

Number:	<i>To be determined</i>
Topic:	Behaviour, Discipline and Safety of Students
Effective:	February 2010
Cross-Reference:	The Human Rights Code of Ontario The Education Act (Bill 157: Keeping Our Kids Safe at School) PPM 119 (Equity and Inclusive Education) PPM 128 (Provincial/Board/School Code of Conduct) HDSB Board/School Code of Conduct PPM 141 (Programs for Students on long-term suspension) PPM 142 (Expulsion Programs) PPM 144 (Bullying Prevention and Intervention) PPM 145 (Progressive Discipline) Ontario Regulation 472/07 (Mitigating Circumstances) Ontario Regulation 474 (Access to School Premises)
Review/Revision Date:	TBD
Responsibility:	Superintendent of Education (Student Discipline)

INTENDED PURPOSE

The Halton District School Board is committed to ensuring safe, caring and inclusive school environments for all students, staff and members of the school community. The Ontario Human Rights Code, the Education Act, the Provincial Code of Conduct, Policy Program Memoranda 119, 128, 141, 142, 144 and 145, and Ontario Regulations 472/07 and 474 together create expectations for behaviour which apply to students, parents, volunteers, community members, teachers and other staff members, administrators, and trustees, whether on school property, on buses, at school-related events or activities, or in other circumstances that could have an impact on school climate. As well, they outline strategies and consequences to be used to reduce incidents of inappropriate behaviour.

The Human Rights Code of Ontario has primacy over provincial legislation and school board policies and procedures, such that the Education Act, Ontario Regulations, Ministry of Education Program Policy Memoranda and Halton District School Board Policies and Procedures are subject to and shall be interpreted and applied in accordance with the Human Rights Code of Ontario.

The Board considers homophobia, gender-based violence, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the Human Rights Code of Ontario, as well as inappropriate sexual behaviour, unacceptable.

NEW Principal or Designate

The Board supports the Principal's authority in the school and recognizes that Ministry policy permits the **principal to delegate** his/her powers under the Education Act Part XIII in writing to a designate, namely a **Vice Principal** or a **teacher** in the absence of Principal and Vice Principal. A teacher may not impose suspension, except as directed by the Principal or Vice Principal.

The Board supports the use of positive practices to prevent inappropriate 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. The Board, and school administrators, must consider all **mitigating and other factors**, as required by the Education Act, set out in Ontario Regulation 472/07 and reflected in student discipline settlements with the Ontario Human Rights Commission. For students with special education and/or disability related needs, interventions, supports and consequences must be consistent with the expectations in the student's Individual Education Plan (IEP) and/or his/her demonstrated abilities. Before applying discipline, the discriminatory impacts of disciplinary decisions on students protected by the Human Rights Code of Ontario shall be considered.

The Board does not support the use of exclusion as a disciplinary measure. However, the Education Act Part X clause 265 (1)(m) permits a principal, or delegate, to refuse to admit to the school or to a class someone whose presence in the school would be detrimental to the physical or mental well being of students. If the principal, or delegate, does decide that it is necessary to exclude a student from school, s/he is expected to notify the student's parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265. (1)(m).

Positive Practices

The Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management. The Board also encourages principals to review and amend, as appropriate, Individual Education Plans, Behaviour Management Plans and Safety Plans at regular intervals, and following an incident, to ensure that every student with disability-related needs is receiving appropriate accommodation.

Preventative practices include:

- Ontario Equity and Inclusive Education Strategy pursuant to PPM 119;
- School-based Safety & Wellbeing teams;
- Anti-bullying and violence prevention programs;
- Mentorship programs;
- Differentiated Instruction;
- Student success strategies;
- Healthy Lifestyles;
- School Culture initiatives;
- Character and citizenship development;
- Student leadership;
- Promoting healthy student relationships

Positive behaviour management practices include:

- Program modifications or accommodations;
- Class placement;
- Behaviour Management Plans;
- Positive encouragement and reinforcement;
- Individual, peer and group counseling;
- Conflict/dispute resolution;
- Collaborative Problem Solving;
- Promotion of healthy student relationships;
- Mentorship programs;
- Restorative practices;
- Sensitivity programs;
- Safety Plans;
- School, Board and community support programs; and
- Student success strategies

Progressive Discipline

Progressive discipline is a whole school approach that utilizes a continuum of interventions, supports, and consequences that are developmentally appropriate to address inappropriate behaviours, and build upon strategies that promote positive school climate. Discipline should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive, and that includes learning opportunities for reinforcing positive behaviour. All schools must develop and implement a progressive discipline policy that is consistent with Board policy and PPM 145.

The Board recognizes that, in some circumstances, positive practices may not be sufficient to address inappropriate student behaviour. In such circumstances, the Board supports the use of consequences, including suspension and expulsion. In circumstances where a student will receive a consequence, the Board and school administrators must consider mitigating and other factors, as required by the Education Act and as set out in Ontario Regulation 472/07.

Progressive discipline may include early and/or ongoing intervention strategies, such as:

- Reminders/review of expectations (including Code of Conduct);
- Contact with the student's parent(s)/guardian(s);
- Work assignment with a learning component;
- Volunteer service to the school/community;
- Peer mentoring;
- Referral to counseling;
- Conflict mediation and resolution;
- Collaborative Problem Solving;
- Consultation;
- Involvement of police (school liaison or D.A.R.E. officer) or probation and parole as appropriate;

Progressive discipline may also include a range of interventions, supports and consequences with a focus on improving behaviour, such as one or more of the following:

- Referral to a community agency for anger management, substance abuse, or other;
- Detention;
- Withdrawal of privileges;
- Withdrawal from class;
- Meeting with the student's parent(s)/guardian(s), teacher(s), support staff (student as appropriate);
- Restitution for damages;
- Restorative practices;
- Transfer;
- Involvement of police (school liaison or D.A.R.E. officer) and/probation and parole as appropriate.

The Board supports the use of **suspension** and **expulsion** where a student has engaged in one or more of the activities outlined in the Education Act under Part XIII Sections **306(1)** and **310(1)** and in **Board Policy**, on school property, during a school-related activity or event, and/or in circumstances where the activity has an impact on the school climate. In all cases where consequences may be imposed, teachers, administrators and the Board will consider the safety and dignity of all students, and the impact of the activity on the school climate. The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a student protected by the Human Rights Code and/or exacerbate the student's disadvantaged position in society.

SUSPENSION: Activities leading to possible suspension under the Education Act Section 306. (1)

A principal shall consider whether to suspend a student if he or she believes that the student 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. * Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs.
3. Being under the influence of alcohol.
4. Swearing at a teacher or at another person in a position of authority.
5. * Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school.
6. Bullying.

Any other activity that is an activity for which a principal may suspend a student under a **policy of the Board. Halton District School Board Code of Conduct** includes the following:

7. Disorderly conduct, persistent opposition to authority, conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school.
8. ** Possession or use of explosive devices, including fireworks.
9. ** Fire setting, initiating a false alarm, making a bomb threat, or an act that places individuals, property or community at risk.
10. Extortion – attempting to take money or property under threat of harm or duress.
11. Harassment – repeated comments or conduct that is known or ought to be known as unwelcome; on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the Human Rights Code, as well as inappropriate sexual behaviour.
12. Hate crimes – words or actions considered offensive in reference to a person's gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other grounds protected by the Human Rights Code of Ontario.
13. Smoking on school property – violation of the Tobacco Control Act, 1998.
14. Theft – taking, possessing property without the permission of the owner.
15. Vandalism of school or Board property.
16. Reckless or dangerous use of a vehicle (e.g. car, motorcycle, bicycle, etc.) on school property.

* Police **must** be notified and a Violent Incident Form must be completed and filed for students age twelve (12) and over. The Parent/guardian(s) of the student should be notified whenever possible before police speak with specific students in the course of an investigation.

** Fire Department **must** be notified when students engage in activities that include incendiary devices (lighters, matches, fireworks, etc.) or when fire alarms are falsely initiated.

Principal Investigation

Before determining appropriate supports and/or consequences, the principal, or designate, must complete an investigation, consistent with the expectations of the Human Rights Code and as required by the Education Act, which is consistent with the expectations for principal investigations, and must consider any mitigating or other factors when determining outcomes.

Suspension Appeal Process

Note: Appeals do not stay the suspension.

Where a student's parent/guardian(s) OR the student, if 18 or older, (or 16 or 17 and has withdrawn from parental control) **disagree(s) with the decision of a principal to suspend**, they may appeal the principal's decision to suspend as follows:

Step 1: Notice of Appeal: A person(s) who is/are entitled to appeal, described above, **must give written notice** of intent to appeal to the Superintendent of Education responsible for student discipline, as identified in the suspension letter, **within 10 (ten) days of the commencement of the suspension**. The notice must identify

- **the reason for appealing the suspension**
- **the remedy sought**
- **the names and relationships of all persons to be present at the appeal**

Receipt of this notice will be confirmed by the Superintendent of Education responsible for student discipline.

Step 2: Meeting with the Principal:

The person(s) who is/are entitled to appeal **must** meet with the principal to discuss the suspension. If an agreement is not reached through meeting with the principal, proceed to Step 3.

Step 3: Superintendent Review:

The person(s) who is/are entitled to appeal may **request a review of the suspension** by the Superintendent of Education with responsibility for the school. If an agreement is not reached through the Superintendent's Review, the person(s) who is/are entitled to appeal and the Superintendent of Education with responsibility for the school will notify the Superintendent of Education responsible for student discipline.

Step 4: Appeal to the Board

The Superintendent of Education responsible for student discipline will arrange for the Discipline Committee of the Board to hear the appeal and contact the person(s) who is/are entitled to appeal to confirm. The Discipline Committee of the Board shall hear and determine the appeal **within 15 school days** of receiving the notice of appeal, unless the parties agree on a later deadline.

The Appeal Hearing

The Discipline Committee will be made up of a minimum of three trustees who will conduct hearings and appeals as required by the Education Act 309.(6). (Suspension Appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*.)

Parties to the Appeal Hearing shall include:

- Principal and/or designate of the school in which the student is registered;
- Student, if 18 years old (or if 16 or 17 and has withdrawn from parental control); and/or
- Student's parent/guardian(s)
- Legal counsel or other as per notification

The Discipline Committee shall take into account:

- submissions and views of all parties
- mitigating and other factors
- the discriminatory impacts of disciplinary decisions on students protected by the Human Rights Code of Ontario

The Discipline Committee may, in its decision:

- uphold the decision of the principal regarding the suspension;
- overturn the decision of the principal regarding the suspension;
- decrease the number of days provided for in the suspension.

The decision of the Discipline Committee is **final** and will be communicated to all parties to the hearing in writing by the Superintendent of Education responsible for student discipline.

EXPULSION

As per the *Education Act*, Section 310(1) the infractions for which a principal shall suspend, and may consider recommending to the Board that a student be expelled from the student's school or from all schools of the Board, include

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 - touching of a sexual nature that is known or should be known as unwanted.
5. *Trafficking in weapons, illegal or restricted drugs.
6. *Committing robbery.
7. *Giving alcohol to a minor.

Any other activity that, under a policy of the Board, is an activity for which a principal must suspend a student and conduct an investigation to determine whether to recommend to the board that the student be expelled. **Halton District School Board Code of Conduct** includes the following:

8. 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.
 9. A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
 10. Activities engaged in by the student on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
 11. Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board, or to goods that are/were on Board property.
- * Police **must** be notified and a Violent Incident Form must be completed and filed for students age twelve (12) and over. Parent/guardian(s) of the student should be notified whenever possible before police speak with specific students in the course of an investigation.

Where a student has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of student behaviour and/or a serious breach of the School/Board Code of Conduct may result in the principal suspending a student and conducting an investigation to determine whether to recommend to the board that the student be expelled.

Principal Investigation

Before determining appropriate supports and/or consequences, the principal, or designate, must complete an investigation, consistent with the expectations of the Human Rights Code and as required by the Education Act, which is consistent with the expectations for principal investigations and must consider take into consideration any mitigating or other factors.

NEW Duty to Respond – All Staff Who Work Directly with Students

Board employees who work directly with students – including administrators, teachers and non-teaching staff (including staff in social work, child and youth work, psychology, and related areas, and educational assistants) – must respond to any student behaviour that is likely to have a negative impact on the school climate. Such behaviour includes all inappropriate and disrespectful behaviour at any time at school and at any school-related event if, in the employee’s opinion, it is safe to respond to it. These behaviours include racist, sexist, or homophobic comments, slurs, and jokes and graffiti, as well as activities outlined in the **Code of Conduct** for which suspension or expulsion may be considered. The Board expects that the response provided for students with known special needs will be consistent with the student’s strengths, needs, goals and expectations contained in the IEP. The response required for students in alternative education should be as per direction of the Principal.

NEW Duty to Report – All Halton District School Board Employees and Transportation Providers

The Board requires all employees of the Board, and transportation providers, to report to the Principal, or designate, at the earliest safe opportunity, and in writing using the Incident Reporting Form (Appendix A) not later than the end of the school day, or end of the transportation route, behaviours **outlined in the Code of Conduct** whether on **school property**, on **buses or other Board transportation**, at **school-related events** or activities, or in **other circumstances that are likely to have a negative impact on school climate** including, but not limited to **racist, sexist and other comments that are unacceptable**. The Board expects all employees, and transportation providers, to take into consideration any mitigating or other circumstances which may explain the behaviour before deciding whether or not to report the behaviour for students with known special needs, or requiring alternative education as per direction of the Principal.

NEW Principal (or designate) Notification to Parents

If the principal, or designate, believes that a student has been harmed as a result of an activity for which suspension or expulsion may be considered, the principal, or designate, is required to contact the parent/guardian of a student

- who is less than 18 years of age;
- who is 18 years of age or older and consents to such contact;
- who is 16 or 17 and withdrawn from parental control, unless the student consents to such contact;
- except where, in the opinion of the principal, informing the parent/guardian would put the student at risk of harm and would not be in the student’s best interests; in this case the principal or designate is required to document their decision and the rationale for same.

The principal, or designate, shall disclose

- the nature of the activity that resulted in harm to the student;
- the nature of the harm to the student; and
- the steps taken to protect the student’s safety.

As per MFIPPA, the principal, or designate may inform the parent/guardian

- that the matter has been dealt with appropriately by the school,
- as to whether police have been notified, but may not disclose whether or not charges have been laid
- if the student who engaged in the activity that resulted in the harm will not be returning to school

NEW Victims of Serious Incidents

The Board supports students whom are victims of serious incidents of student behaviour causing harm contrary to the provincial, Board, and school Code of Conduct. Principal, or designate, will provide information to parent/guardian(s) of victims and/or refer to School Social Workers, Child Youth Counselors, or Safety and Wellbeing staff who may be helpful in ensuring supports for victims as needed. Contact information and referrals to appropriate community agencies and services to address the needs of victims and their families are to be facilitated.

Parents/guardians of victims who are dissatisfied with steps taken to provide support to the victim may bring their dissatisfaction to the attention of the principal. The parents/guardians may contact the Superintendent of Education responsible for the school if they continue to be dissatisfied after speaking with the principal.

Mitigating and Other Factors

Before imposing a suspension, or a suspension pending an investigation to determine whether to recommend expulsion, the principal, or designate, must consider any mitigating and other factors and their application for the purpose of mitigating the discipline to be imposed. For the purpose of the Student Discipline Policy and Procedures, the Board interprets the provisions of the Education Act and Regulations in a broad and liberal manner consistent with the Human Rights Code. The principal or designate shall consider whether or not the discipline will have a disproportionate impact on a student protected by the Human Rights Code and/or exacerbate the student's disadvantaged position in society.

If the principal imposes a suspension pending an investigation to determine whether to recommend expulsion, the Principal must consider any mitigating and other factors, as set out above and in the Student Discipline Procedures, for the purpose of mitigation when determining whether to recommend an expulsion from the student's school or from all schools of the Board, as required by the Education Act. If the principal determines it is not appropriate to recommend an expulsion, the principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.

The mitigating factors to be considered are:

- Whether the student has the ability to control his or her behaviour;
- Whether the student has the ability to understand the foreseeable consequences of his/her behaviour;
- Whether the student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors to be considered

1. The student's academic, discipline and personal history;
2. Whether a progressive discipline approach has been attempted with the student, and if so, the progressive discipline approach (es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the student's prospects for further education;
5. The student's age;

6. Where the student has an individual education plan (I.E.P.) or disability-related needs:
 - whether the behaviour causing the incident was a manifestation of the student's disability;
 - whether appropriate individualized accommodation has been provided, and
 - whether a suspension is likely to result in a greater likelihood of further inappropriate conduct;
7. Whether or not the student's continuing presence at school creates an unacceptable risk to the safety of anyone in the school.

All teachers of a student who is suspended must provide school work. Parent/Guardian(s) must make arrangements with the school to pick up materials and resources provided, and return completed work regularly during the suspension period.

Students who are suspended for **six to twenty days** may be assigned to the **Halton Opportunities Program for Expelled/Suspended Students (H.O.P.E.S.)** as per PPM 141 Programs for Suspended Students. Attendance is voluntary for suspended students. A student who does not participate in H.O.P.E.S. may return to school following the period of suspension.

Students who are suspended for six to twenty days pending a principal investigation and decision to recommend expulsion may be assigned to the **Halton Opportunities Program for Expelled/Suspended Students (H.O.P.E.S.)** as per PPM 142 Programs for Expelled Students. Students who are expelled from all schools must attend HOPES and must complete the Student Action Plan prior to returning to any school.

Discipline Committee

The Halton District School Board authorizes the creation of a Discipline Committee of no fewer than three (3) Trustees to decide upon principal recommendation for expulsion, and appeals of principal suspensions. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline Procedures, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules. The Discipline Committee shall have the powers as set out in the *Education Act* and any other powers necessary and shall consider the *Human Rights Code of Ontario* prior to implementing any appropriate order.

EXPULSION HEARING

The Discipline Committee will be made up of three Trustees who will conduct expulsion hearings and suspensions appeals as required by the Education Act 311.3(1).

- Parties to the hearing shall include:
- Principal/Vice principal(s) of the school in which the student is registered;
- Superintendent of Education responsible for the school in which the student is registered;
- Student if 18 years old, or if 16 or 17 and has withdrawn from parental control; and/OR
- Student's parent/guardian;
- legal representative.

EXPULSION APPEAL

Expulsion appeals shall be directed to:

The Child and Family Services Review Board

2 Bloor St. West, 24th Floor,
Toronto, Ontario M4W 3V5

Fax: (416) 327-4379 Phone: (416) 327-4673 or 1-888-728-8823 Website: www.cfsrb.ca



Ministry of Education

School: _____

APPENDIX A

Report No: _____	CONFIDENTIAL - SAFE SCHOOLS INCIDENT REPORTING FORM – PART I
1. Name of Student(s) Involved (if known)	_____
2. Location of Incident (check one)	<input type="checkbox"/> At a location in the school or on school property (please specify) _____ <input type="checkbox"/> At a school-related activity (please specify) _____ <input type="checkbox"/> On a school bus (please specify route number) _____ <input type="checkbox"/> Other (please specify) _____
3. Time of Incident	Date: _____ Time: _____
4. Type of Incident (check all that apply)	<p>Activities for which suspension must be considered under section 306(1) of the Education Act</p> <input type="checkbox"/> 1. Uttering a threat to inflict serious bodily harm on another person <input type="checkbox"/> 2. Possessing alcohol or illegal drugs <input type="checkbox"/> 3. Being under the influence of alcohol <input type="checkbox"/> 4. Swearing at a teacher or at another person in a position of authority <input type="checkbox"/> 5. Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school <input type="checkbox"/> 6. Bullying <input type="checkbox"/> Any other activity for which a student may be suspended under board policy (see back of form) Namely # _____ <p>Activities for which expulsion must be considered under section 310(1) of the Education Act</p> <input type="checkbox"/> 1. Possessing a weapon, including possessing a firearm or knife <input type="checkbox"/> 2. Using a weapon to cause or to threaten bodily harm to another person <input type="checkbox"/> 3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner <input type="checkbox"/> 4. Committing sexual assault <input type="checkbox"/> 5. Trafficking in weapons or in illegal or restricted drugs <input type="checkbox"/> 6. Committing robbery <input type="checkbox"/> 7. Giving alcohol to a minor <input type="checkbox"/> Any other activity for which a student may be expelled under board policy (see back of form) Namely # _____
5. Report Submitted By: Name: _____	
Contact Information: Location: _____ Telephone: _____	
6. Report Received by: Name: _____ Signature: _____ Date: _____ Time Submitted: _____	

PART II ACKNOWLEDGEMENT OF RECEIPT OF REPORT

Action Taken No Action Required Date: _____

Name of Principal/Vice Principal: _____ Signature: _____

Principal or delegate is to complete, sign and copy (this side only), remove student name from copy and return copy to the person who made the report.

This form is to be retained for a minimum of one year

