

**Date of Issue:** October 19, 2009

**Effective:** Until revoked or  
modified

**Subject:** PROGRESSIVE DISCIPLINE AND PROMOTING POSITIVE  
STUDENT BEHAVIOUR

**Application:** Directors of Education  
Superintendents of School Authorities  
Principals of Elementary Schools  
Principals of Secondary Schools  
Principals of Provincial Schools  
Special Education Advisory Committees

**Reference:** This memorandum replaces Policy/Program Memorandum No.145,  
October 4, 2007.

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## INTRODUCTION

School boards<sup>1</sup> in Ontario are required to have and implement policies on progressive discipline. School boards are now required to review and revise their existing policies and procedures on progressive discipline and are required to have their revised policies and procedures in place by February 1, 2010.

The purpose of this memorandum is to provide direction to boards on required revisions to their existing policies and procedures on progressive discipline.

The Ministry of Education is committed to building and sustaining a positive school climate for all students<sup>2</sup> in order to support their education so that all students reach their full potential. On February 1, 2008, changes to the safe schools provisions of the Education Act came into force to more effectively combine discipline with opportunities for students to continue their education. All school boards across Ontario now have programs for students who are on long-term suspension or who have been expelled.

The Education Amendment Act (Keeping Our Kids Safe at School), 2009, further amends Part XIII of the Education Act dealing with behaviour, discipline, and safety, and comes into force on February 1, 2010.

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

2. The term *student*, as used in this memorandum, refers to *pupil*, as used in the Education Act.

The following requirements come into effect on February 1, 2010:

- All employees of the board are required to report serious student incidents<sup>3</sup> to the principal.
- Board employees who work directly with students – including, but not limited to, teachers and non-teaching staff in social work, child and youth work, psychology, and related areas, as well as educational assistants – are required to respond to incidents that may have a negative impact on the school climate.
- Principals are required to notify the parents<sup>4</sup> of students who are victims of serious student incidents unless, in the principal's opinion, notification of the parents would put the student at risk of being harmed by the parents.
- Where the parents are not notified, supports must be provided for these students.
- Principals may delegate their powers, duties, and functions under Part XIII of the Education Act.

Under common law, a school board can 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.

These legislative and policy changes support the ministry's safe schools strategy, which places emphasis on prevention strategies that promote and support positive student behaviour and early and ongoing intervention.

For excerpts from the relevant sections of the Education Act and Ontario Regulation 472/07, see Appendix 1 to this memorandum.

## 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 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. In addition, linkages to ministry initiatives such as character development, the Student Success strategy, and the equity and inclusive education strategy are key in promoting and supporting appropriate and positive student behaviours. A comprehensive approach, aimed at all members of the school community, fosters efforts to ensure that schools are safe and welcoming environments for everyone and are effective in leading to systemic changes that will benefit all students and the broader community. This approach is valuable in addressing such issues as racism, intolerance based on religion or disability, homophobia, and gender-based violence.

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3. *Serious student incidents* are activities for which suspension or expulsion must be considered, as set out in sections 306 and 310 of the Education Act.

4. 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 considered to be adults.

A positive “school climate is a crucial component of prevention; it may be defined as the sum total of all of the personal relationships within a school. When these relationships are founded in mutual acceptance and inclusion, and modelled by all, a culture of respect becomes the norm.”<sup>5</sup> A positive climate exists when all members of the school community feel safe, comfortable, and accepted.

Programs and activities that focus on the building of healthy relationships, inclusive and equitable learning environments, 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 teachers and administrators, other staff such as educational assistants, Native education counsellors, social workers, child and youth workers, psychologists, and attendance counsellors all 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.”<sup>6</sup> A positive school climate also includes the participation of the school community, including parents, and the broader community, which can have a major impact on the success of all students in the school.

### **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 appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make good choices.

In some circumstances, short-term suspension may be a useful tool. In the case of a serious student incident, 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, needs, goals, and expectations contained in his or her Individual Education Plan (IEP).

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5. *Safe Schools Policy and Practice: An Agenda for Action*, Report of the Safe Schools Action Team (Toronto: June 2006), p. 6.

6. *Shaping a Culture of Respect in Our Schools: Promoting Safe and Healthy Relationships*, Report of the Safe Schools Action Team (Toronto: December 2008), p. 19.

Both school boards and schools are expected to actively engage parents in the progressive discipline approach. Boards and schools should also recognize the diverse<sup>7</sup> dimensions of their parent communities that must be addressed in order for schools and parents to engage together on these 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 incidents for which the principal must consider suspension or expulsion, 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 are consultation with parents, detentions, verbal reminders, review of expectations, and/or written assignments with a learning component that require reflection.

Where inappropriate behaviour persists, ongoing interventions may be necessary to sustain and promote positive student behaviour and/or address underlying causes of inappropriate behaviour. Some examples of ongoing interventions are meeting with the parent(s), requiring the student to perform volunteer service to 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 (e.g., mitigating or other factors)
- the nature and severity of the behaviour
- the impact on the school climate (i.e., the relationships within the school community)

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).

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7. 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)

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## SCHOOL BOARD POLICIES ON PROGRESSIVE DISCIPLINE

### Policy Development

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

Boards should draw upon evidence-based practices that promote positive student behaviour. In revising their policies, boards must consult with school councils. They should also consult with parents, principals, teachers, and non-teaching staff (including staff in social work, child and youth work, psychology, and related areas, and educational assistants), as well as students, their Parent Involvement Committee, their Special Education Advisory Committee, community partners, social service agencies, members of Aboriginal communities (e.g., Elders), and other appropriate community groups.

Board policies must reflect the principles outlined in related documents, such as Policy/Program Memorandum No. 119, “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools”, June 24, 2009; Regulation 181/98, “Identification and Placement of Exceptional Pupils”; *Individual Education Plans: Standards for Development, Program Planning, and Implementation, 2000*; *Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*; and *English Language Learners: ESL and ELD Programs and Services, 2007*. Where possible, the policies should incorporate other relevant board-wide policies, strategies, and initiatives, such as Student Success, the equity and inclusive education strategy, and character development.

Boards are required to adhere to the Municipal Freedom of Information and Protection of Privacy Act, the Ontario Human Rights Code, and the Education Act and regulations made under the 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.

### 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 learning and teaching environment in which every student can reach his or her full potential.
- Appropriate action must consistently be taken to address behaviours that are contrary to provincial and board codes of conduct.
- Homophobia, gender-based violence, sexual harassment, and inappropriate sexual behaviour must be addressed.

- Progressive discipline is an approach that makes use of a continuum of prevention programs, 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 needs, interventions, supports, and consequences must be consistent with the expectations in the student's IEP.
- 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 homophobia, gender-based violence, sexual harassment, inappropriate sexual behaviour, critical media literacy, and safe Internet use. Ontario's curriculum provides many opportunities for students to develop an understanding of these topics. Boards must also help school staff to give support to students who wish to participate in gay-straight alliances and in other student-led activities that promote understanding and development of healthy relationships. Schools must also engage their school councils and student councils to support these student-led activities.

Board policies on prevention and awareness raising must be consistent with the requirements for IEPs for students with special needs, including requirements regarding accommodations and modifications.

Boards must require schools to conduct anonymous school climate surveys of their students every two years. Schools should also survey school staff and parents to assess their perception of safety in the school in order to inform prevention and intervention planning. These surveys must include questions on bullying/harassment related to homophobia, gender-based violence, and sexual harassment.

Boards must also require their schools 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.

## ***3. Responding to Incidents***

The purpose of responding to incidents of 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."<sup>8</sup>

Board employees who work directly with students – including administrators, teachers, and non-teaching staff (including staff in social work, child and youth work, psychology, and related areas, and educational assistants) – must respond to any student behaviour that is likely to have a negative impact on the school climate. Such behaviour includes 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

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



accordance with subsection 300.4 of Part XIII of the Education Act and Ontario Regulation 472/07. Such inappropriate behaviour may involve swearing, homophobic or racial slurs, sexist comments or jokes, graffiti, or vandalism, and behaviour identified under sections 306 and 310 of the Education Act.

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) and to promise not to do it again. 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 is appropriate.

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, for incidents for which suspension or expulsion must be considered, board employees must report these to the principal and confirm their report in writing (see also “Reporting to Principals” on page 8). 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, a board employee would not be required to respond if it would mean having to leave a student with special education needs who would be in danger if left alone.

#### ***4. Supports for Students***

All employees of the board must take seriously all allegations of gender-based violence, homophobia, sexual harassment, and inappropriate sexual behaviour, and act in a timely, sensitive, and supportive manner. Board employees who work directly with students are expected to support all students, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g., public health units, community agencies,<sup>9</sup> Help Phone lines) and also by making this information readily available to students who wish to discuss issues of healthy relationships, gender identity, and sexuality.

Legislative amendments specify when principals are required to notify the parents of victims of serious student incidents and when principals are not permitted to notify the parents. When principals have decided not to notify parents of victims, 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. Boards must have procedures in place outlining how schools will support these students. In addition, principals must refer students to a community agency that can provide the appropriate type of confidential support when his or her parents are not called (e.g., a sexual assault centre; Kids Help Phone; Lesbian, Gay, Bisexual, Transgendered Youth Line<sup>10</sup>).

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9. Community agencies include a range of community service agencies, local organizations, and programs.

10. 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.

In circumstances where board employees have reason to believe that a student may be in need of protection, board employees must continue to call a Children's Aid Society according to the requirements of the Child and Family Services Act.<sup>11</sup>

When boards determine that it is necessary to separate students to preserve school safety or to protect a student, it is preferable that the victim not be moved. To support students who are moved to another school, boards are expected to coordinate a meeting between the schools involved to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., referral of the student to a community agency). This meeting should include the receiving teacher and appropriate non-teaching staff. Boards must also have clear policies in place for both teaching and non-teaching staff regarding the confidentiality of information on the student and the incident disclosed at the meeting. The student that is being moved and his or her parents should also be invited to the meeting.

Boards must outline in their policies the procedures that are in place to support students – as well as their parents – who are victims of 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 victims, and must outline a process for parents to follow if they are not satisfied with the supports that their children receive.

In a forthcoming ministry resource guide, information will be provided for schools on supporting students when responding to issues involving student-to-student sexual relationships, including dating violence and sexual assault.

### ***5. Reporting to Principals***

The purpose of reporting incidents of inappropriate and disrespectful behaviour is to ensure that the principal is aware of any activities taking place in the school for which suspension or expulsion must be considered.

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 an activity for which suspension or expulsion must be considered, including sexual assault, 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.

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.

All employee reports made to the principal must be confirmed in writing, using the “Safe Schools Incident Reporting Form – Part I” in Appendix 2 to this memorandum. Boards must specify on this form any other activities for which a student may be suspended or expelled, according to board policy. Boards must not make any other modifications to this form.

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11. See Policy/Program Memorandum No. 9, “Reporting of Children in Need of Protection”, August 10, 2001.



Boards are expected to provide information to board employees on completing the Safe Schools Incident Reporting Forms provided in Appendix 2 to this memorandum. 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 provide the person who submitted the report with written acknowledgement of receipt on the “Safe Schools Incident Reporting Form – Part II”. Each report will be assigned a report number.

If the principal has decided that action must be taken as a result of any incident within the progressive discipline continuum, he or she will file a copy of the reporting form with documentation indicating the action taken in the Ontario Student Record (OSR) of the student whose behaviour was inappropriate. The names of all other students that appear on the form – both aggressors and victims – must be removed from the form before it is filed in the student’s OSR.

Where the principal has taken action in the case of more than one student, a copy of the reporting form and 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 aggressors and victims – must be removed from the form before it is filed in the OSR of the student whose behaviour was inappropriate.

In the case of the victim, no information about the incident must be placed in his or her OSR, unless the victim or parent of the victim expressly requests that it be placed in the OSR.

In situations where the victim is also an aggressor and the principal has taken some action short of suspension, no information about the incident must be placed in this student’s OSR if the principal has decided not to notify this student’s parents. However, if the principal has notified this student’s parents, information regarding the incident and the action taken will be placed in the OSR.

The form and documentation must be kept in the OSR for a minimum of one year unless the board has required a longer period.

In all cases, the principal must provide the employee who reported the incident with written acknowledgement of receipt of the report, using the “Safe Schools Incident Reporting Form – Part II”, and must specify whether action has been taken or no action is required. If no further action is taken by the principal, the principal is not required to retain the report, and should destroy it. Information that could identify the student(s) involved must not be part of the acknowledgement.

In addition to employees of the board, school bus drivers must also be required to report such incidents in writing to the principal of the school. Boards are required to include bus driver reporting requirements in their transportation policies and contracts.

Boards may also put policies in place to require other non-board employees who come into direct contact with students on a regular basis, as outlined in subsection 300.4 (5.3) of Part XIII of the Education Act, to report such matters to the principal (e.g., outdoor education instructors).

## ***6. Building Partnerships***

Relationships that engage the whole school community and its partners promote a positive school environment and support the progressive discipline continuum. Protocols between boards and community agencies are effective ways to establish linkages and to formalize the relationship between them. These protocols facilitate the delivery of prevention 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 must:

- direct schools to work with agencies or organizations that have professional expertise in gender-based violence, sexual assault, homophobia, sexual harassment, and inappropriate sexual behaviour to provide appropriate support to students, parents, and teachers in addressing these issues;
- maintain an up-to-date contact list of community agencies or organizations that have professional expertise in these areas, making the list available to staff and students of every school;
- ensure that all publicly funded schools provide access to public health units to deliver their mandated public health curriculum.

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

## ***7. 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, interventions, consequences, and supports must be consistent with the expectations in the student's IEP;
- 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 a progressive discipline approach.

### ***8. Training Strategy for Administrators, Teachers, and Non-teaching Staff***

Boards must put in place a training strategy on the board's progressive discipline policy for all administrators, teachers, and non-teaching staff (including staff in social work, child and youth work, psychology, and related areas, and educational assistants). The training strategy must include ways of responding to gender-based violence, homophobia, sexual harassment, and 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 others are aware of the board's policy on progressive discipline – for example, school secretaries and custodians, parents, volunteers, community agencies, and school bus operators and drivers.

The training should address the fact that building a supportive learning environment through appropriate interactions between all members of the school community is the responsibility of all staff.

Boards should support ongoing training for teachers, administrators, and non-teaching staff through such opportunities as new-teacher induction programs and e-learning to create and sustain a safe teaching and learning environment.

### ***9. Communications Strategy***

For a progressive discipline approach to be effective, it is important that all members of the school community, including teachers, students, and parents, understand and support the progressive discipline approach. Boards must actively communicate policies and procedures to all students, parents, staff members, their Special Education Advisory Committee, and school council members. 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.

### ***10. Monitoring and Review***

Boards must continue to monitor, review, and evaluate the effectiveness of board policies and procedures through indicators that were established in consultation with teachers, non-teaching staff, students, parents, school councils, their Special Education Advisory Committee, their Parent Involvement Committee, and service providers in the community. Boards will also conduct a cyclical review of their policies and procedures in a timely manner.

In evaluating and monitoring safe school policies and programs, school boards must direct schools to address gender-based violence, homophobia, sexual harassment, and 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, 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. Vice-principals may be delegated the authority to suspend a student for less than six school days.

### **Teachers**

Board policies and procedures 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.

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- 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 an activity for which suspension or expulsion must be considered. 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.

## **SCHOOL-LEVEL PLANS**

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.

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**APPENDIX 1: EXCERPTS FROM THE LEGISLATION****Education Act, as amended by the Education Amendment Act (Keeping Our Kids Safe at School), 2009**

Relevant excerpts from section 300 of the Education Act, as amended by the Education Amendment Act (Keeping Our Kids Safe at School), 2009, are provided below for ease of reference.

**Delegation by principals**

**300.1** (1) A principal of a school may delegate in writing any of his or her powers, duties or functions under this Part to,

- (a) a vice-principal of the school; and
- (b) a teacher employed in the school.

**Same**

(2) A teacher who is not a vice-principal may only act under a delegation under this section if the principal and vice-principal of the school are absent from the school.

**Same**

(3) A delegation under this section is subject to any restrictions, limitations and conditions set out in the delegation.

**Same**

(4) A delegation under this section shall be in accordance with any policies and guidelines established by the Minister under subsection 301 (5.1) or by the board under subsection 302 (0.1).

**Reporting to the principal**

**300.2** (1) An employee of a board who becomes aware that a pupil of a school of the board may have engaged in an activity described in subsection 306 (1) or 310 (1) shall, as soon as reasonably possible, report to the principal of the school about the matter.

**Notice to parent or guardian**

**300.3** (1) Subject to subsections (2) and (3), if the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306 (1) or 310 (1), the principal shall, as soon as reasonably possible, notify the parent or guardian of the pupil.

**Same**

- (2) A principal shall not, without the pupil's consent, notify a parent or guardian of a pupil who is,
- (a) 18 years or older; or
  - (b) 16 or 17 years old and has withdrawn from parental control.



**Same**

(3) A principal shall not notify a parent or guardian of a pupil if in the opinion of the principal doing so would put the pupil at risk of harm from a parent or guardian of the pupil, such that the notification is not in the pupil's best interests.

**Same**

- (4) When notifying a parent or guardian of a pupil under this section, the principal shall disclose,
- (a) the nature of the activity that resulted in harm to the pupil;
  - (b) the nature of the harm to the pupil; and
  - (c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity.

**Same**

(5) When notifying a parent or guardian under this section, the principal shall not disclose the name of or any other identifying or personal information about a pupil who engaged in the activity that resulted in the harm, except in so far as is necessary to comply with subsection (4).

**Response by board employees**

**300.4** (1) If the Minister has established policies or guidelines under subsection 301 (5.6), an employee of a board who observes a pupil of a school of the board behaving in a way that is likely to have a negative impact on the school climate shall respond in accordance with those policies and guidelines and in accordance with any policies and guidelines established by the board under subsection 302 (3.3).

**Exception**

(2) Subsection (1) does not apply in circumstances set out in a regulation made under clause 316 (1) (d).

2. Section 301 of the Act is amended by adding the following subsections:

**Same, governing delegation by principals**

(5.1) The Minister may establish policies and guidelines with respect to delegation by principals, under section 300.1, of their powers, duties or functions under this Part.

**Same, reporting to principals**

(5.2) The Minister may establish policies and guidelines requiring individuals described in subsection (5.3) who become aware that a pupil of a school of a board may have engaged in an activity described in subsection 306 (1) or 310 (1) to report to the principal of the school about the matter, as soon as reasonably possible.

**Same**

(5.3) The individuals referred to in subsection (5.2) are individuals who are not board employees who come into direct contact with pupils of a board on a regular basis in the normal course of,

- (a) providing goods or services to the board;
- (b) carrying out their employment functions as an employee of a person who provides goods or services to the board; or
- (c) providing services to a person who provides goods or services to the board.

**Same**

(5.4) The Minister may establish policies and guidelines with respect to reporting to principals under section 300.2 or under a policy or guideline established under subsection (5.2).

**Same, support to certain pupils**

(5.5) The Minister may establish policies and guidelines with respect to the support to be provided to a pupil when a principal does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3).

**Same, governing responses by board employees**

(5.6) The Minister may establish policies and guidelines with respect to responses under section 300.4 by employees of a board, including but not limited to policies and guidelines with respect to the kinds of responses that are appropriate.

3. (1) Section 302 of the Act is amended by adding the following subsection:

**BOARD POLICIES AND GUIDELINES****Delegation by principals**

(0.1) Every board shall establish policies and guidelines with respect to delegation by principals, under section 300.1, of their powers, duties or functions under this Part and the policies and guidelines must be consistent with the policies and guidelines established by the Minister under section 301, and must address such matters and include such requirements as the Minister may specify.

- (2) Section 302 of the Act is amended by adding the following subsections:

**Same, reporting to principals**

(3.1) If required to do so by the Minister, a board shall establish policies and guidelines with respect to reporting to principals under section 300.2 or under a policy or guideline established under subsection 301 (5.2), and the policies and guidelines must be consistent with those established by the Minister under section 301 and must address such matters and include such requirements as the Minister may specify.

**Same, support to certain pupils**

(3.2) If required to do so by the Minister, a board shall establish policies and guidelines with respect to the support to be provided to a pupil when a principal does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3), and the policies and guidelines must be consistent with those established by the Minister under section 301 and must address such matters and include such requirements as the Minister may specify.

**Same, governing responses by board employees**

(3.3) If required to do so by the Minister, a board shall establish policies and guidelines with respect to responses under section 300.4 by employees of a board, including but not limited to policies and guidelines with respect to the kinds of responses that are appropriate, and the policies and guidelines must be consistent with those established by the Minister under section 301, and must address such matters and include such requirements as the Minister may specify.

4. Subsection 316 (1) of the Act is amended by adding the following clauses:

- (c) governing actions to be taken by a principal who does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3);
- (d) setting out circumstances in which employees are not required to respond under section 300.4.

**Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007**

Relevant excerpts from sections 301, 306, and 310 of the Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007, are provided below for ease of reference.

**Policies and guidelines governing discipline**

**301.** (6) The Minister may establish policies and guidelines with respect to disciplining pupils, specifying, for example, the circumstances in which a pupil is subject to discipline and the forms and the extent of discipline that may be imposed in particular circumstances.

**Duty of boards**

(9) The Minister may require boards to comply with policies and guidelines established under this section.

**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.
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.

**Same**

(2) A pupil who is suspended under this section is suspended from his or her school and from engaging in all school-related activities.

**Duration of suspension**

(3) A principal may suspend a pupil under this section for up to 20 school days and, in considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

**Assignment to program, etc.**

(4) When a principal suspends a pupil under this section, he or she shall assign the pupil to a program for suspended pupils in accordance with any policies or guidelines issued by the Minister.

**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.

**Principal's duties where no notification to parent or guardian**

7. If the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306 (1) or 310 (1) of the Act, and the principal does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3) of the Act, the principal shall,

- (a) document the rationale for the decision not to notify a parent or guardian of the pupil;
- (b) inform the appropriate supervisory officer of the decision not to notify a parent or guardian of the pupil;
- (c) if a teacher informed the principal of the harm, inform the teacher of the decision not to notify a parent or guardian of the pupil; and
- (d) if the principal determines it is appropriate to do so, inform other board employees of the decision not to notify a parent or guardian of the pupil.

**Where no response is required**

8. An employee of a board who observes a pupil of a school of the board behaving in a way that is likely to have a negative impact on the school climate is not required to respond under section 300.4 of the Act if responding would, in the employee's opinion, cause immediate physical harm to himself or herself or to that of a student or another person.



## APPENDIX 2: SAFE SCHOOLS INCIDENT REPORTING FORMS

<b>Report No:</b> _____	<b>CONFIDENTIAL</b>  <b>SAFE SCHOOLS INCIDENT REPORTING FORM – PART I</b>
<b>Name of School</b>	
<b>1. Name of Student(s) Involved (if known)</b>	_____ _____
<b>2. Location of Incident (check one)</b>	<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) _____
<b>3. Time of Incident</b>	Date: _____ Time: _____
<b>4. Type of Incident (check all that apply)</b>	<p><b>Activities for which suspension must be considered under section 306(1) of the Education Act</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Uttering a threat to inflict serious bodily harm on another person</li> <li><input type="checkbox"/> Possessing alcohol or illegal drugs</li> <li><input type="checkbox"/> Being under the influence of alcohol</li> <li><input type="checkbox"/> Swearing at a teacher or at another person in a position of authority</li> <li><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</li> <li><input type="checkbox"/> Bullying</li> <li><input type="checkbox"/> Any other activity for which a student may be suspended under board policy</li> </ul> <p><i>[Note: Boards must specify on this form any other activities for which the principal may suspend according to board policy.]</i></p> <p><b>Activities for which expulsion must be considered under section 310(1) of the Education Act</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Possessing a weapon, including possessing a firearm</li> <li><input type="checkbox"/> Using a weapon to cause or to threaten bodily harm to another person</li> <li><input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner</li> <li><input type="checkbox"/> Committing sexual assault</li> <li><input type="checkbox"/> Trafficking in weapons or in illegal drugs</li> <li><input type="checkbox"/> Committing robbery</li> <li><input type="checkbox"/> Giving alcohol to a minor</li> <li><input type="checkbox"/> Any other activity for which a student may be expelled under board policy</li> </ul> <p><i>[Note: Boards must specify on this form any other activities for which the board may expel according to board policy.]</i></p>
<b>5. Report Submitted By:</b> Name: _____ Signature: _____ Date: _____ <b>Contact Information:</b> Location: _____ Telephone: _____	

**SAFE SCHOOLS INCIDENT REPORTING FORM – PART II****ACKNOWLEDGEMENT OF RECEIPT OF REPORT****Report No:** \_\_\_\_\_**Report Submitted By:** Name: \_\_\_\_\_ Date: \_\_\_\_\_☐**Action Taken**☐**No Action Required****Name of Principal:** \_\_\_\_\_**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_*Note: Only Part II is to be given to the person who submitted the report.*