



## YORK CATHOLIC DISTRICT SCHOOL BOARD

# **PROCEDURE: SAFE SCHOOLS – STUDENT DISCIPLINE**

**Addendum to Policy 202: Safe Schools – Student Discipline**

Effective: June 26, 2015  
Revised November 27, 2018

## **POLICY TITLE: SAFE SCHOOLS – STUDENT DISCIPLINE**

### **PURPOSE**

It is the Mission of the York Catholic District School Board to educate and inspire all students to reach their full potential in a safe and caring environment. While all stakeholders share the responsibility for creating and maintain healthy learning and working 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.

This operational procedure, an addendum to Policy 202: Safe Schools – Student Discipline, aligns with Ministry direction relating to safe schools and provides direction and guidance to those responsible for implementing the procedures contained herein.

### **1. POSITIVE PRACTICES**

In order to promote and support appropriate and positive student behaviours that contribute to creating and sustaining safe, caring and inclusive 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, Positive Behaviour Support Plans and Behaviour Management Systems Safety Regulation Plans at regular intervals and following an incident to ensure that every student with disability related needs is receiving reasonable accommodation(s) up to the point of undue hardship (*Human Rights Code*).

#### **1.1 Preventative practices may include:**

- 1.1.1 Bullying prevention and violence prevention programs;
- 1.1.2 Mentorship programs;
- 1.1.3 Student success strategies;
- 1.1.4 Character education;
- 1.1.5 Second Step program;
- 1.1.6 Human Rights strategy;
- 1.1.7 TRIBES program;
- 1.1.8 Citizenship development;
- 1.1.9 Student leadership;
- 1.1.10 Promoting healthy student relationships;
- 1.1.11 Healthy lifestyles;
- 1.1.12 Violent Risk and Threat Assessment training and practices.

#### **1.2 Positive behaviour management practices may include:**

- 1.2.1 Program modifications or accommodations;
- 1.2.2 Class/subject placement;
- 1.2.3 Positive encouragement and reinforcement;
- 1.2.4 Individual, peer and group counselling;
- 1.2.5 Conflict resolution / Dispute resolution;
- 1.2.6 Mentorship programs;
- 1.2.7 Promotion of healthy student relationships;
- 1.2.8 Sensitivity programs;

- 1.2.9 Safety Plans;
- 1.2.10 School, Board and community support programs;
- 1.2.11 Student success strategies.

## **2. PROGRESSIVE DISCIPLINE APPROACHES**

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 students make good choices. For students 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 students 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.

### **2.1 Early/Ongoing Intervention Strategies and Progressive Discipline Consequences**

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

- 2.1.1 Contact with the student's Parent(s)/Guardian(s);
- 2.1.2 Verbal reminders;
- 2.1.3 Review of expectations;
- 2.1.4 Written work assignment with a learning component;
- 2.1.5 Volunteer service to the school community;
- 2.1.6 Peer mentoring;
- 2.1.7 Referral to counselling;
- 2.1.8 Conflict mediation and resolution;
- 2.1.9 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:

- 2.1.10 Meeting with the student's Parent(s)/Guardian(s), student and Principal;
- 2.1.11 Referral to a community agency for anger management or substance abuse counseling;
- 2.1.12 Detentions;

- 2.1.13 Withdrawal of privileges;
- 2.1.14 Withdrawal from class;
- 2.1.15 Restitution for damages;
- 2.1.16 Restorative practices;
- 2.1.17 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 student 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 student 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 student shall not be excluded from school as a disciplinary measure.

### **3. SUSPENSION AND EXPULSION**

#### **3.1 Infractions for the Imposition of a Suspension**

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

- 3.1.1 Uttering a threat to inflict serious bodily harm on another person;
- 3.1.2 Possessing alcohol, illegal and restricted drugs, or cannabis with the exception of prescribed cannabis used for medical purposes governed in accordance with *Policy 207A Administration of Oral Prescription Medication to Elementary & Secondary Students*;
- 3.1.3 Being under the influence of alcohol, illegal and restricted drugs or cannabis with the exception of cannabis used for medical purposes governed in accordance with *Policy 207A Administration of Oral Prescription Medication to Elementary & Secondary Students*;
- 3.1.4 Distributing, sharing or selling cannabis or cannabis products;
- 3.1.5 Swearing at a teacher or at another person in a position of authority;
- 3.1.6 Committing an act of vandalism that causes damage to school/Board property at the student's school or to property located on the premises of the student's school;
- 3.1.7 Bullying;
- 3.1.8 Any act considered by the Principal to be injurious to the moral tone of the school including, at the secondary school level, habitual non-compliance with the school's approved dress code;
- 3.1.9 Any act considered by the Principal to be injurious to the physical or mental well-being of members of the school community including, but not limited to, biting, hitting, kicking, punching, pushing, spitting, slapping, verbal insults or remarks; or
- 3.1.10 Any act considered by the Principal to be contrary to the Board or school Code of Conduct;

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

### **3.2 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 student. 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 student protected by the *Human Rights Code* and/or exacerbate the student's disadvantaged position in society.

#### **3.2.1 Mitigating Factors**

The mitigating factors to be considered by the Principal are:

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

#### **3.2.2 Other Factors to be considered**

- The student's academic, discipline and personal history;
- Whether other progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- Whether the infraction for which the student might be disciplined was related to any harassment of the student 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 student's prospects for further education;
- The student's age;
- Where the student has an IEP or disability related needs,
  - a) Whether the behaviour causing the incident was a manifestation of the student's disability;
  - b) Whether appropriate individualized accommodation has been provided; and,
  - c) Whether a suspension is likely to result in aggravating or worsening the student'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 student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

### 3.3 Infractions for Imposition of an Expulsion

Under the safe school changes that came into effect on February 1, 2008, the Principal is required to suspend a student 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 student be expelled from the student's school or from all schools of the Board include:

- 3.3.1 Possessing a weapon, including possessing a firearm or knife;
- 3.3.2 Using a weapon to cause or to threaten bodily harm to another person;
- 3.3.3 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- 3.3.4 Committing sexual assault;
- 3.3.5 Trafficking in weapons, illegal or restricted drugs, cannabis or cannabis products;
- 3.3.6 Committing robbery;
- 3.3.7 Giving alcohol or drugs, cannabis or cannabis products to a minor;
- 3.3.8 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;
- 3.3.9 A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
- 3.3.10 Activities engaged in by the student on or off school property that cause the student'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;
- 3.3.11 Activities engaged in by the student on or off school property that have caused damage to the property of the Board or to goods that are/were on Board property;
- 3.3.12 The student 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;
- 3.3.13 Any act considered by the Principal to be a serious violation of the requirements for student behaviour and/or a serious breach of the Board or school Code of Conduct; or,
- 3.3.14 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 student protected by the *Human Rights Code* and/or exacerbate the student's disadvantaged position in society.

Any such infractions about which a board staff member or transportation provider 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.

### 3.3.1 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 student protected by the *Human Rights Code* and/or exacerbate the student's disadvantaged position in society.

## 4. PRINCIPAL INVESTIGATION

Before recommending an expulsion from the student'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 student be expelled, the Principal shall:

- 4.1 Confirm the suspension and duration of the suspension; or,
- 4.2 Confirm the suspension but shorten its duration, even if the suspension has already been served and amend the record of suspension accordingly; or,
- 4.3 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 student's parent/guardian or the adult student, 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 student, that parent/guardian or the adult student may appeal the Principal's decision to suspend the student, 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*.

### 5.1 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.

### 5.2 Suspension and Expulsion Committee

- 5.2.1 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.

5.2.2 The Suspension and Expulsion Committee shall require all documents being presented in a hearing to be given to the Superintendent of Safe Schools no later than three days before the scheduled hearing. These documents will be given to the three (3) Trustees for their review prior to a hearing, on a confidential and without prejudice basis.

5.2.3 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.

**6. VICTIMS OF SERIOUS/VIOLENT STUDENT INCIDENTS**

The York Catholic District School Board is committed to implementing a plan of action to support students who are victims of a serious/violent incident or who are affected by a serious/violent incident. Principals, in collaboration with appropriate school and board personnel and in consultation with Parent(s)/Guardian(s) of a student who:

- i) Is less than eighteen (18) years of age; or,
- ii) Is sixteen (16) or seventeen (17) years of age, has withdrawn from parental control, but given consent to the disclosure of information, shall develop and assess the effectiveness of a plan aimed at protecting the student while supporting the student's ability to reach his/her full potential.