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Subject: PROGRESSIVE DISCIPLINE AND PROMOTING POSITIVE STUDENT BEHAVIOUR

Application: Directors of Education
Supervisory Officers and Secretary-Treasurers of School Authorities
Principals of Elementary Schools
Principals of Secondary Schools
Principals of Provincial and Demonstration Schools
Chairs of Special Education Advisory Committees

Reference: This memorandum replaces Policy/Program Memorandum No.145, October 19, 2009.

INTRODUCTION

The purpose of this memorandum is to provide direction to school boards¹ on required revisions to their existing policies and guidelines on progressive discipline. The revised policies and guidelines must be in place by February 1, 2013.

School boards are required to establish their policies and guidelines on progressive discipline in accordance with subsection 302(2) of Part XIII of the Education Act.

The Ministry of Education is committed to supporting boards in building and sustaining a positive school climate that is safe, inclusive, and accepting for all students² in order to support their education so that all students reach their full potential. A progressive discipline approach combines prevention and intervention strategies and discipline with opportunities for students to continue their education. All school boards across Ontario have programs for students who are on long-term suspension or who have been expelled.

On September 1, 2012, Bill 13, the Accepting Schools Act, which amends the Education Act, came into force. It sets out expectations for all school boards to provide safe, inclusive, and accepting learning environments in which every student can succeed.

Building and sustaining a positive school climate is a complex challenge requiring evidence-informed solutions. A whole-school approach involving all education and community partners is needed to bring about necessary systemic change.

1. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

2. *Student*, as used in this memorandum, refers to *pupil*, as used in the Education Act.

PROMOTING AND SUPPORTING POSITIVE STUDENT BEHAVIOUR

The ministry 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 his or her full potential. Ontario's curriculum is integral to supporting students in developing positive behaviours.

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,³ homophobia, and gender-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.

Programs and activities that focus on the building of healthy relationships, a safe, inclusive, and accepting learning environment, character development, and positive peer relations provide the foundation for an effective continuum of strategies within a school and school-related activities. These supportive strategies and empowerment programs are the basis for creating a positive school climate.

In addition to teachers⁴ and administrators, other school staff⁵ play an important role in supporting students and contributing to a positive learning and teaching environment. "In schools where respectful interactions are encouraged and modelled, prevention is occurring at all times."⁶ A positive school

3. For the definition of *bullying*, see subsection 1(1) of the Education Act.

4. In this memorandum, *teacher* has the meaning set out in the Education Act.

5. Other school staff include, but are not limited to, staff in social work, child and youth work, and psychology and related areas; early childhood educators; educational assistants; attendance counsellors; and Aboriginal education counsellors. Even though the term *school staff* is used in this memorandum, it is understood that staff at the school are employed by the board.

6. Safe Schools Action Team, *Shaping a Culture of Respect in Our Schools: Promoting Safe and Healthy Relationships* (Toronto: Queen's Printer for Ontario, 2008), p. 19.

climate also includes the participation of the school community, including parents,⁷ and the broader community, which can have a positive impact on the success of all students in the school.

Support for Student-Led Activities and Organizations

In accordance with subsection 303.1(1) of the Education Act, every board shall support students who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, acceptance of and respect for others, and the creation of a positive school climate, including activities or organizations that promote gender equity; antiracism; the awareness and understanding of, and respect for, people with disabilities; or awareness and understanding of, and respect for, people of all sexual orientations and gender identities,⁸ including organizations with the name “gay-straight alliance” or another similar name.

Neither the board nor the principal⁹ shall refuse to allow a student to use the name “gay-straight alliance” or a similar name for an organization, as outlined in subsection 303.1(2) of the Education Act. Nothing in this section of the Education Act shall be interpreted as requiring a board to support the establishment of an activity or organization in a school unless there is at least one student who wants to establish and lead it. The name of an activity or organization must be consistent with the promotion of a positive school climate that is inclusive and accepting of all students.

Progressive Discipline

Progressive discipline is a whole-school approach that utilizes a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote and foster positive behaviours. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that are developmentally and socio-emotionally appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make better choices.

In some circumstances, short-term suspension may be a useful tool. In the case of a serious student incident,¹⁰ long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required. The safe schools provisions of the Education Act require school boards to provide programs for students who have been expelled or who are on a long-term suspension, so that they can continue their education. For students with special education needs, interventions, supports, and consequences must be consistent with the student’s strengths and needs, as well as program goals and learning expectations documented in his or her Individual Education Plan (IEP).

7. In this memorandum, *parent(s)* refers to parent(s) and guardian(s). For the purposes of Part XIII of the Education Act, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are to be treated as adults.

8. See Toby’s Act (Right to be Free from Discrimination and Harassment because of Gender Identity or Gender Expression), 2012.

9. In this memorandum, *principal* refers to the principal or to a person designated by the principal or by the board.

10. *Serious student incidents* are activities for which suspension or expulsion must be considered, as set out in subsections 306(1) and 310(1) of the Education Act. The relevant excerpts are cited in Appendix 1 to this memorandum.

Both school boards and schools are expected to actively engage parents in the progressive discipline approach. Boards and schools should also recognize and respect the diversity¹¹ of their parent communities and reach out to parents to partner with them in addressing complex and challenging issues.

A progressive discipline approach promotes positive student behaviour through strategies that include using prevention programs and early and ongoing interventions and supports, reporting serious student incidents, and responding to incidents of inappropriate and disrespectful behaviour when they occur.

Boards and schools should focus on prevention and early intervention as the key to maintaining a positive school environment in which students can learn. Early intervention strategies will help prevent unsafe or inappropriate behaviours in a school and in school-related activities. Intervention strategies should provide students with appropriate supports that address inappropriate behaviour and that would result in an improved school climate. Some examples of such strategies include ongoing communication with parents, verbal reminders, review of expectations, and/or written assignments with a learning component that require reflection.

Progressively more serious consequences should be considered for inappropriate behaviour that is repeated or for progressively more serious inappropriate behaviour, taking into account mitigating and other factors.¹²

Ongoing interventions may be necessary to address underlying causes of inappropriate behaviour. Some examples of ongoing interventions are meeting with the parent(s), requiring the student to perform volunteer service in the school community, conflict mediation, peer mentoring, and/or a referral to counselling.

In considering the most appropriate response to address inappropriate behaviour, the following should be taken into consideration:

- the particular student and circumstances
- the nature and severity of the behaviour
- the impact on the school climate, including the impact on students or other individuals in the school community

Under recent amendments to the Education Act, principals must suspend a student for bullying and consider referring that student for expulsion if (1) the student has previously been suspended for bullying, and (2) the student's continuing presence in the school creates, in the principal's opinion, an unacceptable risk to the safety of another person. When both of these conditions are met, the principal must suspend the student and consider referring the student for an expulsion hearing.

11. In *Ontario's Equity and Inclusive Education Strategy, 2009*, diversity is defined as follows: "The presence of a wide range of human qualities and attributes within a group, organization, or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender, gender identity, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status." (p. 4)

12. See Ontario Regulation 472/07, "Behaviour, Discipline and Safety of Pupils", sections 2 and 3, regarding "mitigating factors" and "other factors". The relevant excerpts are cited in Appendix 1 to this memorandum.

Principals must also suspend a student, and consider referring that student for expulsion, for any incident under subsection 306(1) of the Education Act, including bullying, 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 (e.g. socio-economic status, appearance).

In Part X of the Education Act, clause 265(1)(m) permits a principal to “refuse to admit” to the school or to a class someone whose presence in the school would be “detrimental to the physical or mental well-being of the pupils”. This provision is frequently referred to as the “exclusion provision”. Exclusion is not to be used as a form of discipline. If a principal does decide that it is necessary to exclude a student from the school, he or she is expected to notify the student’s parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265(1)(m).

SCHOOL BOARD POLICIES ON PROGRESSIVE DISCIPLINE

Policy Development

In revising their policies and guidelines on progressive discipline, boards have the flexibility to take into account local needs and circumstances, such as geographical considerations, demographics, cultural considerations, and availability of board and community supports and resources.

Boards should draw upon evidence-informed practices that promote positive student behaviour. In revising their policies, boards must consult with students, teachers, principals, other school staff, volunteers working in the schools, parents, school councils, and the public, as outlined in subsection 302(9) of the Education Act. They should also consult with their Special Education Advisory Committee and with community partners, including social service agencies, mental health agencies, members of First Nations, Métis, and Inuit communities, and other appropriate community groups. Boards may also choose to consult with their Parent Involvement Committees.

Board policies must be aligned with the requirements in Policy/Program Memorandum No. 119, “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools”, June 24, 2009; in Regulation 181/98, “Identification and Placement of Exceptional Pupils”; and in the Ontario curriculum policy documents.

Board policies should also be aligned with strategies and initiatives outlined in related ministry documents, including *Caring and Safe Schools in Ontario: Supporting Students with Special Education Needs through Progressive Discipline, Kindergarten to Grade 12, 2010*; *Ontario’s Equity and Inclusive Education Strategy, 2009*; *Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*; and *English Language Learners: ESL and ELD Programs and Services, 2007*. Board policies should also be aligned with other relevant ministry strategies and initiatives, such as Student Success and character development, as well as with Ontario’s mental health and addictions strategy.¹³

13. *Open Minds, Healthy Minds: Ontario’s Comprehensive Mental Health and Addictions Strategy* (2011), available at www.health.gov.on.ca.

Boards are 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 and regulations made under the Education Act – in the development and implementation of their policies. Board policies must respect all applicable collective agreements. Boards should consult with their legal counsel and freedom of information coordinators to ensure that they are fulfilling their legal responsibilities.

School boards must require that all their schools develop and implement a school-wide progressive discipline plan. This plan must be consistent with the policies in this memorandum and with the policies and procedures of the board.

Under common law, a school board may be found by a court to be liable for the actions of its employees, if those actions were carried out in the course of the employees' regular employment. Such actions could also include those required by the Education Act.

Policy Components

The following components must be incorporated as part of each school board's progressive discipline policy.

1. Policy Statement

Board policies on progressive discipline must include the following statements:

- The goal of the policy is to support a safe, inclusive, and accepting learning and teaching environment in which every student can reach his or her full potential.
- All inappropriate student behaviour, including bullying, 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 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 Regulation 472/07.

2. Prevention and Awareness Raising

In order to promote a positive school climate, school boards must provide opportunities for all members of the school community to increase their knowledge and understanding of such issues as bullying; violence; inappropriate sexual behaviour; bias, stereotyping, discrimination, prejudice, and hate; critical media literacy; and safe Internet use. Ontario's curriculum provides many opportunities for students to develop an understanding of these topics and the skills to make safe and healthy choices.

Board policies on prevention and awareness raising must include the requirements for the provision of special education programs and services for students with special education needs in a caring, safe, and inclusive environment.

As part of the monitoring and evaluation of their policies, school boards must conduct anonymous school climate surveys of students, staff, and parents at least once every two years. These surveys must include questions on bullying/harassment related to sexual orientation, gender identity, and gender expression, as well as questions on sexual harassment.

Boards are required to inform parents that these surveys are voluntary and that they can choose not to have their child participate. Boards shall not collect any name or any identifying number, symbol, or other particular assigned to a person, in accordance with subsection 169.1(2.2) of the Education Act. Boards should consult with their legal counsel and freedom of information coordinators to ensure that they are fulfilling their legal responsibilities.

Boards must also require their schools to share school climate survey results with their safe and accepting schools teams and to build strategies into their school improvement plans to improve the school climate regarding issues identified through their climate surveys.

3. Responding to Incidents

The purpose of responding to incidents that can have a negative impact on school climate (i.e., inappropriate and disrespectful behaviour) is to stop and correct it immediately so that the students involved can learn that it is unacceptable. “Behaviour that is not addressed becomes accepted behaviour.”¹⁴

Board employees who work directly with students – including administrators, teachers, and other school staff – must respond to any student behaviour that is likely to have a negative impact on the school climate. Such behaviour includes serious student incidents and all inappropriate and disrespectful behaviour at any time at school and at any school-related event if, in the employee’s opinion, it is safe to respond to it, in accordance with subsection 300.4 of Part XIII of the Education Act and Ontario Regulation 472/07. Such inappropriate behaviour may involve bullying, swearing, homophobic or racial slurs, sexist comments or jokes, graffiti, or vandalism.

Responding may include asking a student to stop the inappropriate behaviour; naming the type of behaviour and explaining why it is inappropriate and/or disrespectful; and asking the student to correct the behaviour (e.g., to apologize for a hurtful comment and/or to rephrase a comment). By responding in this way, board employees immediately address inappropriate student behaviour that may have a negative impact on the school climate. When board employees are aware that an incident involves a student with special education needs, they are expected to respond in a way that takes into account information in the student’s IEP.

14. *Shaping a Culture of Respect in Our Schools: Promoting Safe and Healthy Relationships*, p. 9.

Ontario Regulation 472/07 specifies that board employees are not required to respond to incidents when, in their opinion, responding would cause immediate physical harm to themselves or to a student or another person. However, serious student incidents must be reported to the principal and confirmed in writing (see also section 8, “Reporting to the Principal”, on pages 10–13). For other incidents, where suspension or expulsion would not be considered but board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible. For example, board employees would not be required to respond if it would mean putting themselves or a student in an unsafe situation.

4. Disclosure of Students’ Personal Information

Given their obligation to respond to serious student incidents and all inappropriate and disrespectful student behaviour that is likely to have a negative impact on the school climate, board employees (including occasional employees) who work directly with students may need to know, for any particular student, those behaviour(s) that may present a potential risk of physical harm to school staff or students as documented as part of progressive discipline in the student’s Ontario Student Record (OSR) (see also section 8, “Reporting to the Principal”, on pages 10–13). Principals are only permitted to share information documented in the OSR with board employees who do not have access to the OSR, if disclosure is necessary, so that employees can carry out their duties, including their duty to respond to inappropriate and disrespectful student behaviour. In such cases, principals may share only the necessary information pertaining to behaviour that may present risk of physical harm.

Boards must have clear policies in place for both teaching and non-teaching staff regarding the confidentiality of student information. Prior to disclosure, the principal must inform staff that they must treat any information disclosed about a student or incident as confidential.

Boards may wish to consult *A Guide to Ontario Legislation Covering the Release of Students’ Personal Information, rev. 2011* by the Information and Privacy Commissioner of Ontario.¹⁵ This guide describes how the Municipal Freedom of Information and Protection of Privacy Act intersects with the Education Act and other statutes, including Bill 168, Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace), 2009, to protect privacy but also to allow access to the personal information of students. It also distinguishes between instances when personal information must be disclosed and instances when it may be disclosed.

5. Supports for Students

School boards must provide supports for all students who are affected by serious student incidents and all inappropriate behaviour, and for those who engage in these types of incidents, to assist them in developing healthy relationships, making choices that support continuing their learning, and achieving success. Supports may be provided by employees of the board, through board programs and resource personnel, or through community-based service providers,¹⁶ including social service agencies and mental health services.

15. The guide is available at www.ipc.on.ca.

16. Community-based service providers include a range of community service agencies, mental health agencies/services, local organizations, and community programs.

In responding to any incident, board employees who work directly with students must act in a timely, sensitive, and supportive manner. They are expected to support students – including those who disclose or report incidents and those who wish to discuss issues of healthy relationships, gender identity, and sexuality – by providing them with contact information about professional supports (e.g., public health units, community-based service providers, Help Phone lines).

Boards must outline in their progressive discipline policy the procedures that are in place to support students who have been harmed or students who have engaged in serious student incidents. These policies and procedures must outline what schools are required to do to support these students, including the development of specific plans to protect students who have been harmed and must outline a process for parents to follow if they are not satisfied with the supports that their children receive.

6. Notifying Parents

Section 300.3 of the Education Act specifies when principals are required to notify the parents of students who have been harmed as the result of a serious student incident. Principals shall disclose the following information:

- the nature of the activity that resulted in harm to the student
- the nature of the harm¹⁷ to the student
- the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity
- the supports that will be provided for the student in response to the harm that resulted from the activity

This section of the act now also specifies that principals are required to notify the parents of students who have engaged in serious student incidents. Principals shall disclose the following information:

- the nature of the activity that resulted in harm to the other student
- the nature of the harm to the other student
- the nature of any disciplinary measures taken in response to the activity
- the supports that will be provided for the student in response to his or her engagement in the activity

When notifying parents of these incidents, the principal must invite parents to have a discussion with him or her about the supports that will be provided for their child.

Under subsection 300.3(3) of the Education Act, a principal shall not notify a parent of a student if, in the opinion of the principal, doing so would put the student at risk of harm from a parent of the student, such that notification is not in the student's best interest. Under subsection 301(5.5) of the Education Act, when principals have decided not to notify the parents that their child was involved in a serious student incident, as described above, they must, in accordance with Ontario Regulation 472/07, document the rationale for this decision and notify both the teacher who reported the incident and the appropriate supervisory officer of this decision. Principals shall also, if they determine it is appropriate to do so, inform other board employees of this decision. In addition, principals should refer students to

17. *Harm*, as used in this memorandum, means harm that can be experienced in a number of ways, including physical, mental, emotional, and psychological.

board resources or to a community-based service provider that can provide the appropriate type of confidential support when his or her parents are not called (e.g., counselling; a sexual assault centre; Kids Help Phone; Lesbian, Gay, Bisexual, Transgendered Youth Line¹⁸).

In circumstances where board employees have reason to believe that a student may be in need of protection, board employees must call a Children's Aid Society according to the requirements of the Child and Family Services Act.¹⁹

7. School Transfers Related to School Safety

In cases where students are being transferred to another school in order to preserve school safety, boards are required to coordinate a "transfer meeting" between the school from which the student is being transferred and the receiving school. In cases where the transfer is necessary to protect a student, it is preferable that the student who has been harmed not be moved. The purpose of the transfer meeting is to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., supports provided by school-based employees of the board, by board personnel, or through a community-based service provider, including mental health services).

The meeting must include the teachers and other school staff that will have regular direct contact with the student. The student that is being moved and his or her parents should also be invited to the transfer meeting. Schools must make reasonable efforts to accommodate parent participation at this meeting. The transfer meeting must occur prior to the day or on the day the student is transferred. When the meeting occurs on the day the student is transferred, it must occur before the student attends class. The receiving school must also be in possession of the student's OSR prior to the occurrence of the transfer meeting, and the OSR must be available to be consulted at the meeting.

Boards must also have clear policies in place for both teaching and non-teaching staff regarding the confidentiality of information about the student being transferred. At a minimum, prior to the start of the transfer meeting, the principal must inform all staff in attendance that they must treat any information about the student and the incident disclosed at the meeting as confidential.

8. Reporting to the Principal

The purpose of reporting serious student incidents is to ensure that the principal is aware of any activities taking place in the school for which suspension or expulsion must be considered and to help ensure a positive school climate.

Section 300.2 of Part XIII of the Education Act states that an employee of the board who becomes aware that a student at a school of the board may have engaged in a serious student incident shall report the matter to the principal as soon as reasonably possible. The employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal no later than the end of the school day.

18. In this memorandum, references to lesbian, gay, bisexual, and transgendered persons should be understood to include persons who identify themselves as queer, transsexual, two-spirited, intersexed, or questioning.

19. See Policy/Program Memorandum No. 9, "Reporting of Children in Need of Protection", August 10, 2001.

In cases where an immediate action is required, a verbal report to the principal may be made. A written report must be made when it is safe to do so.

In certain situations, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are engaged in a clinical relationship with a student shall report incidents of behaviour for which suspension or expulsion must be considered to the principal as soon as it is, in their professional opinion, reasonably possible to do so without having a negative impact on the nature of the clinical relationship, in accordance with section 300.2 of Part XIII of the Education Act. They shall also report, in a manner that is consistent with the code of ethics and the standards of practice of their respective professions, matters that could result in the student's doing physical, emotional, or psychological harm to him- or herself or to others.

All employee reports, including those made to the principal verbally, must be confirmed in writing, using the "Safe Schools Incident Reporting Form – Part I". This form may be modified by boards, but must retain the elements set out in Appendix 2 to this memorandum. Where the principal is the sole witness to an incident, the principal is similarly required to use the reporting form to confirm in writing what he or she witnessed. Boards must specify on this form any other activities for which a student may be suspended or expelled, according to board policy. Each report should be assigned a number for filing and retrieval purposes.

Boards are expected to provide information to board employees on completing the safe schools incident reporting forms. For example, employees who are reporting an incident must submit the "Safe Schools Incident Reporting Form – Part I" to the principal in a timely manner.

The principal must investigate all reports submitted by board employees, as outlined in subsection 300.2(3) of the Education Act. Once the investigation is complete, the principal must communicate the results of the investigation to the teacher who made the report. If a board employee who is not a teacher made the report, the principal will communicate the results of the investigation to that employee if the principal considers it appropriate. Communication between the principal and school staff about the investigation and the results of the investigation is a shared responsibility, and is an important factor in meeting student needs and fostering collaboration in the school.

The principal must not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation, in accordance with subsection 300.2(5) of the Education Act. This information must be provided in a timely manner so that school staff can work with the principal to best meet the needs of students, support a positive school climate, and help prevent future inappropriate behaviour from taking place.

In all cases, the principal must provide the employee who reported the incident with written acknowledgement, using the "Safe Schools Incident Reporting Form – Part II". This form may be modified by boards, but must retain the elements set out in Appendix 2 to this memorandum, and must specify whether the investigation has been completed or is still in progress. If no further action is taken by the principal, the principal is not required to retain the report. Information that could identify the student(s) involved must not be part of the acknowledgement.

In addition to employees of the board, third parties, specified below, who are under contract or agreement with the board are required to report such incidents in writing to the principal of the school. The requirements for boards are as follows:

- Boards are required to include reporting requirements for school bus drivers in their transportation policies and contracts.
- Boards are required to include reporting requirements for employees and contractors as a condition in their agreements with third-party operators who are providing before- and/or after-school programs for Full-Day Kindergarten on the school site in accordance with Ontario Regulation 221/11, “Extended Day and Third Party Programs”, made under the Education Act.

Early childhood educators in board-operated extended-day programs, as well as employees and contractors of third-party operators as described above, must report to the principal as soon as reasonably possible. Boards are expected to provide information to these third-party operators on how to complete the “Safe Schools Incident Reporting Form – Part I”.

Boards may also put policies in place to require other individuals who are not employees of the board who come into direct contact with students on a regular basis, as outlined in subsection 302(3.1) of Part XIII of the Education Act, to report such matters to the principal (e.g., outdoor education instructors).

Boards must also follow the direction provided in the ministry document *Provincial Model for a Local Police/School Board Protocol, 2011* with respect to incidents that require police notification and response.

If the principal has decided that action must be taken as a result of a serious student incident, he or she will file a copy of the reporting form with documentation indicating the action taken in the OSR of the student whose behaviour was inappropriate. The names of all other students that appear on the form – both students who engaged in the activity and students who have been harmed – must be removed from the form before it is filed.²⁰

Where the principal has taken action in the case of more than one student, a copy of the reporting form with documentation indicating the action taken must be filed in the OSR of each student whose behaviour was inappropriate. The names of all other students that appear on the form – both students who have engaged in the activity and students who have been harmed – must be removed from the form before it is filed.

In the case of the student who has been harmed, no information about the incident must be placed in his or her OSR, unless that student’s parents expressly request that it be placed in the OSR.

In situations where the student who has been harmed has also engaged in a serious student incident, information regarding the incident and the action taken will be placed in the student’s OSR.

The form and documentation must be kept in the OSR for a minimum of one year.

20. The “Safe Schools Incident Reporting Form – Part I” must be filed in the OSR documentation file.

If the principal has identified the incident as violent,²¹ and if the student engaged in the incident is a student of the school, the reporting form must be retained in that student's OSR for:

- one year, if the student's suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period;
- three years, if the student was suspended for the violent incident;
- five years, if the student was expelled for the violent incident.

For non-violent incidents, if no further action is taken by the principal, the principal is not required to retain the report.

9. Building Partnerships

Relationships that engage the whole school community and its partners promote a positive school environment and support the progressive discipline approach. Protocols between boards and community-based service providers are effective ways to establish linkages and to formalize the relationship between them. These protocols facilitate the delivery of prevention, intervention, and response programs, the use of referral processes, and the provision of services and support for students and their parents and families. Where such protocols already exist, they should be reviewed, and where they do not, protocols should be developed to increase the board's capacity to respond to the needs of students. These partnerships must build upon provincially developed protocols, principles, and frameworks for collaborative strategies that have been designed to support school boards in meeting the needs of their students. These partnerships must also respect collective agreements.

Boards should refer to Policy/Program Memorandum No. 149, "Protocol for Partnerships with External Agencies for Provision of Services by Regulated Health Professionals, Regulated Social Service Professionals, and Paraprofessionals", September 25, 2009, which sets out the requirements for the development of a local protocol between a school board and external agencies.

To facilitate the building of partnerships, every school board should:

- direct schools to work with community-based service providers, mental health agencies, or other organizations that have professional expertise in the areas of bullying, discrimination, violence, and harassment to provide appropriate support to students, parents, and teachers, and other school staff in addressing these issues;
- maintain an up-to-date contact list of community-based service providers that have professional expertise in these areas, making the list available to staff and students of every school;
- ensure that all publicly funded schools work in partnership with, and provide access to, public health units in order to support implementation of the Ontario curriculum together with mandated public health policies.

Boards should, wherever possible, collaborate to provide coordinated prevention and intervention programs and services and, where possible, share effective practices.

21. See Policy/Program Memorandum No. 120, "Reporting Violent Incidents to the Ministry of Education", May 16, 2011, for the definition of *violent incidents*.

10. Implementation Strategy

Board policies on progressive discipline must:

- require schools to implement a school-wide progressive discipline policy that is consistent with the board's policy;
- outline a range of prevention programs, interventions, supports, and consequences, including circumstances in which short-term suspension, long-term suspension, or expulsion may be the response required;
- require use of the most appropriate response, as outlined in the board's or school's progressive discipline policy, to respond to a student's behaviour. For students with special education needs, the information in the student's IEP must be considered in the determination of intervention, consequences, and supports;
- develop a process for building on existing partnerships and for developing new partnerships with community agencies, including local police services, to support students and their families;
- provide for ongoing dialogue with parents on student achievement and behaviour at every step of the progressive discipline continuum;
- provide opportunities for students to improve the school climate through assuming leadership roles (e.g., peer mediation, mentorship);
- ensure that the board's code of conduct is aligned with its progressive discipline approach.

11. Professional Development Strategies for Administrators, Teachers, and Other School Staff

Boards are required to establish and provide annual professional development programs to educate teachers and other school staff about the prevention of inappropriate behaviour and strategies for promoting a positive school climate, in accordance with subsection 170(1) of the Education Act.

Training should include opportunities for teachers to explore curriculum connections related to bullying prevention, social and emotional skills (e.g., interpersonal skills, personal-management skills), and critical and creative thinking skills to help students develop healthy relationships.

Boards must put in place a strategy on the board's progressive discipline policy for all administrators, teachers, and other school staff. The strategy must include ways of responding to serious student incidents, including inappropriate sexual behaviour.

To further support students, school boards should work with their local Children's Aid Societies to develop and implement annual training for board staff concerning their duty to report under the Child and Family Services Act.

A board should make sure that members of the school community are aware of the board's policy on progressive discipline, including students, parents, school secretaries, custodians, volunteers, community-based service providers, school bus operators and drivers, early childhood educators, and employees and contractors of third-party operators of before- and/or after-school programs supporting the Full-Day Kindergarten program on the school site.

The training should address the fact that creating and sustaining a safe, inclusive, and accepting learning environment through appropriate interactions between all members of the school community is the responsibility of the whole school community.

Boards should support ongoing training for teachers, administrators, and other school staff through such opportunities as new-teacher induction programs and e-learning.

12. Communications Strategy

For a progressive discipline approach to be effective, it is important that all members of the school community, including teachers, other school staff, students, and parents, understand and support the progressive discipline approach. To support a whole-school approach, boards must actively communicate policies and guidelines to all students, parents, staff members, their Special Education Advisory Committee, and school council members. Boards should also provide this information to their Parent Involvement Committees and other relevant groups. Where necessary, boards should make reasonable efforts to ensure that this information is made available to parents whose first language is a language other than English or French.

13. Monitoring and Review

Boards should continue to monitor, review, and evaluate the effectiveness of board policies and guidelines, using indicators established in consultation with teachers, other school staff, students, parents, school councils, their Special Education Advisory Committee, and community-based service providers. Boards may also consult with their Parent Involvement Committees. Boards will also conduct a cyclical review of their policies and guidelines in a timely manner.

In evaluating and monitoring safe school policies and programs, school boards must direct schools to address serious student incidents, as well as other inappropriate behaviour (including inappropriate sexual behaviour), in their school improvement plans.

Boards must also direct schools to evaluate the effectiveness of their safe schools policies and programs through the use of school climate surveys of students, parents, and staff, which must be undertaken every two years at a minimum.

DELEGATION OF AUTHORITY REGARDING DISCIPLINE

Changes to the Education Act provide a principal with the authority to delegate – in accordance with this memorandum and any applicable board policies and guidelines – powers, duties, or functions under Part XIII – “Behaviour, Discipline and Safety”. Whenever possible, boards must ensure that at least one school administrator is present on school property.

Boards must have a policy in place on delegation of this authority. What may be delegated must be clearly defined in board policy.

Board policies must also outline the process for providing support and information to individuals who have been delegated authority – for example, information on which supervisory officer is available at the board.

In situations where no school administrator is present on school property, boards must include in their policies a mechanism for communicating to staff when and to whom administrative responsibilities have been delegated.

A delegation under Part XIII of the Education Act must be in writing and is subject to any restrictions, limitations, and conditions set out in the delegation, which, at a minimum, must be as follows.

Vice-Principals

Delegation may include all authority of the principal under Part XIII of the Education Act except the final decision regarding a recommendation to the board to expel a student and the authority to suspend a student for six or more school days.

Teachers

Board policies and guidelines must include the following:

- The principal's authority under Part XIII of the Education Act may only be delegated in writing to a teacher in the absence of the principal and vice-principal, and must respect the terms of all applicable collective agreements.
- Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension or expulsion. The most important consideration in these circumstances is the safety of those involved. Any initial investigation must be undertaken according to board direction. The teacher must report all details of the initial investigation to the principal as soon as possible.
- The teacher must report to the principal or vice-principal any activities that must be considered for suspension or expulsion that are received from staff or others during the principal's absence. A teacher may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.
- A teacher may be delegated limited authority to contact the parents of a student who has been harmed as the result of a serious student incident and the parents of the student who has engaged in the activity. The information provided to the parents by a teacher must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm.
- The teacher must not be delegated the authority to discuss the nature of any discipline measures taken in response to the activity.
- If the teacher is not sure whether he or she should call the parents, the teacher should contact the principal or supervisory officer for direction. The principal or vice-principal will follow up with the parents as soon as possible.

Board-Operated Extended-Day Programs

Board policies and guidelines must include the following:

- The principal's authority under Part XIII of the Education Act may only be delegated in writing to early childhood educators (ECEs) working in board-operated extended-day programs and their supervisors, in the absence of the principal and vice-principal. The delegated authority is only exercised with respect to a student enrolled in an extended-day program in the school, and is only exercised during the time that the extended-day program is operated in the school. The delegation of authority must respect the terms of all applicable collective agreements.
- ECEs working in board-operated extended-day programs, and their supervisors, may be delegated the authority to initially deal with situations involving activities that occur that must be considered

for suspension or expulsion. The most important consideration in these circumstances is the safety of those involved. Any initial investigation must be undertaken according to board direction. The ECE or supervisor must report all details of the initial investigation to the principal as soon as possible.

- The ECE or supervisor must report to the principal or vice-principal any activities that must be considered for suspension or expulsion that are received from staff or others during the principal's absence. ECEs working in board-operated extended-day programs, and their supervisors, may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.
- ECEs working in board-operated extended-day programs, and their supervisors, may be delegated limited authority to contact the parents of a student who has been harmed as the result of a serious student incident and the parents of the student who has engaged in the activity. The information provided to the parents by the ECE or supervisor must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm.
- The ECE or supervisor must not be delegated the authority to discuss the nature of any disciplinary measures taken in response to the activity.
- If the ECE or supervisor is not sure whether he or she should call the parents, he or she should contact the principal or supervisory officer for direction. The principal or vice-principal will follow up with the parents as soon as possible.

APPENDIX 1: EXCERPTS FROM THE LEGISLATION**Education Act**

Relevant excerpts from sections 306 and 310 of the Education Act are provided below for ease of reference.

SUSPENSION**Activities leading to possible suspension**

306. (1) A principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs.
3. Being under the influence of alcohol.
4. Swearing at a teacher or at another person in a position of authority.
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.
6. Bullying.
7. Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board.

Factors principal must consider

(2) In considering whether to suspend a pupil for engaging in an activity described in subsection (1), a principal shall take into account any mitigating or other factors prescribed by the regulations.

SUSPENSION, INVESTIGATION AND POSSIBLE EXPULSION**Activities leading to suspension**

310. (1) A principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Possessing a weapon, including possessing a firearm.
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 or in illegal drugs.

6. Committing robbery.
7. Giving alcohol to a minor.
- 7.1 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 person.
- 7.2 Any activity listed in subsection 306 (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.
8. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled.

Ontario Regulation 472/07, "Behaviour, Discipline and Safety of Pupils" (formerly "Suspension and Expulsion of Pupils")

Relevant excerpts from Ontario Regulation 472/07, made under the Education Act, are provided below for ease of reference.

Mitigating factors

2. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:
 1. The pupil does not have the ability to control his or her behaviour.
 2. The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
 3. The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other factors

3. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:
 1. The pupil's history.
 2. Whether a progressive discipline approach has been used with the pupil.
 3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
 4. How the suspension or expulsion would affect the pupil's ongoing education.

5. The age of the pupil.
6. In the case of a pupil for whom an individual education plan has been developed,
 - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
 - ii. whether appropriate individualized accommodation has been provided, and
 - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

APPENDIX 2: SAFE SCHOOLS INCIDENT REPORTING FORMS

Report No: _____	CONFIDENTIAL SAFE SCHOOLS INCIDENT REPORTING FORM – PART I
Name of School	_____
1. Name of Student(s) Involved (if known)	_____
2. Location of Incident (check one)	<input type="checkbox"/> At a location in the school or on school property (please specify) _____ <input type="checkbox"/> At a school-related activity (please specify) _____ <input type="checkbox"/> On a school bus (please specify route number) _____ <input type="checkbox"/> Other (please specify) _____
3. Time of Incident	Date: _____ Time: _____
4. Type of Incident (check all that apply)	<p>Activities for which suspension must be considered under subsection 306(1) of the Education Act</p> <input type="checkbox"/> Uttering a threat to inflict serious bodily harm on another person <input type="checkbox"/> Possessing alcohol or illegal drugs <input type="checkbox"/> Being under the influence of alcohol <input type="checkbox"/> Swearing at a teacher or at another person in a position of authority <input type="checkbox"/> Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school <input type="checkbox"/> Bullying <input type="checkbox"/> Any other activity for which a student may be suspended under board policy <i>[Note: Boards must specify on this form any other activities for which the principal may suspend according to board policy.]</i> <p>Activities for which expulsion must be considered under subsection 310(1) of the Education Act</p> <input type="checkbox"/> Possessing a weapon, including possessing a firearm <input type="checkbox"/> Using a weapon to cause or to threaten bodily harm to another person <input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner <input type="checkbox"/> Committing sexual assault <input type="checkbox"/> Trafficking in weapons or in illegal drugs <input type="checkbox"/> Committing robbery <input type="checkbox"/> Bullying (if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person) <input type="checkbox"/> Any activity listed in subsection 306(1) that is motivated by bias, prejudice, or hate <input type="checkbox"/> Giving alcohol to a minor <input type="checkbox"/> Any other activity for which a student may be expelled under board policy <i>[Note: Boards must specify on this form any other activities for which the board may expel according to board policy.]</i>
5. Report Submitted By: Name: _____ Role in School Community: _____ Signature: _____ Date: _____ Contact Information: Location: _____ Telephone: _____	
6. FOR PRINCIPAL'S USE ONLY: Check if incident was a violent incident , as defined in Policy/Program Memorandum No. 120. <input type="checkbox"/> Violent incident Information is collected is under the authority Part XIII of the Education Act in accordance with the Municipal Freedom of Information and Protection of Privacy Act, and shall be used for the purpose of student discipline. Questions about information collected on this form shall be directed to the school principal.	

SAFE SCHOOLS INCIDENT REPORTING FORM – PART II

ACKNOWLEDGEMENT OF RECEIPT OF REPORT

Report No: _____

Report Submitted By: Name: _____ Date: _____

 Investigation completed Principal to communicate results to the teacher at a mutually convenient time* Principal to communicate results to other board employee at a mutually convenient time, as appropriate* Investigation in progress Once investigation is completed, principal to communicate results to the teacher at a mutually convenient time* Once investigation is completed, principal to communicate results to other board employee at a mutually convenient time, as appropriate*

Name of Principal: _____

Signature: _____ Date: _____

Note: Only Part II is to be given to the person who submitted the report.

* In accordance with s.300.2 of the Education Act, after investigating a matter reported by an employee, the principal shall communicate the results of the investigation to the teacher or other board employee who is not a teacher, as appropriate. In accordance with the Municipal Freedom of Information and Protection and Privacy Act and the Education Act, when reporting the results of the investigation, the principal shall not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation