



**DISTRICT SCHOOL BOARD
ONTARIO NORTH EAST**

Policy No. 2.1.15

Section: System Policies and Procedures

Related References:

Appendices:

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TITLE: SAFE SCHOOLS: PROGRESSIVE DISCIPLINE POLICY

1.0 Rationale:

Progressive discipline is a non-punitive, whole-school approach that uses a continuum of corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting pupils to make good choices.

Prevention and early intervention are important for assisting pupils to achieve their potential and for maintaining a positive school environment. Our schools are inclusive and accepting of all pupils, including pupils of any race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, and civic responsibility, which encourage positive participation of the school community in the life of the school.

Purpose:

1. To create schools in Ontario that are safe, inclusive and accepting of all pupils.
2. To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on homophobia, transphobia or biphobia.
3. To address inappropriate pupil behaviour and promote early intervention.
4. To provide support to pupils who are impacted by inappropriate behaviour of other pupils.
5. To establish disciplinary approaches that promote positive behaviour and use measures that include appropriate consequences and supports for pupils to address inappropriate behaviour.
6. To provide pupils with a safe learning environment.

2.0 Definitions:

The following definitions apply for the purposes of pupil discipline.

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

Board Expulsion – is an expulsion from all schools of the Board.

Bullying – means aggressive and typically repeated behavior by a pupil where,

a) the behavior is intended by the pupil to have the effect of, or the pupil ought to know that the behavior would be likely to have the effect of,

i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or

ii) creating a negative environment at a school for another individual, and

b) the behavior occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education.

For the purposes of the definition of "bullying" above, behavior includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying – bullying by electronic means including,

a) creating a webpage or a blog in which the creator assumes the identity of another person.

b) impersonating another person as the author of content or message posted on the Internet; and

c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one of more individuals.

Although cyber-bullying usually occurs outside the school, it can negatively affect the learning environment and student safety in the school. Where there is evidence that a student who has been intimidated is impaired in his or her ability to progress in school, or that the cyber-bullying affects school safety and security, the principal will intervene as if the inappropriate behaviour was initiated in the school setting.

Daily Care – a person with daily care is an adult person (18 years or older) who is not the custodial parent/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.

Discipline Committee – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

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. (These words, conduct, or action include, but are not limited to, hate propaganda, notes, electronic messaging, etc.)

Parent/guardian – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not an Adult Pupil.

Impact on School Climate - an incident or activity which has a negative impact on the school community.

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 and parents 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.

School Expulsion – is an expulsion from the school of the Board that the pupil was attending at the time of the incident.

The following definitions apply for the purposes of pupil discipline.

Vandalism – is the willful or malicious damage, defacement or destruction of board buildings, grounds, equipment, or property as well as staff or student property.

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.

3.0 Policy:

Expectations:

In order to communicate to all members of the school community the types of behaviour expected from them, each school will:

- Develop and implement a school-wide progressive discipline policy, consistent with the Board Student Discipline Policy and Student Discipline Procedures.
- Educate and increase awareness of the Board Student Discipline Policy and Student Discipline Procedures with others including secretaries, custodians, bus operators/drivers, volunteers, parents, and community agencies.
- School climate surveys will be used at least once every two years to determine the effectiveness of policies by collecting data from its pupils, staff, parents/guardians.
- The board will provide annual professional development programs to educate teachers and other staff of the board about bullying prevention and strategies to promote positive school climates.
- The board shall provide programs, interventions or other supports for pupils who have been bullied, pupils who have witnessed incidents of bullying and pupils who have engaged in bullying.
- Bullying Awareness and Prevention Week –beginning on the third Sunday in November in each year. The purpose of this week is to promote awareness and understanding of bullying and its consequences in the school community.

Duty to Investigate Misconduct:

Reporting to the principal – An employee of the board who becomes aware that a pupil of a school of the board may have engaged in bullying/cyber-bullying shall report to the principal of the school about the matter.

A principal or designate shall investigate any matter reported regarding bullying/cyber-bullying. The principal is to communicate the result of an investigation to the teacher who reported the incident or, if reported by another employee, to that employee unless it would not be appropriate to do so. The principal is to notify the parent or guardian of any pupil who the principal believes has been harmed as a result of a specified activity.

The teacher, principal or designate should select the most appropriate response to address the pupil's behaviour. Where a pupil has special education and/or disability related needs, the interventions, supports and consequences must be consistent with the expectations for the pupil, including those in the pupil's Individual Education Plan or Behaviour Management Plan.

Progressive discipline includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour. Pupils' parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

Early and Ongoing Intervention Strategies

A teacher or the principal or designate, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:

- Contact with pupil's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignment addressing the behaviour, that have a learning component;
- Volunteer services to the school community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counselling and/or Consultation.

In all cases where ongoing intervention strategies are used, the pupil's parents/guardians should be consulted.

The teacher, principal or designate should keep a record for each pupil with whom progressive discipline approach(es) are utilized. The record should include:

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Progressive discipline approach used;
5. Outcome; and/or
6. Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

Addressing Inappropriate Behaviour

If a pupil has displayed inappropriate behaviour the principal or designate may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for pupils to focus on improving their behaviour.

Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.

Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed:

1. Any act considered by the principal to be injurious to the moral tone of the school;
2. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
3. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

If a pupil has committed an infraction listed above and it is the first time that the pupil has committed that infraction, the principal or designate **may** choose to use a progressive discipline strategy to address the infraction.

Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. 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.

Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach to Address Inappropriate Behaviour

In all cases where progressive discipline is being considered to address an inappropriate behaviour, the principal or designate must:

1. Consider the particular pupil and circumstances, including considering the mitigating or other factors;
2. Consider the nature and severity of the behaviour;
3. Consider the impact of the inappropriate behaviour on the school climate; and
4. Consult with the pupil's parent(s)/guardian (unless the pupil is an adult pupil).

If a Progressive Discipline Approach is Utilized to Address Inappropriate Behaviour

The interventions may include:

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

In some cases, short-term suspension may also be considered a useful progressive discipline approach.

Other Factors to be Considered

1. The pupil's academic, discipline and personal history;
2. 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;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. 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
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

If the pupil's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate.

Record

The principal or designate should keep a record for each pupil with whom progressive discipline approach(es) are utilized. The record should include:

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Considerations taken into account;
5. Progressive discipline approach used;
6. Outcome; and
7. Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

Duty to notify, the principal shall, as soon as reasonably possible, notify:

- a. the parent or guardian of the pupil who the principal believes has been harmed; and
- b. the parent or guardian of any pupil of the school who the principal believes has engaged in the activity that resulted in the harm.

Notice to the parent or guardian of the harmed student, the principal shall disclose:

- a. the nature of the activity that resulted in harm to the pupil;
- b. the nature of the harm to the pupil;
- c. the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity and the supports that will be provided for the pupil in response to the harm that resulted from the activity.
- d. when notifying a parent or guardian of a pupil, the principal shall not disclose the name of or any other identifying or personal information about a pupil who has been harmed as a result of the activity.

Notice to the parent or guardian of the student that caused the harm, the principal shall disclose:

- a. the nature of the activity that resulted in harm to the other pupil;
- b. the nature of the harm to the other pupil;
- c. the nature of any disciplinary measures taken in response to the activity; and
- d. the supports that will be provided for the pupil in response to his or her engagement in the activity.

When notifying a parent or guardian under this section, the principal shall invite the parent or guardian to have a discussion with the principal about the supports that will be provided for his or her child.

Legal References:

Bill 13 Accepting Schools Act, 2012
PPM 144 Bullying Prevention & Intervention
PPM 145 Progressive Discipline
The Human Rights Code of Ontario
PPM 119 Equity & Inclusive Education
Ontario Regulation 472/07 Mitigating Circumstances

Policy References:

2.1.18 Safe Schools: Bullying Prevention
1.1.6 Safe Schools: Student Code of Conduct