



REGULATION: Progressive Discipline

REFERENCE NO: R-AD-30

Progressive discipline is a whole school 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 pupils in order to reinforce positive behaviours and help pupils make good choices. For pupils with special education needs, interventions, supports, and consequences must be consistent with the expectations in the pupil's IEP.

1. Schools will provide opportunities for all members of the school community to increase their knowledge and understanding of such issues as homophobia, transphobia, biphobia, gender-based violence, sexual harassment, inappropriate sexual behaviour, critical media literacy, and safe Internet use.
2. Schools will develop and implement a school wide progressive discipline policy that is consistent with the regulations and procedures of the Board.
3. Schools will regularly communicate their progressive discipline policy to all pupils, parents/guardians, staff members, and school council members.
4. It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, staff members who work directly with pupils on a regular basis, including, but not limited to administrators, teachers, educational assistants, social workers, child and youth workers, support staff, psychological services staff, and speech and language pathologists, shall, in accordance with the applicable provisions of the *Education Amendment Act (Keeping Our Kids Safe at School)*, 2009 and with Board procedures, respond to and report incidents that may have a negative effect on school climate.

Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community. Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed: -

- Any act considered by the Principal to be injurious to the moral tone of the school;

- Any act considered by the Principal to be injurious to the physical or mental wellbeing of any member of the school community; and
- Any act considered by the Principal to be contrary to the Board or school Code of Conduct.
- Such behaviour includes all inappropriate and disrespectful behaviour which is observed or heard during the course of the staff member's duties or otherwise while on school property or during a school related event.
- Such behaviour includes any immutable characteristic or ground protected by the Human Rights Code such as inappropriate sexual behaviour, gender-based violence, homophobia, transphobia, biphobia and harassment on the basis of sex, gender identity, gender expression, sexual orientation, race, age, colour, ethnicity, culture, citizenship, ancestry, origin, religion/creed, family status, marital status, disability as well as any other behaviour, such as bullying, swearing, malicious gossip, name-calling, sexist, transphobic, biphobic, homophobic or racial slurs, comments, jokes or teasing and defamatory or discriminatory electronic communication and postings, graffiti and other behaviour that might cause a negative school climate.
- The purpose of responding is to stop and correct behaviour so that pupils involved can learn that the behaviour is unacceptable. Responses shall be made in a timely, supportive and sensitive manner and made in an effort to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special and/or disability related needs that the pupil might exhibit or about which the employee might be aware. Responses may include one or more of:
 - a) asking the pupil to stop the behaviour;
 - b) identifying the behaviour as inappropriate and disrespectful;
 - c) explaining the impact of the behaviour on others and the school climate;
 - d) modeling appropriate communication;
 - e) asking the pupil for a correction of their behaviour by restating or rephrasing their comments;
 - f) asking the pupil to apologize for their behaviour;
 - g) asking the pupil to promise not to repeat their behaviour;
 - h) asking the pupil to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful; and
 - i) where applicable, identifying the application of the Human Rights

Code.

- A response by the staff to the incident shall not prevent or preclude the Principal or designate from imposing appropriate progressive discipline, up to and including a recommendation for expulsion from all schools.
 - Where, in the opinion of the Board employee who works with pupils, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee must report the behaviour orally to the Principal or designate at the earliest opportunity and again in writing before the end of the school day.
 - The employee shall follow the procedures outlined for reporting incidents when reporting in writing. For all other behaviour, the employee will report the behaviour to the Principal or designate at the earliest convenient opportunity. The Principal or designate shall consider whether or not further discipline is appropriate in the circumstances.
 - Board employees are expected to verbally inform the Principal or designate as soon as possible if they do not immediately respond.
5. It is the expectation of the Board that all employees of the Board who become aware that a pupil may have engaged in an activity that must be considered for suspension or expulsion, will report this to the Principal or designate in writing using the Safe Schools Incident Reporting Form - Part I (Appendix I) as soon as reasonably possible. In cases where immediate action is required a verbal report will precede the written report. Part II of the form (Appendix II) will be returned to the person who reported in a timely manner.
6. The Board, and school administrators, must consider all mitigating and other factors, as required by the Education Act, set out in Ontario Regulation 472/07 and reflected in pupil discipline settlements with the Human Rights Commission. (See Mitigating Factors section)
7. Schools will conduct anonymous school climate surveys of their pupils, staff and parents/guardians/community every two years.

These surveys must include questions on bullying/harassment related to homophobia, transphobia, biphobia gender-based violence, and sexual harassment. These surveys will also evaluate the effectiveness of the school's safe school policies and programs. Schools are required to share climate survey results with their safe schools teams and to build strategies into their school improvement plans to improve the school climate regarding issues identified through their climate surveys.

8. Schools will build on existing partnerships and develop new partnerships with community agencies, including local police services, to support pupils and their families.
9. Schools will provide for ongoing dialogue with parents/guardians on pupil achievement and behaviour at every step of the progressive discipline continuum.
10. Schools will address gender-based violence, homophobia, transphobia, biphobia, sexual harassment, and inappropriate sexual behaviour in their school improvement plans.

Schools will “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, including organizations with the name “gay-straight alliance” or another similar name.” (PPM145)

Positive Practices

The Board promotes and supports appropriate and positive pupil behaviours that contribute to creating and sustaining safe, comforting and inclusive learning and teaching environments that encourage and support pupils to reach their full potential. The Board also supports the use of positive practices for: (1) prevention, and (2) positive behaviour management. The Board encourages Principals/designates to review and amend, as appropriate, Individual Education Plans, Behaviour Plans and Safety Plans at regular intervals and following an incident to ensure that every pupil with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

Preventative practices include, but are not limited to, the following:

- Human Rights strategy pursuant to PPM 119 (Equity and Inclusion)
- anti-bullying and violence prevention programs;
- mentorship programs;
- student success strategies;
- character education;
- citizenship development;
- pupil leadership;
- promoting healthy pupil relationships; and
- healthy lifestyles.

Positive behaviour management practices include, but are not limited to, the following:

- program modifications or accommodations;
- class placement;
- positive encouragement and reinforcement;
- individual, peer and group counseling;

- conflict resolution / dispute resolution;
- mentorship programs;
- promotion of healthy pupil relationships;
- sensitivity programs;
- Behaviour/Safety plans as deemed appropriate;
- school, Board and community support programs; and
- student success strategies.

The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of consequences up to and including expulsion from all schools of the Board. The Board recognizes and accepts that in the case of a serious incident a long term suspension or expulsion may be the response that is required (consistent with P/PM 145 at page 3).

Consequences

In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of the Board that the principle of progressive discipline, consistent with the Human Rights Code, Ministry of Education direction and PPM 145, will be applied, in the least restrictive manner to be effective, and so as not to add to the historical disadvantage of racialized pupils and/or pupils with disabilities.

Progressive Discipline Consequences

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

- contact with the pupil's parent(s)/guardian(s);
- verbal reminders;
- review of expectations;
- written work assignment with a learning component;
- volunteer service to the school community;
- peer mentoring;
- referral to counseling as deemed appropriate;
- consultation between two (2) or more of the parties (persons involved in the incident; could be pupil, teacher, etc.);
- conflict mediation and resolution; and/or
- restorative justice practices.

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:

- meeting with the pupil's parent(s)/guardian(s), pupil and Principal or designate;
- referral to a community agency for counseling specific to an identified need. For example, anger management or substance use;
- detentions;

- withdrawal of privileges;
- withdrawal from class;
- restitution for damages;
- restorative practices; and/or
- transfer to another class or school.

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

Progressive discipline is most effective when dialogue between the school and home regarding pupil achievement, behaviour and expectations is open, courteous and focused on student success.

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Board policy and procedures, the nature and severity of the behaviour, and the impact on the school climate.

The Board also supports the use of suspension and expulsion as outlined in Part XIII of the Education Act where a pupil 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 acceptable for discipline purposes or as an alternative to discipline, and may only be imposed in accordance with the Education Act and Board procedures, and must be consistent with the Human Rights Code.

Mitigating and Other Factors

Before imposing a suspension, the Principal or designate, as required by the Education Act, must consider any mitigating and other factors and their application for the purpose of mitigating the discipline to be imposed on the pupil. For the purpose of the Progressive Discipline Policy and Procedures, the Board interprets the provisions of the Education Act and Regulations in a broad and liberal manner consistent with the Human Rights Code. The Principal or designate shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the Human Rights Code and/or exacerbate the pupil's disadvantaged position in society. At the same time, however, the Principal or designate must also consider the impact the pupil's conduct has on the school climate and the school's ability to ensure and sustain the safety and well-being of all members of the school community.

Mitigating Factors

The mitigating factors to be considered by the Principal or designate are:

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

3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

If a pupil does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the Principal or designate will not suspend the pupil. Other progressive discipline and/or other intervention may be considered by the Principal or designate in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the Principal will consult with the school superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure the safety of pupils, staff and others in the school, including, but not limited to, an exclusion pursuant to s. 265(1)(m) of the *Education Act*.

Other Factors to be Considered

1. The pupil's academic, discipline and personal history;
2. Whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of sex, gender identity, gender expression, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion/creed, family status, marital status, disability and/or any other immutable characteristic or ground protected by the Human Rights code;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Victims of Serious Pupil Incidents

The Board supports pupils who are victims of serious incidents of pupil behaviour causing harm contrary to the provincial, Board, and school Codes of Conduct. The Principal or designate is required to provide information, in accordance with Board procedures (AP-30), to the parent/guardian of a pupil who is less than 18 years of age, or who is 16 or 17 and has not withdrawn from parental control and where the Principal is NOT aware that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. Supports offered to pupils may be internal supports, supports that are external to the Board, or a combination of both types.

Internal supports may include:

- social work services
- psychological services
- guidance, where available
- Child and Youth Worker, where available

External supports may be provided based upon the needs and wishes of the pupil and parent/guardian where appropriate. They may include community partners.

The Principal or designate may inform a parent/guardian of a pupil 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that pupil consents to the disclosure of information. The Board shall develop appropriate plans to protect the victim and will communicate to parents/guardians of victims information about the plan. Principals may consider the following in their plans to protect victims and others:

1. Threat/Risk Assessment;
2. Implementation of Behaviour and/or Safety Plan; or
3. Other plans deemed appropriate by administration in consultation with parents/guardians and pupil.

If parents/guardians have concerns regarding the supports their children receive they are directed to follow the parent-school communication procedure as outlined on the board website at www.publicboard.ca/parents or www.publicboard.ca/schools

Related Regulation

GECSB Regulation R-AD-51 Suspension & Expulsion