



# REGULATIONS

<b>SUBJECT:</b>	<b>SAFE SCHOOLS</b>
-----------------	---------------------

## Preamble

Lambton Kent District School Board schools promote a safe and caring learning environment that is strengthened by embracing diversity, and respecting self, others and the world around us. All students, staff, families, and community partners have the right to be safe and to feel safe in their school community; a community in which everyone commits to positive behaviours and interactions, and where conflict and differences are addressed in constructive and, mutually respectful ways.

Safe, caring, and inclusive school environments afford students the best opportunity to be fully engaged with their learning and create protective factors for student well-being. These environments are strengthened through programs and activities that focus on the building of healthy relationships, promoting equitable and inclusive approaches, fostering character development and positive peer relations, and affording opportunities for students to demonstrate leadership.

With the right to be safe and feel safe comes the responsibility on the part of everyone to contribute to a positive school climate, and to be accountable for actions that put the safety of others or oneself at risk. There are three key aspects to this key concept that are captured in the following Regulations: Code of Conduct, Progressive Discipline and Bullying.

- (1) The provincial Code of Conduct and the Lambton Kent District School Board Code of Conduct set forth clear standards of behaviour for all members of the school community. These standards apply on school property, on school buses, at school-related events or activities, or in other circumstances that could have an impact on school climate.
- (2) Schools will employ progressive discipline approaches using a continuum of corrective and supportive interventions, supports, and consequences, to address inappropriate student behaviour and to build upon strategies that promote positive behaviour.
- (3) Bullying behaviour, including through the use of technology, will not be tolerated on school property, at school-related activities, on school buses, or in any other circumstances where engaging in bullying will have a negative impact on the school climate.

Further, the Lambton Kent District School 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 sexualized behaviour, to be unacceptable. The Lambton Kent District School Board supports the use of positive practices to prevent such behaviour, recognizes the potential need to impose consequences in applicable circumstances, up to and including suspension or expulsion.

## Code of Conduct

Board and school codes of conduct will apply whether persons are on school property, on school buses, at school-authorized events or activities or in other circumstances that could have an impact on the school climate.

**Progressive Discipline**

Progressive discipline is an approach to shaping student behaviour that involves a continuum of interventions, supports, and consequences. Progressive discipline is corrective and supportive, rather than solely punitive, thus allowing students to learn from their experiences in developmentally appropriate ways.

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

**Support for Student-Led Activities and Organizations**

Support will be provided for students who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, acceptance of and respect for others, and the creation of a positive school climate. These may include but are not limited to: activities or organizations that promote gender equity; antiracism; the awareness and understanding of, and respect for, people with disabilities; or awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name "gay-straight alliance" or another similar name. The name given to an activity or organization must be consistent with the promotion of a positive school climate that is inclusive and accepting of all students.

**Inappropriate Student Behaviour – Responding and Reporting**

1. **Staff who regularly work directly with students:** Provided that there is no immediate risk of physical harm to any individual, the following staff members are expected to respond to those directly involved in any inappropriate or disrespectful behaviour, including bullying, that they have observed or heard while on school property or during a school related event:
  - a. Administrators
  - b. Teachers
  - c. Education Assistants
  - d. Early Childhood Educators
  - e. Indigenous Education Workers
  - f. Tutor Escorts
  - g. Psychoeducational Clinicians
  - h. Speech and Language Pathologists
  - i. Social Workers
  - j. Others as may be indicated

In responding to any incident, board employees who work directly with students must act in a timely, sensitive, and supportive manner. This includes responding to students who disclose or report incidents and wish to discuss related issues, by helping them to access available professional supports.

2. **All other Board staff** are required to report to the principal, any details regarding inappropriate student behaviour which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.
3. **Members of the College of Psychologists of Ontario**, or the Ontario College of Social Workers and Social Service Workers who are engaged in a clinical relationship with a student:
  - a. Incidents of behaviour for which suspensions or expulsion must be considered, shall be reported to the principal as soon as it is, in their professional opinion, reasonably possible to do so without having a negative impact on the nature of the clinical relationship. They shall also report, in a manner that is consistent with the code of ethics and the standards of practice of their respective professions, matters that could result in the student's doing physical, emotional, or psychological harm to self or to others.

4. **All staff of the Board** are required to report serious student incidents to the principal, including those involving bullying. These are incidents for which suspension or expulsion must be considered by the principal, and are outlined in Appendix B.
5. **In addition to Board staff**, the following are also required to report in writing to the principal as in (4) above, as soon as reasonably possible:
  - School bus drivers
  - Employees or contractors who provide before-school or after-school programs on school sites

### **Early and Ongoing Intervention Strategies**

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

1. Parents and guardians are expected to be actively engaged in the progressive discipline process. Schools are expected to recognize and respond to the diverse dimensions of parent communities to help them engage on these complex and challenging issues.
2. 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. For students with special education needs, this includes referring to their Individual Education Plan (IEP) and consulting with appropriate staff to determine best possible approaches.
3. The teacher, principal or designate should keep a record for each student with whom intervention strategies are utilized.

### **Addressing Inappropriate Behaviour**

1. Staff will employ timely intervention and correction of inappropriate behaviour, using age and developmentally appropriate approaches, as this offers the best opportunity for students to learn and understand what is acceptable and what is not.
2. 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
3. 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:
  - a. Any act considered by the principal to be injurious to the moral tone of the school;
  - b. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
  - c. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

### **Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach**

1. 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. 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**

1. 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.
2. Other factors to be considered:
  - a) The student's academic, discipline and personal history;
  - b) Whether other progressive discipline strategies have 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.**

**School Transfers Related to School Safety**

In certain situations, it may be deemed necessary for a student to be transferred to another school in order to preserve the safety or well-being of another. These decisions are to be reached by the principal in consultation with the appropriate supervisory officer and must give due consideration to the student and parents/guardians' need to be informed as part of the process. It is preferable that the student who has been harmed not be the one to transfer, unless circumstances suggest otherwise.

A transfer meeting must be scheduled between representatives of the sending and receiving schools, and where possible should include the teachers and other school staff who will have regular direct contact with the student. The student and parents/guardians should also be invited to the transfer meeting, and reasonable efforts should be made to accommodate their attendance. Appropriate planning for the transition and support of the student should be reviewed at this meeting. This meeting must occur prior to the student attending any classes. The receiving school must also be in possession of the student's OSR prior to the transfer meeting, and it must be available for reference during the meeting. All staff must treat any information about the student and the incident as confidential.

**In the event of serious incidents**

1. 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.

2. 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.
3. 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.
4. The Board shall develop appropriate plans to protect the victim and will communicate to parents/guardians of victims, information about the plan.

#### **Questions about supports for students**

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.

If necessary as a subsequent step, parents/guardians 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.

#### **Disclosure of Students' Personal Information**

Principals are only permitted to share information documented in the OSR with all Board employees, who work directly with students and who do not have access to the OSR, if disclosure is necessary, so that employees can carry out their duties, including their duty to respond to inappropriate and disrespectful student behaviour that is likely to have a negative impact on school climate. In such cases, principals may share only the necessary information pertaining to behaviour that may present risk of physical harm.

#### **Delegation of Authority Regarding Discipline**

1. The Education Act provides the principal with the authority to delegate, according to Ministry memorandum and Board policy, powers, duties, or functions under Part XIII – "Behaviour, Discipline and Safety".
2. 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.
3. 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.
4. Teacher contact with parents/guardians 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/guardians rests with the principal or vice-principal at the earliest opportunity.

**Bullying**

Bullying is typically a form of repeated, persistent, and aggressive behaviour that occurs in a context of a real or perceived imbalance of power between individuals. In any form, bullying adversely affects a student's well-being and ability to learn, undermines healthy relationships, and compromises school climate.

A positive school climate is a crucial component of bullying prevention. Schools that implement active bullying prevention and intervention plans and strategies afford the necessary supports for students who are bullied, who bully others, or who witness bullying, as well as strengthen the overall school climate for everyone. Helping to ensure that students acquire the necessary awareness and understanding that contribute to positive interactions and mutual respect is key to effective prevention and intervention.

**Definition:**

**“Bullying”** means aggressive and typically repeated behaviour by a pupil where,

- (a) The behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,
  - i. Causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
  - ii. Creating a negative environment at a school for another individual, and
- (b) The behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education

**Bullying behaviour** may occur through the use of physical, verbal, electronic, written, or other means. Bullying by electronic means (cyber-bullying) includes but may not be limited to:

- (a) Creating a web page or a blog in which the creator assumes the identity of another person;
- (b) Impersonating another person as the author of content or messages posted on the internet;
- (c) Communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

**Aggressive behaviour** may be intentional or unintentional, direct or indirect. It can take many forms, including physical, verbal, and social. If aggressive behaviour is physical, it may include hitting, pushing, slapping, and tripping. If it is verbal, it may include name calling, mocking, insults, threats, and sexist, racist, homophobic, or transphobic comments. If it is social or relational aggression, it is more subtle and may involve such behaviours as gossiping, spreading rumours, excluding others from a group, humiliating others with public gestures or graffiti, and shunning or ignoring. Social aggression may also occur through the use of technology.

**Harm** means harm that can be experienced in a number of ways, including physical, mental, emotional, and psychological.

**Expectations:**

1. All employees of the Board must take seriously all allegations of bullying behaviour and act in a timely, sensitive, and supportive manner when responding to students who disclose or report bullying incidents.
2. It is the expectation of the Board that, provided that there is no immediate risk of physical harm to any individual, staff members who work directly with students on a regular basis will respond to any incidents of bullying which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.

3. 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, examples of which include bullying and are outlined in Appendix B.

### **Role Responsibilities**

#### ***The Principal is responsible to:***

1. Lead the implementation of the Bullying Prevention and Intervention Plan as outlined in these Regulations.
2. Actively communicate policies, procedures and expectations articulated in this document on bullying, prevention and intervention, as well as the definition of bullying to students, parents/guardians, teachers and other school staff, school councils, volunteers, and school bus operators/drivers, so that the responsibilities of all members of the school community are clearly understood.”
3. Ensure that all reported incidents of bullying are responded to in an appropriate manner.
4. Contact the parents/guardians of students involved in bullying situations as appropriate under these regulations.
5. Conduct appropriate investigations into all bullying situations to ascertain the participants, their roles, situation dynamics, underlying factors, and any other aspects that are relevant to determining how best to proceed.
6. Determine appropriate disciplinary action or intervention based on the results of the investigation, applying the principles of progressive discipline and accessing available resources to support the students, whether they have been bullied, engaged in bullying, or have been affected by observing bullying. For a student with special education needs, interventions, supports, and consequences must be consistent with the student’s strengths, needs, goals, and expectations outlined in his or her Individual Education Plan (IEP).
7. Principals must suspend a student for bullying and give consideration as to whether or not a referral of that student for expulsion would be appropriate to the circumstances if the following two conditions exist:
  - (1) the student has previously been suspended for bullying, and
  - (2) the student’s continuing presence in the school creates, in the principal’s opinion, an unacceptable risk to the safety of another person.
8. Principals must also suspend a student, and “give consideration as to whether or not a referral of that student for expulsion would be appropriate to the circumstances”, for any incident under subsection 306(1) of the Education Act, including bullying, 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, including but not limited to socio-economic status, or appearance.
9. Inform Police and/or Family Services Agencies as required in the Protocol between the Police and the Lambton Kent District School Board.
10. Arrange for counseling through LKDSB psychological services department if appropriate or requested by victims or aggressors.
11. Take appropriate steps to ensure student safety depending on the severity of the incident. These may include implementing a safety plan; separating and supervising the students involved; providing staff support for students as necessary; developing supervision plans with the parents/guardians; and initiating a safe school transfer for placement of a student in another school or alternative program.

**Staff are responsible to:**

1. Take immediate, appropriate steps to intervene.
2. Document all incidents of bullying for which they have provided intervention.
3. Report the bullying to the school principal for further investigation if he or she believes that his/her intervention has not resolved the matter, or if the bullying persists.
4. Report to Family Services Agencies as required in the Protocol between the Police and the Lambton Kent District School Board.

**Students are responsible to:**

1. Refrain from bullying behaviour.
2. Report incidents of bullying behaviour to the principal, teachers, or other school staff.
3. Refuse to participate in circumstances involving bullying behaviour.
4. Remove themselves immediately from circumstances involving bullying behaviour.
5. Seek adult intervention for circumstances involving bullying behaviour.

**Parents/Guardians are responsible to:**

1. Inform the school staff should they become aware of circumstances involving bullying.
2. Partner with the school in dialogue regarding student achievement, behaviour and expectations in a manner that is open, courteous, and focused on student success.

**Volunteers and Visitors are responsible to:**

1. Inform the school should they become aware of circumstances involving bullying.

**Bullying Prevention and Intervention Planning**

1. The Principal is responsible to:

- A. Form a Safe Schools team with responsibility for bullying prevention and intervention that is chaired by a staff member and composed of at least one student (where appropriate), one parent, one teacher, one support staff member, one community partner, and the principal. This responsibility may be assumed by an existing committee.
- B. Engage all members of the school community in committing to the initiative by:
  - Incorporating school-based bullying prevention and intervention plans as part of the School Improvement Plan inclusive of the following components and consistent with PPM 144 and Board policy:
    - the definition of bullying
    - prevention strategies
    - intervention strategies
    - training strategies for members of the school community
    - communication and outreach strategies
    - monitoring and review processes

Actively communicating policies and procedures on bullying prevention and intervention, as well as the definition of bullying, to students, parents/guardians, teachers, and other school staff, school councils, volunteers, and school bus operators / drivers - so that the roles and responsibilities of all members of the school community be clearly understood.

Ensure school and community engagement in annually recognizing Bullying Awareness and Prevention Week, which begins on the third Sunday in November of each year.

Making every effort to share this information with parents/guardians whose first language is a language other than English or French

- C. Conduct a school climate assessment through anonymous voluntary surveys of students, staff members, and parents/guardians every two (2) years.
- D. Annually review and update the school's bullying prevention and intervention planning template based on the results of the school climate assessment and other measures as may be indicated.
- E. Determine the effectiveness of the prevention and intervention policies and procedures via a monitoring and review process that will include analysis of the school climate through anonymous surveys of students, staff members, and parents/guardians provided by their schools on a regular cycle as determined by the Board (every two (2) years).



2. The Board shall determine the effectiveness of the prevention and intervention policies and procedures via a monitoring and review process that will include performance indicators for monitoring, reviewing, and evaluating the effectiveness of the Board's bullying prevention and intervention policies.

**Questions about supports for students**

1. School boards must provide support for students who have been bullied, students who have bullied others, and students who have been directly or indirectly affected by observing bullying.
2. If a parent or guardian is not satisfied with the supports that their child has received as a result of a bullying experience, 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.
3. If necessary as a subsequent step, parents/guardians 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.

Implementation Date: February 26, 2013

Revised: November 12, 2019

Reference: Education Act, Ministry of Education Bill 13  
Ministry PPM 128: The Provincial Code of Conduct  
LKDSB Policy and Administrative Procedures - *Safe Schools*  
LKDSB Administrative Procedures – *Bullying and Progressive Discipline*  
LKDSB Administrative Procedures – *Tobacco, Cannabis and Smoke Free Environment*

**APPENDIX A****LAMBTON KENT DISTRICT SCHOOL BOARD – CODE OF CONDUCT**

- This Code of Conduct applies to all individuals who participate in the school community whether they are on school property, on school buses, or at school-authorized events or activities.
- -All participants in the school community are to be treated with respect and dignity, especially those in positions of authority, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability and other protected areas under the Ontario Human Rights Code.
- All participants in the school community share responsibility for maintaining an environment where conflict and difference can be addressed through non-violent means in a manner characterized by respect and civility.
- Behaviour which is aggressive or threatening in any way has no place in LKDSB school communities.
- Student achievement depends upon the provision of safe and caring learning environments. All participants in the school community share responsibility for ensuring that their decisions and actions contribute rather than detract from the sanctity of these environments.
- Personal health and well-being are enhanced through awareness and appropriate choices. They are further safeguarded through the application of prevention and intervention strategies and the involvement of community agencies including the police in responding to situations including but not limited to those involving elevated risk of harm by a student to self or others, as well as to discourage the use of alcohol, illegal drugs and, except by a medical cannabis user, cannabis.
- Responsible citizenship involves appropriate participation in the life of the school community. Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others.

The Standards of Behaviour and Roles and Responsibilities are outlined in the corresponding LKDSB Administrative Procedure *Code of Conduct*

**Appendix B – Infractions Subject to Suspension or Expulsion:**

The following infractions must be reported to the principal by all Board employees 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.