

1. Rationale

The Simcoe County District School Board (SCDSB) acknowledges the importance of actively promoting and supporting appropriate and positive student behaviours that contribute to and sustain a safe, inclusive, and accepting learning and teaching environment in which every student can reach their full potential. Ontario's curriculum is integral to supporting students in developing positive behaviours.

The SCDSB recognizes that it is important that all students have a safe, caring and accepting school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community. The Provincial Code of Conduct, the SCDSB Code of Conduct, the *Education Act*, and the board's discipline policies and procedures create expectations for behaviour for all persons on school property and outline strategies to be taken to reduce incidents and impose appropriate consequences for students. The board recognizes the primacy of the *Ontario Human Rights Code*. Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools and students 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(s)/guardian(s). A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school. In such circumstances, the authority delegated will be clearly identified in board procedures, as will the supports available to individuals in receipt of the delegated authority.

2. Policy Statement

The SCDSB policy on progressive discipline is to support a safe, inclusive, and accepting learning and teaching environment in which every student can reach their full potential. All inappropriate student behaviour, including bullying and conflict, must be addressed. Responses to behaviours that are contrary to the board's code of conduct must be developmentally appropriate. Progressive discipline is an approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that build skills for healthy relationships and promote positive behaviours. 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. Information in the student's Individual Education Plan (IEP) must be considered in the determination of interventions, supports, and consequences for students with special education needs. The board, and school administrators, must consider all mitigating and other factors, as required by the *Education Act* and as set out in *Ontario Regulations 472/07*. The board is required to adhere to all applicable legislation including, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Ontario Human Rights Code*, the *Accessibility for Ontarians with Disabilities Act*, and the *Education Act*.

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3. Definitions

- 3.1 Bullying means aggressive and typically repeated behaviour by a student where,
 - 3.1.1 the behaviour is intended by the student to have the effect of, or the student ought to know that the behaviour would be likely to have the effect of,
 - 3.1.1.1 causing harm, fear, intimidation 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 creating a negative environment at a school for another individual, and,
 - 3.1.2 the behaviour occurs in a context where there is a real or perceived imbalance of power between the students 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.
- 3.2 In contrast to bullying, conflict is generally a disagreement or difference in opinion between peers who typically have equal power in their relationships. It's usually an inevitable part of a group dynamic and both parties have power to influence the situation.
- 3.3 Cyber-bullying includes bullying by electronic means, including
 - 3.3.1 creating a web page or a blog, or using a social media vehicle, in which the creator assumes the identity of another person;
 - 3.3.2 impersonating another person as the author of content or messages posted on the internet; and,
 - 3.3.3 communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.
- 3.4 Progressive discipline is a non-punitive, whole school approach that utilizes a continuum of corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote and foster positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting students to make good choices.
- 3.5 Discipline Committee is a committee of three (3) Trustees designated to determine suspension appeals and recommendations for expulsion.

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3.6 Restorative Practice

Restorative practice responds to student behaviour by focusing on repairing harm experienced by others and rebuilding relationships. This practice is used as part of progressive discipline to build, strengthen and help restore healthy relationships (Adapted from *Caring and Safe Schools in Ontario: Supporting Students with Special Education Needs through Progressive Discipline, Kindergarten to Grade 12, 2010*).

4. Guidelines

A whole-school approach, which involves all members of the school community, is also important in supporting efforts to ensure that schools are safe, inclusive, and accepting. It is an effective approach to making systemic changes that will benefit all students and the broader community. Implementation of a whole-school approach needs to occur at all levels – the board, school, class, individual, family and community. It involves the development of respectful and caring relationships between staff, between students, and between staff and students. All aspects of school life are included in a whole-school approach, such as curriculum, school climate, teaching practices, policies and procedures. To improve the school climate, members of the school community need to share information to develop an awareness of factors that have an impact on the school climate and to provide information about the effectiveness of prevention and intervention strategies, practices and programs in their school. A whole-school approach is also valuable in addressing such issues as racism, intolerance based on religion or disability, bullying, homophobia and gender identity-based violence.

The school climate may be defined as the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Principles of equity and inclusive education are embedded in the learning environment to support a positive school climate and a culture of mutual respect. A positive school climate is a crucial component of the prevention of inappropriate behaviour.

4.1 Positive Practices

Positive practices are considered part of the progressive discipline continuum.

In order to promote and support appropriate and positive student behaviours that contribute to creating and sustaining safe, caring 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 prevention and positive behaviour management. The board also encourages principals/designates to review and amend, as appropriate, IEPs, Behaviour Management Plans and Safety Plans at regular intervals, and following an incident to ensure students with disability related needs are receiving appropriate accommodation up to the point of undue hardship.

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4.2 Preventative practices include:

- 4.2.1 *Ontario Human Rights Strategy* pursuant to PPM 119
- 4.2.2 anti-bullying and violence prevention programs;
- 4.2.3 mentorship programs;
- 4.2.4 student success strategies;
- 4.2.5 character education;
- 4.2.6 citizenship development;
- 4.2.7 student leadership;
- 4.2.8 promoting healthy student relationships;
- 4.2.9 healthy lifestyles;
- 4.2.10 positive climates for learning school team; and,
- 4.2.11 mindfulness and self-regulation strategies.

4.3 Positive behaviour management practices include:

- 4.3.1 program accommodations or modifications;
- 4.3.2 classroom placement;
- 4.3.3 positive encouragement and reinforcement;
- 4.3.4 individual, peer or group counselling;
- 4.3.5 conflict resolution/dispute resolution;
- 4.3.6 mentorship programs;
- 4.3.7 promotion of healthy student relationships;
- 4.3.8 sensitivity programs;
- 4.3.9 safety plans;
- 4.3.10 school, board and community support programs; and,
- 4.3.11 student success strategies.

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

In circumstances where a student will receive a consequence for their behaviour, it is the expectation of the board that the principle of progressive discipline, consistent with the *Ontario Human Rights Code*, Ministry of Education direction and PPM 145, will be applied, if appropriate.

4.4 Progressive Discipline

The goal of this policy, with respect to progressive discipline, is to support a safe learning and teaching environment in which every student can reach their full potential. Appropriate action must consistently be taken by schools to address behaviours that are contrary to provincial and board codes of conduct which includes, but is not limited to, inappropriate sexual behaviour, gender-based violence, homophobia, and harassment on the basis of any ground protected by the code and any other immutable characteristic.

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 must include learning opportunities for students in order to 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 their demonstrated abilities.

It is the expectation of the board that, provided there is no immediate risk of physical harm to any individual, staff members who work directly with students on a regular basis, shall, in accordance with board procedures, 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.

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.

Progressive Discipline Consequences

Progressive discipline may include, but is not limited to, early and/or ongoing intervention strategies, such as:

- 4.4.1 contact with parent(s)/guardian(s);
- 4.4.2 oral reminders;
- 4.4.3 review of expectations;
- 4.4.4 written work assignment with a learning component;
- 4.4.5 volunteer service to the school community;
- 4.4.6 peer mentoring;
- 4.4.7 referral to counselling;
- 4.4.8 conflict mediation and resolution; and,
- 4.4.9 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:

- 4.4.10 meeting with parent(s)/guardian(s), student and principal;
- 4.4.11 referral to a community agency for anger management or substance abuse counselling/intervention;
- 4.4.12 detentions;
- 4.4.13 withdrawal of privileges;
- 4.4.14 withdrawal from class;
- 4.4.15 restitution for damages;
- 4.4.16 restorative practices; and,
- 4.4.17 transfer.

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 addressing inappropriate behaviour, school staff should consider the particular student and circumstances, including any mitigating and other factors as set out in the Progressive Discipline and Promoting Positive Student Behaviour Procedures, the nature and severity of the behaviour, and the impact on the school climate.

The principal or designate is required to provide information, in accordance with board procedures, to the parent(s)/guardian(s) of a student who has been harmed in an incident involving progressive discipline.

The board also supports the use of suspension and expulsion as outlined in Part XIII of the *Education Act* 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. Exclusion pursuant to section 265 (1) (m) of the *Education Act* is not an acceptable form of discipline.

4.5 **Suspension**

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

- 4.5.1 uttering a threat to inflict serious bodily harm on another person;
- 4.5.2 possessing alcohol, illegal and/or restricted drugs, including cannabis (unless the individual has been authorized to use for medical purposes);
- 4.5.3 being under the influence of alcohol, illegal and/or restricted drugs, including cannabis (unless the individual has been authorized to use for medical purposes);
- 4.5.4 swearing at a teacher or at another person in a position of authority;
- 4.5.5 committing an act of vandalism that causes extensive damage to school property or to property located on the premises of the student's school;
- 4.5.6 bullying or cyberbullying;
- 4.5.7 an act considered by the principal to be injurious to the moral tone of the school;
- 4.5.8 an act considered by the principal to be injurious to the physical or mental well-being of members of the school community;
- 4.5.9 an act considered by the principal to be contrary to the board or school code of conduct; and,
- 4.5.10 an activity 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.

A student may be suspended only once for one instance of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. Any such suspension infractions and any expulsion 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 the 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.

The principal or designate is required to provide information, in accordance with board procedures, to the parent(s)/guardian(s) of a student who has been harmed, if that student is not an adult student and provided the principal is of the opinion that informing the parent(s)/guardian(s) would NOT put the student at risk of harm. The principal may inform a parent/guardian of an adult student with consent.

4.6 Expulsion

The infractions for which a principal shall consider recommending to the board that a student be expelled from the student's school or from all schools of the board include:

- 4.6.1 possessing a weapon, including possessing a firearm or knife;
- 4.6.2 using a weapon to cause or to threaten bodily harm to another person;
- 4.6.3 committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- 4.6.4 committing sexual assault;
- 4.6.5 trafficking in weapons, illegal, and/or restricted drugs, including cannabis;
- 4.6.6 committing robbery;
- 4.6.7 giving alcohol, illegal and/or restricted drugs, including cannabis to a minor;
- 4.6.8 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;
- 4.6.9 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;
- 4.6.10 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;
- 4.6.11 activities engaged in by the student on or off school property that have caused extensive damage to the property of the board or to goods that are/were on board property;
- 4.6.12 the student has demonstrated through a pattern of behaviour that they have not prospered by the instruction available to them and that they are persistently resistant to making changes in behaviour which would enable them to prosper;
- 4.6.13 an act considered by the principal to be a serious violation of the requirements for student behaviour and/or serious breach of the board or school code of conduct;

- 4.6.14 where a student has no history of discipline, behaviour intervention or relevant history, a single act, incident/infraction considered to be a serious violation of the expectations of student behaviour and/or a serious breach of the board or school code of conduct;
- 4.6.15 bullying if, (i) the student has previously been suspended for engaging in bullying, and (ii) the student's continuing presence in the school creates an unacceptable risk to the safety of another person; and,
- 4.6.16 any activity 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.

4.7 Mitigating Factors and Other Factors

Before imposing a suspension and before recommending an expulsion and before imposing an expulsion, the application of mitigating and other factors must be considered for the purpose of mitigating the discipline to be imposed on the student. 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 *Ontario Human Rights Code*. Before imposing a suspension or recommending or imposing an expulsion the principal and/or Discipline Committee of the board shall consider whether or not the discipline will have a disproportionate impact on a student protected by the *Ontario Human Rights Code* and/or exacerbate a student's disadvantaged position in society.

Mitigating Factors

The mitigating factors to be considered by the principal are:

- 4.7.1 whether the student has the ability to control their behaviour;
- 4.7.2 whether the student has the ability to understand the foreseeable consequences of their behaviour; and,
- 4.7.3 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.

Others factors to be considered:

- 4.7.4 the student's academic, discipline and personal history;
- 4.7.5 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;
- 4.7.6 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;

- 4.7.7 the impact of the discipline on the student's prospects for further education;
- 4.7.8 the student's age;
- 4.7.9 where the student has an IEP or disability related needs,
 - 4.7.9.1 whether the behaviour causing the incident was a manifestation of the student's disability;
 - 4.7.9.2 whether appropriate individualized accommodation has been provided;
 - 4.7.9.3 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.
- 4.7.10 whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

4.8 **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 *Ontario Human Rights Code*, as required by the *Education Act*, and which is consistent with the expectations for principal investigations outlined in the board's Student Discipline Procedures.

4.9 **Appeal**

Where a student's parent(s)/guardian(s) or the student, if 18 or older or 16 or 17 and has removed themselves from parental control, disagrees with the decision of a principal to suspend the student that student's parent(s)/guardian(s) or the student, if 18 or older or 16 or 17 and removed from parental control, may appeal the principal's decision to suspend the student, in accordance with the board's Student Discipline Procedures and Suspension Appeal Guidelines. Suspension appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*.

Superintendent of Education with the Safe Schools Portfolio

The Superintendent of Education with the Safe Schools Portfolio or designate shall have the procedural powers and duties outlined in the student discipline administrative procedures.

4.10 **Discipline Committee**

A Discipline Committee consisting of three (3) Trustees will decide appeals of suspensions by principals and recommendations for expulsion by principals. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline Administrative Procedures, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.

4.10.1 In all cases where consequences might be imposed, teachers, administrators and the board will consider the safety and dignity of all students and the impact of the activity on the school climate.

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

4.11 **Victims of Serious Student Incidents**

The board supports students who are victims of serious incidents of student behaviour causing harm contrary to the provincial, board, and/or school codes of conduct.

The school shall develop appropriate plans to protect the victim. The school shall communicate those plans to the victim and to the victim's parent(s)/guardian(s) as well as communicating a method of identifying dissatisfaction with steps taken to provide support to the victim. Communication with the victim's parent(s)/guardian(s) shall only take place in circumstances where to do so would, in the principal or designate's opinion, NOT put the student at risk of harm.

5. **Programs for Students on Long-Term Suspension and Expelled Students**

The board will provide programs and services for students on long-term suspension and for students who have been expelled as set out in the administrative procedures.

6. **Administrative Procedures**

The Director of Education is authorized to establish administrative procedures to implement this policy, which might include requirements described in Ministry of Education Policy Program Memoranda as matters of policy, and any such procedures shall be considered guidelines pursuant to the *Education Act* and other relevant and/or related Ministry of Education materials and all of which will be sufficient for the purposes of implementing the requirements of the Ministry of Education Policy Program Memoranda.

**ADOPTED JANUARY 30, 2008
REVISED JANUARY 27, 2010
REVISED NOVEMBER 27, 2013
REVISED NOVEMBER 26, 2014
REVISED FEBRUARY 28, 2018**

**APM A7630
APM A7633
APM A7635**