbery or extortion.~~

~~(f) Caused or attempted to cause damage to school property or private property.~~

~~(g) Stolen or attempted to steal school property or private property.~~

~~(h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.~~

~~(i) Committed an obscene act or engaged in habitual profanity or vulgarity.~~

~~(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.~~

~~(k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.~~

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

(4) During, or while going to or coming from, a school sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

~~(v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.~~

~~(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.~~

A pupil shall not be suspended from school or recommended for expulsion, unless the superintendent of the school district or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.

(2) Willfully used force or violence upon the person of another, except in self-defense.

(b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

(c) (1) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.

(2) Pupils who voluntarily disclose their use of a controlled substance, alcohol, or an intoxicant of any kind in order to seek help through services or supports shall not be suspended solely for that disclosure.

(d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

(e) Committed or attempted to commit robbery or extortion.

(f) Caused or attempted to cause damage to school property or private property.

(g) Stole or attempted to steal school property or private property.

(h) (1) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit the use or possession by a pupil of the pupil's own prescription products.

(2) Pupils who voluntarily disclose their use of a tobacco product in order to seek help through services or supports shall not be suspended solely for that disclosure.

(i) Committed an obscene act or engaged in habitual profanity or vulgarity.

(j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

(k) (1) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

(2) Except as provided in Section 48910, a pupil enrolled in kindergarten or any of grades 1 to 5, inclusive, shall not be suspended for any of the acts specified in paragraph (1), and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 12, inclusive, to be recommended for expulsion.

(3) Except as provided in Section 48910, a pupil enrolled in any of grades 6 to 8, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2029.

(4) Except as provided in Section 48910, commencing July 1, 2024, a pupil enrolled in any of grades 9 to 12, inclusive, shall not be suspended for any of the acts specified in paragraph (1). This paragraph is inoperative on July 1, 2029.

(5) (A) A certificated or classified employee may refer a pupil to school administrators for appropriate and timely in-school interventions or supports from the list of other means of correction specified in subdivision (b) of Section 48900.5 for any of the acts enumerated in paragraph (1).

(B) A school administrator shall, within five business days, document the actions taken pursuant to subparagraph (A) and place that documentation in the pupil's record to be available for access, to the extent permissible under state and federal law, pursuant to Section 49069.7. The school administrator shall, by the end of the fifth business day, also inform the referring certificated or classified employee, verbally or in writing, what actions were taken and, if none, the rationale used for not providing any appropriate or timely in-school interventions or supports.

(l) Knowingly received stolen school property or private property.

(m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

(n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 287, 288, or 289 of, or former Section 288a of, the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.

(o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.

(p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

(r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:

(1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

(A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.

(B) Causing a reasonable pupil to experience a substantially detrimental effect on the pupil's physical or mental health.

(C) Causing a reasonable pupil to experience substantial interference with the pupil's academic performance.

(D) Causing a reasonable pupil to experience substantial interference with the pupil's ability to participate in or benefit from the services, activities, or privileges provided by a school.

(2) (A) "Electronic act" means the creation or transmission originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

(i) A message, text, sound, video, or image.

(ii) A post on a social network internet website, including, but not limited to:

(I) Posting to or creating a burn page. "Burn page" means an internet website created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(iii) (I) An act of cyber sexual bullying.

(II) For purposes of this clause, "cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in subparagraphs (A) to (D), inclusive, of paragraph (1). A photograph or other visual recording, as described in this subclause, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

(III) For purposes of this clause, "cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the internet or is currently posted on the internet.

(3) "Reasonable pupil" means a pupil, including, but not limited to, a pupil with exceptional needs, who exercises average care, skill, and judgment in conduct for a person of that age, or for a person of that age with the pupil's exceptional needs.

(s) A pupil shall not be suspended or expelled for any of the acts enumerated in this section unless the act is related to a school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to a school activity or school attendance that occur at any time, including, but not limited to, any of the following:

(1) While on school grounds.

(2) While going to or coming from school.

(3) During the lunch period whether on or off the campus.

(4) During, or while going to or coming from, a school-sponsored activity.

(t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

(u) As used in this section, "school property" includes, but is not limited to, electronic files and databases.

(v) For a pupil subject to discipline under this section, a superintendent of the school district or principal is encouraged to provide alternatives to suspension or expulsion, using a research-based framework with strategies that improve behavioral and academic outcomes, that are age appropriate and designed to address and correct the pupil's specific misbehavior as specified in Section 48900.5.

(w) (1) A suspension or expulsion shall not be imposed against a pupil based solely on the fact that they are truant, tardy, or otherwise absent from school activities.

(2) It is the intent of the Legislature that the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

48900.1 – Pupil suspended by teacher for 48900 (i) or (k) violation; attendance of parent for portion of school day; local policy and procedures

(a) The governing board of each school district may adopt a policy authorizing teachers to require the parent or guardian of a pupil who has been suspended by a teacher pursuant to Section 48910 for reasons specified in subdivision (i) or (k) of Section 48900, to attend a portion of a school day in the classroom of his or her child or ward. The policy shall take into account reasonable factors that may prevent compliance with a notice to attend. The attendance of the parent or guardian shall be limited to the class from which the pupil was suspended.

(b) The policy shall be adopted pursuant to the procedures set forth in Sections 35291 and 35291.5. Parents and guardians shall be notified of this policy prior to its implementation. A teacher shall apply any policy adopted pursuant to this section uniformly to all pupils within the classroom.

The adopted policy shall include the procedures that the district will follow to accomplish the following:

(1) Ensure that parents or guardians who attend school for the purposes of this section meet with the school administrator or his or her designee after completing the classroom visitation and before leaving the school site.

(2) Contact parents or guardians who do not respond to the request to attend school pursuant to this section.

(c) If a teacher imposes the procedure pursuant to subdivision (a), the principal shall send a written notice to the parent or guardian stating that attendance by the parent or guardian is pursuant to law. This section shall apply only to a parent or guardian who is actually living with the pupil.

(d) A parent or guardian who has received a written notice pursuant to subdivision (c) shall attend class as specified in the written notice. The notice may specify that the attendance of the parent or guardian be on the day the pupil is scheduled to return to class, or within a reasonable period of time thereafter, as established by the policy of the board adopted pursuant to subdivision (a).

48900.2

In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5.

For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.

(4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).

(5) Enrollment in a program for teaching prosocial behavior or anger management.

(6) Participation in a restorative justice program.

(7) A positive behavior support approach with tiered interventions that occur during the schoolday on campus.

(8) After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.

(9) Any of the alternatives described in Section 48900.6.

(c) For a pupil who has been suspended, or for whom other means of correction have been implemented pursuant to subdivision (b), for an incident of racist bullying, harassment, or intimidation, local educational agencies are encouraged to have both the victim and perpetrator engage in a restorative justice practice that is found to suit the needs of both the victim and the perpetrator. Local educational agencies are encouraged to regularly check on the victim of racist bullying, harassment, or intimidation to ensure that the victim is not in danger of suffering from long-lasting mental health issues. Local educational agencies are encouraged to require perpetrators to engage in culturally sensitive programs that promote racial justice and equity and combat racism and ignorance.

48900.6

As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, the superintendent of schools or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the pupil, off school grounds, during the pupil's non-school hours. For the purposes of this section, "community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action.

48900.7

(a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars

48900.3

In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.

48900.4

In addition to the grounds specified in Sections 48900 and 48900.2, a pupil enrolled in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

48900.5

PUSD strikethrough ~~Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.~~

(a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069.7. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

(1) A conference between school personnel, the pupil's parent or guardian, and the pupil.

(2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.

(3) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the pupil and the pupil's parents.

($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.EC §48910

EC §48910 – Suspension of pupil from class by teacher; parent-teacher conference; referral to principal

(Current text, last amended effective January 1, 2005)

(a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the schoolsite, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. If practicable, a school counselor or a school psychologist may attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

(b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.

(c) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the designee of the principal for consideration of a suspension from the school.

11:53 AM PUSD proposals

ARTICLE 11 - SAFETY CONDITIONS

2026.10.26 PUSD to PEA
Strikethrough the word "bargaining"

11.1 Safe Working Conditions

11.1.1 Bargaining unit members shall not be required to work in unsafe conditions or to perform tasks that endanger their health, safety or well-being. The District shall comply with all safety requirements imposed by proper authority (i.e., fire marshal, CalOsha, etc.) in assuming the responsibility for the safety of employees while they are in District facilities provided in furtherance of the operation of the District. The District shall provide training for all unit members on the Active Shooter Response training within the first thirty (30) workdays of each school year.

11.1.2 Bargaining unit members who believe they are being required to work under unsafe conditions or to perform tasks, which endanger their health or safety, (i.e. adequate toilet facilities; appropriate ventilation and filters with routine maintenance; proper disposals of hazardous chemical waste, biohazards, and sharps; climate control within District set climate ranges where such equipment is operational in that workspace; PUSD strikethrough ~~physical and emotional safety, etc.)~~ or other physical conditions of the work environment shall report such conditions to their immediate supervisor. Within three (3) workdays of the report, the District shall investigate and determine if the situation is safe or unsafe. If necessary, the District shall initiate corrective actions within five (5) workdays to provide safe conditions.

11.1.3 Before the first student attendance day of school, each school year, the District shall provide, publish and post rules for safety and the prevention of accidents, provide protective devices where they are required for the safety of employees and provide safety equipment where such equipment is necessary for the conduct of the educational program and the operation of the schools and inform unit members assigned to the site, the location of the safety rules (posters) and location of safety equipment.

11.1.4 The Superintendent or designee, upon request, shall consult with the Association representative regarding the preparation of regulations covering the safety of employees in performance of their duties.

11.1.5 The Superintendent or designee shall be responsible for the distribution of safety rules for all personnel concerned and shall appoint a District safety officer to oversee the condition of the District facilities. No later than the first student day of every school year, each site administrator or designee will inform unit members assigned to the site, the identity of the person designated as the Site Safety Liaison.

11.1.6 The District shall provide each classroom with fully stocked first aid kits with basic first aid supplies and disaster materials no later than the first teacher workday of each school year. Additionally, the District shall

ensure that disaster preparedness materials such as blankets, bullhorn, radios, water, rope, food packages and the like are available at the school site. The bargaining unit member will notify their immediate supervisor and/or the Site Safety Liaison of the need for replacements or a replacement kit as needed during the contract year or not later than the end of the contract year. All perishables shall be replaced by the District prior to its expiration date.

11.1.7 The District's intent is that each bargaining unit member shall be provided telecommunications equipment to be available for bargaining unit members when safety issues arise. At the time each bargaining unit member picks up their assigned walkie-talkie, they will be provided with written instructions on how to use it when covering duties outside of the classroom and in the event of a power outage, or other emergency that interrupts normal telecommunications. Bargaining unit members shall keep their walkie-talkie accessible, plugged in, and charged when not in use. In the event that a walkie-talkie is not functional, the bargaining unit member shall immediately notify their immediate supervisor ~~PUSD~~ ~~strikethrough~~ ~~within 10 days~~, and shall receive a functional replacement as soon as possible, thereafter, not to exceed 5 workdays after the notice, unless the replacement needs to be ordered. Replacements will be ordered within 5 workdays of notice. If provided by the vendor, a delivery date shall be provided to the bargaining unit member.

11.1.8 The District shall make reasonable, diligent, and timely attempts to keep all school grounds and facilities free of unwanted rodents, pests, and insects. If insecticides or poisons are used, the District shall make available to bargaining unit members the names of the chemicals to be used in advance of this application. Pesticides and insecticides shall be applied only at times when employees and pupils are not present.

11.1.9 In the event of a District or other governmental entity determined emergency closure of District facilities, including, but not limited to natural disaster, quarantine, or government order, bargaining unit members shall receive their daily rate of pay and benefits. If make-up days are required, the District shall negotiate the calendar placement of said days with Association.

11.1.10 Bargaining unit members who are assigned to work with students who are prone to exhibit violent behavior shall be encouraged to voluntarily participate in assault prevention training at no cost to the unit members.

11.1.11 In the event that the District publishes an Employee Handbook that includes any safety item that is a mandatory subject of bargaining, the District and the Association shall meet to bargain the effects of those items.

11.1.12 Each school site shall post in each classroom the emergency preparedness flip chart. The emergency flip ~~chart~~ shall also be posted in unit members work space that is not a classroom before students arrive for the first day of school. Each site shall provide an electronic copy of

the school site safety plan and the emergency operation plan as well as a hard copy of the current school site plan and the emergency operation plan to every site member at the beginning of the school year. The school site safety plan shall be reviewed at the first extended staff meeting day of each school year. Any new changes after the review shall be communicated with staff within five (5) working days of change. If a unit member is assigned a duty within the emergency operation plan, that unit member must be trained regarding the assigned duty during the duty day within the first thirty (30) workdays of each school year. The site plan shall be updated annually. PEA may choose to assign up to three unit members (one from elementary, one from junior high and one from high school) to participate on the district safety committee.

11.1.13 When a unit member officially refers a student to site administration for misbehavior or actions enumerated in Education Code 48900, the unit member who wrote the referral shall be notified in writing by the site administrator of the action and response given to student within forty-eight hours (48) of the referral.

11.1.14 PUSD strikethrough ~~Education Code 48910 gives the educator the right to suspend students from the class for the day of suspension and the following day. As soon as possible, the teacher shall ask the parent guardian of the pupil to attend a parent-teacher conference regarding the suspension.~~ Unit members may suspend a student from class in accordance with Education Code section 48910, as it may be amended from time to time. The current text of section 48910 is included in Appendix A. A school administrator shall attend the parent-teacher conference required under section 48910 if the unit member or the parent or guardian so requests. Suspension from class of a student with an IEP or Section 504 plan shall also be consistent with Section 11.3.1. PUSD strikethrough ~~A school administrator shall attend the conference at a mutually agreed upon time if the teacher or the parent or guardian so requests.~~

11.2 is missing. Renumber below?

11.3 Assault

11.3.1 Bargaining unit members shall immediately, if possible (otherwise within no more than 24 hours), report to their supervisor or designee any incident of attack, battery/assault or menace where they are the victim or a witness. (Definition of Battery: California Penal Code (CPC) 242 – A battery is any willful and unlawful use of force or violence upon the person of another.) The supervisor or designee shall report the incident to the appropriate enforcement authority and also inform the Superintendent's office as soon as possible. When a student has committed a physical threat and/or battery/assault on a bargaining unit member or is in possession of a weapon, the unit member may also request that the student be immediately removed from the classroom for the safety of the student, other students, and the unit member and the administrator or designee shall promptly arrange for the student to be removed from the classroom. Nothing in this section shall preclude an individual unit member from filing a report with the proper

authorities. The District shall take all appropriate steps required under law to protect unit members against attack, assault, or menace while at work, and take prompt action to respond to any such incidents under the Education Code. A student who has been removed from the classroom under this section may be returned to the classroom after the administrator or their designee has determined it is appropriate to do so and has informed the unit member of any consequences given to the student before returning the student to the classroom.

11.3.2 In the event that civil charges are brought against bargaining unit members in connection with an assault that happens within the course and scope of their employment ~~he/she~~ unit members shall be provided a legal defense as authorized by the relevant Government Code provision.

11.3.3 The workers compensation laws with respect to wages and benefits shall cover absence and/or disability arising out of an assault upon a unit member. Unit member shall be provided with optional counseling support.

11.3.4 Unit members who have students in their class with a documented history of causing or attempting to cause serious bodily injury shall be informed electronically as required by law, within five (5) workdays after the District receives such information.

11.3.5 PUSD strikethrough ~~Each site shall have a binder with a record of students who have committed violent acts per Education Codes 49079. The binder shall be updated on a monthly basis. The binder shall be kept in the site office and accessible to all unit members. All unit members shall have electronic access to review data records of students who have committed violent acts per Education Codes 49079 for the teacher of record or unit members that provide direct services. Unit members shall maintain any information received pursuant to this provision in confidence for the limited purpose for which it is provided and shall not further disseminate the information. Within the first thirty (30) days of each school year, all unit members shall be trained on how to access electronic data where the student violent acts are recorded for the purposes of accessing data of students for which they are the teacher of record or to whom they provide direct services.~~ Unit members shall have electronic access, through the District's student information system, to the information required by Education Code section 49079 for students for whom they are the teacher of record or to whom they provide direct services. Unit members shall maintain any information received pursuant to this provision in confidence for the limited purpose for which it is provided and shall not further disseminate the information. Within the first thirty (30) days of each school year, all unit members shall be trained on how to access this information. The Association and the District agree that direct services mean you are responsible for teaching and supervising the student in your classroom.

11.4 Pupil Transportation

11.4.1 No bargaining unit member shall be required to transport pupils in their privately-owned vehicles except in the case of an emergency.

11.4.2 Unit members who transport students in District vehicles, within the course and

scope of their employment, shall be primarily covered by District vehicle insurance.

11.5 Non-Discrimination: No bargaining unit member shall be discriminated against as a result of reporting a condition believed to be unsafe.

11.6 Suspension of Students: All school board policies and procedures for suspension of students shall be made available at each school site, and relevant Education Code provisions for suspension of students shall be placed in the Appendix of this Agreement. (See Appendix "A")

11.7 Facilitating learning is the primary function of the District and its schools. Students must not only master academic content but also develop the behavioral skills necessary for lifelong success. When students fail to follow established rules, policies, and procedures, discipline may be necessary. Discipline should be fair, consistent, equitable, and comply with Education Code 48900 provisions.

Educators have a right to:

a. Be treated respectfully by all persons in the school community
b. Work in a safe, healthy, and inclusive learning environment.
c. All unit member rights afforded under the Education Code regarding student discipline.

If a unit member has concerns regarding the ability to provide a safe learning environment for students, the unit member may request a meeting with the site principal or PUSD ~~designated designee~~ and/or the Special Education Director (if student has an IEP) or designee to discuss concerns. A meeting with the unit member and a representative of the unit member's choice will be scheduled within three (3) workdays to develop a mutually agreed upon solution to the problem. Solutions may include but are not limited to: professional development, training in classroom management and conflict management, additional preparation or collaboration time, support from administrators in the administration of student discipline. When the student has an IEP or Section 504 plan, any solution that would change the student's services, supports, accommodations, or placement shall be referred to the student's IEP or 504 team and may only be implemented through that process. Solutions directed to the unit member, such as training, collaboration time, or administrative support, may be implemented without IEP or 504 team action. Any cost within existing resources for any of the mutually agreed upon solutions shall be paid by the District.

11.8 For meetings in which administrators are present, they are responsible for governing the tone and conduct of parents/caregivers. PUSD ~~Members shall not be required to continue in or other interactions which attendants are showing abusive physical or verbal behavior towards the bargaining unit member.~~ Unit members shall not be required to continue a meeting or other interaction in which a participant engages in physically or verbally abusive behavior toward them, such as threats, profanity directed at the unit member, or physical intimidation. If this occurs, the unit member may end their participation and shall promptly notify the site administrator, who will determine next steps, including rescheduling the meeting.

11.9 Nothing in this Article shall be interpreted or applied in a manner inconsistent with IDEA, Section 504 of the Rehabilitation Act, or the California Education Code provisions of the governing students with disabilities.

11:39
PUSD proposal

2026.10.26 PUSD to PEA

ARTICLE 18 - PRESCHOOL PROGRAM

18.1 Beginning in the 2022-2023 school year, Child Center Preschool Program "CCPP" preschool teachers shall have a work year of 185 workdays, with a commensurate increase in salary for the three additional days.

18.2 Sick Leave: Ten (10) days sick leave per year.

18.3 The workday for preschool teachers shall be seven (7) hours and thirty (30) minutes at the commencement of the 2019-20 school year. The preschool salary schedule will be modified upward to reflect the additional thirty (30) minutes added to the workday.

The schedule for preschool teachers at Foothill, Parkside, and Willow Cove Elementary Schools, starting with the 2019-20 school year, shall be as follows:

7:45–8:00	Prep
8:00-11:00	Session #1
11:00–11:15	Pick up from Session #1
11:15-11:45	Lunch
11:45-12:00	Prep
12:00-3:00	Session #2
3:00-3:15	Pick up from Session #2

The schedule for preschool teachers at Heights, Highlands, Marina Vista and Stoneman Elementary Schools, starting with the 2019-20 school year shall be as follows:

7:45–8:15	Prep
8:15-11:15	Session #1
11:15–11:30	Pick up from Session #1
11:30-12:00	Lunch
12:00-3:00	Session #2
3:00-3:15	Pick up from Session #2

The schedule for preschool teachers at Los Medanos Elementary School, starting with the 2019-20 school year shall be as follows:

7:45–8:00	Prep
8:00-11:00	Session #1
11:00–11:15	Pick up from Session #1
11:15-11:45	Lunch
11:45-2:45	Session #2
2:45-3:00	Pick up from Session #2
3:00-3:15	Prep

18.4 Split Shifts: No Preschool Teacher shall have more than one-half (1/2) hour unpaid time in the middle of their daily schedule. Participation shall be on a volunteer basis and shall last no longer than six (6) consecutive months in a year.

18.5 CCPP/Head Start Preschool Program: Head Start requires a full-day schedule of six and one-half (6.5) hours for students. Unit members will have a 30 minute duty free lunch during the full day session for students.

18.5.1 The schedule for preschool teachers at sites with Head Start Programs shall be as follows:

8:00-8:15	Prep
8:15-2:45	Full-day session (6.5 hours for students)
2:45-3:00	Pick up
3:00-3:30	Prep

18.5.2 CSPP/Head Start Preschool is a unique program requiring additional training, professional development and meetings directly associated with the CCPP/Head Start Preschool program structure. For this reason, any requested or required meetings, home visits, training or professional development outside of contracted times will be compensated at the preschool hourly rate of pay of the bargaining unit member. Travel mileage for these additional responsibilities will be compensated at the IRS rate.

18.5.3 The CCPP/Head Start class will mandate a maximum adult-to-child ratio of 1:8 during instructional time and 1:16 during nap time, with an optimum maximum class size of twenty-four (24) children for preschool.

18.6 Preschool teachers will follow the PEA certificated calendar work days, including Back-to-School Night and Open House and comply with Article 18.1. Compensation will be in line with Article 6.2.1.3. If Open House or Back-to-School Night requires Children's Center Preschool Program or CCPP/Head Start preschool teachers to work beyond their normal workday, they shall be compensated at the preschool hourly rate of pay established in Article 13.1.6 (B).

18.7 The ECE Director and Site Administrator will be the first line of contact and support for the bargaining unit member.