



Procedure ST #1

Title: **STUDENT DISCIPLINE**
Adopted: September 7, 2010
Revised: October 26, 2010, January 2021
Reviewed: November 2021
Related Documents: Policy SHSM.002

Purpose

The purpose of this procedure is to provide details on actions to be taken in order to maintain a safe, caring and accepting school environment.

Background

1. Progressive discipline - The goal of these procedures, with respect to progressive discipline, is to support a safe learning and teaching environment in which every pupil can reach his or her full potential. It should be noted that all students at Bloorview School should be considered as experiencing mitigating circumstances.
2. "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. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that are developmentally and socio-emotionally appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make better choices." (PPM 145)

3. Appropriate action must consistently be taken to address behaviours that are contrary to provincial and Bloorview School Authority Codes of Conduct, which includes, but is not limited to, inappropriate sexual behaviour, gender-based violence, homophobia 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*.
4. 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.
5. The range of interventions, supports and consequences used by Bloorview School Authority must be clear and developmentally appropriate, and must include learning opportunities for pupils in order to reinforce positive behaviours and help pupils make good choices. For pupils with special education and/or disability related needs, interventions, supports and consequences must be consistent with the expectations in the student's IEP and/or demonstrated abilities.
6. It is the expectation of Bloorview School Authority that, provided there is no immediate risk of physical harm to any individual, all staff members (including administrators, teachers, educational assistants, therapists, social workers, child and youth workers, psychologists, and speech and language pathologists) who work directly with pupils on a regular basis, shall respond to inappropriate and disrespectful behaviour or any other behaviour that causes a negative school climate or for which a suspension or expulsion may be imposed, which they have observed or heard during the course of their duties or otherwise while on school property or during a school related event.
7. In the event that there is perceived immediate risk of physical harm, the employee has an obligation to report to the Principal in writing (i.e. fill out an incident report form). If necessary, a meeting will be convened to discuss the matter further. In all cases, the Principal will acknowledge receipt of the written report. The written report should include a description of the incident including the location, student(s) involved, date and time.
8. Bloorview School Authority Principal must consider all mitigating and other factors, as required by the *Education Act*, set out in Ontario Regulation 472/07 and reflected in student discipline settlements with the Human Rights Commission.

Positive Practices

9. The Bloorview staff promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, comforting and accepting learning and teaching environments which encourage and support students to reach their full potential. Bloorview School Authority supports the use of positive practices for: (1) prevention and (2) positive behaviour management.

10. Bloorview School Authority also encourages the review and amendment, as appropriate as per Individual Education Plans, Behaviour Management Plans and Safety Plans, at regular intervals and following an incident to ensure that every student with disability-related needs is receiving appropriate accommodation up to the point of undue hardship
11. Preventative practices may include:
- self-advocacy programs;
 - Human Rights strategy pursuant to PPM 119;
 - anti-bullying and violence prevention programs;
 - mentorship programs;
 - character education;
 - citizenship development including global outreach;
 - promotion of healthy student relationships;
 - healthy lifestyles.
12. Positive behaviour management practices include:
- program modifications or accommodations;
 - positive encouragement and reinforcement;
 - conflict resolution/dispute resolution;
 - promotion of healthy student relationships;
 - sensitivity programs;
 - integrating mindful breathing techniques;
 - observing visual signals of mood;
 - planned breaks;
 - safety Plans (including input from the Rehab. Team)
 - referral to child/youth worker or social worker through HBK;
 - consultation with appropriate resource team - BIRT, SODR, CCC, IET, class teams.
 - support programs through Bloorview Kids Rehab; and
 - student success strategies.
13. The Bloorview School Authority recognizes that, in rare circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, Bloorview School Authority supports the use of consequences.
14. In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of Bloorview School Authority that the principle of progressive discipline, consistent with the *Human Rights Code*, Ministry of Education direction and PPM 145, will be applied, if appropriate.

Progressive Discipline Consequences

15. Progressive discipline may include early and/or ongoing intervention and support strategies, such as:
 - contact with the pupil's parent(s)/guardian(s);
 - oral reminders;
 - review of expectations;
 - referral to Child/Youth Worker or Social Worker through HBK Rehab;
 - change arrangement of seating in the classroom;
 - conflict mediation and resolution; and/or
 - consultation with appropriate resource team - BIRT, SODR, CCC, IET, class teams.

16. If the ideas suggested in #14 are not successful and when inappropriate behaviours to occur, strategies such as the following (with a focus on improving behaviour) may be included:
 - meeting with the pupil's parent(s)/guardian(s), pupil and Principal;
 - withdrawal of privileges (e.g. loss of independence in the building);
 - behaviour contracts;
 - a verbal apology, if appropriate;
 - restitution for damages; and/or
 - development of a safety plan.

17. 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.

18. When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Student Discipline Procedures, the nature and severity of the behaviour, and the impact on the school climate.

19. Bloorview School Authority also supports the use of suspension and expulsion as outlined in Part XIII of the *Education Act* (where a pupil has committed one or more of the infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate).

20. Exclusion pursuant to section 265(1)(m) of the *Education Act* is not acceptable for discipline purposes or as an alternative to discipline, and may only be imposed in accordance with the *Education Act* and Bloorview School Authority procedures, and must be consistent with the *Human Rights Code*.

Suspension (NB: Suspension is not applicable under grade three)

21. The infractions for which a suspension may be imposed by the ~~Director~~/Principal include:
- uttering a threat to inflict serious bodily harm on another person;
 - violence or an attempt at violence
 - possessing alcohol, illegal and/or restricted drugs;
 - being under the influence of alcohol;
 - verbal abuse of adult staff at a teacher or at another person (including another student)
 - 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;
 - bullying;
 - any other activity for which a pupil may be suspended under a policy of Bloorview School Authority.
22. A pupil may be suspended only once for an infraction and may be suspended for a minimum of one school day and a maximum of twenty school days. Any such infractions about which a Bloorview School Authority staff member or transportation provider becomes aware must be reported to the Principal or designate in accordance with Bloorview School Authority procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. A written report in accordance with Bloorview School Authority procedures must be made when it is safe to do so.
23. The Principal or designate is required to provide information, in accordance with Bloorview School Authority procedures, to the parent/guardian of a pupil who is less than 18 years of age or 16 or 17 and has removed him/herself from parental control and where the Principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The Principal may inform a parent/guardian of a student 18 years or older or who is 16 or 17 and has removed him/herself from parental control, if that student consents to the disclosure of information.

Mitigating and Other Factors

24. Before imposing a suspension, the Principal, as required by the *Education Act*, must consider any mitigating and other factors and their application for the purpose of mitigating the discipline to be imposed on the pupil. For the purpose of the Student Discipline Policy and Procedures, Bloorview School Authority interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*. The Principal or designate shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

Mitigating Factors

25. The mitigating factors to be considered by the Principal are:

- a) whether the pupil has the ability to control his or her behaviour,
- b) whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
- c) whether the pupil'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

26. Other factors to be considered by the Principal are:

- a) the pupil's academic, discipline and personal history;
- b) whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- c) whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, colour, 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 pupil's prospects for further education;
- e) the pupil's age;
- f) where the pupil has an IEP or disability related needs:
 - whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - whether appropriate individualized accommodation has been provided;
 - whether a suspension is likely to result in aggravating or worsening the pupil'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 pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Expulsion

27. The infractions for which the Principal may consider recommending to Bloorview School Authority that a pupil be expelled from ~~the pupil's school or from all schools of the Bloorview School Authority~~ include:

- possessing a weapon, including possessing a firearm or knife;
- using a weapon to cause or to threaten bodily harm to another person;
- committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- committing sexual assault;
- trafficking in weapons, illegal or restricted drugs;
- committing robbery;
- giving alcohol to a minor;
- any other activity for which a pupil may be expelled under a policy of Bloorview School Authority.

28. The ~~Director~~ Supervisory Officer and two Trustees of Bloorview School Authority shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's position in society.

29. Any such infractions about which a Bloorview School Authority staff member or transportation provider becomes aware must be reported to the Principal or designate in accordance with Bloorview School Authority procedures at the earliest, safe opportunity and no later than the end of the school day, or end of a bus run, if reported by a transportation provider. A written report in accordance with Bloorview School Authority procedures must be made when it is safe to do so.

Mitigating Factors and Other Factors

30. Before imposing a suspension pending an investigation to determine whether to recommend expulsion, the Principal must consider any mitigating factors, outlined above, for the purpose of mitigating the discipline to be imposed on the pupil. For the purpose of the Student Discipline Policy and Procedures, Bloorview School Authority interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the Human Rights Code. The Principal of Bloorview School Authority shall consider whether or not the discipline will have a disproportionate impact on a pupil protected by the *Human Rights Code* and/or exacerbate the pupil's disadvantaged position in society.

31. If the Principal imposes a suspension pending an investigation to determine whether to recommend expulsion, the Principal must consider any mitigating and other factors, as set out above and in the Student Discipline Procedures, for the purpose of mitigation when determining whether to recommend an expulsion from the pupil's school from Bloorview School Authority, as required by the *Education Act*. If the Director/Principal determines it is not appropriate to recommend an expulsion, the Director/Principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.
32. For the purpose of the Student Discipline Procedures, Bloorview School Authority interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Human Rights Code*.

Principal Investigation

33. Before recommending an expulsion from Bloorview School Authority, the ~~Director~~/Principal must complete an investigation, consistent with the expectations of the *Human Rights Code* and as required by the *Education Act*, which is consistent with the expectations for ~~Director~~/Principal investigations outlined in Bloorview School Authority's Student Discipline Procedures.

Appeal

34. 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 *Human Rights Code*, Bloorview School Authority's Student Discipline Procedures and Suspension Appeal Guidelines.

Discipline Committee

35. Bloorview School Authority authorizes the creation of a Discipline Committee of no fewer than two (2) Trustees and the Supervisory Officer to decide appeals of Principal suspensions and Principal recommendations for expulsion. For these purposes, the Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline Procedures, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.
36. In all cases where consequences might be imposed, teachers, principal and the Supervisory Officer will consider the safety and dignity of all pupils, and the impact of the activity on the school climate.
37. The Discipline Committee shall have the powers as set out in the *Education Act* and any other powers necessary and shall consider the *Human Rights Code* of Ontario prior to implementing any appropriate Order.

Victims of Serious Student Incidents

38. Bloorview School Authority supports pupils who are victims of serious incidents of pupil behaviour causing harm contrary to the provincial and Bloorview School Authority Codes of Conduct. The Principal or designate is required to provide information, in accordance with Bloorview School Authority procedures, to the parent/guardian of a pupil who is less than 18 years of age, is not 16 or 17 and removed him/herself from parental control and where the Principal is NOT of the opinion that informing the parent/guardian would put the pupil at risk of harm and would not be in the pupil's best interests. The Principal may inform a parent of a student 18 years or older or 16 or 17 and has removed him/herself from parental control, if that student consents to the disclosure of information. Bloorview School Authority shall develop appropriate plans to protect the victim and will communicate to parents/guardians of victim's information about the plan and a method of identifying dissatisfaction with steps taken to provide support to the victim.