



Educator Rights

Safety

<p>Teachers Have the Right to a Safe Working Environment Labor Codes 6400, 6401</p>	<p>Every employer shall furnish employment and a place of employment that is safe and healthful for the employees therein. Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices...which are reasonably adequate to render such employment and place of employment safe and healthful. <i>Every employer shall do every other thing reasonably necessary to protect the life, safety, and health of employees.</i></p>
<p>Notification of Assaultive Students California Ed Code 49079</p>	<p>The purpose section 49079, the notification statute, is to protect teachers by requiring school officials to provide teachers with information regarding dangerous pupils in their classes.</p>
<p>Detention California Ed Code 44807.5</p>	<p>A pupil may be detained for up to one hour after school for disciplinary reasons except a pupil may not be detained so as to miss regular bus transportation. Pupils may not be detained during lunch for disciplinary purposes.</p>
<p>Suspension by a Teacher California Ed Code 48910</p>	<p>A teacher may suspend any pupil from his/her class or class period for any act listed above for the day of suspension and the day following. The suspension must be immediately reported to the principal and the student sent to the principal for further action. The teacher must also request a parent/teacher conference with a counselor regarding the suspension as soon as possible. The pupil shall not be returned to the class from which the pupil was suspended without the concurrence of the teacher and principal</p>
<p>Physical Attack of a School Employee California Ed Code 44014</p>	<p>Whenever any employee of a school district is attacked, assaulted, or physically threatened by any pupil, it shall be the duty of the employee, and the duty of any person under whose direction or supervision the employee is employed in the public school system who has knowledge of the incident, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Failure to make the report shall be an infraction punishable by a fine of not more than one thousand dollar</p>
<p>Disruptive Parents California Ed Code 44811</p>	<p>Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor.</p>
<p>Teacher Right to Walk Out due to Safety Concerns Labor Code 6311</p>	<p>No employee shall be laid off or discharged for refusing to perform work in unsafe conditions.</p>
<p>Threats to Personal Safety Penal Code 71</p>	<p>Every person who, with intent to cause, attempts to cause, or causes, any officer or employee of any public or private educational institution or any public officer or employee to do, or refrain from doing, any act in the performance of his duties, by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out, is guilty of a public offense punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment pursuant to subdivision (h) of Section 1170, or in a county jail not exceeding one year, or by both that fine and imprisonment.</p>

School Duties	
Classroom Interruptions California Ed Code 32212	The Legislature finds and declares that interruption of class time seriously impairs the educational process. Each governing board of a school district formally address the problem of classroom interruptions and adopt a policy to control those interruptions, consistent with local circumstances and practices.
Teacher Grades California Ed Code 49066	<p>When grades are given for any course of instruction taught in a school district, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupil's grade by the teacher, in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, shall be final.</p> <p>The governing board of the school district and the superintendent of such district shall not order a pupil's grade to be changed unless the teacher who determined such grade is, to the extent practicable, given an opportunity to state orally, in writing, or both, the reasons for which such grade was given and is, to the extent practicable, included in all discussions relating to the changing of such grade.</p>
Special Education	
Knowledge of IEP Contents California Ed Code 56347	A copy of each individualized education program shall be maintained at each school site where the pupil is enrolled
Teacher Protection from Retaliation California Ed Code 56046	Protects educators and other staff who assist a parent of a special education student from being intimidated, threatened, or coerced by the local education agency (LEA)
Dissenting Opinion on IEP	<p>When an educator does not agree with the IEP they can dissent from the IEP:</p> <ol style="list-style-type: none"> 1. Verbalize to the IEP team what part of the IEP they do not agree and strongly urge for this to be recorded in the meeting notes; 2. Write the word Dissenting after their signature on the IEP; 3. Prepare a written report stating your objections to the proposed IEP and ask that it be attached to the proposed IEP; 4. Notify the local association president of the dissenting action
A District can Discipline an Assaultive Special Needs Student California Ed Code 48915	When a special needs student causes serious bodily injury to a teacher the proper response in such a situation is: 1) making an immediate report to law enforcement; 2) suspending the student for up to 10 days; 3) convening the student's IEP team for a behavioral assessment; and 4) moving the student to an interim alternative placement for up to 45 days. The County Office/District has the power to take all three of these actions. First, the County Office/District may suspend a special needs student for up to ten days in a school year.
Teacher Protection from Retaliation California Ed Code 56046	Protects educators and other staff who assist a parent of a special education student from being intimidated, threatened, or coerced by the local education agency (LEA)



**CALIFORNIA
TEACHERS
ASSOCIATION**