

<b>Topic:</b>	<b>Positive School Climate – Progressive Discipline</b>
<b>Effective:</b>	<b>May 2012</b>
<b>Cross-Reference:</b>	<b>Ontario Human Rights Code Accepting Schools Act, 2012, S.O. 2012, c. 5 Education Act, Part XIII Behaviour, Discipline and Safety Policy and Program Memoranda: PPM 119 (Equity and Inclusive Education); PPM 120 (Reporting Violent Incidents); PPM 128 (Provincial/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); PPM 166 (Anti Sex Trafficking); Ontario Regulation 472/07 (Behaviour, Discipline and the Safety of Pupils); Ontario Regulation 474/00(Access to School Premises); Occupational Health and Safety Act and Regulations; HDSB Policy: Safe Schools; HDSB Administrative Procedures: Anti-Sex Trafficking Exclusion of Students Bullying Prevention and Intervention Suspensions and Expulsions Violence Threat Risk Assessment Discrimination and Harassment Planned Student Behaviour Prevention, Intervention and Response Video Surveillance Ontario Student Records (OSR) Halton Region Police – School Board Protocol Youth Criminal Justice Act (YCJA) (S.C. 2002, c. 1)</b>
<b>Review Date:</b>	<b>March 2023</b>
<b>Revision Date:</b>	<b>March 2027</b>
<b>Responsibility:</b>	<b>Superintendent of Education – Safe Schools</b>

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**PURPOSE:**

The Halton District School Board is committed to a whole school approach to creating safe, caring, equitable, and inclusive school environments for all students, staff and members of the school community. The Board supports all students in developing healthy relationships, making good choices, continuing their learning and achieving success.

The Halton District School Board recognizes that open dialogue and a whole-school approach are required and that everyone has a role to play in creating a positive school climate and in preventing inappropriate behaviour such as bullying, discrimination, sexual assault, and violence. The Board also believes all students should feel safe at school and are deserving of a positive school climate that is inclusive, equitable, and accepting regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, or disability.

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This administrative procedure has been developed to implement provincial legislation and the Safe Schools Policy of the Halton District School Board. This procedure supports a progressive discipline approach that uses a continuum of interventions, supports, and consequences to address inappropriate student behaviour.

This procedure also supports the authority of Principals to use other tools, such as suspension, when early and ongoing interventions and supports to promote positive behaviour have not met with success, and/or in the case of serious incidents. Principals are also authorized to respond to situations with a recommendation for expulsion, which is further along the continuum of progressive discipline. Principals have a duty under the *Education Act* to maintain proper order and discipline in schools and students are responsible to the Principal for their conduct.

## **ROLES**

### **1. Principal or Designate**

The Halton District School Board supports the Principal's authority in the school to hold everyone accountable for their behaviour and actions, and to maintain proper order and discipline in schools. The Principal may delegate their powers under the *Education Act* Part XIII, Section 300.1 (1) in writing to a teacher in the absence of the Principal and Vice Principal. A teacher-in-charge shall not be delegated authority to suspend a pupil. (See *Delegation of Authority Form – Appendix A*).

### **2. Superintendent of Education Responsible for Student Discipline**

The Halton District School Board authorizes the assignment of responsibility for student discipline to a Superintendent of Education as per the *Education Act* Part XIII, Section 309(2). The designated Superintendent shall be called *Superintendent of Education – Safe Schools*.

### **3. 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 recommendations for expulsion, and to hear appeals of Principal suspensions. The Discipline Committee shall have the powers as set out in the *Education Act* and any other powers necessary and shall consider the *Ontario Human Rights Code* prior to making any appropriate order.

## **PROCEDURES**

### **1. Promoting Positive Behaviours**

The Halton District School Board will support the use of practices to promote a whole school approach to creating and maintaining a positive school climate in every school. These practices will encourage and support positive, pro-social behaviours and respond to inappropriate behaviours that negatively impact school climate. Principals or designates may impose consequences in response to student behaviours. The Board also requires Principals to review and amend, as appropriate, Individual Education Plans, Behaviour Intervention Plans and Student Safety Plans at regular intervals, and following an incident, to ensure that students with special education needs receive appropriate accommodations, as applicable, to support positive behaviours. The Board also requires Principals or designates to seek and recommend appropriate preventative and responsive supports for those who have been impacted by challenging behaviours and for those who have engaged in challenging behaviour towards others.

Preventative and proactive practices include but are not limited to:

- Adopt a Whole Person Approach and understand the learner profile (e.g., identity, exceptionality, diagnosis, developmental and medical considerations) and the impact these have on a student's behaviour or stress response;
- Consider the interconnection of appropriate and achievable goals, programming and student behaviour;
- Adopt a posture of practice with a commitment to eliminating implicit bias of our assessment and expectation of student behaviour;

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- Understand the intersectionality of identities and how this influences staff assessment of behaviour and student's behaviour;
  - Co-regulate with students and strive to be emotionally well-regulated;
  - Use trauma-informed strategies;
  - Understand the student's mental health and well-being, and how this may be expressed behaviourally; Halton District School Board Administrative Procedure
  - Recognize and value parent/guardian engagement and partnership as an essential condition to supporting students exhibiting challenging behaviours;
  - Analyze the environment/context in which the behaviour occurs, reduce environmental triggers and/or risks;
  - Identify a relationship between the behaviour and the context to determine the function behind the behaviour and/or lagging skills;
  - Reduce potential triggers or contributing factors for the individual in the environment and teach new skills;
  - Provide and teach the individual in the use of alternative behaviours;
  - Create a safe and supportive class environment that is identity affirming, and provides culturally relevant and responsive classroom instruction and materials;
  - Create a Circle of Support with the student at the centre, inclusive of culturally relevant and responsive board and community resources and supports as needed.
  - Well-Being Teams
  - Bullying Prevention and Intervention Plans
  - Mentorship programs
  - Collaborative Problem Solving
  - Student leadership/voice and groups (e.g., GSA, Student Council, Student Senate, etc.)
  - Promoting healthy relationships and healthy lifestyles
  - Differentiated instruction
  - Positive school climate initiatives
  - Character and citizenship development
  - Referrals to School Review Team
  - Referrals to Child and Youth Counsellor
  - Referrals to Social Worker

Positive behaviour intervention practices may include but are not limited to:

- Analyze the environment/context in which the behaviour occurs, reduce environmental triggers and/or risks;
- Identify a relationship between the behaviour and the context to determine the function behind the behaviour and/or lagging skills;
- Reduce potential triggers or contributing factors for the individual in the environment and teach new skills;
- Provide and teach the individual in the use of alternative behaviours;
- Create a safe and supportive class environment that is identity affirming, and provides culturally relevant and responsive classroom instruction and materials;
- Create a Circle of Support with the student at the centre, inclusive of culturally relevant and responsive board and community resources and supports as needed.
- Bullying Prevention and Intervention Plans
- Program modifications or accommodations
- Check-ins
- Class placement
- Behaviour intervention Management Plans
- Positive encouragement and reinforcement
- Individual, peer and group counselling
- Conflict/dispute resolution

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- Promotion of healthy student relationships
  - Mentorship programs
  - Safety Plans
  - School, Board, Staff, and community support programs
  - Student Success strategies
  - Acknowledgement of student voice

## 2. **Student-Led Activities and Organizations**

The Halton District School Board supports students who want to establish and lead activities and organizations that promote a safe and Accepting learning environment, acceptance of and respect for others, and the creation of a positive school climate. These activities or organizations may promote one or more of the following:

- gender equity;
- anti-racism;
- Indigenous rights;
- the awareness, understanding of and respect for people with varying abilities; and/or
- people of all sexual orientations and gender identities. For example, “gay-straight alliance” or other similar names are welcomed.

## 3. **School Climate Surveys**

The Halton District School Board will conduct surveys to elicit input from students, staff and parents/guardians with respect to school climate and bullying prevention and intervention. Schools may choose to conduct their own internal surveys or focus groups to supplement their *Have Your Say* data. Schools may provide accommodations for students with special needs where appropriate to ensure all students have the ability to elicit input. Participation in all surveys is voluntary and anonymous, and parents may choose not to have their child(ren) participate. Results of surveys are to be shared with Well-Being Teams and used to build strategies into School Improvement Plans for Student Achievement and Well-Being and Bullying Prevention and Intervention Plans regarding issues identified in the school’s data.

## 4. **Progressive Discipline**

The Halton District School Board will support the use of a progressive discipline approach that utilizes a continuum of prevention programs, interventions, supports and consequences that are developmentally appropriate, address individual characteristics, and special education needs to respond to behaviours, and builds upon strategies that promote a positive school climate.

Intervention strategies range from early interventions to more intensive interventions and consequences, including suspension and expulsion and involvement of police. 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 includes learning opportunities for reinforcing positive behaviour. All schools must develop and implement progressive discipline procedures that are consistent with PPM 145, Board policies/procedures, and guidelines.

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

- Reminders/review of expectations (including the HDSB Code of Conduct)
- Meeting with the student
- Contact with the student’s parent(s)/guardian(s)
- Work assignment with a learning component
- Volunteer service to the school/community
- Peer mentoring

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- Conflict mediation and resolution
  - Consultation
  - Involvement of police and/or Probation Officer as appropriate
  - Referral to counselling
  - Consult Equity Department

Progressive discipline may also include a range of interventions, supports, and consequences with a focus on improving behaviour including but not limited to one or more of the following:

- Seating change
- Withdrawal from class
- Referral to a community agency for anger management, substance abuse, or other
- Detention
- Withdrawal of privileges (e.g., access to internet, teams, clubs, etc.)
- Warning / caution
- Timetable/class change
- Meeting with the student
- Meeting with the student's parent(s)/guardian(s), teacher(s), support staff (student as appropriate)
- Restitution for damages
- Involvement of police (school liaison / community officer) and/or Probation Officer, as appropriate
- Suspension and/or expulsion

The Halton District School Board recognizes progressive discipline practices may not be suitable to address student behaviour where there has been a serious student incident.

Serious student incidents are activities for which suspension or expulsion must be considered, as set out in subsections 306(1) (grades 4 and up) and 310(1) of the Education Act. 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. Principals and Vice Principals are advised to refer to the HDSB Administrative Procedure: *Suspensions and Expulsions* for further guidance. School administrators must make all reasonable efforts to consult with the parent/guardian of the student receiving a consequence in order to fully understand any underlying causes of the behaviour and consider any applicable mitigating factors prior to determining a consequence.

## **DUTIES AND OBLIGATIONS**

### **1. Duty to Respond – All Staff Who Work Directly with Students**

The Halton District School Board expects all employees who work directly with students – including administrators, teachers and non-teaching staff (including social workers, child and youth work, psychology, Educational Assistants and Early Childhood Educators) – to 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/comments at any time, at school or at any school-related event if, in the employee's opinion, it is safe to respond to it. Racist, sexist, homophobic or any other discriminatory comments, as well as activities for which suspension or expulsion may be considered must be responded to according to Board processes. The employee's response does not preclude the Principal or designate from imposing further discipline, as appropriate. The Board expects the response provided for students with known special education needs will be consistent with the student's strengths, needs, goals and expectations contained in the IEP or otherwise known (mental health). The response required for students in alternative education settings should be as per direction of the Principal.

### **2. Duty to Report–All Halton District School Board Employees and Transportation Providers**

The Halton District School Board requires any employee of the Board, Before/After School Program Child Care provider, and/or transportation provider, who becomes aware that a student

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at a school of the board may have engaged in a serious student incident for which suspension or expulsion must be considered, shall report the matter to the Principal, or designate, as soon as reasonably possible. The employee/transportation/childcare provider must consider the safety of others and the urgency of the situation in reporting the incident, but in any case, must report it to the Principal or designate no later than the end of the school day, or end of the transportation route. In cases where an immediate action is required, a verbal report to the Principal may be made. A report must also be made using the *Safe Schools Incident Reporting Form – Part 1* (see Appendix B).

In certain situations, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are engaged in a clinical relationship with a student shall report incidents of behaviour for which suspension or expulsion must be considered to the Principal as soon as it is, in their professional opinion, reasonably possible to do so without having a negative impact on the nature of the clinical relationship, in accordance with Section 300.2 of Part XIII of the *Education Act*.

The Principal must investigate all reports submitted by board employees and providers; if action is taken, the Principal must communicate the results of the investigation to the teacher who made the report once the investigation has been completed. If the board employee is not a teacher, the Principal will communicate the results of the investigation to that employee if the Principal considers it appropriate.

Communication between the Principal and school staff about the investigation is considered to be a shared responsibility, and is a shared responsibility for all Halton District School Board employees.

If the Principal decides that action must be taken as a result of the reported serious incident, Part I of the Safe Schools Incident Reporting Form must be retained in the documentation file of the OSR for the student whose behaviour was inappropriate. “Action taken” is defined as anything along the progressive discipline continuum: from calling parents or counselling the student(s) involved to suspension or recommending expulsion. Principals will indicate the action(s) taken on page 2 of the Safe Schools Incident Reporting Form Part I. Principals must attach Part I of the reporting form to the suspension letter if suspension was one of the actions taken. Additionally, copies of Part I and II Safe Schools Incident Reporting Forms are to be retained in an office binder regardless of action taken.

The Halton District School Board expects all employees, Before and After School Program Child Care staff, 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 education needs, or students who require alternative education as per direction of the Principal. The duty to report and subsequent filling out of the Safe Schools Incident Report Form would not be necessary or appropriate for an incident involving a student with known special education needs that explain or are a manifestation of a disability, or where mitigating circumstances are known to explain the behaviour. If there is any doubt whether to complete a form or not we advise all employees to complete a Safe School Incident Report. These incidents still require appropriate follow up by the employee/transportation/childcare provider with notice to the Principal, and completion of an Employee Incident Report if a safety risk to the employee or another person occurs.

### **3. Duty to Support**

The Halton District School Board requires that the Principal ensure support is provided to students who are impacted by inappropriate behaviour and to students who have engaged in inappropriate behaviour. The duty to support is expected to assist students in developing healthy relationships, making good choices, and continuing their learning and achieving success. As per PPM 145, the Principal will provide information to parent/guardian(s) of students who have caused harm and to the parents/guardians of those who have been impacted by harm, and provide support which may include referral to Board support staff or Community agencies.

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.

The Principal will also ensure the home school will provide an academic program for students who have been suspended. All students on suspension of one to ten days will receive academic support. Students suspended for more than ten school days, and students who have been expelled will be offered academic and social/emotional support through the Board’s Halton Opportunities Program for Expelled or Suspended Students (HOPES).

**4. Safe Schools Incident Reporting (SSIR) Forms – Maintaining Records**

When an employee/transportation provider/child care provider submits an online Safe Schools Incident Reporting form, the Principal shall:

- complete Part II, Acknowledgement of Receipt of Report
- provide the teacher or other board employee with Part II
- redact the name(s) of all other students mentioned on Part I
- identify the Action Taken on page 2 of Part I

If no action is taken by the Principal upon receipt of the Safe Schools Incident Reporting Form (SSIR), Part I of the form may be discarded. “Action” can be anything along the progressive discipline continuum from calling parents or counselling the students involved to suspension or recommending expulsion.

Retain Part I of the Safe Schools Incident Report Form (SSIR) in the documentation file of the student’s OSR as per the following schedules:

<b>Non Violent Incidents</b>		
No action taken	Discard	
All other action including suspension and expulsion	Minimum 1 year	Subject to culling 5 years after the student retires from school
<b>Violent Incidents (as per PPM 120)</b>		
Any action taken other than suspension or recommend expulsion	Minimum 1 year	Subject to culling 5 years after the student retires from school
Suspension or expulsion quashed	1 year	Must be removed from OSR after 1 year
Suspension	Minimum 3 years	Attach Part I to suspension letter Subject to culling 5 years after the student retires from school
Expulsion	Minimum 5 years	Attach Part I to expulsion letter Subject to culling 5 years after the student retires from school

In addition to the OSR guidelines, retain all copies of Part I and II in an office binder regardless of action taken.

**5. School Investigations**

All investigations conducted by the Principal (or designate) of a school shall be fair, judicious, equitable, objective, and adhere to the principles of procedural fairness. Parents and Guardians should be notified as early as possible and invited to share input.

Every reasonable effort must be made to thoroughly interview all alleged parties to the incident, including those who have allegedly committed acts of harm toward other students, those who

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have been harmed as a result of serious student incidents, and all available witnesses. Detailed notes should be kept by the Principal or designate. If a student refuses to be interviewed or is otherwise unavailable to be interviewed, this must be noted in the Principal's notes. A student's refusal to participate in the investigation cannot be held against them. Principals need to consider all credible evidence carefully and determine each student's particular role in the incident.

Police investigations may temporarily halt school investigations. If the police are involved, principals must ensure they are given permission to proceed by the police before continuing with their investigation as per the Halton Police – School Board Protocol. Police investigations are parallel to but otherwise independent of school investigations. Information with respect to arrests, charges, judicial conditions or other Youth Criminal Justice Act proceedings may not be introduced or considered in student discipline proceedings. Principals are reminded to consult the Halton Police – School Board Protocol with respect to their responsibilities to notify and obtain parental consent when police ask to interview a student and the authority of police to act when exigent circumstances are deemed to exist.

When determining school consequences, the Principal needs to determine whether a student was, on the balance of probabilities, more likely than not involved in a breach of the Code of Conduct after a comprehensive, objective, and fair investigation and assessing all the available credible evidence. Principals then need to apply all mitigating and other factors to the incident and determine a course of action along the progressive discipline continuum.

Mitigating and other factors that must be considered are outlined in the *Education Act*, Ontario Regulation 472/07 (Behaviour, Discipline and the Safety of Pupils), and the Halton District School Board Administrative Procedure: Suspensions and Expulsions.

Guidance with respect to the conduct of investigations is available through the Family of Schools Superintendent and/or Safe Schools.

## **6. Search and Seizure**

Upon reasonable and probable grounds that there has been a breach of school regulations or discipline, the Principal or designate may conduct a search of Board property at any time without prior notice if there is a belief that such a search would reveal evidence of such a breach. Desks and lockers are considered Board property and a search of desks and lockers by school or Board administration is lawful when there is reasonable cause to do so.

Upon reasonable and probable grounds that there has been a serious breach of the school code of conduct, including but not limited to the possession of a weapon, an illegal substance, or stolen goods, and the belief that a search of the student's property would reveal evidence of such a breach, the Principal or designate may, with due respect for procedural fairness and, where possible, in the presence of the student, conduct a search of the student and the student's property including but not limited to a backpack and a jacket.

As per the Supreme Court of Canada, the following may constitute reasonable grounds in this context:

- information received from one student considered to be credible;
- information received from more than one student;
- a teacher's or Principal's own observations; or
- any combination of these pieces of information which the Principal considers to be credible.

The compelling nature of the information and the credibility of these or other sources will be assessed by the Principal or designate in the context of the circumstances existing at a given school. Random or arbitrary searches are **not** permitted.

School administrators cannot be directed by or otherwise be seen as acting as agents of a law enforcement agency. Police officers attending a school are subject to their own legal authority with respect to search and seizure.



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Procedures and best practices for conducting searches of Board and personal property, seizing and securing weapons and illegal or restricted substances, and other guidelines are outlined in the *Halton Police – School Board Protocol*.

Principals are also advised to notify their students of the HDSB Code of Conduct directly by way of classroom visits, assemblies, student handbooks (including electronic versions), communications from the board and via the school and board websites, etc.

#### 7. **Principal Notification to Parents of Students Who May Have Been Harmed**

As per PPM 145, the Halton District School Board expects that if the Principal (or designate) believes that a student has been harmed as a result of a serious student incident (i.e., an activity for which suspension or expulsion may be considered), the Principal or designate must 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 years of age and withdrawn from parental control, and consents to such contact

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;
- the steps taken to protect the student's safety;
- the nature of any disciplinary measures taken in response to the activity; and
- the supports that will be provided for the student in response to the harm that resulted from the activity.

The Principal may inform the parent/guardian of the victim that ***“Disciplinary action has been taken within the scope of progressive discipline as prescribed in legislation and board policy”*** as follows:

- 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 as per the *Youth Criminal Justice Act*);
- if the student who engaged in the activity that resulted in the harm has been consequence and, if so, the “nature” of that consequence (e.g., suspended, change in seating or timetable, a parent meeting) but *not* the details of the consequence (e.g., how many days suspended or the language associated with the suspension, a referral to social work, what was discussed in a meeting with parents/guardians, etc.);
- what, if any, steps are being taken to ensure the safety of other students, and
- what supports are available for students who are victims of bullying or other harm.

The Principal shall invite the parent or guardian to have a discussion about the supports that will be provided for their child and will share information about safety planning and/or supports with the parent/guardian.

#### 8. **Principal Notification to Parents of Students Who May Have Caused Harm**

As per PPM 145, the Halton District School Board expects that if the Principal (or designate) believes a student has caused harm as a result of a serious student incident (i.e., an activity for which suspension or expulsion may be considered), the Principal or designate must contact the parent/guardian of a student: an activity for which suspension or expulsion may be considered, the Principal or designate must 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 years of age and withdrawn from parental control, and consents to such contact, or

The Principal, or designate, shall disclose

- the nature of the activity that resulted in harm to the other student
- the nature of the harm to the other student

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- the nature of any disciplinary measures taken in response to the activity including the details of any action taken within the scope of progressive discipline as prescribed in legislation and board policy
  - the supports that will be provided for the student in response to their engagement in the activity

The Principal shall invite the parent/guardian to have a discussion about the supports that will be provided for their child and will share information about safety planning and/or supports with the parent/guardian.

As per MFIPPA (*Municipal Freedom of Information and Protection of Privacy Act*), the Principal, or designate shall not disclose the name or any other identifying or personal information about a pupil who was harmed in a serious student incident.

**9. Disclosure of a Student Name to Parent(s) of Another Student Who Has Been Harmed**

As per MFIPPA (*Municipal Freedom of Information and Protection of Privacy Act*), the Principal (or designate) shall *not* disclose the name or any other identifying or personal information about a pupil who engaged in the activity that resulted in the harm *unless* identification of the student is determined to be critical with respect to the safety of the student who has been harmed (i.e., there are “compelling circumstances affecting the health or safety of an individual”).

Examples could include identifying a student who has threatened to harm another student if both students walk home on the same route, live in the same neighbourhood or in the same apartment building, or play in the same park or on the same sports team. *MFIPPA* permits the sharing of personal information in such circumstances since identification would be essential to the child’s safety. Principals are advised to consult with their Superintendent and/or Safe Schools if they require guidance.

In all such circumstances, principals are required to make all reasonable efforts to notify parents in writing that their child’s name has been disclosed for safety reasons to another parent.

**10. Decision by Principal to Not Notify a Parent of a Student Involved in a Serious Incident**

As per 300.3(3) of the *Education Act*, the Principal (or designate) shall *not* notify a parent of a student who has caused harm or been harmed as a result of a serious incident if, in the opinion of the Principal, doing so would put the student at risk of harm from a parent of the student, such that notification is not in the student’s best interest.

Further, as per 301(5.5) of the *Education Act*, when the Principal has decided not to notify the parents that their child was involved in a serious student incident, as described above, they must, in accordance with Ontario Regulation 472/07:

- a) document the rationale for this decision;
- b) notify the teacher who reported the incident; *and*
- c) notify the appropriate supervisory officer of this decision.

The Principal shall also, if they determine it is appropriate to do so, inform other Board employees of this decision (Guidance, Special Education Resource Teacher, etc.).

In addition, the Principal should refer such students to Board resources or to community-based service providers that can provide the appropriate type of confidential support when the students’ parents are not called (e.g., counselling; a sexual assault centre; Kids Help Phone; LGBT Youth Line, etc.).

The guiding principle in all decisions must be what is in the best interest of the student after carefully considering all available relevant information.

**11. Non-Discretionary Safe Schools Transfers**

A Non-Discretionary Safe Schools Transfer is the terminology used when a student is compelled to move to a new school, most often for legal reasons. A Safe Schools Transfer may occur for any one or more of the following reasons:

- students who are returning from an expulsion of all schools of the board and still pose

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- an unacceptable safety risk to their home school;
  - students who have undertakings or conditions imposed on them by the Police or a court;
  - students who for specific reasons may have been formally excluded from their school under s.265 (1)(m) and cannot return to their school; and/or
  - students who are expelled from their school only

All such transfers must be guided by the Board's Safe Schools Transfer process which has been informed by PPM 145. When students are transferred to another school to ensure school safety and/or address concerns with respect to the safety of the school community, the consultation and decision making process must include the Superintendent responsible for the school and the Superintendent of Safe Schools (or designate).

The transfer placement decision rests with the Principal of Safe Schools in consultation with the FOS superintendents of the sending and receiving schools. Decisions will take into consideration of each student's academic and non-academic needs, transportation, the student's own input, and (wherever possible) consultation with the student's family.

After taking into account all available relevant information, the critical determinants in guiding the placement decision must be:

- the safety of staff and students; and
- what is in the best interest for the school community.

The section(s) of the Out of Area Transfer Administrative Procedure regarding closed schools do not apply for a student who is placed as a Safe Schools Transfer.

In cases where the transfer is necessary to protect a student, it is preferable and best practice whenever possible that the student who has been harmed not be moved.

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In cases where a student is being transferred to another school in order to address school safety, and once the decision has been made as to placement, the Principal of the sending school must coordinate a transfer meeting with the Principal of the receiving school. Parties in attendance at the intake meeting must include:

- the student;
- the student's parents/guardians if the student is under 18; and
- teachers and other school staff that will have regular direct contact with the student.

The Principal may also request the following attend the intake meeting:

- relevant Safe Schools staff;
- a Child and Youth Counsellor or School Social Worker (with consent), Specialized Behaviour Support Worker;
- any other persons deemed appropriate by any of the parties identified above (e.g., Manager of Student Services, Principal of Special Education, Police, Probation); and/or
- a community agency with whom the student is connected if the student and/or family consents to their attendance.

The receiving school *must* be in possession of the student's OSR *prior* to the transition meeting. The OSR is to be made available for consultation during the transition meeting.

The transition meeting must:

- occur prior to the day or on the day that the student is transferred;
- occur prior to the student attending any classes at the receiving school;
- include all teaching and school staff who will have regular direct contact with the student; and
- identify the transition strategies and Board and/or community supports/resources that the student will require.

The Principal of the receiving school must inform all members in attendance at the transition meeting that they must treat any information about the student and incident disclosed at the meeting as strictly confidential. This is particularly important in cases where a young person is transferring as a result of charges under the YCJA.

Should the process result in a placement which will not permit the student to walk to school, any costs associated with a Safe Schools Transfer will be borne by the student's family if the school is reasonably accessible by public transit (with the assistance of the school if needed) or by the Board if the distance or location of the school requires the use of a taxi service. Decisions with respect to transportation will be made jointly with the family, school, FOS Superintendent, and Safe Schools. The final decision with respect to what constitutes reasonable access to means of transportation to and from school rests with the Superintendent of Safe and Accepting Schools.

It is the responsibility of the receiving school to notify the Superintendent of Safe Schools (or designate) of any serious disciplinary or attendance issues during the initial period of transition (6 weeks). The receiving school may consequently request a review of the Safe Schools Transfer during this transition period. Such a request must be made only after a meeting with the parent/guardian/adult student to discuss the issues that may lead to a review of the transfer. The intention of this meeting is to look at the prevention and intervention strategies that have been used with the student and to set out next steps. The meeting will include a representative from Safe Schools and/or Student Services (if applicable).

A student who is placed through a non-discretionary Safe Schools Transfer may be eligible to return to his/her original school when the conditions that led to the transfer are no longer in effect, provided that the student's return does not create an unacceptable risk to the safety of any person in the school and is determined to be in the best interest of all parties. Requests are to be made by the student's family in writing, through the Principal of the school, to the System Superintendent of Safe Schools. The decision will be made in consultation with the Superintendent of Education for the school, the System Principal of Safe Schools, and the

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Superintendent of Student Services (if applicable). Re-admission would occur at the next registration point.

Transfers or movement between schools regarding students with special needs occur with significant planning in place but do not fall under the requirements of safe schools transfers as described above. Such matters should be referred to the Superintendent for Student Services (or designate).

## **12. Student Administrative Transfers**

A student may be moved to a different school when the safety and well-being of other students are at risk and where such a move is deemed to be in the best interests of all students.

Moving a student to a new school is understood to be a last resort when all other reasonable options and strategies have not resulted in a safer and healthier learning environment and where such a move is deemed in the best interests of all students.

The decision to implement a Student Administrative Transfer rests with the school Superintendent in consultation with the school Principal and the Superintendents of Safe Schools and/or Student Services, as appropriate.

Section 169.1 of the *Education Act* requires the school board to consider both the well-being of students as well as their academic programming.

Section 265(1)(m) provides the Board with the right to exclude a student from a school where that student's presence poses a detrimental risk to the physical or mental well-being of other students. These sections together with the long-standing interpretation of s.32 of the *Education Act* provide the school board with authority to move a student. The *Education Act*, s.32 does not provide the right to attend a specific school, it provides the right to attend a school.

In planning a Student Administrative Transfer, the Board's Non-Discretionary Safe Schools Transfer process will serve as the guideline for decision making, placement, communication, the intake meeting, and support during the transition period.

Where a Student Administrative Transfer is being contemplated, the well-being and academic needs of the student for whom the move is being considered must be taken into account. Opportunities for input must be provided to the students and the student's family, as appropriate. The overriding goals must be to provide ongoing support for the student and to make the transition to a new school as seamless and successful as possible.

## **13. Student-Led Activities and Organizations**

The Halton District School Board supports students who want to establish and lead activities and organizations that promote a safe and Accepting learning environment, acceptance of and respect for others, and the creation of a positive school climate. These activities or organizations may promote one or more of the following:

- gender equity;
- anti-racism;
- the awareness, understanding of and respect for people with varying abilities; and/or people of all sexual orientations and gender identities. For example, "gay-straight alliance" or other similar names are welcomed.

**Delegation of Authority – Teacher in Charge**

**School Name:** [insert name of school]  
**To** [insert name of teacher-in-charge]  
**Date** [insert date]  
**From** [insert name of administrator]

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**Re** Delegation of Authority

You will be delegated authority as teacher-in-charge pursuant to Section 300.1(1)(b) of the *Education Act*, consistent with this memo on the dates set out below and initialled by me when the Principal (and Vice Principal) will be away from the school.

The Principal can be reached by cell phone at [insert cell #], and the Vice Principal, where applicable, may be reached by cell phone at [insert cell #]. The Superintendent of Education / Supervisory Officer may be reached at [insert phone #].

The emergency contact Principal of [insert name of school], [insert individual's name], may be reached at [insert number].

As part of the duties of teacher-in-charge, you are being delegated responsibility for the following:

- 1) receiving reports from Board employees and transportation providers about serious incidents for which suspensions or a recommendation to expel might be made and communicating this information to an administrator at the earliest opportunity;
- 2) reporting incidents for which a suspension or expulsion might be imposed to an administrator at the earliest opportunity;
- 3) providing information to a parent/guardian of a pupil about an incident causing the pupil harm, provided that the pupil is not an adult pupil (i.e., over 18 or 16 or 17 years old and withdrawn from parental consent) and you are not of the opinion that reporting the information might put the pupil at risk of harm and/or not otherwise be in the pupil's best interest (you must notify the Principal and/or Vice Principal of such a decision at the earliest opportunity);
- 4) contacting the police and/or fire department in an emergency;
- 5) contacting the police and/or fire department in accordance with the Police – School Board Protocol; and
- 6) implementing progressive discipline measures following the investigation of an incident that is unlikely to lead to suspension or expulsion as a consequence (note: teachers may not determine suspension or expulsion).

You must exercise your authority in accordance with the *Education Act*, Board policies and procedures, including the principles of equity set out in Ontario's Equity and Inclusive Education Strategy and the *Human Rights Code of Ontario*, which has primacy over the *Education Act* and the Board policies and procedures.

The Ontario School Boards' Insurance Exchange (OSBIE) provides commercial general liability coverage to any teacher who acts as a designate for the Principal or Vice Principal as per the *Education Act*, *Bill 157* and *Halton District School Board Administrative Procedure: Positive School Climate – Progressive Discipline*.

Your authority with respect to these matters shall not apply when a school administrator is in the school building.

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**DATE OF DELEGATION**

.....  
...  
Principal

Date	Teacher's Name	Teacher's Signature	Principal's Initials

**Note:**

Principals may choose to issue one form for each date or occasion upon which all administrators will be out of the school building or they may choose to issue one form showing the dates for the beginning and end of the school year.

When choosing to issue one form for the entire school year, Principals must ensure that the teacher designate is always made aware when all administrators will be out of the building.

It is also advisable to have a secondary designate in the event that the primary designate is absent from the building or becomes unavailable for any reason.



## SAFE SCHOOLS INCIDENT REPORTING FORMS

Revised and Adapted June 2020

<b>Report No:</b>	<b>CONFIDENTIAL</b> <b>SAFE SCHOOLS INCIDENT REPORTING FORM – PART I</b>
<b>Name and Grade of Student(s) Involved (if known)</b>	
<b>Name of School</b>	
<b>Location of Incident (check one)</b>	<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)
<b>Date and Time of Incident</b>	Date: _____ Time: _____
<b>Details of Incident</b>	



<p><b>Type of Incident</b> (check all that apply)</p>	<p><b>Any activity for which suspension must be considered under subsection 306(1) of the <i>Education Act</i> (1-20 days; Grade 4 and above):</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1. Uttering a threat to inflict serious bodily harm on another person</li> <li><input type="checkbox"/> 2. Possessing alcohol or illegal drugs or, unless the student is a medical cannabis user, cannabis</li> <li><input type="checkbox"/> 3. Being under the influence of alcohol or, unless the student is a medical cannabis user, cannabis</li> <li><input type="checkbox"/> 4. Swearing at a teacher or at another person in a position of authority</li> <li><input type="checkbox"/> 5. 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</li> <li><input type="checkbox"/> 6. Bullying</li> </ul> <p><b>Any other activity for which a pupil may be suspended under Board policy (Grade 4 and above):</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 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</li> <li><input type="checkbox"/> 8. Fire setting, initiating a false alarm, making a bomb threat, inappropriate or dangerous use of an incendiary device (e.g., matches, lighters) or a related act that places individuals, property or community at risk</li> <li><input type="checkbox"/> 9. Extortion – attempting to take money or property under threat of harm or duress</li> <li><input type="checkbox"/> 10. Harassment – repeated comments or conduct that is known or ought to be known as unwelcome; including those on the basis of sex, gender identity, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, mental or physical disability or socioeconomic status</li> <li><input type="checkbox"/> 11. Hate or bias-motivated occurrences – words or actions considered offensive in reference to a person's sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, mental or physical disability or socioeconomic status</li> <li><input type="checkbox"/> 12. Smoking or vaping on school property – See Smoke Free Ontario Act 2017</li> <li><input type="checkbox"/> 13. Theft – taking or possessing property without the permission of the owner</li> <li><input type="checkbox"/> 14. Reckless or dangerous use of a vehicle on school property (includes car, motorcycle, bicycle, etc.)</li> <li><input type="checkbox"/> 15. Conduct injurious to the moral tone of the school and/or to the physical or mental well-being of others in the school</li> </ul>
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- 16. Fighting
  - 17. Assault – simple assault, not requiring treatment by a medical practitioner
  - 18. Aid or incite harmful behaviour (e.g., arranging or recording a fight)
  - 19. Inappropriate use of electronic media or devices

**Any activity for which expulsion must be considered under subsection 310(1) of the *Education Act* (1-20 days):**

- 1. Possessing a weapon, including possessing a firearm (includes knives or other weapons, includes replicas)
- 2. Using a weapon to cause or to threaten bodily harm to another person (includes knives or other weapons, includes replicas)
- 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 ought to have been known to be unwanted
- 5. Trafficking in weapons or illegal drugs
- 6. Committing robbery
- 7. Giving alcohol or cannabis to a minor
- 8. 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 pupil
- 9. Any activity listed in subsection 306 (1) 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

**Any other activity for which a pupil may be expelled under Board policy:**

- 10. 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 – Note the word “significantly”. This infraction is for serious acts where expulsion may be considered. For all others refer to and use 306.15
- 11. 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

	<input type="checkbox"/> <b>12.</b> 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 <input type="checkbox"/> <b>13.</b> 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 <input type="checkbox"/> <b>14.</b> Possession or use of explosive devices, including fireworks <input type="checkbox"/> <b>15.</b> Trafficking in controlled / monitored drugs – applies to a list of prescription medications referred to as “monitored drugs” as per the Controlled Drugs and Substances Act (e.g., Ritalin, Percocet, Tylenol with Codeine, Oxycontin, Ativan, etc.)
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**5. Report Submitted By:**  
Name: \_\_\_\_\_  
Role in School Community: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Contact Information:** Location: \_ Telephone: \_\_\_\_\_

**6. FOR PRINCIPAL'S USE ONLY:** Check if incident was a **violent incident**, as defined in Policy/Program Memorandum No. 120

**Violent Incident Form completed (and in Trillium/HITS if applicable)**

Information collected is under the authority Part XIII of the *Education Act* in accordance with the Municipal Freedom of Information and Protection of Privacy Act and shall be used for the purpose of student discipline.

Questions about information collected on this form shall be directed to the school Principal.

**ACTION TAKEN:**

**Principal or Designate to Complete**

- Caution or warning
- Review Code of Conduct and how it has been violated
- Contact with parents / guardians
- Meeting with parents / guardians
- Parent has signed student out (parent approved absence)

- 
- Work assignment with a learning component
  - Volunteer service to the school or community
  - Conflict mediation and resolution
  - Consultation with Safe Schools
  - Consultation with Student Services (PSSP, Spec Ed)
  - Peer mentoring
  - Detention(s)
  - Collaborative Problem Solving (CPS)
  - Withdrawal of privileges
  - Withdrawal from class to work elsewhere for a period of time
  - Restorative Practices (RP)
  - Restitution for damages caused
  - Involvement of Police (e.g., Community Officer, CASA)
  - Transfer from class
  - Suspension (must consider mitigating and other factors)
  - Referral to a community agency
  - Exclusion
  - Other (specify)

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**SAFE SCHOOLS INCIDENT REPORTING FORM – PART II  
ACKNOWLEDGEMENT OF RECEIPT OF REPORT**

**Note: Only Part II is to be given to the person who submitted the report.**

**Report No:** \_\_\_\_\_

**Report Submitted By:**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Investigation completed**

- Principal to communicate results to the teacher at a mutually convenient time\*
- Principal to communicate results to other board employee at a mutually convenient time, as appropriate\*

**Investigation in progress**

- Once investigation is completed, Principal to communicate results to the teacher at a mutually convenient time\*
- Once investigation is completed, Principal to communicate results to other board employee at a mutually convenient time, as appropriate\*

**Name of Principal:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\* In accordance with s.300.2 of the *Education Act*, after investigating a matter reported by an employee, the Principal shall communicate the results of the investigation to the teacher or other board employee who is not a teacher, as appropriate.

In accordance with the *Municipal Freedom of Information and Protection and Privacy Act* and the *Education Act (MFIPPA)*, when reporting the results of the investigation, the Principal shall not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation.