



REGULATIONS

SUBJECT: Progressive Discipline
--

Safe, caring, and inclusive school environments afford students the best opportunity to maximize their learning potential and provide a foundation for a positive school climate to the benefit of all members of the school community.

Programs and activities that focus on the building of healthy relationships, equitable and inclusive learning environments, character development, positive peer relations, and afford opportunities for students to demonstrate leadership, provide the basis for creating a positive school climate. A positive school climate exists when all members of the school community feel safe, comfortable, and accepted.

To meet the goal of creating a safe, caring, and inclusive school environment, the Lambton Kent District School Board supports a range of positive practices, including progressive discipline.

Progressive discipline is an approach that makes use of a continuum of prevention programs, preventative actions, interventions, supports, and consequences, building upon strategies that promote positive behaviours. When inappropriate behaviour occurs, progressive discipline provides for a shift in focus from one that is solely punitive to one that is both corrective and supportive, allowing students to learn from their experiences in developmentally appropriate ways and to subsequently make better decisions as a result.

Further, where a student has special education and/or disability related needs, the interventions, supports and consequences must be consistent with the expectations for the student, including those in the student's Individual Education Plan, behaviour plan, or safety plan.

The application of consequences for inappropriate behaviour remains an important aspect of progressive discipline, and for incidents of a more serious nature, those consequences may involve suspension or expulsion.

In this regard, the Board considers homophobia, gender based violence, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other immutable characteristic or ground protected by the *Human Rights Code*, as well as inappropriate sexual behaviour, unacceptable, and while supporting the use of positive practices to prevent such behaviour, recognizes the potential need to impose consequences in appropriate circumstances, up to and including a referral to the Expulsion Review Committee of the Board with a recommendation for expulsion from all schools.

1. All employees of the board are required to report serious student incidents to the principal. These are incidents for which suspension or expulsion must be considered by the principal, as outlined in Appendix A.

2. The Board expects that, provided that there is no immediate risk of physical harm to any individual, staff members who work directly with students on a regular basis, including administrators, teachers, educational assistants, native education workers, cultural support workers, tutor escorts, child and youth workers, psychologists, and speech and language pathologists, shall, in accordance with Board procedures, respond to any such inappropriate and disrespectful behaviour or any other behaviour that causes a negative school climate, which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.

Early and Ongoing Intervention Strategies

Progressive discipline includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour.

3. Parents and guardians are expected to be actively engaged in the progressive discipline process, recognizing the diverse dimensions of parent communities that must be addressed in order for schools and parents to engage together on these complex and challenging issues. Progressive discipline is most effective when dialogue between the school and home regarding student achievement, behaviour and expectations is open, courteous, and focused on student success.
4. A teacher or the principal or designate, as appropriate, will utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours and to guide students to more appropriate choices.

These may include:

- Contact with student's parent(s)/guardian(s);
 - Oral reminders;
 - Review of expectations;
 - Written work assignment addressing the behaviour, that has a learning component;
 - Volunteer services to the school community;
 - Conflict mediation and resolution;
 - Peer mentoring;
 - Referral to counseling; and/or
 - Consultation.
5. The teacher, principal or designate should keep a record for each student with whom intervention strategies are utilized. The record should include:
 1. Name of the student;
 2. Date of the incident or behaviour;
 3. Nature of the incident or behaviour;
 4. Progressive discipline approach used;
 5. Outcome; and/or
 6. Contact with the student's parent/guardian (unless the student is an adult student).
 7. Contact with internal supports accessed;
 8. Contact with external supports accessed

Addressing Inappropriate Behaviour

Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.

6. The principal or designate, if a student has displayed inappropriate behaviour, may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for students to focus on improving their behaviour.

7. The principal or designate must address homophobia, gender-based violence, sexual harassment, and inappropriate sexual behaviour. Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed:
 1. Any act considered by the principal to be injurious to the moral tone of the school;
 2. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
 3. Any act considered by the principal to be contrary to the Board or school Code of Conduct.
8. The principal or designate may choose to use a progressive discipline strategy to address the infraction if a student has engaged in inappropriate behaviour and it is the first time that the student has engaged in such behaviour,

Interventions may include:

- Meeting with the student's parent(s)/guardian(s), student and principal;
- Referral to a community agency for anger management or substance abuse, counseling or intervention;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and
- Safe schools transfer.

In some cases:

- Short-term suspension may also be considered a useful progressive discipline approach.
- Contact with CAS where required
- Contact with police services where required

Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach to Address Inappropriate Behaviour

9. 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.
10. The principal or designate must, in all cases where progressive discipline is being considered to address an inappropriate behaviour:
 - a) Consider the particular student and circumstances, including mitigating or other factors;
 - b) Consider the nature and severity of the behaviour;
 - c) Consider the impact of the inappropriate behaviour on the school climate; and
 - d) Consult with the student's parent(s)/guardian (unless the student is an adult student).

Mitigating Factors

11. The principal or designate must consider the following mitigating factors before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:
- a) Whether the student has the ability to control his or her behaviour;
 - b) Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
 - c) Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be Considered

- a) The student's academic, discipline and personal history;
- b) Whether other progressive discipline has been attempted with the student, and if so, the particular approaches that have been attempted and any success or failure;
- c) Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
- d) The impact of the discipline on the student's prospects for further education;
- e) The student's age;
- f) Where the student has an IEP or disability related needs,
 - i) Whether the behaviour causing the incident was a manifestation of the student's disability;
 - ii) Whether appropriate individualized accommodation has been provided; and
 - iii) Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
- g) Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
- h) The principal or designate shall consider whether or not the discipline will have a disproportionate impact on a student protected by the *Human Rights Code* and/or exacerbate the student's disadvantaged position in society.

If the student's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate.

Record

12. The principal or designate should keep a record for each student with whom progressive discipline approaches are utilized. The record should include:
- a) Name of the student;
 - b) Date of the incident or behaviour;
 - c) Nature of the incident or behaviour;
 - d) Considerations taken into account;
 - e) Progressive discipline approach used;
 - f) Outcome; and
 - g) Contact with the student's parent/guardian (unless the student is an adult student).

In the event of serious incidents

13. The Board supports students who are victims of serious incidents of student behaviour causing harm contrary to the provincial, Board, and school Codes of Conduct.
14. The principal or designate is required to provide information, in accordance with Board procedures, to the parent or guardian of a student who is less than 18 years of age, is not 16 or 17 and withdrawn from parental control and where the principal is NOT aware that informing the parent/guardian would put the student at risk of harm and would not be in the student's best interests.
15. The principal may inform a parent of a student 18 years or older or who is 16 or 17 and has withdrawn from parental control, if that student consents to the disclosure of information.
16. The Board shall develop appropriate plans to protect the victim and will communicate to parents or guardians of victims, information about the plan.

Questions about supports for students

17. If a parent or guardian is not satisfied with the supports that their child has received as a result of a serious incident, their first point of contact is the school principal, to review the decisions made and the rationale for the supports identified. Every effort should be made to find resolution at this level.
18. If necessary as a subsequent step, parents should contact the Board office and ask to speak with the appropriate superintendent of education. The superintendent of education will consult with the principal and parent and make recommendations as deemed appropriate, or make a final decision and communicate the decision to the principal and parent.

Delegation of Authority Regarding Discipline

19. Changes to the Education Act provide a principal with the authority to delegate, according to Ministry memorandum and Board policy, powers, duties, or functions under Part XIII – "Behaviour, Discipline and Safety".
20. Delegation to a vice-principal 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 a period of less than six school days.
21. Delegation to a teacher serving in the absence of the principal and vice-principal does not include authority regarding suspension decisions or recommendations to expel. It does include the authority to initially deal with serious incidents – those for which suspension or expulsion must be considered by the principal – student safety being paramount.
22. Teacher contact with parents in the case of a serious incident is limited to communicating the nature of the harm to the student and the nature of the activity that resulted in the harm. Full responsibility for follow-up with parents rests with the principal or vice-principal at the earliest opportunity.

Implementation Date: November 26, 2002
Revised: February 1, 2008
Revised: January 26, 2010
Reference: Policy/Program Memorandum 145
Education Act

Appendix A:

Incidents for which suspension or expulsion must be considered by the principal and which must be reported to the principal by all board employees:

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.

Suspension Infractions:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal and/or restricted 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 damage to school or board property or to property located on the premises of the student's school;
6. Bullying;
7. Any act considered by the principal to be injurious to the moral tone of the school;
8. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
9. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

Expulsion Infractions:

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, illegal and/or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
9. A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
10. Activities engaged in by the student on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
11. Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
12. The student has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper; or
13. Any act considered by the principal to be a serious violation of the Board or school Code of Conduct.