

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Students	<i>Policy Number</i> 202
<i>Former Policy #</i>	<i>Page</i> 1 of 12
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Policy Title: SAFE SCHOOLS (Student Discipline)

SECTION A

1. PURPOSE

The York Catholic District School Board believes that safe, caring and inclusive Catholic schools and school communities are fundamental for creating and maintaining healthy learning and working environments. While all stakeholders share the responsibility to support such environments, it is the duty of the school principal to maintain proper order and discipline in the school, as outlined in the *Education Act* and related legislation. In carrying out his/her duties, the principal may delegate some disciplinary responsibilities to a vice principal or teacher of the school.

The Ministry of Education supports school boards by providing leadership and direction with respect to student behaviour and discipline. This support includes ensuring that school boards are kept abreast of all pertinent legislation, clarifying expectations of behaviour for all persons when on school property, identifying strategies to reduce incidents of inappropriate behaviour, and recommending appropriate consequences for those students who fail to follow expected guidelines.

The purpose of this policy is to endorse Ministry direction with respect to safe schools and to provide direction and guidance to those responsible for implementing the procedures contained herein.

2. POLICY STATEMENT

It is the policy of the York Catholic District School Board to comply with Ministry of Education expectations and direction with respect to student discipline while affirming its commitment to the three pillars of appropriate discipline within the schools of the Board – the use of proactive strategies, progressive discipline, and redemptive practice.

3. PARAMETERS

3.1 As a Catholic Learning Community, the Board recognizes the importance of ensuring the redemptive and forgiving aspect of discipline, as articulated in the teachings of Jesus, and expects that implementation of this policy will reflect this core belief.

- 3.2 This policy authorizes the creation of procedures for implementing a safe school environment, which may include requirements from the *Education Act*, Policy Program Memoranda, and/or related Ministry of Education directives/resources, all of which will be sufficient for the purposes of implementing the requirements of Ministry of Education Policy Program Memoranda with respect to student discipline.
- 3.3 Discipline measures that are purely punitive or the use of exclusion (see definitions) as a disciplinary measure will not be supported.
- 3.4 Homophobia, gender based violence, inappropriate sexual behaviour, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socioeconomic status, disability and/or any other immutable characteristic or ground protected by the *Human Rights Code* are unacceptable behaviours.
- 3.5 Where positive practices fail to prevent/deter inappropriate behaviour with respect to 3.4 above, principals or their delegates may impose consequences up to and including a recommendation for expulsion to the Student Suspension and Expulsion Committee.
- 3.6 Proper order and discipline in schools of the Board embrace the use of positive practices, progressive discipline, and redemptive practice however principals may employ consequences for inappropriate behaviour, including suspension and expulsion, where necessary.
- 3.7 The Principal and Student Suspension and Expulsion Committee shall consider the discriminatory impact(s) of disciplinary decisions on pupils protected by the *Human Rights Code*, including but not limited to race and/or disability, and whether or not accommodation is required.
- 3.8 Where a principal has delegated authority to a vice principal or teacher of the school, the delegation of authority and the scope of the authority will be clearly identified by Board procedures, as will the supports available to individuals in receipt of the delegated authority.
- 3.9 The *Human Rights Code* of Ontario has primacy over provincial legislation and school board policies and procedures, such that the *Education Act*, regulations, Ministry of Education Program Policy Memoranda, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code* of Ontario.

4. RESPONSIBILITIES

- 4.1 York Catholic District School Board
 - Approve a student discipline policy and related procedures that comply with expectations of the Ministry of Education and *Human Rights Code*.
 - Authorize a Safe Schools Committee (Student Suspension and Expulsion Committee) of no fewer than three (3) trustees to rule on appeals of principal suspensions and/or recommendations for expulsion.

4.2 Student Suspension and Expulsion Committee (Safe Schools Committee)

- Conduct suspension appeals and expulsion hearings in accordance with the Student Code of Conduct, Suspension Appeal Guidelines, and Expulsion Hearing Guidelines and Rules.

4.3 Superintendent of Education: Safe Schools

- Assumes responsibilities as assigned with respect to Safe Schools.

4.4 Superintendent of Education: Schools

- Ensures that each school has implemented the Board Code of Conduct.
- Ensures that annually, each school develops a safe and caring school goal articulated in the School Improvement Plan.
- Ensures that each school has a Safe and Caring school team.

4.5 Principal

- Demonstrates leadership in implementing and maintaining a safe, caring and inclusive school.
- Maintains proper order and discipline in his/her school.
- Follows the guidelines of the Student Discipline Resource document when responding to incidents of inappropriate behaviour.
- Informs school community annually of the guidelines for Student Disciplinary Procedures.
- Performs duties 'in accordance with Board procedures' when handling student discipline.
- When required, delegates disciplinary responsibilities to a vice principal and/or teacher of the school.

4.6 Pupils

- Responsible to the principal for their conduct.

5. DEFINITIONS

Adult Pupil: is a pupil who is 18 years or older, or 16/17 years who has removed him/herself from parental control.

Student Suspension and Expulsion Committee (Board Safe School Committee)

A committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

Bullying:	is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.
Daily Care Guardian:	a person with daily care responsibilities is an adult person (18 years or older) who is not the custodial parent /legal guardian of a pupil who is less than 18 years old, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a grandparent, aunt, uncle, older brother or sister.
Exclusion:	The refusal to admit (exclude) to the school or classroom a pupil whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupil, other pupils or staff. An example of exclusion could be around mental health issues where safety is a concern or where a principal has no legal right to deny admission i.e. through suspension, but nevertheless admission should be denied.
Expulsion:	is a removal from a school of the Board or all schools of the Board that the pupil was attending at the time of the incident.
Harassment:	words, conduct or action that is directed at an individual and serves no legitimate purpose and which annoys, alarms or causes that individual emotional distress.
Parent/Legal Guardian:	where there is a reference to involving or informing a parent/legal guardian it means the custodial parent or legal guardian of a minor child who is not an adult pupil.
Impact on School Climate:	an incident or activity which has a negative effect on the school community/environment/parish.
School Climate:	the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.
School Community:	the school community is composed of staff, pupils, parents, parish and volunteers of the school and feeder schools/family of schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.
Suspension:	an order that prohibits access to a school for a defined period of time (1-20 days), usually as the consequence of an infraction outlined in the Code of Conduct.
Weapon:	is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

6. CROSS REFERENCES

The Education Act, Part XIII

Ontario Regulation 472/07

Human Rights Code link - <http://www.ohrc.on.ca/en>

- Policy Program Memorandum 1119 - Equity and Inclusive Education in Ontario schools
- Policy Program Memorandum 128 - The Provincial Code of Conduct and School Board Codes of Conduct
- Policy Program Memorandum 141 - Programs for Long Term Suspensions
- Policy Program Memorandum 142 - School Board Programs for Expelled Students
- Policy Program Memorandum 144 - Bullying & Prevention Intervention
- Policy Program Memorandum 145 - Progressive Discipline and Promoting Positive Student Behaviour

YCDSB Policy 218 - Code of Conduct

YCDSB Policy 223 - Bullying Prevention

YCDSB Policy 701 – Access to School and Board Premises

YCDSB Safe School – Student Discipline Resource Document

Policy 202 – SAFE SCHOOLS (Student Discipline)

SECTION B:

GUIDELINES

1. POSITIVE PRACTICES

In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, caring and accepting Catholic 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.

Principals and resource staff shall review and amend Individual Education Plans, Behaviour Management Plans, and Safety Plans at regular intervals and following an incident to ensure that every student with disability related needs is receiving appropriate accommodation up to the point of undue hardship (*Human Rights Code*).

Preventative practices include:

- Bullying prevention and violence prevention programs;
- Mentorship programs;
- Student success strategies;
- Character education;
- Second Step program;
- Human Rights strategy;
- TRIBES program;
- Citizenship development;
- Student leadership;
- Promoting healthy student relationships;
- Healthy lifestyles; and
- Others.

Positive behaviour management practices include:

- Program modifications or accommodations;
- Class/subject placement;
- Positive encouragement and reinforcement;
- Individual, peer and group counselling;
- Conflict resolution / Dispute resolution;
- Mentorship programs;
- Promotion of healthy student relationships;
- Sensitivity programs;
- Safety Plans;
- School, Board and community support programs; and
- Student success strategies.

2. PROGRESSIVE DISCIPLINE

Progressive discipline is an approach that makes use of a continuum of prevention programs, preventative actions, interventions, supports, and consequences, building upon strategies that promote positive behaviours. The range of interventions, supports, and consequences used by the Board and all schools must be clear and developmentally appropriate, and include learning opportunities which 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.

Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial, Board and school Codes of Conduct, which includes, but is not limited to, inappropriate sexual behaviour, gender based violence, homophobia, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socioeconomic status, disability and/or any other immutable characteristic or ground protected by the *Human Rights Code*.

It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, staff members who work directly with pupils on a regular basis, (including administrators, teachers, educational assistants, social workers, child and youth workers, psychologists, and speech and language pathologists and any other professionals) shall respond to any such inappropriate and disrespectful behaviour or any other behaviour that causes a negative school climate or for which a suspension or expulsion may be imposed, which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.

The Board, and school administrators, must consider all mitigating and other factors, as required by the *Education Act*, set out in Ontario Regulation 472/07 and reflected in student discipline settlements with the Human Rights Commission.

Progressive Discipline Consequences

- 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;
- Written work assignment with a learning component;
- Volunteer service to the school community;
- Peer mentoring;
- Referral to counselling;
- Conflict mediation and resolution; and/or
- Consultation.

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 counselling;
- Detentions;

- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and/or
- Transfer with supports.

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.

When a serious infraction has occurred, the principal may determine that the appropriate response is not conducive to the use of progressive discipline.

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Student Code of Conduct, the nature and severity of the behaviour, and the impact on the school climate.

The Board also supports the use of suspension and expulsion 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.

An exclusion from the school pursuant to section 265 (1) (m) of the Education Act shall only be effected in accordance with the Education Act, the Access to School and Board Premises policy, and consistent with the Human Rights Code. A pupil shall not be excluded from school as a disciplinary measure.

3. SUSPENSION AND EXPULSION

3.1 SUSPENSION

The infractions for which a suspension may be imposed by the principal include:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal and/or restricted drugs;
3. Being under the influence of alcohol and/or restricted drugs;
4. Swearing at a teacher or at another person in a position of authority;
5. Committing an act of vandalism that causes damage to school/Board 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;

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 or transportation provider becomes aware must be reported to the principal or designate 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 must be made when it is safe to do so.

A principal who suspends a pupil under Section 306 shall make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless the pupil is at least 18 years old, or is 16 or 17 and has withdrawn from parent control.

Mitigating and Other Factors Leading to a Suspension

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 York Catholic District School 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.

Mitigating Factors

The mitigating factors to be considered by the principal are:

- Whether the pupil has the ability to control his or her behaviour;
- Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and;
- Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be considered

- The pupil's academic, discipline and personal history;
- Whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
- The impact of the discipline on the pupil's prospects for further education;
- The pupil's age;
- Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
- Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

3.2 EXPULSION

Under the safe school changes that came into effect on February 1, 2008, the principal is required to suspend a pupil for up to 20 school days if the principal believes that the student has engaged in an activity for which the student might ultimately be expelled by the school board. This clause provides for the removal of the student from the school while allowing the principal to investigate the incident and decide whether to recommend to the board that the student be expelled.

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

1. Possessing a weapon, including possessing a firearm or knife;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal 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 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;
13. Any act considered by the principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or school Code of Conduct; or
14. 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.

The principal and/or Safe Schools 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.

Any such infractions about which a board staff member or transportation provider becomes aware must be reported to the principal or designate 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 must be made when it is safe to do so.

Mitigating Factors and Other Factors

The *Education Act* requires the principal to consider mitigating and other factors in determining the length of the suspension and in determining whether to recommend expulsion.

For the purpose of the Student Code of Conduct, 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 and/or Suspension and Expulsion Committee 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.

4. PRINCIPAL INVESTIGATION

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 Code of Conduct.

If, on concluding the investigation, the principal decides not to recommend to the Board that the pupil be expelled, the principal shall,

- a) Confirm the suspension and duration of the suspension; or
- b) Confirm the suspension but shorten its duration, even if the suspension has already been served and amend the record of suspension accordingly; or
- c) Withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.

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

5. APPEAL

Where a pupil's parent/guardian or the adult 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 a pupil, that parent/guardian or the adult pupil may appeal the principal's decision to suspend the pupil, in accordance with the *Human Rights Code*, the Student Code of Conduct and Suspension Appeal Guidelines.

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

Superintendent Responsible for Safe Schools

The Superintendent responsible for Safe Schools shall have the procedural powers and duties outlined in the Student Code of Conduct.

Suspension and Expulsion Committee

The Suspension and Expulsion Committee, consisting of no fewer than three (3) trustees will conduct appeals of principal suspensions and principal recommendations for expulsion in accordance with the Student Code of Conduct, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.

The Suspension and Expulsion 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 any other powers prior to implementing any appropriate Order.

Victims of Serious Student Incidents

The York Catholic District School 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. With parent/guardian consultation the Board shall develop appropriate plans to protect the victim/s and assess their effectiveness.

Approval by Board	_____
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