

## HALTON DISTRICT SCHOOL BOARD

### ***INTERIM*** POLICY STATEMENT

#### PROGRESSIVE DISCIPLINE AND SCHOOL SAFETY

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This policy authorizes the creation of procedures for implementation, which shall be considered guidelines pursuant to the *Education Amendment Act (Progressive Discipline and School Safety) 2007, (Bill 212)* and:

P/PM 128: Provincial Code of Conduct and School Board Codes of Conduct

P/PM 144: Bullying Prevention and Intervention

P/PM 145: Progressive Discipline and Promoting Positive Behaviour

P/PM 141: Programs for Students on Long-term Suspension

P/PM 142: Programs for Expelled Students

Reg. 472: Mitigating Circumstances

Reg. 474: Access to School Premises

The Provincial Code of Conduct, the Halton District School Board Code of Conduct and the *Education Act* create expectations for behaviour which apply to students, parents, volunteers, teachers, administrators, trustees and other staff members, whether on school property, on buses, at school-related events or activities, or in other circumstances that could have an impact on school climate. It is important that all pupils have a safe, caring and inclusive school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.

The purpose of the *Provincial Code of Conduct* (PPM 128), and Halton District School Board Code of Conduct is:

1. To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity.
2. To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community.
3. To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.
4. To encourage the use of non-violent means to resolve conflict.
5. To promote the safety of people in the schools.
6. To discourage the use of alcohol and illegal drugs.

The Provincial Code of Conduct and the Halton District School Board Code of Conduct include the following Standards of Behaviour:

#### ***Respect, Civility and Responsible Citizenship***

All members of the school community must:

- respect and comply with all applicable federal, provincial, and municipal laws;
- demonstrate honesty and integrity;
- respect differences in people, their ideas, and their opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement;
- respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability;
- respect the rights of others;
- show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;
- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- respect all members of the school community, especially persons in positions of authority;
- respect the need of others to work in an environment that is conducive to learning and teaching;

- not swear at a teacher or at another person in a position of authority;

The Provincial Code of Conduct and the Halton District School Board Code of Conduct include the following Standards of Behaviour (continued):

### **Safety**

All members of the school community must not:

- engage in bullying behaviours;
- commit sexual assault;
- traffic in weapons or illegal drugs;
- give alcohol to a minor;
- commit robbery;
- be in possession of any weapon, including firearms;
- use any object to threaten or intimidate another person;
- cause injury to any person with an object;
- be in possession of, or be under the influence of, or provide others with alcohol or illegal drugs;
- inflict or encourage others to inflict bodily harm on another person;
- engage in hate propaganda and other forms of behaviour motivated by hate or bias;
- commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school.

To meet the goal of creating a safe, caring, and accepting school environment, the Halton District School Board supports the use of preventative strategies designed to establish positive and inclusive school climates conducive to learning for all, as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary.

### **Positive Practices**

In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe and inclusive learning and teaching environments, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management.

Preventative practices include, but are not limited to:

- Differentiated Instruction;
- Student success strategies;
- Anti-bullying and violence prevention programs;
- School culture initiatives such as Tribes, Link Crew, etc.
- Mentorship programs;
- Student success strategies;
- Character development;
- Citizenship development;
- Student leadership; and
- Healthy lifestyles.

Positive Behaviour management practices include, but are not limited to:

- Program modifications or accommodations;
- Class placement;
- Positive encouragement and reinforcement;
- Individual, peer and group counselling;
- Conflict resolution;
- Restorative practices;
- Cultural Proficiency/Diversity;
- Safety plans;
- Behaviour management plans;
- Staff interventions, such as U.M.A.B.; and
- School, Board and community support programs.

The Board recognizes that, in some circumstances, positive practices may not be effective or sufficient to address inappropriate behaviour. In such circumstances, the Board supports the use of consequences. In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of the Board that mitigating and other factors outlined in Regulation 427/07 be considered and that the principle of progressive discipline, consistent with Ministry of Education direction and PPM 145, will be applied if appropriate.

### **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 to build upon strategies that promote positive school climate. All schools **must** develop and implement a progressive discipline policy that is consistent with Board policy and **PPM 145**.

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.

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, that includes learning opportunities for reinforcing positive behaviour. In some circumstances, short-term suspension (one to five days) may be a useful tool. In the case of serious behavioural incidents, long-term suspension (six to twenty days) or expulsion, which is further along the continuum of progressive discipline, may be the required response.

For students with special education needs, interventions, supports and consequences must be consistent with the student's strengths, needs and goals, and expectations in the student's IEP.

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.

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

- Contact with the pupil's parent(s)/guardian(s);
- Verbal reminders;
- Review of expectations (including Code of Conduct);
- Contact with the pupil's parent(s)/guardian(s);
- Meetings with parent(s)/guardian(s), principal (and student where appropriate);
- Meetings with principal, teacher(s), student, parent(s)/guardian(s), support staff;
- Work assignment with a learning component;
- Detentions and/or loss of privileges;
- Volunteer service to the school/community;
- Peer mentoring;
- Referral to counselling;
- Referral to community agency for anger management, substance abuse, or other need;
- Conflict mediation and resolution;
- Restorative justice practices;
- Consultation;
- Involvement of police or school liaison office or probation and parole where appropriate;
- Suspension 1-5 days – school work to be provided;
- Suspension 6-20 days – student may be assigned to H.O.P.E.S. program;
- Referral to Board for expulsion – expelled student may be assigned to H.O.P.E.S. program;

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

- Meeting with parent(s)/guardian(s), pupil and principal/vice principal;
- Referral to a community agency for anger management or substance abuse counselling;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices;
- Transfer.

The Board also supports the use of suspension and expulsion as outlined in *Education Act* sections 306(1) and 310(1) where a pupil has committed one or more of the infractions on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate.

### **Suspension**

A principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate, s.310(1):

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol or restricted 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 pupil's school or to property located on the premises of the pupil's school;
6. Bullying;
7. Any act considered by the principal to be injurious to the moral tone of the school;
8. Any act considered by the principal to be injurious to the physical or mental well-being of members of the school community; or
9. Any act considered by the principal to be contrary to the Board or School Code of Conduct including, but not limited to, the following:
  - academic dishonesty – attempting to deceive by cheating, copying or plagiarizing
  - defiance – refusal to comply with persons in authority
  - 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
  - explosive devices – use of or possession of explosive devices
  - extortion – to take money, homework or property under threat of harm or duress
  - fire setting, bomb threat, initiating a false fire alarm, or an act that places individuals, property or community at risk
  - harassment – repeated comments or conduct that is known or ought to be known as unwelcome
  - hate crimes – words or actions considered offensive in reference to a person's race, religion, culture, gender, sexual orientation, age, appearance, or disability
  - smoking on school property – violation of the Tobacco Control Act, 1998
  - theft – taking, possessing property without the permission of the owner
  - trespass – unauthorized presence on school property
  - truancy – persistent unexplained absence
  - vehicle use – reckless or dangerous use of a vehicle, e.g. car, motorcycle, bicycle etc. on school property.

## Principal Investigation

The principal must complete an investigation, as required by the *Education Act*, which is consistent with the expectations for principal investigations.

## Mitigating and Other Factors (Regulation 472/07)

Before imposing a suspension, the principal, as required by the *Education Act*, must consider any mitigating and other factors as per Regulation 472/07 as follows:

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

**Other Factors that shall be taken into account** by the principal "if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled" include:

1. The pupil's history;
2. Whether a progressive discipline approach has been used with the pupil;
3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
4. How the suspension or expulsion would affect the pupil's ongoing education;
5. The age of the pupil;
6. In the case of a pupil for whom an individual education plan has been developed:
  - whether the behaviour was a manifestation of a disability identified in the pupil's IEP;
  - whether appropriate individualized accommodation has been provided, and
  - whether the suspension /expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

For the purpose of the Student Discipline Procedures, the Board interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*.

A pupil may be suspended only once for the same occurrence and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. Schools must provide school work to students who are suspended for one to five days to be picked up by a parent/guardian at the school. Students who are suspended for six to twenty days may be assigned to the H.O.P.E.S. program (PPM 141 & 142 Programs for suspended and/or expelled students - description follows). A student who does not participate in the H.O.P.E.S. Program may return to school following the period of suspension.

### **Suspension Appeal Process**

Where a pupil's parent(s)/guardian(s) 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 to the Discipline Committee of the Board as follows:

#### Step 1: Meeting with the Principal

Prior to the appeal hearing, the pupil's parent(s)/guardian(s) OR the pupil, if 18 or older or 16 or 17 and has removed him/herself from parental control, must meet with the principal to discuss the suspension.

#### Step 2: Superintendent Review

If an agreement regarding the suspension is not reached through meeting with the principal, the pupil's parent(s)/guardian(s) OR the pupil, if 18 or older or 16 or 17 and has removed him/herself from parental control, may request a review of the suspension by the Superintendent with responsibility for the school in which the student is registered.

#### Step 3: Appeal to the Board in Writing

If an agreement regarding the suspension is not reached through the Superintendent's Review, the pupil's parent/guardian OR the pupil, if 18 or older, or 16 or 17 and has removed him/herself from parental control, **must apply in writing** within 10 school days of the commencement of the suspension to the Superintendent of Education (Safety and Wellbeing) **providing grounds for appeal, names and relationships of all persons to be present at the appeal**. The Superintendent of Education (Safety and Wellbeing) will contact parents and arrange for the Discipline Committee of the Board to hear the appeal. The Discipline Committee of the Board shall hear and determine the appeal within 15 school days of receiving notice of appeal unless the parties agree on a later deadline.

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

Parties to the Appeal Hearing shall include:

- Principal/Vice principal(s) of the school in which the student is registered;
- pupil if 18 years old or if 16 or 17 and has withdrawn from parental control; OR
- pupil's parent(s)/guardian(s);
- advocate;
- legal counsel;
- interpreter;
- Halton Regional Police Service representative as requested by a party to the appeal;
- Superintendent of Education (Safety and Wellbeing);
- Other Superintendent(s) as necessary;

The Discipline Committee shall take into account:

- submissions and views of all parties;
- mitigating and other factors.

The Discipline Committee may, in its decision:

- uphold or overturn the decision of the principal regarding the suspension;
- decrease or increase 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 (Safety and Wellbeing).

Note: Appeals do not stay the suspension. Suspension appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*.

## Expulsion

A principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate. The principal may recommend to the Board that the pupil be expelled from the pupil's school or from all schools of the Board, s. 310(1):

1. Possessing a weapon, including possessing a firearm;
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 or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
9. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
10. Activities engaged in by the pupil on or off school property that cause the pupil'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 pupil 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;
12. The pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper; or
13. Any act considered by the principal to be a serious violation of the Board or school Code of Conduct.

## Mitigating Factors and Other Factors

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 in Regulation 472/07 in order to determine whether to recommend an expulsion from the pupil's school or from all schools of the Board, as required by the *Education Act*.

*"In the case of suspension pending expulsion, mitigating and other factors are only to be taken into account in determining the duration of the suspension."* (PPM 145, p. 2) 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.

## Principal Investigation

Before recommending an expulsion from the pupil's school or from all schools of the Board, the principal must complete an investigation, as required by the *Education Act*, and set out in the HDSB Expulsion Checklist which is consistent with the expectations for principal investigations.

A pupil who is suspended pending a decision to expel from the school in which he or she is registered or from all schools of the Board may be assigned to the H.O.P.E.S. program (PPM 141 & 142 Programs for suspended and/or expelled students. The student may return to school after (a) the Discipline Committee decides not to expel, or after (b) successfully completing the expectations of the H.O.P.E.S program.

## **Expulsion Hearing**

The Discipline Committee will be made up of three trustees who will conduct hearings and 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;
- pupil if 18 years old, or if 16 or 17 and has withdrawn from parental control; OR
- pupil's parent/guardian;
- Superintendent of Education (Safety and Wellbeing);
- Other Superintendent(s) as necessary;
- the board shall take into account:
  - submissions and views of all parties;
  - mitigating and other factors.

## **Expulsion Appeals**

Expulsion appeals shall be directed to the **Child and Family Services Review Board**.

## **Discipline Committee**

The Halton District School Board authorizes the creation of a Discipline Committee of no fewer than three (3) trustees to decide principal recommendations 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.

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 any other powers to implement an appropriate Order.

## **Superintendent of Education (Safety and Wellbeing)**

The Superintendent of Education (Safety and Wellbeing) shall have the powers and duties outlined in the Progressive Discipline and Safe Schools Procedures.

## **H.O.P.E.S. (Halton Opportunities Program for Expelled and Suspended Students)**

**PPM 141 & 142** requires school boards to establish programs for students on long-term (6 – 20 days) suspension, or who have been expelled from their school or from all schools of the Board.

A Student Action Plan (SAP) will be developed for each student by HOPES staff in conjunction with the principal and key staff of the student's school, and parent(s)/guardian(s). The SAP will include an academic component for all students to enable them to continue their education while on suspension/expulsion. For students who are suspended more than 11 days or who are expelled, a non-academic component designed to address behaviour and help the student make better life choices is mandatory. The non-academic component may include individual and group counselling for anger management, substance abuse, career planning, social skills and other social-emotional needs.

Program staff may also refer students (and their families) to community agencies for additional supports where appropriate. (See H.O.P.E.S. program outline).