

STUDENT WELFARE**4200****PROGRESSIVE DISCIPLINE AND PROMOTING
POSITIVE STUDENT BEHAVIOUR****4250****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 individuals 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

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 - aggressive and typically repeated behaviour by a student whereby, 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 the following:
 - 3.1.1 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 - 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 - a committee of three trustees designated to determine suspension appeals and recommendations for expulsion.
- 3.6 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*).

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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 and/or 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.

4.2 Preventative practices include:

- 4.2.1 *Ontario Human Rights Strategy* pursuant to Policy Program Memoranda (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;

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- 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

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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 may include, but are 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.

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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 in SCDSB Administrative Procedures Memorandum (APM) A7635 – Student Discipline Procedures, 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 are identified in APM A7635 – Student Discipline Procedures, section 6.

A student may be suspended only once for one instance of an infraction and may be suspended for a minimum of one school day and a maximum of 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 18 years of age or older, or 16 or 17 and has removed themselves from parental control, 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 a student if 18 years of age or older, or 16 or 17 and has removed themselves from parental control, 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 are identified in APM A7635 – Student Discipline Procedures, section 7.

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.

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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 and other factors must be taken into account when responding to and addressing inappropriate student behaviour.

4.7.1 Specific mitigating factors include:

- 4.7.1.1 the student's ability to control their behaviour;
- 4.7.1.2 the student's ability to understand the consequences of their behaviour; and,
- 4.7.1.3 whether the student's continuing presence in a school creates an unacceptable risk of safety to others.

4.7.2 Other factors, include:

- 4.7.2.1 the student's history;
- 4.7.2.2 whether a progressive discipline approach has been used with the student;
- 4.7.2.3 whether the activity was related to any harassment of the student because of their race, ethnic origin, religion, disability, gender, gender identity, sexual orientation or to any other harassment;
- 4.7.2.4 how the suspension or expulsion would affect the student's ongoing education;
- 4.7.2.5 the age of the student;
- 4.7.2.6 in the case of a student for whom an individual education plan has been developed; and,
 - 4.7.2.6.1 whether the behaviour was a manifestation of a disability identified in the student's individual education plan;
 - 4.7.2.6.2 whether appropriate individualized accommodation has been provided; and,
 - 4.7.2.6.3 whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.

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.

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4.9 Appeal

Where a student's parent(s)/guardian(s) or the student, if 18 years of age 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 years of age 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 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), unless the victim is 18 years of age or older, or 16 or 17 and has removed themselves from parental control, 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.

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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. Any such procedures shall be considered guidelines pursuant to the *Education Act* and other relevant and/or related Ministry of Education materials, all of which will be sufficient for the purposes of implementing the requirements of the Ministry of Education Policy Program Memoranda.

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[APM A7630](#)

[APM A7633](#)

[APM A7635](#)