

February 5, 2008

Dear Parents/Guardians and Students,

Working with you, we continue to make our schools safe, caring and welcoming places for all students.

On Friday, February 1, 2008, Bill 212: The Education Amendment Act (Progressive Discipline and School Safety) came into effect. This means the "safe schools" provisions of the Education Act have been changed.

Some, but not all, of the new legislative changes include:

- Greater emphasis on "progressive discipline" and consideration of "mitigating and other factors" in determining discipline;
- Replacing the existing mandatory suspensions and expulsions with a more discretionary model;
- Requiring the Board to provide programs for suspended (over 5 days) and expelled students;
- Provision of homework for suspended students;
- Adding "bullying" to the list of reasons that a student can be suspended;
- Allowing Principals to discipline a student for off-site misconduct that impacts on school climate;
- Permitting Principals to suspend students, but not to expel (only a committee of three Trustees can expel a student); and
- Revising timeframes for a Committee of the Board to hear and determine suspension appeals and expulsion hearings.

Our goal is to enable all students to achieve high levels of success while engaging in positive behaviours. However, from time to time, student discipline is required. Attached is information related to Consequences for Inappropriate Behaviour. You may wish to review this with your child(ren).

Should you require additional information or have questions related to Bill 212, please speak with your school Principal.

Regards,



Gerry Connelly  
Director of Education

S30(Bill212-2008)bh.998



**Student**  
**SAFETY LINE**  
**416-395-SAFE(7233)**

# Consequences of Inappropriate Student Behaviour

The information outlined in this document is in effect beginning February 1, 2008.

The information in this chart reflects the changes to TDSB policy as a result of amendments to the Education Act.

When a student breaches the code of conduct, consequences will be consistent with a progressive discipline approach. The most serious consequences - suspension and expulsion - are reserved for incidents of serious misconduct.

Prior to determining an appropriate consequence, the principal will conduct an investigation and consider mitigating factors and other factors and document the process that is used.

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## ***Education Act - Mitigating Factors***

Pursuant to the Suspension and Expulsion of Pupils Regulation, 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**

The following other factors shall be taken into account if they would mitigate seriousness of the activity for which the pupil may be or is 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. When an Individual Education Plan has been developed for the pupil;
  - 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.



SUSPENSIONS Education Act, Part XIII, sub section 306(1)	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Uttering a threat to inflict serious bodily harm on another person	1-19 Days		X
2. Possessing alcohol or illegal drugs	1-19 Days		X
3. Being under the influence of alcohol	1-19 Days	X	
4. Swearing at a teacher or at another person in a position of authority	1-19 Days	NA	NA
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	1-19 Days		X
6. Bullying	1-19 Days	X	

SUSPENSIONS Board Policy made under the Education Act, Part XIII, subsection 306(1)7	Principal May Issue Suspension	Notify Police	
		May	Shall
1. Willful destruction of school property; vandalism causing damage to school or Board property or property located on school or Board premises	1-19 Days	X	
2. Use of profane or improper language	1-19 Days	NA	
3. Use of tobacco	1-19 Days	X	
4. Theft	1-19 Days	X	
5. Aid or incite harmful behaviour	1-19 Days	X	
6. Physical assault	1-19 Days	X	
7. Being under the influence of illegal drugs	1-19 Days	X	
8. Sexual harassment	1-19 Days	X	
9. Racial harassment	1-19 Days	X	
10. Fighting	1-19 Days	X	
11. Possession or misuse of any harmful substances	1-19 Days	X	
12. Hate motivated violence	1-19 Days	X	
13. Extortion			X
14. Distribution of hate material	1-19 Days	X	
15. Inappropriate use of electronic communications or media devices	1-19 Days	X	
16. An act considered by the school principal to be a breach of the Board's or school code of conduct	1-19 Days	X	

SUSPENSIONS PENDING POSSIBLE EXPULSION Education Act, Part XIII, subsection 310(1) - Principal shall issue a suspension pending possible expulsion, then conduct an investigation within five (5) school days. Following the investigation, confirm, shorten or expunge the suspension or refer the matter to the Board for a hearing.	Principal Must Issue Suspension	Notify Police	
		May	Shall
1. Possessing a weapon, including a firearm	1-20 Days		X
2. Using a weapon to cause or to threaten bodily harm to another person	1-20 Days		X
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner	1-20 Days		X
4. Committing sexual assault (Refer to Board Policy P.045: Dealing With Abuse and Neglect of Students)	1-20 Days		X
5. Trafficking in weapons or in illegal drugs	1-20 Days		X
6. Committing robbery	1-20 Days		X
7. Giving alcohol to a minor	1-20 Days		X

SUSPENSIONS PENDING POSSIBLE EXPULSION Board Policy made under the Education Act, Part XIII subsection 310(1) 8 - Principal shall issue a suspension pending possible expulsion, then conduct an investigation within five (5) school days. Following the investigation, confirm, shorten or expunge the suspension or refer the matter to the Board for a hearing.	Principal Must Issue Suspension	Notify Police	
		May	Shall
1. Possession of an explosive substance	1-20 Days		X
2. An act considered by the principal to be a serious breach of the Board's or school's code of conduct	1-20 Days		X

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# DEFINITIONS

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**Bullying** - is typically a form of repeated, persistent and aggressive behaviour that is directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self esteem, or reputation. Bullying occurs in the context where there is a real or perceived power imbalance.

**Explosive Substance** - includes anything used to create an explosive device or is capable of causing an explosion.

**Extortion** - using threats, accusations or violence or threats of violence to induce any person to do anything or cause anything to be done.

**Firearm** - any barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person.

**Harassment** - harassment is often, but not always, persistent, ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group which might reasonably be known to be unwelcome. A single act or expression can constitute harassment, for example, if it is a serious violation. Harassment may be either subtle or blunt.

**Hate Material** - includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or hatred against an identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or other similar factor.

**Inappropriate Use of Electronic Communications/Media** - the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well-being of another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

**Physical Assault** - the intentional application of force directly or indirectly in any degree at all, to a person without the person's consent.

**Physical Assault Causing Bodily Harm** - physical assault is the intentional application of force (in any degree at all) to a person without that person's consent. Bodily harm refers to any hurt or injury that is more than

merely transient or trifling in nature which interferes with the health or comfort of the person, and includes (but is not limited to) injuries that receive medical attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

**Possession of a Weapon** - means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. Weapon includes a firearm and any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

**Racial Harassment** - means engaging in a course of vexatious comment or conduct pertaining to a person's race which is known, or is reasonably known, to be offensive, inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used, at present, to designate social categories into which societies divide people according to such characteristics.

**Replica Firearm** - is any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

**Robbery** - a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

**Sexual Assault** - a sexual assault occurs where a person, without consent, intentionally applies force to another person in circumstances of a sexual nature such as to violate the sexual integrity of the victim.

**Sexual Harassment** - sexual harassment occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct is known or should reasonably be known to be offensive, inappropriate, intimidating, hostile and unwelcome. It also includes an environment in which sexist or homophobic jokes and materials are allowed.

**Threat to Inflict Serious Bodily Harm** - a threat to cause death or serious bodily harm to a person. The term "threat", as used here, does not apply to situations in which no real threat was intended.

**Trafficking in Drugs and/or Harmful Substances** - means to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the Controlled Drugs and Substances Act.