

DISCIPLINE – TEACHERS, STUDENTS
WHAT YOU NEED TO KNOW

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PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

“Welcome to our staff, here’s an abbreviated copy of the Education Act including Bill 157 and Bill 13, the College of Teachers four Advisories, and the concise version of the Criminal Code; please commit them to memory, and oh yes, the Board’s policy and procedures on discipline in the school.”



PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

WHAT GOVERNS HOW YOU DISCIPLINE IN YOUR WORKPLACE?

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

LEGISLATIVE REQUIREMENTS

- Education Act
 - Regulations 298
 - Keeping Our Kids Safe At School Act, 2010
 - Accepting Schools Act, 2012
 - PPM’s 119, 120, 128, 141, 142, 144, 145

- College of Teachers Act
 - Advisories
 1. <https://www.oct.ca/resources/advisories/duty-to-report>
 2. <https://www.oct.ca/resources/advisories/use-of-electronic-communication-and-social-media>
 3. <https://www.oct.ca/resources/advisories/professional-misconduct-related-to-sexual-abuse-and-sexual-misconduct>
 4. <https://www.oct.ca/resources/advisories/bullying>
 5. <https://www.oct.ca/resources/videos/social-media>

- Criminal Code of Canada

- Board Policies, Procedures, Guidelines

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

- **PURPOSE**

- To provide the participants with an overview of Safe Schools legislation, regulatory and policy changes that impact on OECTA members in their capacity of a Teacher and/or Teacher in Charge/Acting Administrator role*;
- To identify key areas that require monitoring by the local members of units in respect to board policy changes;
- To participate in and monitor the ongoing in-servicing mandated by the Ministry to Safe School Teams that were established on November 30, 2009; and
- To provide information in respect to areas of change that have had or will have a direct impact on individual members.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

BILL 157: REQUIREMENTS – EMPLOYEES, PRINCIPALS AND VICE-PRINCIPALS

- Requires all board employees to report to the principal if they become aware that a student may have engaged in an activity for which the student must be considered for suspension or expulsion.
- Requires principals to contact the parents of victims of such incidents unless:
 - The victim is 18 years old or over;
 - The victim is 16 or 17 years old and has withdrawn from parental control; or
 - in the opinion of the principal, doing so would put the victim at risk of harm from the parent.
- Requires board employees who work directly with students to respond to incidents that may have a negative impact on school climate. This behaviour includes but it not limited to racist or sexist comments.
- Permits a principal of a school to delegate his or her powers under Part XIII of the *Education Act* (Behaviour, Discipline and Safety) to a vice-principal of the school or a teacher employed in the school, per ministry policy .

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

SECTION 300.2 OF THE EDUCATION ACT REQUIRES

- “ all employees of the board who become aware that a student may have engaged in an activity that must be considered for suspension or expulsion, to report the incident to the principal as soon as reasonably possible.”

BILL 13 – ACCEPTING SCHOOLS ACT – September 2012

- **“Principals’ duty to investigate any incident reported under Section 300.2.”**
- **Section 300.2 of the Act is amended to require principals to investigate reported incidents of specified activities. The section also requires principals to communicate the results of an investigation to the teacher who reported it or, if reported by another employee, to that employee unless it would not be appropriate to do so.**

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

- Building and sustaining a **positive school climate** that is safe, inclusive, and accepting for all students,
- Progressive discipline approach **combines prevention and intervention strategies** and discipline with opportunities for students to continue their education, (*)
- **Whole-school approach** involving all education and community partners, share information, (*)
- Whole-school approach is also valuable in **addressing such issues as racism, intolerance based on religion or disability, bullying, homophobia, and gender-based violence**, (*)
- Positive school climate is a crucial component of the **prevention of inappropriate behaviour**. (*)

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

- **School staff play an important role** in supporting students and contributing to a positive learning and teaching environment,
- Every board shall support students who want to establish and lead activities and organizations that promote a safe and inclusive learning environment,
- **Disciplinary measures should be applied** within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive,
- Should utilize a range of interventions, supports, and consequences,
- **Developmentally and socio-emotionally appropriate**, reinforcing positive behaviour,
- In some circumstances, **short-term suspension** may be a useful tool,

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

- Principals must suspend a student for bullying and consider referring that student for expulsion if:
 - (1) the student has previously been suspended for bullying, and
 - (2) the student’s continuing presence in the school creates, in the principal’s opinion, an unacceptable risk to the safety of another person.
- When both of these conditions are met, the principal must suspend the student and consider referring the student for an expulsion hearing,
- Principals must also suspend, consider expulsion, for any incident under subsection 306(1) of the *Education Act*, including bullying, 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 (e.g. socio-economic status, appearance).

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

Activities Leading to Possible Suspension – s.306 (1)

- Activities leading to possible suspension must be reported to the principal:
 - Uttering a threat to inflict serious bodily harm on **another person**.
 - Possessing alcohol or illegal drugs.
 - Being under the influence of alcohol.
 - Swearing at a teacher or at another person in a position of authority.
 - Committing an act of vandalism that causes extensive damage to school property at the pupil’s school or to property located on the premises of the pupil’s school.
 - Bullying.
 - Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board.
- These activities include incidents that occur while at school, at a school related activity or in circumstances where the activity will have a negative impact on the school climate.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

Activities Leading to Suspension Pending Possible Expulsion – s. 310 (1)

- Activities leading to suspension pending possible expulsion must be reported to the principal:
 - Possessing a weapon, including possessing a firearm.
 - Using a weapon to cause or to threaten bodily harm to another person.
 - Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
 - Committing sexual assault.
 - Trafficking in weapons or in illegal drugs.
 - Committing robbery.
 - Giving alcohol to a minor.
 - Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and conduct an investigation to determine whether to recommend to the board that the pupil be expelled.
- These activities include incidents that occur while at school, at a school-related activity or in circumstances where the activity will have a negative impact on the school climate.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

New**BILL 13 – *ACCEPTING SCHOOLS ACT* – February 2012

- Changes to Section 310(1) of the *Education Act* sets out the circumstances in which a pupil must be suspended and considered for possible expulsion which **now includes certain circumstances related to bullying and to activities that are motivated by bias, prejudice or hate.**

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

REPORTING TO THE PRINCIPAL – WHO MUST REPORT

- **All board employees** including teaching and non-teaching staff **must report these incidents to the principal.**
- Boards must also include bus driver reporting requirements in their transportation policies and contracts.
- Boards may also put policies in place to require other non-board employees who come into direct contact with pupils on a regular basis to report such matters to the principal.
- **Reporting requirements must be clearly communicated to board employees, bus drivers, students and parents.**

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

REPORTING TO THE PRINCIPAL – PROCESS

- When reporting, board employees must:
 - Consider the safety of others and the urgency of the situation in reporting the incident no later than the end of the school day.
 - Confirm all reports to the principal in writing using the Ministry form - Safe Schools Incident Reporting Form Part I (attached as an Appendix to PPM 144 and PPM 145).
- Boards are expected to:
 - Outline for board employees how to complete the Safe Schools Incident Reporting Form in a timely manner.
 - Outline a process for employees to obtain acknowledgement of receipt of their report from the principal using the Ministry Safe Schools Incident Reporting Form – Part II.
 - Ensure that a report number is assigned to each report.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

REPORTING TO PRINCIPALS – PROCESS

- After a report is submitted the **principal must:**
 - **Provide a written acknowledgement of the receipt of the report (Safe Schools Incident Reporting Form – Part II)** to the employee who reported. Information that could identify the student(s) involved must not be part of the acknowledgement.
 - Identify if action has been taken or no action is required.
 - Possible actions taken can include anything on the progressive discipline continuum; e.g. warning, contacting parent, removal of privileges, suspension.
 - If no further action is taken by the principal, there is no requirement to retain the report and it should be destroyed.
 - If action is taken, the form and documentation must be kept in the student’s Ontario Student Record (OSR) for a minimum of one year unless the Ministry requires a longer period.
 - This will result in a complete documentation of the progressive discipline that has been applied to the student.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

BILL 13 – *ACCEPTING SCHOOLS ACT* – February 2013

- Principals’ duty to communicate with teachers and, where appropriate, other board employees who reported an incident for which suspension and expulsion must be considered, following a principal’s investigation.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

REPORTING TO THE PRINCIPAL – ONTARIO STUDENT RECORD (OSR)

- If a principal decides that action is required as a result of an incident:
 - A copy of the form with documentation indicating the action taken will be filed in the appropriate student’s Ontario Student Record (OSR).
 - the names of all the other students appearing on the form (aggressors and victims) must be removed except the name of the student in whose OSR the form is going.
- If no action is taken towards the aggressor, the report is not to go in the student’s OSR.
- Nothing about the incident is to go into the victim’s OSR unless the victim/parent(s) of the victim specifically request that this is done.
- Members should be encouraged to also discuss the incident with the administrator.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

NOTICE TO PARENT/GUARDIAN OF VICTIMS

- Section 300.3 of the *Education Act* requires principals to inform parents/guardians of students who have been harmed as a result of any incident for which suspension or expulsion must be considered.
 - This amendment does not allow a principal to notify a parent or guardian of a student who is 18 years or older; or is 16 or 17 years old and has withdrawn from parental control. This does not prohibit the principals from contacting parents/guardians if the student gives consent.
- Under Section 300.3(3) of the *Education Act*, principals **are not** permitted to inform the parents of a victim when, in the principal’s opinion, doing so would put the victim at risk of harm from the parent.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

BILL 13 – *ACCEPTING SCHOOLS ACT* – September 2012

- Principals’ notification to parent/guardians of students who engaged in behaviour for which the student could be suspended or expelled and which resulted in harm to another student.
- Principals’ duty to invite parents of victims and parents of those students who have engaged in any behaviour for which the student could be suspended or expelled and that resulted in harm to another pupil to discuss with the principal the supports that would be provided to their children.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

NOTICE TO PARENT/GUARDIAN OF VICTIMS

- Under the amended Behaviour, Discipline and Safety of Pupils Regulation (472/07)
- If the principal makes the decision not to notify the parent/guardian of a victim, the principal must:
 - document the rationale for the decision not to notify the parent or guardian of the pupil;
 - inform the appropriate supervisory officer of this decision;
 - if a teacher reported the harm to the principal, inform the teacher of the decision; and
 - if they determine it is appropriate to do so, inform other board employees of the decision not to notify a parent or guardian of the pupil.
- If a staff person has any reasonable grounds to suspect that a student, who is under the age of 16, is or may be in need of protection from the person having charge of him or her, the staff person must report this directly to a Children’s Aid Society.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

NOTICE TO PARENT/GUARDIAN OF VICTIMS BY THE PRINCIPAL

- What must be disclosed to parents:
- When notifying the parent/guardian of a victim, section 300.3(4) of the *Education Act* requires a principal to disclose the following:
 - the nature of the incident 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, including the nature of any discipline in response to the incident.
- Principals must not share the name of the aggressor or any other identifying or personal information with the parents of the victim beyond what is listed above.
- For example, a principal may share that the aggressor received a suspension or that the aggressor’s parents have been called, but may not share information regarding a referral to counselling or any other personal information.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

RESPONSE BY BOARD EMPLOYEES

- Pursuant to section 300.4 of the *Education Act*, the Ministry has revised PPM 144 and PPM 145 to **require an employee of a board who observes a pupil behaving in a way that is likely to have a negative impact on school climate to respond to the behaviour.**
 - These behaviours include racist, sexual, sexist, or homophobic comments, slurs, and
 - Jokes or graffiti, as well as activities for which suspension and expulsion must be considered.
- This **requirement applies to all board employees** who work directly with students. This includes, but is not limited to, teachers, non-teaching staff in social work, child and youth work, psychology, and related areas, as well as educational assistants (PPM 145).

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

RESPONSE BY BOARD EMPLOYEES

- Under the amended Regulation 472/07, board employees are not required to respond under section 300.4 if responding would, in the employee’s opinion, cause immediate physical harm to himself or herself or to that of a student or another person.
- However, PPM 145 and PPM 144 state that board employees are expected to verbally inform the principal as soon as possible if they do not immediately respond.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

RESPONSE BY BOARDS - SUPPORTS FOR STUDENTS

- Boards to outline how schools will refer students who are victims to a community agency that can provide the appropriate type of confidential support when his/her parents are not notified (e.g. sexual assault centre, Kids Help Phone, Lesbian, Gay, Bisexual, Transgendered Youth Line).
- When boards determine that it is necessary to separate students to preserve school safety or to protect a student, it is preferable that the victim not be moved.
 - Boards are expected to **coordinate a transition meeting** to support the student who is being moved which should include the receiving teacher and non-teaching staff.
 - Boards are expected to **have clear policies for teaching/non-teaching staff regarding confidentiality of information** shared at transition meetings when a student is moved.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

BILL 13 – ACCEPTING SCHOOLS ACT – February 2013

- New definition of bullying.
- Amend Board multi-year plans to include goals set out in Bill 13 around positive school climate and bullying prevention.
- Reporting by professionals such as psychologists and social workers.
- Conducting school climate surveys of their students, staff and parents at least every two years.
- Support for students; awareness raising opportunities for parents.
- Professional development programs for teachers and other staff.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

DELEGATION OF AUTHORITY – REGARDING STUDENT DISCIPLINE

- Section 300.1 of the *Education Act* now provides the authority for a principal to delegate powers, duties or functions under Part XIII of the *Education Act* – Behaviour, Discipline and Safety, to a vice-principal of the school and to a teacher employed in the school per ministry policy:
 - A principal may only delegate this authority to a teacher if the principal and vice-principal are absent from the school and must respect the terms of all applicable collective agreements.
 - A delegation under this part of the *Act* must be in writing and subject to any restrictions, limitations and conditions set out in the delegation.
 - Board policies must also identify a process for providing support to individuals who have been delegated authority, e.g. contact information of available board supervisory officer.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

- **DELEGATION OF AUTHORITY - REGARDING STUDENT DISCIPLINE**
- Teachers may be delegated the authority to **initially deal with situations involving activities that occur that must be considered for suspension and/or expulsion.**
- A teacher may be **delegated limited authority to contact the parent of a student who has been harmed** as the result of an activity for which suspension or expulsion must be considered. The **information provided** to the parents by a teacher **must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm.**
- The teacher **must not be delegated the authority to discuss the nature of any discipline measures taken in response to the activity.**
- If the teacher is not clear on whether to call the parent or guardian the teacher should contact the principal or supervisory officer for direction. The principal or vice-principal will follow-up with the parent as soon as possible.

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

WHAT IS COMING

Common Reporting Form

Truncated Reporting – A Person with a History Of Violence

Reporting – OHSA, Safe Schools, WSIB(Roadmap)

Workplace Violence in School Boards- A Guide to the Law -

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

Resources

- Ontario Ministry of Education
www.edu.gov.on.ca/extra/eng/ppm/ppm.html
www.edu.gov.on.ca/eng/policyfunding/equity.html
- Ontario Human Rights Commission
www.ohrc.on.ca
- Ontario English Catholic Teachers’ Association
www.oecta.on.ca

PROGRESSIVE DISCIPLINE – WHAT’S NEW IN SAFE SCHOOLS

Respond **REPORT** Respond Report *Respond*

Report *Respond* Report Respond

Report Respond Report

Respond *Report* Respond

Report RESPOND REPORT

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