

## SECTION 6: OPERATIONS

### Policy 6.49.02: Progressive Discipline Policy Including Suspension and Expulsion

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<http://www.algomamodel.ca>

#### ***Supporting Templates and Forms***

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[Education Act](#)

[Ontario Regulation 472/07](#)

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### **Policy Statement**

Algoma District School Board is committed to building and sustaining a positive school climate for all students in order to support their education so that all students reach their full potential.

Pursuant to the Education Act, principals are required to maintain proper order and discipline in schools. Pupils 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.

To achieve a positive school climate for all students, the Algoma District School Board utilizes progressive discipline which includes a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student behavior and to build upon strategies that promote and foster positive behaviours. When inappropriate behavior occurs including bullying, sexual assault, gender-based violence and incidents based on homophobia, transphobia or biphobia, discipline

measures will be applied and may include suspension and expulsion where necessary as outlined in the [Board Code of Conduct Policy \(6.49.01\)](#). Staff may reference the [Progressive Discipline & Promoting Positive Student Behaviour Guidelines](#) (in the Administrative Safe Schools Procedures) for possible interventions, consequences and supports.

For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations as outlined in his or her Individual Education Plan (IEP). The Board and school administrators will consider mitigating factors as described in [4.1](#) of this policy and as required by the [Education Act](#) and the [Ontario Regulation 472/07](#).

Schools will communicate with and provide opportunities for parents to be engaged in and support the progressive discipline approach.

### ***1. Prevention and Awareness Raising***

In order to promote a positive school climate, the Algoma District School Board will provide opportunities for all members of the school community to increase their knowledge and understanding of inclusive and equitable environments. Schools will engage their school councils and student councils to support student-led activities which promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate, including,

- activities or organizations that promote gender equity;
- activities or organizations that promote anti-racism;
- activities or organizations that promote the awareness and understanding of, and respect for, people with disabilities; or
- activities or organizations that promote the 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 name.

The board and school(s) will use school climate survey results to inform prevention and intervention planning.

### ***2. Responding to Incidents***

Algoma District School Board employees who work directly with students – including administrators, teachers, and non-teaching staff (including staff in social work, child and youth work, early childhood educators, 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 in accordance with subsection 300.4 of Part XIII of the [Education Act](#) and [Ontario Regulation 472/07](#).

### ***3. Reporting to Principals***

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.

All employee reports made to the principal must be confirmed in writing using the Algoma District School Board Incident Reporting Form.

The principal will acknowledge receipt of this report on the Algoma District School Board Incident Reporting Form.

All paid and unpaid personnel who work with students must also report such incidents in writing to the principal of the school.

The principal shall investigate any matter reported and communicate the results of the investigation to, the teacher if the matter was reported by a teacher, or if the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so.

### ***4. Progressive Discipline: Implementation Strategy***

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.

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.

When inappropriate behaviour occurs, disciplinary measures will be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive (refer to support document [Progressive Discipline & Promoting Positive Student Behaviour Guidelines](#)). Schools will 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. Ongoing dialogue with parents on student achievement and behaviour at every step of the progressive discipline continuum is expected by the board (Administrative Safe Schools Procedures).

#### **4.1 Mitigating and Other Factors**

When considering discipline including suspension or expulsion, a principal must take into account any mitigating or other factors prescribed by any other legislation.

##### ***Mitigating Factors:***

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 student's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

##### ***Other Factors:***

1. The pupil's history;
2. Whether a progressive discipline approach has been used with the student;
3. Whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student 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 student's ongoing education;
5. The age of the student;
6. In the case of a student for whom an individual education plan (IEP) has been developed:
  - a. whether the behaviour was a manifestation of a disability identified in the pupil's IEP;
  - b. whether appropriate individualized accommodation has been provided; and
  - c. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct;
7. Such other matters as the Principal considers appropriate.

#### **4.2 Suspension**

The Algoma District School Board shall deal with suspension of pupils in accordance with the [\*Education Act\*](#), as amended by the [\*Safe Schools Act, 2007\*](#), and the Regulations and this policy and the procedures supporting the policy.

##### ***Circumstances in Which a Pupil May be Suspended***

A principal shall consider whether to suspend a student if he/she believes that the student has engaged in any of the following activities while at school, at a school-related activity, when using school board authorized transportation, or in any other circumstances where engaging in the activity will have an impact on school climate:

1. uttering a threat to inflict serious bodily harm on another person;
2. possessing alcohol, illegal drugs (including prescription drugs which are not prescribed for the student) or, unless the pupil is a medical cannabis user, cannabis;



3. being under the influence of alcohol, illegal drugs (including prescription drugs for which the student has no prescription) or, unless the pupil is a medical cannabis user, cannabis;
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. persistent truancy;
8. persistent opposition to authority;
9. habitual neglect of duty;
10. the willful destruction of school board property;
11. the use of profane or improper language;
12. conduct injurious to the moral tone of the school;
13. conduct injurious to the physical well-being of others in school;
14. conduct injurious to the mental well-being of others in school; and
15. inappropriate use of internet, cell phones and other electronic devices as described by board policy ([Electronic Devices Policy Section 6.49.04](#)).

#### **4.3 Suspension to Possible Expulsion**

It is the policy of the Algoma District School Board to deal with suspensions leading to possible expulsions of pupils in accordance with the [Education Act](#), as amended by the [Safe School Act, 2007](#), and the regulations.

#### **4.4 Circumstances in Which a Pupil Shall Be Suspended Pending an Investigation Leading to a Possible Expulsion**

The [Education Act](#), stipulates that a pupil shall be suspended pending an investigation for possible expulsion, subject to the mitigating factors below if the pupil commits any of the following infractions while he or she is at school or is engaged in school-related activities:

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 illegal drugs (including prescription drugs for which at least one of the participants in the transaction does not have a prescription);
6. committing robbery;
7. giving alcohol, cannabis or drugs to a minor;

- 7.1 Bullying, if
  - i. The pupil has previously been suspended for engaging in bullying, and
  - ii. The pupil's continuing presence in the school creates an unacceptable risk to the safety of another person
- 7.2 Any activity listed in subsection 306 (1) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion. Sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
- 8. any other activities that, under a policy of the board, is an activity for which a principal must suspend a pupil and conduct an investigation to determine whether to recommend to the board that the pupil be expelled;

A pupil may be suspended pending an investigation for possible expulsion, subject to the mitigating factors below if the pupil commits any of the following infractions while he or she is at school or is engaged in school-related activities:

- 9. repeated suspension where student is indicating no attempts to improve;
- 10. behaviour which is so refractory that it places the safety, physical and well-being of the students at risk;
- 11. general chronic opposition to authority which is disruptive to the educational environment and prevents learning of other students;
- 12. the pupil's pattern of behaviour is so refractory that the pupil's presence is injurious to the effective learning and/or working environment of others;
- 13. the pupil has engaged in activities:
  - a. that cause the pupil's continuing presence in the school to be injurious to the physical or mental well-being of other pupils or persons in the school;
- OR**
- b. that cause extensive damage to the property of the Board or to goods that are on school board property;
- 14. the pupil has demonstrated through a pattern of behaviour (e.g. neglect of duty, truancy, or opposition to authority) that he/she has not prospered by the instruction available to him/her and that he/she is persistently resistant to making the changes in behaviour which would enable him/her to prosper;

#### **4.5 Discipline Committee**

The Board authorizes the creation of a Discipline Committee of three (3) Trustees to decide appeals of principal suspensions and principal recommendations for expulsion. All other Trustees would serve as alternates in case one of the committee members cannot be present.

The Discipline Committee shall have the powers as set out in the [Education Act](#) and any other powers to implement any appropriate order.

#### **4.6 Appeal of Suspension**

Where a pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and has removed him/herself from parental control, disagrees with the decision of a principal to suspend the pupil that pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and removed from parental control, may appeal the principal's decision to suspend the pupil, in accordance with the [Board's Suspension Appeal Procedures](#).

#### **Appeal of Expulsion**

Where a pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and has removed him/herself from parental control, disagrees with the decision of the Discipline Committee to expel the pupil, that pupil's parent/guardian or the pupil, if 18 or older or 16 or 17 and removed from parental control, may appeal to The Child and Family Services Review Board, the Discipline Committee's decision to expel the pupil, in accordance with the [Education Act](#).

#### **4.7 Exclusion Provision**

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 decides 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).

### ***5. Supports for Students***

All employees of the board must take seriously all allegations of inappropriate behavior 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 programs, interventions or other supports for pupils who have been bullied, pupils who have witnessed incidents of bullying and pupils who have engaged in bullying, and the programs, interventions and other supports may be provided by social workers, psychologists or other professionals who have training in similar fields, as determined by the board. programs, interventions or other supports for pupils who have been bullied, pupils who have witnessed incidents of bullying and pupils who have



engaged in bullying, and the programs, interventions and other supports may be provided by social workers, psychologists or other professionals who have training in similar fields, as determined by the board.

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. 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.

When responding to students who are victims of serious student incidents, the principal is responsible for developing a plan to protect the victim. Should parents not be satisfied with the approach of the school, they may notify the superintendent to discuss the situation further. The [Algoma Model website portal](#) outlines the resources available in the community that may be accessed by schools for guiding students and parents/guardians to non-academic supports.

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

Relationships that engage the whole school community and its partners promote a positive school environment and support the progressive discipline continuum.

To facilitate the building of community partnerships, the Algoma District School Board has worked:

- with agencies and organizations that have professional expertise to provide appropriate support to students, parents, and teachers in addressing issues;
- collaboratively to develop the Algoma Model website portal ([www.algomamodel.ca](http://www.algomamodel.ca)) which provides the board and schools with 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;
- The [Algoma Model](#) provides an opportunity for coordinated prevention and intervention programs and services and, where possible, share effective practices.

## ***7. 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).

Training includes:



- opportunities for all pupils, their parents and guardians, and all teachers and other staff members in a school to increase their understanding and awareness of inappropriate pupil behaviour;
- opportunities for all teachers and other staff members in a school to increase their ability to respond to inappropriate pupil behaviour;
- training for all teachers and other staff;
- procedures for responding appropriately and in a timely manner to inappropriate behaviour;
- resources to support pupils who are impacted by inappropriate behaviour;
- resources to support pupils who have engaged in inappropriate behaviour;
- a process that parents or guardians of pupils can follow if they have concerns about the support provided to their child.

A board should make sure that others are aware of the board's policy on progressive discipline – for example, 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.

### ***8. Communications Strategy***

The progressive discipline approach is outlined in board and school policy and should be communicated to the school community through such means as: student agendas, websites, school council, newsletters, assemblies, etc.

### ***9. Monitoring and Review***

The Algoma District School Board and individual schools will use the School Climate and Community Satisfaction Survey to evaluate and monitor the implementation of its Safe Schools Policies and Programs.

Algoma District School Board requires all schools to have a school-wide progressive discipline plan which is consistent with board policy and procedure.

## ***10. Delegation of Authority Regarding Discipline***

Changes to the Education Act provide a principal with the authority to delegate powers, duties, or functions under Part XIII – “Behaviour, Discipline and Safety”.

### **Vice-Principals**

Delegation by the principal to the vice-principal includes 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**

- 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.