

**Montgomery County Education Association**  
**Bargaining Proposal to Montgomery County Public Schools**  
**December 08, 2022**

**Article 10: Positive, Safe, and Orderly School Learning Climates**

**A. Guiding Principles**

1. All children should be respected, encouraged, and provided with opportunities to build the knowledge, skills, behavior, and attitudes to be successful contributing members of our changing global society. The maintenance of an educational environment conducive to these opportunities for growth and learning is the joint responsibility of all MCPS employees, students, and parents.

The basis for creating an effective, safe, and nurturing learning environment comes from the establishment of a school climate in which every adult within the school community feels a responsibility for creating opportunities for every child to grow and learn.

All students can learn and we have a responsibility to ensure that all students do learn. Our instruction is rooted in the belief that there are no true differences in ability based on race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations.

2. The following standards for effective school environments shall guide the work of all MCPS staff in their classrooms, workplaces, and school communities **in order to eliminate disparities within school discipline that contribute to the school-to-prison pipeline**. These standards represent a synthesis of more than **twenty (20)** years of research and documented experience on the effect of school quality on student learning. Effective school environments—
  - a) have high and rigorous standards for what students should know and be expected to do;
  - b) promote culturally-responsive, gender-~~fair~~**inclusive**, ability-sensitive, linguistically, and developmentally appropriate learning;
  - c) use **evidence-based** instructional methods and organize schools and classrooms to create environments **that conducive to teaching academic and social-emotional concepts and skills**. ~~support learning;~~
  - d) provide safe, respectful, and affirming environments for all;

- e) actively involve MCPS staff, families and other members of the community in helping students succeed; and
- f) provide useful feedback to students, families, staff, and the district about student learning.

**B. Comprehensive and Inclusive Approaches to Student Discipline and Behavior Management**

1. It is the responsibility of each MCPS school, through its ILT, to design and implement a consistent, comprehensive plan for **managing supporting** student behavior as a whole-school community.
2. All adults within the school environment serve as role models for children. The ways adults model consistency, fairness, dependability, clarity of standards and expectations, and conflict resolution have a profound impact on the ways students grow, learn, and change.
3. ~~Effective implementation of comprehensive school behavior management plans may require a redefinition of the roles of pupil service professionals and other staff. These staff members might participate in the design of school behavior management plans; consult with staff on effective techniques and interventions; assist in the integration of social skills, conflict resolution and problem-solving concepts into instruction and curriculum; and work with individual staff and students to respond to behavior problems and crises.~~ **In creating inclusive, comprehensive approaches to student discipline and behavior management, ILT will make decisions informed by effective, strategic decision-making practices. The scope of these decisions shall include but are not limited to**
  - a) **school-wide and classroom-positive behavior supports**
  - b) **mental wellness approaches (e.g. anger management, anxiety reduction, managing depression, etc.)**
  - c) **social skills development**
  - d) **multi-tiered systems of support**
  - e) **restorative practices that target the needs of individual students**
  - f) **Collaboration between leadership team and student service professionals in designing school specific student discipline and behavior management plans**

**C. Positive, Safe and Orderly Climate Policies**

1. Each school shall annually develop, review, and adopt a local school “Positive, Safe and Orderly Climate” policy with the involvement of all school community stakeholders in accordance with the existing MCPS policy on Student Rights and Responsibilities. The development of the Positive Safe and Orderly Climate policy will be coordinated and ratified by ILTs and will include engagement of stakeholders such as parents and students. All members of the faculty and administration must be consulted about the development of the policy prior to its implementation. **The “safe and orderly climate” policy shall be inclusive of all students with respect to gender**

**identity and/or expression, sexual orientation, religion, national origin, immigration status, race, culture, language, economic and familial status.**

**2. Schools shall implement the Student Code of Conduct.** MCEA and the Board agree that consistent use of the Student Code of Conduct is vital to maintaining a safe, secure, effective school environment for learning. Leadership teams ILTs shall adopt and implement strategies that incorporate conflict resolution, strategies **which may include, but is not limited to, positive behavior supports, social skills programs, peer mediation, and Restorative Justice practices.** and student participation in the implementation of discipline policies. Accordingly, the parties agree to encourage that programs such as restorative practices, peer mediation, and conflict resolution be incorporated into the Positive, Safe and Orderly Climate Policies policy and into school practice.

**3. MCEA and MCPS shall work collaboratively to design, implement and sustain a Restorative Justice program. MCEA and MCPS shall have equal numbers of representatives on any collaborative group that supports the implementation of Restorative Justice at a District level. MCEA shall be entitled to appoint unit members to such groups. Restorative Justice practices are rooted in the comprehensive Restorative Justice philosophy that**

**a) uses community-building as the foundation for proactively and reactively addressing conflicts in school communities;**

**b) is neither soft on misbehavior nor eliminates consequences for misbehavior but encourages authentic engagement between those intentionally and unintentionally causing harm with those who have been harmed;**

**c) improves classroom culture and interpersonal relationships;**

**d) is not a punishment, nor a quick fix;**

**e) uses peace circles as an important tool, but not as the only Restorative Justice practice to create successful restorative school cultures;**

**f) empowers and creates safe spaces to ensure the voices of those directly impacted by harm are heard;**

**g) seeks to reduce racial disproportionality in systems with intentionality through disaggregating and examining data throughout the year in ongoing professional development.**

**D. Classroom, Grade Level, and Schoolwide Behavior Management**

1. The classroom teacher-student relationship is the key to promoting positive student behavior. Teachers must have high standards and expectations for what students are expected to know and do, and to communicate these to all students and families. Students must be encouraged to share responsibility for their own learning. When instructional decisions are based on students' learning styles, diversity, needs, experiences, and rates of learning, students are more likely to manage their own behavior, develop self-discipline, and participate respectfully in the learning process.

2. To the extent permitted by law, all unit members shall be given any information reasonably available to MCPS showing that students they teach or service have a record of violent acts or other documented chronic behaviors in school pertinent to the disruption and/or safety of classroom environments, **including but not limited to, the information contained in a student's cumulative folder and electronic records.** The unit member shall take reasonable steps to understand the nature of the concerns, work with the student in a professional manner, and consult with other staff and, where appropriate, family members.

3. **Educators shall be offered high-quality, in-depth, vetted professional development on trauma-informed teaching and learning, restorative practices, peer mediation, conflict resolution, and other types of equitable discipline practices. After receiving high-quality professional development in these areas, u**Unit members are expected to **utilize** ~~have and use~~ appropriate positive behavior management skills. Unit members who are experiencing difficulty with the impact of classroom management on student behavior and learning should **need additional support with implementing positive behavior management strategies shall** receive assistance from MCPS. ~~Assistance may include a range of professional development opportunities, such as courses, reading, mentoring, observation of well-managed classes, videotaping and feedback, and/or consultation with colleagues.~~

#### E. Dealing with Disruptions

1. When disruptions occur, MCPS and MCEA shall follow the hierarchical "Levels of Responses" articulated in the Student Code of Conduct and Positive, Safe School and Orderly Climate Policies and use the least intrusive approach to restore order, beginning with the school's behavior management plan. **Functionally, student disruptions can often be traced to an influencing variable. Teachers shall be provided with professional development about variables that can influence behavior. Understanding those variables will enable staff to determine relevant ways to develop alternative responses to student behavior.**

2. When a student's behavior seriously disrupts the instructional program, to the detriment of other students, a unit member shall have the right to have the student removed from class temporarily. The unit member will use a written/electronic referral form when referring a student to a school administrator or their designees. **The school administrator shall communicate to the unit member the outcome of the referral.**

3. A unit member may remove, temporarily, from class, a student who is exhibiting disruptive behavior. The unit member may request that the student not be readmitted to that class until the unit member has had an opportunity to confer with the administrator (or other persons specified by the local Positive, Safe and Orderly Climate Policy), or with colleagues on a grade level or department team. Such a request must be made in writing on a standardized discipline referral form which lists reasons for removal of the students. If mutually satisfactory steps in accord with the school's comprehensive behavior management plan do not result from this conferring, the principal may, after consultation with the classroom

teacher, schedule another conference involving the parent(s), other administrators, and/or a member of pupil services staff. Administration shall confer with the teacher to create a plan for the student's return to class. Any change to a student's existing behavior intervention plan will be communicated to all impacted teachers.

4. In order to protect the student and/or others, physical restraint, as described in Maryland law as "a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely", may be used by a unit member in an extraordinary case of breach of discipline to restrain a disruptive pupil, provided the force used is reasonable under the circumstances. The unit member shall inform the principal at once of such an action and shall make an accurate, written account of it, within twenty-four (24) hours.
5. Suspension, expulsion, or removal of students shall be made in compliance with Board policies.
6. When student behavior continues to be disruptive, the school's comprehensive positive behavior support ~~management~~ plan should be utilized to provide the most effective approaches within the school for that student, with the goal of returning the student to the classroom.
7. Staff, parents, and students when appropriate, shall design individual plans to improve student behavior. MCPS Student Code of Conduct, Student Rights and Responsibilities and school's behavior management plan should be used for guidance. Alternatives to suspension should be utilized whenever possible. Within the constraints of a school's facilities and staff, schools may consider alternative structure rooms or programs as a consequence for specific student behaviors. The assignment to alternative structure would depend on the needs of each student.
8. Each school shall maintain a crisis intervention team of adequate size and membership to ensure the safety of students and staff. ~~address the needs of the school.~~ Team members shall be trained or certified in nonviolent intervention in order to respond to students in crisis who are in need of de-escalation. Procedures for calling the team into action shall be developed with input from staff and clearly communicated to staff.
9. Rooms for students with disciplinary problems of the nature to warrant their removal from class shall not be staffed in ~~high~~ schools by employees of this unit. ~~In middle schools and as budget permits, such rooms and staffing will be provided. In the event of an emergency, unit members will be required to supervise those rooms.~~

#### F. **Alternatives for Addressing Persistently Disruptive Behavior by Students**

When a local school determines that a student's disruptive actions are persistent and exceed the resources, capacity or intervention skills of a local school staff to change the student's behavior, MCPS shall attempt to provide alternate educational structures. Positive learning in alternate structures provides nurturing skill-building experiences for students who have not been successful in regular school programs due to problems such as delinquency, truancy, substance abuse, domestic violence, or persistent disruptive behaviors.

### G. Information, Data Collection, and Analysis

Effective schools use timely and ongoing analysis of data to improve student outcomes. In the context of data-driven progress monitoring, school staff (including, but not limited to teachers and administrators) are encouraged to objectively collect and analyze authentic data regarding behavior, interventions, and discipline, ~~and~~. **Staff should use that analysis to assist in understanding the causes of behavior, ~~problems~~ and design and implement evidence-based positive behavior supports.** ~~management systems.~~ Within legal and MCPS guidelines and policies regarding confidentiality of student information, unit members shall have access to this information for their local school. Uniformity in such data collection shall be enhanced by the implementation of up-to-date MCPS Student Information Systems.

H. **Teachers' Right to Cooperation and Respect: Understanding that teaching and learning are necessary parts of the educational process, and understanding that teachers have a professional and ethical responsibility to be cooperative and respectful toward students in that process, it is reasonable to expect that students shall also have a responsibility to treat their teachers, as well as other school staff, with cooperation and respect. The verbal and/or physical abuse of a teacher by students shall not be tolerated. The following tools can be used to support students and staff when disruptive actions occur. At this time, such interventions include, but are not limited to the following:**

1. **Teacher-student conference**
2. **Teacher-student-parent conference**
3. **Counseling with School Psychologist, Social Worker, or School Counselor**
4. **Implement Multi-Tiered Systems of Support**
5. **Collaboration with community partners**
6. **Referral to school-based wellness centers**
7. **Mediation or Restorative Justice practices**
8. **Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)**