

Safe Schools

The following are important points to note when dealing with issues under Bill 212.

Progressive Discipline Framework

“Progressive discipline is a whole-school approach that utilizes a continuum of interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that include learning opportunities for reinforcing positive behaviour while helping students to make good choices. In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.

For students with special education needs, interventions, supports and consequences must be consistent with the student’s strengths, needs, goals, and expectations contained in his or her Individual Education Plan.

Schools are expected to actively engage parents in the progressive discipline approach.”
PPM 145, p 3-4.

Mitigating Factors

1. The pupil does not have the ability to control his or her behaviour
2. The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
3. The pupil’s continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

The following factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1. The pupil’s history.
2. Whether a progressive discipline approach has been used with the pupil.
3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
4. How the suspension or expulsion would affect the pupil’s ongoing education.
5. The age of the pupil.
6. In the case of a pupil for whom an individual education plan has been developed,

- i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
- ii. whether appropriate individualized accommodation has been provided, and
- iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

Early Intervention Strategies

Early interventions may include, but are not limited to:

- Contact with parents
- Detentions
- Verbal reminders
- Review of expectations
- Written work assignments with a learning component, etc.

Ongoing Intervention Strategies

Ongoing interventions may include, but are not limited to:

- Meetings with parents
- Volunteer service to school community
- Conflict mediation
- Peer mentoring
- Referral to counseling, etc.

Remember the Following Circumstances

In considering the most appropriate response to address inappropriate behaviour, the following should be taken into consideration:

- The particular student and circumstances of that student (mitigating and other factors)
- The nature and severity of the behaviour
- The impact on the school climate

Inappropriate Behaviours that can Result in Suspension

A Principal will consider whether to suspend a pupil if he or she believes that the pupil engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- uttering a threat to inflict serious bodily harm on another person
- possessing alcohol or illegal drugs
- being under the influence of alcohol
- swearing at a teacher or at another person in a position of authority

- committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school
- bullying
- any activity under the Board's own policy

Further Behaviours that could Result in Longer Suspensions

A Principal will suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- possessing a weapon, including possessing a firearm
- using a weapon to cause or to threaten bodily harm to another person
- committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- committing sexual assault
- trafficking in weapons or in illegal drugs
- committing robbery
- giving alcohol to a minor
- engaging in another activity that, under a policy of the Board, is one for which expulsion may be considered.

Success of Bill 212

1. The impact on school climate is now considered for student related infractions that occur off school property.
2. Bullying was added to the list of prohibited activities.
3. There is now a program for suspended and expelled students.
4. There is more discretion in determining appropriate consequences based on mitigating and other factors.

Deficiencies of Bill 212

1. Progressive Discipline can be undermined because suspensions can be removed from the OSR; thus, preventing a receiving school from continuing the progressive discipline if the need arises.
2. Inconsistent application of progressive discipline based on individual interpretation of mitigating and other factors.
3. Bill 212 is silent on the rights of the victim. The Human Rights Commission demands that there be a balance between the actions of the offender and the rights of the victim.

Miscellaneous Points to Remember

1. Post Bill 212, the focus regarding student discipline is on prevention strategies that promote and support positive student behaviour and early and ongoing intervention.
2. **Document. Document. Document.** The value of clear documentation of incidents is the most valuable tool you have. In your documentation avoid educational terminology that would be difficult for non-teachers to comprehend; set out the events in a chronological order; make certain your reporting is factual and objective; avoid subjective comments, rumour or innuendo. Even if the police are involved, their report is based on different criteria, so investigate yourself as soon as possible.
3. Remember that emails, year books, and any written subjective comments on the student to be disciplined, etc. are all accessible by parents and lawyers. Phone conversations are less likely to be taped.
4. Private emails on **personal** email accounts are not available to lawyers. But a parent may use the Freedom of Information Act to attempt to obtain emails sent by a teacher that make reference to their child, if they are aware that such emails exist.
5. Keep your records **one full year**. Keep them longer if you think they will be needed.
6. Only the Principal has the authority to suspend. Only the Board has the authority to expel.
7. When a student behaviour is a manifestation of a disability identified in a pupil's individual education plan (i.e. autism, Turrets syndrome, etc.), a Principal will not normally suspend the student or recommend expulsion. However, if the need arises, other consequences and/or suspension may still be applied.
8. Section 265 (1) (m) of the Education Act affords a Principal the duty to refuse to admit to the school or classroom a person whose presence in the school or classroom would be, in the Principal's opinion, detrimental to the physical or mental well-being of the other pupils in the school. However if a principal recommends an expulsion, the trustees have the authority to determine if it is to be an expulsion or another consequence, such as a 20 day suspension.
9. A police response is required for physical assault (causing bodily harm and requiring medical attention), sexual assault, robbery, extortion, criminal harassment, drug offences, weapons offences, explosive substance, bomb threats, gang-related incidents, hate and /or bias-motivated incidents, and threats of serious physical injury.
10. The school investigation of an incident is separate from the police investigation because each is governed by different acts. There are, therefore, different processes and standards of proof that guide a school board in its investigation. The school will continue its investigation while the police conduct theirs.

11. Everyone has the right to be secure against unreasonable search and seizure (Section 8 of the Charter), but a school authority can search a student if there are reasonable grounds to believe there has been a breach of school regulations. Rumours, innuendos, hunches and anonymous tips that are not corroborated are not viewed as reasonable grounds. Only Principals or designates should conduct a search with another adult present as witness.
12. A Principal can conduct a search of student lockers or desks but they need reasonable grounds to believe a breach of school regulations has occurred and that a search will reveal evidence of that breach. Information from a student that the Principal considers to be credible, a teacher or Principal's own observations, or any combination of these pieces of information can be considered to be reasonable grounds. Random, arbitrary searches will not be found to be reasonable grounds and will likely be found to violate the Charter.

Lockdowns

1. Ultimately, the Principal is responsible for the school lockdown plan.
2. There is to be no cell phone usage during a lockdown, especially text messaging. Emergency networks use cell phone networks and unnecessary usage can cause the network to crash.
3. Once a lockdown begins, under no circumstances is a teacher to open a classroom door, even to a student.
4. Washrooms, etc. can be checked by elementary teachers during a lockdown, but the teachers are not to be asked to put themselves in harm's way.
5. Ignore all bells, alarms, and announcements during a lockdown; however, if you hear the fire alarm and there is obvious immediate risk from fire, evacuate as safely as possible.

Bill 157

This Bill is an amendment to the Education Act – Keeping Kids Safe at School Act and will take effect February 1, 2010. Bill 157 proposes changes to the Education Act regarding safe schools.

The Act required school staff to report serious incidents of bullying to the Principal and requires principals to contact the parents of victims about the incidents.

According to the clauses of this bill, Board employees will be required to report to the Principal all incidents that may give rise to discipline. If pupil behaviour is likely to have a negative impact on the school climate, all employees of the Board may be required to

intervene. This intervention (through the reporting process) must occur as soon as is reasonably possible.

The Principal will be required to notify the parent/guardian as soon as possible if she/he believes a pupil has been victimized. But, if the Principal believes the student would be harmed as a result of the report, he/she does not have to report the incident to the parents. The name of the accused cannot be disclosed, except to comply with regulations.