POLICY:	STUDENT RELATIONS AND DISCIPLINE	#	710
SECTION:	700 : School Administration	Page 1 of	10
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CROSS REFERENCE:	Policy 703 Code of Conduct Policy 710 - Administrative Procedures Sample Suspension Notices Handbook - Protocol Police Involvement in the Schools Safe Schools 2000, Implementation Handbook PPM 144, 145,119,128 Cannabis Act Reg. 440-20 Suspension of Elementary Pupils

1. POLICY

1.1 The Provincial Code of Conduct, the Thunder Bay Catholic District School Board Code of Conduct and the Education Act create expectations for behaviour for all persons on school property.

1.2 It is important that all pupils have a safe, caring and accepting learning and teaching environment in which each student can reach his or her full potential and to ensure a positive school climate for all members of the school community.

1.3 Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools, and pupils are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent. A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school in accordance with the *Education Act*, Ministry of Education policies and Board procedures/

1.4 To meet the goal of creating a safe, caring, and accepting school environment, the Thunder Bay Catholic District School Board supports the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary. Appropriate action must consistently be taken to address behaviours that are contrary to schools, boards, and the provincial codes of conduct.

1.5 The Board does not support discipline measures that are solely punitive or the use of exclusion as a disciplinary measure. Schools are to implement proactive positive practices and corrective supportive practices when necessary. The range of interventions, supports, and consequences used by the Board and all schools must be clear and developmentally appropriate, and must include learning opportunities for students in order to reinforce positive behaviours and help students make good choices.

1.6 Before applying disciplinary measures, the principal/designate and Discipline Committee of the Board shall consider the discriminatory impacts of disciplinary decisions on pupils protected by the *Human Rights Code,* including but not limited to race and disability, and whether or not accommodation is required.

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1.7 This policy authorizes the Director of Education to create procedures for implementation, which shall be considered guidelines pursuant to the *Education Act*. These guidelines will be consistent with the relevant legislation and Policy/Program Memorandum.

2. GUIDELINES - Positive Practices

2.1 In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, comforting and accepting learning and teaching environments that encourage and support students to reach their full potential, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management.

2.2 Preventative practices include, but are not limited to:

- Human Rights strategy pursuant to PPM 119;
- Anti-bullying and violence prevention programs;
- Mentorship programs;
- Student Success strategies;
- Religious Education and Family Life programs
- Character Education;
- Citizenship Development;
- Student Leadership; and
- Healthy Lifestyles.

2.3 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;
- Mentorship programs;

- Sensitivity programs;
- Safety Plans;
- School, Board and community support programs; and
- Student Success strategies.

2.4 The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of consequences.

2.5 In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of the Board that the principle of progressive discipline, consistent with the *Human Rights Code*, Ministry of Education direction and PPM 145, will be applied, if appropriate.

3. REQUIREMENTS - Progressive Discipline

3.1 The goal of this policy, with respect to progressive discipline, is to support a safe learning and teaching environment in which every pupil can reach his or her full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to the provincial, board and school Codes of Conduct.

3.2 Progressive discipline is an approach that makes use of a continuum of interventions, supports, and consequences, building upon strategies that promote positive behaviours. The range of interventions, supports, and consequences used by schools must be clear and developmentally appropriate, and must include learning opportunities for pupils in order to reinforce positive behaviours and help pupils make good choices. For pupils with special education and/or disability related needs, interventions, supports and consequences must be consistent with the expectations in the student's IEP and/or his/her demonstrated abilities.

3.3 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 and reflected in student discipline settlements with the Ontario Human Rights Commission.

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

- Contact with the pupil's parent(s)/guardian(s);

- Oral reminders;
- Review of expectations;
- Written work assignment with a learning component;
- Volunteer service to the school community;
- Peer mentoring;
- Referral to counseling;
- Conflict mediation and resolution; and/or
- Consultation.

3.5 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 the pupil's parent(s)/guardian(s), pupil and principal;
- Referral to a community agency for anger management or substance abuse counseling;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;

3.6 Progressive discipline is most effective when dialogue between the school and home regarding student achievement, behaviour and expectations is open, courteous and focused on student success.

3.7 When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Administrative Procedures to this policy, the nature and severity of the behaviour, and the impact on the school climate.

3.8 For students with special education needs, interventions, supports and consequences must be consistent with the expectations in the student's Individual Education Plan (I.E.P.).

3.9 Homophobia, gender-based violence, sexual harassment, and inappropriate sexual behaviour

must be addressed in a manner consistent with this policy and relevant guidelines.

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

4. SUSPENSION

4.1 A pupil in junior kindergarten, kindergarten or grade 1, 2 or 3 shall not be suspended under section 306 of the Act for engaging in an activity described in subsection 306 (1) of the Act.

4.1.2 A pupil in junior kindergarten, kindergarten or grade 1, 2 or 3 shall not be suspended under section 310 of the Act for engaging in an activity described in subsection 310 (1) of the Act unless the p310 of the Act for engaging in an activity described in subsection 310 (1) of the Act unless the principal has conducted an investigation respecting the allegations.

4.1.3 The condition set out in subparagraph 7.1 i of subsection 310 (1) of the Education Act does not apply in respect of a suspension under section 3.10 of the Act of a pupil in junior kindergarten, kindergarten or grade 1, 2 or 3.

4.2 The following are activities for which suspension must be considered under subsection 306(1) of the *Education Act* :

4.2.1 Uttering a threat to inflict serious bodily harm on another person;

4.2.2 Possessing

4.2.3 Being under the influence of alcohol or cannabis;

4.2.4 Swearing at a teacher or at another person in a position of authority;

4.2.5 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;

4.2.6 Bullying;

4.2.7 Any act considered by the principal to be injurious to the moral tone of the school;

4.2.8 Any act considered by the principal to be injurious to the physical or mental well- being of members of the school community; or

4.2.9 Any act considered by the principal to be contrary to the Board or school Code of Conduct.

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

5. MITIGATING AND OTHER FACTORS

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

5.1 Mitigating Factors

The mitigating factors to be considered by the principal are:

5.1.1 Whether the pupil has the ability to control his or her behaviour;

5.1.2 Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

6. EXPULSION

6.1 The infractions for which a principal *must* consider recommending to the Board that a pupil be expelled from the pupil's school or from all schools of the Board include:

6.1.1 Possessing a weapon, including possessing a firearm or knife;

6.1.2 Using a weapon to cause or to threaten bodily harm to another person;

6.1.3 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;

6.1.4 Committing sexual assault;

6.1.5 Trafficking in weapons, illegal or restricted drugs;

6.1.6 Committing robbery;

6.1.7 Giving alcohol or cannabis to a minor;

6.1.8 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;

6.1.9 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;

6.1.10 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;

6.1.11 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

6.1.12 Any activity listed in 4.1 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.

6.2 Where a student has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of student behaviour and/or a serious breach of the Board or school Code of Conduct.

6.3 The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

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

7. MITIGATING FACTORS AND OTHER FACTORS

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

7.2 If the principal imposes a suspension pending an investigation to determine whether to recommend expulsion, the Principal must consider any mitigating and other factors, as set out above and in the

Student Discipline Procedures, for the purpose of mitigation when determining whether to recommend an expulsion from the pupil's school or from all schools of the Board, as required by the *Education Act*. If the principal determines it is not appropriate to recommend an expulsion, the principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.

8. PRINCIPAL INVESTIGATION

8.1 Before recommending an expulsion from the pupil's school or from all schools of the Board, the principal must complete an investigation, consistent with the expectations of the *Human Rights Code* and as required by the *Education Act*, which is consistent with the expectations for principal investigations outlined in the Board's Student Discipline Procedures.

9. APPEAL

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

9.2 Suspension appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*.

10. SUPERVISORY OFFICERS

10.1 Both the Director of Education and the Superintendent responsible for Safe Schools shall have procedural powers and duties outlined in the Student Discipline Procedures.

11. RELEASE OF INFORMATION

11.1 The principal or designate is required to provide information, in accordance with Board procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The principal may inform a parent/guardian of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information.

12. STUDENT DISCIPLINE COMMITTEE

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

12.2 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.

12.3 The Discipline Committee shall have the powers as set out in the *Education Act* and any other powers necessary and shall consider the *Human Rights Code* of Ontario prior to implementing any appropriate Order.

13. VICTIMS OF SERIOUS STUDENT INCIDENTS

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

student consents to the disclosure of information. The Board shall develop appropriate plans to protect the victim and will communicate to parents/guardians of the victim's information about the plan and a method of identifying dissatisfaction with steps taken to provide support to the victim.