

## **Action Plan for Ontario School Boards**

*This document was developed by OESC in co-operation with the Ontario Human Rights Commission.*

**Bill 157: Keeping Our Kids Safe at School** (which becomes law on February 1, 2010), together with Regulation 472/07 and additions to PPM's 144 and 145, includes a number of new expectations for boards in terms of additions/revisions to existing policies and procedures.

The following is a guide to assist boards in meeting the expectations of this new legislation package. Requirements have been divided into those related to policy & procedure and those of a more general nature, although there is a certain degree of cross-over.

When putting in place measures to address these new requirements under the Education Act, Boards must also take into account the principles of the Ontario *Human Rights Code* ("Code").

### **Section A: Policy/Procedure Requirements**

#### **Reporting to Principals**

- Boards must revise their Progressive Discipline and Bullying Prevention and Intervention policies to reflect the above legislative and policy requirements regarding **reporting to the principal** as outlined in the revised PPM 145 and PPM 144.
- These revisions are in addition to the requirements currently in PPM 145 and 144 and do not replace them.

#### **Response by Board Employees**

- Boards must revise their Progressive Discipline and Bullying Prevention and Intervention policies to reflect the legislative and policy requirement regarding **response by board employees** as outlined in the revised PPM 145 and PPM 144.

#### **Supports for Students**

- Boards must revise their Progressive Discipline and Bullying Prevention and Intervention policies to reflect the legislative and policy requirements regarding support for students as outlined in the revised PPM 145 and PPM 144.

### **Policy Statements – Progressive Discipline**

- PPM 145 has been revised to require that every school board include in their board Policy Statements on progressive discipline the following:
  - Homophobia, gender-based violence, sexual harassment and inappropriate sexual behaviour must be addressed.

### **Implementation Strategy**

- The Implementation Strategy section of PPM 145 has been revised to require boards to include several new components (underlined) as part of their progressive discipline policies. These include:
  - Outlining 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;
  - Providing for ongoing dialogue with parents on student achievement and behaviour at every step of the progressive discipline continuum.

### **Monitoring and Review**

- The Monitoring and Review section of PPM 145 has been revised to require boards to include several new components as part of their progressive discipline policies. These include:
  - directing schools to address gender-based violence, homophobia, sexual harassment and inappropriate sexual behaviour in their school improvement plans; and
  - directing schools to evaluate the effectiveness of their safe schools policies and programs through the use of school climate surveys which are to be undertaken a minimum of every two years.

- ♦ The Ministry of Education's School Climate Surveys have been revised and can be used to fulfill this requirement. An online tool to help schools roll-up their survey results is now available.

### **Delegation of Authority - Regarding Student Discipline**

- Board policies must also identify a process for providing support to individuals who have been delegated authority, e.g. contact information of available board supervisory officer.
- PPM 145 requires boards to have a clearly defined policy in place regarding Delegation of Authority under Part XIII of the Education Act and sets out the following requirements:
  - ♦ ***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 and suspensions for more than 5 school days.
  - ♦ ***Teachers***
    - Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension and/or expulsion.
    - A teacher may be delegated limited authority to contact the parent 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 clear on whether to call the parent or guardian the teacher should contact the principal or supervisory officer for direction. The principal or vice-principal will follow-up with the parent as soon as possible.

## Policy Development – Revising Board Policies

- In revising their policies, boards continue to have flexibility to address local needs and circumstances through revised policies/procedures in areas such as :
  - ♦ geographical considerations,
  - ♦ demographics,
  - ♦ cultural needs, and
  - ♦ availability of board and community supports and resources.
- Boards must consult with school councils and should also consult with parents, principals, teachers, and non-teaching staff in social work, child and youth work, psychology 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 now reflect principles outlined in the following documents:
  - ♦ The *Human Rights Code* and Ontario Human Rights Commission (OHRC) policies, including the *Guidelines on Accessible Education* (2004) and the *Policy and Guidelines on Racism and Racial Discrimination* (2005). Minutes of Settlement between the OHRC and the Ministry of Education, and the OHRC and the TDSB - proactively take steps to address the points noted in these settlements as the systemic concerns apply to every Board.
  - ♦ Policy/Program Memorandum No. 119, Developing and Implementing Equity and Inclusive Education Policies in Ontario's Schools, 2009
  - ♦ Regulation 181/98 - *Identification and Placement of Exceptional Pupils*;
  - ♦ *Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*;
  - ♦ *English Language Learners: ESL and ELD Programs and Services, 2007*.
  - ♦ other relevant board-wide policies, strategies, and initiatives, such as Student Success, the Equity and Inclusive Education Strategy and Character Development.

## **Section B: General Requirements**

### **Reporting to Principals**

- Boards must 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 pupils on a regular basis to report such matters to the principal.
- Reporting requirements must be clearly communicated to board employees, bus drivers, students and parents.
- Boards are expected to:
  - ♦ outline for board employees how to complete the Safe Schools Incident Reporting Form – Part I in a timely manner
  - ♦ outline a process for employees to obtain acknowledgement of receipt of their report from the principal using the ministry Safe Schools Incident Reporting Form – Part II
    - see Appendix A (attached) for a sample of the Safe Schools Incident Reporting Form – Part I
    - see Appendix B (attached) for a sample of the Safe Schools Incident Reporting Form – Part II
  - ♦ ensure that a report number is assigned to each report

### **Response by Board Employees**

- Responding requirements must be clearly communicated to board employees who work directly with students, students and parents.

### **Supports for Students**

- Boards to outline procedures to support students who are victims of serious student incidents\* and their parents
- Board policies and procedures must address what schools are expected to do to support these students including the development of specific student plans to protect the victim; and

- Outline a process for parents to follow when they are not satisfied with the supports that their children receive.
- In setting up supports for students, Boards must be aware that systemic human rights concerns have been raised about racialized students being disciplined when they have been victims of harassment. Guidance and training needs to be given to staff to help them address both the initial discriminatory incident and to put in place measures to prevent other incidents

**\* *Serious student incidents are incidents that must be considered for suspension (s. 306.(1) or expulsion s. 310.(1)).***

- Boards to outline how schools will refer students who are victims to a community agency that can provide the appropriate type of confidential support when his/her parents are not notified (e.g. sexual assault centre, Kids Help Phone, Lesbian, Gay, Bisexual, Transgendered Youth Line)
- 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.
- Boards are expected to coordinate a transition meeting to support the student who is being moved which should include the receiving teacher and appropriate non-teaching staff. Boards are also expected to consult with the parents of the student who is being transferred.
- Boards are expected to have clear policies for teaching/non-teaching staff regarding confidentiality of information shared at transition meetings when a student is moved.
- Boards/schools must :
  - ♦ Train staff and give appropriate support so they can meet their obligations under both the *Code* and *Education Act*. This may include information about human rights and progressive discipline, how to investigate harassing conduct between students, and how to prevent and address human rights concerns.
  - ♦ 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.

- ♦ engage their school councils and student councils to support these student-led activities.
- ♦ ensure that prevention and awareness raising planning is consistent with the requirements of the *Human Rights Code*, and with IEPs for students with special needs, including requirements regarding accommodations and modifications.
- ♦ require schools to conduct anonymous school climate surveys of their students every two years.
- ♦ require schools to share climate survey results with their Safe Schools Teams.

### **Safe Schools Resources to Support School Staff and Students**

- See Appendix C

### **Prevention and Awareness Raising**

PPM 145 has been revised to require that boards' progressive discipline policies include a component on prevention and awareness raising.

- Prevention and awareness raising strategies must be aimed at all members of the school community in areas including but not limited to:
  - ♦ development of a human rights strategy;
  - ♦ implementation of human rights policies and procedures;
  - ♦ homophobia,
  - ♦ gender-based violence,
  - ♦ sexual harassment,
  - ♦ inappropriate sexual behaviour,
  - ♦ human rights, harassment and discrimination
  - ♦ critical media literacy, and
  - ♦ safe internet use.

### **Building Partnerships**

- The Building Partnership sections in PPM 145 and PPM 144 have been revised to require that every school board must:
  - ♦ direct schools to work with agencies/organizations who have knowledge/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 agencies/organizations that have professional expertise and knowledge in these areas;
- make the list available to staff and students of every school; and
- ensure that all publicly-funded schools provide access to Public Health Units to deliver their mandated public health curriculum.

### **Training Strategy**

- Boards must implement a training strategy on the board's revised policies on progressive discipline and bullying prevention and intervention for:
  - all administrators and teachers
  - educational assistants, and non-teaching staff including those who are involved in social work, child and youth work, psychology and other related disciplines.
- Board training strategies on progressive discipline policies must include how to respond to gender-based violence, homophobia, sexual harassment and inappropriate sexual behaviour. This training should also cover human rights and discipline so staff involved in implementing the progressive discipline policy are aware of the primacy of the *Code* over the *Education Act*, Regulations and PPMs.
- Board training strategies on bullying prevention and intervention must include effective response practices to deal with gender-based and homophobic bullying consistent with equity training on cultural sensitivity and on respect for diversity and special education needs.

School boards should also work with their local Children's Aid Societies to develop/implement annual training for board staff on their duty to report under the *Child and Family Services Act (CFSA)*.

### **School-Level Plans**

- School-wide progressive discipline plans must address the requirements of the *Code*, and proactively measures to address systemic human rights concerns experienced by racialized students and students with disabilities.
- PPM 145 now states that school boards must require that all schools develop and implement a school-wide progressive discipline plan.

- PPM 144 now requires that school-level plans include:
  - ♦ awareness raising strategies;
  - ♦ support strategies including plans to protect victims.

## Appendix A

### Safe Schools Incident Reporting Form – Part I

<b>Report No:</b>	<b>CONFIDENTIAL</b> <b>SAFE SCHOOLS INCIDENT REPORTING FORM – PART I</b>
<b>Name of School:</b>	
<b>1. Names of Pupil(s) Involved (if known)</b>	_____ _____
<b>2. Where the Incident Occurred (check one)</b>	<input type="checkbox"/> A Location in the School or on School Property (please specify) _____ <input type="checkbox"/> At School-Related Activity (please specify) _____ <input type="checkbox"/> On a School Bus (Route #) _____ <input type="checkbox"/> Other (please specify) _____
<b>3. When the Incident Occurred</b>	Date: _____ Time: _____
<b>4. Type of Incident (check all applicable)</b>	<p><b>Activities for which suspension must be considered under section 306(1) of the Education Act</b></p> <input type="checkbox"/> Uttering a threat to inflict serious bodily harm on another person. <input type="checkbox"/> Possessing alcohol or illegal drugs. <input type="checkbox"/> Being under the influence of alcohol. <input type="checkbox"/> Swearing at a teacher or at another person in a position of authority. <input type="checkbox"/> 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. <input type="checkbox"/> Bullying. <input type="checkbox"/> Any other activity for which a pupil may be suspended under a policy of the board. <p>[Note: Boards must specify on this form any other activities for which the principal may suspend according to board policy.]</p> <p><b>Activities for which expulsion must be considered under section 310(1) of the Education Act</b></p> <input type="checkbox"/> Possessing a weapon, including possessing a firearm. <input type="checkbox"/> Using a weapon to cause or to threaten bodily harm to another person. <input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner. <input type="checkbox"/> Committing sexual assault. <input type="checkbox"/> Trafficking in weapons or in illegal drugs. <input type="checkbox"/> Committing robbery. <input type="checkbox"/> Giving alcohol to a minor. <input type="checkbox"/> Any other activity for which a pupil may be expelled under a policy of a board. <p>[Note: Boards must specify on this form any other activities for which the board may expel according to board policy.]</p>
<b>5. Report Submitted By:</b>	Name: _____ Signature: _____ Date: _____
<b>Contact Information:</b>	Location: _____ Telephone: _____

**Appendix B**

**Safe Schools Incident Reporting Form – Part II**

<b>SAFE SCHOOLS INCIDENT REPORTING FORM – PART II</b>	
<b>ACKNOWLEDGEMENT OF RECEIPT</b>	
<b>Report No:</b> _____	
Report Submitted By: Name: _____ Date: _____	
<input type="checkbox"/> Action Taken	<input type="checkbox"/> No Action Required
(Principal): Name: _____ Signature: _____ Date: _____	
<i>Note: Only Part II to be returned to the person who reported.</i>	

## Appendix C

### **Safe Schools Resources to Support School Staff and Students**

- ***Registry of Resources for Safe and Inclusive Schools:***
  - ♦ Provides information about resources which may be suitable for purchase and use in elementary and secondary schools including resources to help prevent bullying/harassment and to promote safe and inclusive schools.
  - ♦ URL <http://www.edu.gov.on.ca/eng/teachers/bullyprevention/registry.html>
  
- ***Sample School Climate Surveys:***
  - ♦ The ministry's sample school climate surveys have been expanded to include questions on equity and inclusive education and issues such as gender-based bullying, sexual harassment and homophobia. An online tool is now available for schools to aid in the roll-up of their results.
  - ♦ URL [www.edu.gov.on.ca/eng/safeschools/bullying.html](http://www.edu.gov.on.ca/eng/safeschools/bullying.html)
  
- ***Ontario Human Rights Commission (“OHRC”):***
  - ♦ The *Code* applies to disciplinary decisions and policies under the *Education Act*, and has primacy over the *Education Act*.
  - ♦ The OHRC has information to help schools and school boards prevent and address discrimination on its website at [www.ohrc.on.ca](http://www.ohrc.on.ca)
  - ♦ In particular, see the “Safe Schools Settlements” at <http://www.ohrc.on.ca/en/resources/news/backgroundedsettlement/view>, and the *Guidelines on Accessible Education* (2004) and the *Policy and Guidelines on Race and Racial Discrimination* (2005).
  
- ***Kids Help Phone***
  - ♦ In 2005, the Ministry entered into a 3-year partnership with Kids Help Phone (KHP) to help over 40,000 Ontario kids with “bullying-related” issues by phone and through their online counselling, information and referral services. As a result of this success the partnership has been renewed for an additional 3 years until 2011. Kids Help Phone's telephone counselling is confidential, free, open 24/7 and available throughout Canada.
  - ♦ URL [www.kidshelpphone.ca](http://www.kidshelpphone.ca) (also provides links to other resources and supports for youth)
  
- ***EGALE Resources***
  - ♦ EGALE Canada is developing a web-based forum for students and educators to facilitate discussion, networking, and support those involved in creating and running Gay-Straight Alliances (GSAs). Additionally, EGALE is creating a web-based, Ontario specific directory of GSAs. Web-based resources and information

to facilitate the creation of and sustainability of GSAs will also be available (<http://www.egale.ca/>)

- ***Ontario's Expanded Telepsychiatry Services***
  - ♦ Ontario's telepsychiatry program is a creative solution for increasing access and reducing wait times for children and youth in rural, remote and underserved communities. It uses videoconferencing to provide children, youth and their families or caregivers with access to clinical consultations with a child psychiatrist without having to leave their local communities. (<http://www.children.gov.on.ca/>)
  
- ***A Resource Guide and Online Training Tool for Ontario Schools***
  - ♦ In this 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.