



Report to the Board of Trustees

Revised Policy Code: A 3.3 - Safe Schools

Prepared By: Jacquie Davison, Superintendent of Business

Public:

Confidential:

Budget Implications:

Core Priority:

- Student Achievement and Well-Being
- Effective Stewardship of Board Resources
- Appropriate and Effective Faith-Based Programming
- Organizational and Capacity Building

Meeting Date: November 26, 2018

Report Number: E.11.(i).18.

Action:

Information:

Follow Up Item:

Prev. Report #: *Prev Num*

Recommendation(s):

1. That the Board of Trustees give first reading to Revised Policy Code: A 3.3 - Safe Schools.
2. That Revised Policy Code: A 3.3 - Safe Schools be circulated to all schools, school councils, student cabinet, the District School Council/PIC and presidents of all employee union and professional groups for review and response by Friday, January 18, 2019 to Superintendent of Business and Treasurer, Jacquie Davison for presentation at the regular Board meeting on Monday, January 28, 2019.

Background and Purpose:

The Policy Committee of the Board, Chaired by Trustee Linda Steel, met on Tuesday, November 13th, 2018 and recommends that the Revised Policy Code: A 3.3 - Safe Schools be brought forward to the Board of Trustees for first reading.

Discussion:

The Revised Policy Code: A 3.3 - Safe Schools was reviewed include changes in legislation, program and policy memoranda.

Appendices:

- Revised Policy Code: A 3.3 - Safe Schools

SAFE SCHOOLS
Progressive Discipline, Suspension and Appeals, Expulsion and Appeals

POLICY

REVISED CODE: A 3.3

The London District Catholic School Board recognizes that all people are created in the image and likeness of God, and as such deserve to be treated within dignity, respect and fairness. The Board and its staff are committed to the elimination of discrimination as outlined in Ontario's Equity and Inclusive Education Strategy and PPM No. 119, "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools" (~~June 24, 2009~~). (~~April 22, 2013~~). The Board recognizes that its School system gives pre-eminence to the tenets of the Catholic faith, consistent with the *Constitution Act, 1867*, section 93, and the protections afforded in the *Ontario Human Rights Code*.

Within the context of the Catholic school system, the Board is committed to promoting the values of respect, dignity, and fairness for all. Our schools will maintain a learning and working environment in which differences are recognized and respected.

It is the policy of the London District Catholic School Board to provide in all its operations an educational environment that promotes and supports diversity as well as the equitable attainment of life opportunities for all students, staff, parents and community members. The Board will not allow discrimination or any expression thereof by any members of the school community.

PURPOSE

It is important that all pupils have a Christ-centered, safe, caring, inclusive, and accepting school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.

APPLICATION AND SCOPE

The Provincial Code of Conduct, the London District Catholic School Board Code of Conduct, the *Education Act* and regulations, as amended, Ministry of Education Policy Program Memoranda (PPMs), together with the Board's ~~discipline policies~~ ^{[A1][A2]} and procedures set out expectations for behaviour for all members of the school community, and outline strategies to be taken to reduce incidents and impose appropriate consequences for pupils.

1.0 PRINCIPLES

1.1 The London District Catholic School Board believes that the following principles form the cornerstone of all school discipline and that their practice must be evident to all in this Catholic school system:

respect for the dignity of the individual
justice with love
freedom with responsibility

1.2 Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools, and pupils are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and

judicious parent. A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school in accordance with the *Education Act*, Ministry of Education policies and Board procedures. In such circumstances, the delegation of authority and the authority delegated will be clearly identified in Board procedures, as will the supports available to individuals in receipt of the delegated authority.

- 1.3 To meet the goal of creating a Christ-centered, safe, caring, inclusive and accepting school environment, the London District Catholic School Board supports the use of positive practices as well as appropriate consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary. The Board supports the use of positive practices to prevent such behaviour and authorizes principals, or their delegates, to impose consequences in appropriate circumstances, up to and including a referral to the Discipline Committee of the Board for expulsion from all schools.
- 1.4 The Board does not support discipline measures that are solely punitive or the use of [A3][A4] exclusion as a disciplinary measure.
- 1.5 Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary. However, when applying disciplinary measures, the principal/designate and Discipline Committee of the Board shall consider the mitigating and other factors in a manner consistent with the *Education Act*.
- 1.6 This policy authorizes the creation of procedures for implementation, which might include requirements described in Ministry of Education PPMs as matters of policy, and any such procedures shall be considered guidelines pursuant to the *Education Act* and other relevant and/or related Ministry of Education materials and all of which will be sufficient for the purposes of implementing the requirements of Ministry of Education PPMs.

2.0 REQUIREMENTS

2.1 Progressive Discipline

Under Policy/Procedure Memorandum 145 and the Education Act it is an expectation that each board of education establish, in policy, that a progressive discipline approach be used when dealing with student misbehaviour. The focus is on creating a positive school climate aligned with the Codes of Conduct established at the provincial, board and school level.

To meet the goal of creating a Christ-centred, safe, caring, inclusive and accepting school environment, the London District Catholic School Board supports the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary.

- The goal of the policy is to support a Christ centered, safe, caring, inclusive, and accepting, learning environment in which every student can reach his or her full potential.
- All inappropriate student behaviour, including bullying, must be addressed.
- Responses to behaviours that are contrary to the Board's Code of Conduct must be developmentally appropriate.

- Progressive discipline is an approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that build skills for healthy relationships and promote positive behaviours.
- The range of interventions, supports, and consequences used by the board and all schools must be clear and developmentally appropriate, and must include learning opportunities for students in order to reinforce positive behaviours and help students make good choices.
- Information in the student's IEP must be considered in the determination of interventions, supports, and consequences for students with special education needs.
- The board, and school administrators, must consider all mitigating and other factors, as required by the Education Act and as set out in Ontario Regulation 472/07.

2.2 Suspension

Under Section 306 of the Education Act:

The infractions for which a principal must **consider** whether to suspend a pupil if ~~he or she~~they believes that the pupil has engaged in any of the following activities while at school, a school-related activity, or in other circumstances where engaging in the activity will have an impact on school climate:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, ~~illegal non-prescribed and/or restricted~~ drugs^[A5]^[A6] **or, cannabis unless the pupil is a medical cannabis user, cannabis as prescribed by their medical doctor-**
3. Being under the influence of alcohol; **or cannabis, unless the pupil is a medical cannabis user; cannabis as prescribed by their medical doctor-**
4. Swearing at a teacher or at another person in a position of authority;
5. Committing an act of vandalism that causes extensive damage ^[A7] to school property at the pupil's school or to property located on the premises of the pupil's school;
6. Bullying;
7. Any other activity that is an activity for which a principal must consider a section 306 suspension of a pupil under the policy of the board,

Such as:

- a. Persistent opposition to authority;
- b. Habitual neglect of duty;
- c. Wilful destruction of school property; vandalism causing damage to school or Board property or property located on school or Board premises;
- d. Use of profane or improper language;
- e. Use of tobacco;

- f. Theft;
- g. Aid/incite harmful behaviour;
- h. Physical assault;
- i. Being under the influence **and/or in possession of** restricted drugs;
- j. Sexual harassment;
- k. Racial harassment;
- l. Fighting;
- m. Possession or misuse of any harmful substances;
- n. Hate-motivated violence;
- o. Extortion;
- p. Distribution of hate material;
- q. Inappropriate use of electronic communications/media; and/or
- r. Other – defined as any conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

A pupil may be suspended only once for an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. Any such infractions about which a Board staff member or transportation provider becomes aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. A written report in accordance with Board procedures must be made when it is safe to do so.

A principal who suspends a pupil under section 306 shall make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless the pupil is at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control.

Mitigating and Other Factors

Before imposing a suspension, the principal, as required by the *Education Act*, must take into account any mitigating and other factors and their application for the purpose of mitigating the discipline to be imposed on the pupil.

Mitigating Factors

The mitigating factors to be considered by the principal are:

1. Whether the pupil has the ability to control ~~his or her~~their behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of ~~his or her~~their behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be Considered

1. The pupil's history;
2. Whether a progressive discipline has been used with the pupil;
3. Whether the activity for which the pupil may be suspended was related to any harassment of the pupil because of race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
4. How the suspension 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,
 - a) Whether the behaviour was a manifestation of a disability identified in the pupil's IEP;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether the suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct

Appeal of Suspension

Where a pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and has removed him/herself from parental control, disagrees with the decision of a principal to suspend the pupil that pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and removed from parental control, may appeal the principal's decision to suspend the pupil, in accordance with the *Human Rights Code*, the Board's Safe Schools Procedures and Suspension Appeal Guidelines.

Suspension appeals will not be conducted in accordance with or be subject to the [Statutory Powers Procedure Act](#).

2.3 Suspension Pending Possible Recommendation for Expulsion

Under Section 310 of the Education Act:

The principal shall suspend a student for up to 20 school days and conduct an investigation to determine whether to recommend to the Board that the pupil be expelled if ~~he or she~~they 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:

1. Possessing a weapon, including possessing a firearm or knife;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal or restricted drugs;

6. Committing robbery;
7. Giving alcohol or cannabis to a minor;
- 7.1 Bullying, if
 - i. the pupil has previously been suspended for engaging in bullying, and
 - ii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;
- 7.2 Any activity for which a student may be suspended under section 306 of the Education Act (listed above) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor;
8. Any other activity that, under a policy of the board, is an activity for which a principal must suspend a pupil and conduct an investigation to determine whether to recommend to the Board that the pupil be expelled, such as under the policy of the Board:
 - a. Possession of explosive substance;
 - b. An act considered by the principal to be significantly injurious to the moral tone of the school and/or the physical or mental well-being of others and/or;
 - c. an act considered by the principal to be in serious breach of the Board's Code of Conduct.

Any such infractions about which a Board staff member or transportation provider becomes [A10][A11]aware must be reported to the principal or designate in accordance with Board procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. A written report in accordance with Board procedures must be made when it is safe to do so.

Mitigating Factors and Other Factors

The *Education Act* requires the principal to consider mitigating and other factors in determining the length of the suspension and in determining whether to recommend an expulsion from the school or from all schools of the board.

The Discipline Committee must consider the mitigating and other factors when deciding whether to expel the student and what type of expulsion to impose, and alternatively, if no expulsion is imposed, when deciding upon the appeal of the underlying suspension.

If no expulsion recommended

If, on concluding the investigation, the principal decides not to recommend to the board that the pupil be expelled, the principal shall,

- (a) confirm the suspension and the duration of the suspension
- (b) confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or
- (c) withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.

Principal Investigation

In deciding whether to recommend an expulsion, the principal must complete an investigation, which is consistent with the expectations for principal investigations outlined in the Board's Safe Schools Procedures.

2.4 Superintendent Responsible for Safe Schools

The Superintendent Responsible for Safe Schools shall have the procedural powers and duties outlined in the Safe Schools Procedures.

2.5 Discipline Committee

The Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide appeals of principal suspensions and principal recommendations for expulsion. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Safe Schools Procedures, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.

In all cases where consequences might be imposed, teachers, administrators and the Board will consider the safety and dignity of all pupils, and the impact of the activity on the school climate.

The Discipline Committee shall have the powers as set out in the *Education Act* and shall conduct meetings and hearings in accordance with the Board's policies and procedures.

2.6 Notification of Parents in Cases of Serious Student Incidents

The Board supports pupils involved in serious student incidents causing harm contrary to the provincial, Board, and school Codes of Conduct (both the victim and the student who engaged in the activity). The principal is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control, and where the principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent of a pupil 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that pupil consents to the disclosure of information.

"Serious Student Incidents" are defined in PPM 145 as "activities for which suspension or expulsion must be considered, as set out in subsections 306(1) and 310(1) of the *Education Act*."

RELATED POLICES

Policy Code: A 3.5 Bullying Prevention

Policy Code: I 4.2 Appropriate Use of Information, Communication and Network Technology

Policy Code: J 3.7 Appropriate Use of Personal Electronic Devices & Online Social Networking

Policy Code: J 5.5 Code of Conduct

Policy Code: J 5.6 Access to School Premises

RELATED ACTS AND MINISTRY OF EDUCATION DOCUMENTS

Accepting Schools Act

Education Act
Criminal Code of Canada
Guide to the Release of Student Information (Privacy Commissioner/Ontario)
Municipal Freedom of Information and Protection of Privacy Act RSO 1990
Occupational Health and Safety Act
Ontario Human Rights Code
Youth Criminal Justice Act
Policy/Program Memorandum 128 – The Provincial Code of Conduct and School Board Codes of Conduct

Policy/Program Memorandum 141 – School Board Programs for Students on Long-Term Suspension

Policy/Program Memorandum 142 – School Board Programs for Expelled Students

Policy/Program Memorandum 144 – Bullying Prevention and Intervention

Policy/Program Memorandum 145 – Progressive Discipline and Promoting Positive Student Behaviour

Policy/Program Memorandum 119 – Equity and Inclusive Education

EXPECTED OUTCOMES

The aim of school discipline is to develop in students an acceptance of just authority and concern for the common good.

Adopted: January 28, 2008

Revised: May 27, 2016

Revised: