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Subject: PROGRESSIVE DISCIPLINE AND PROMOTING POSITIVE
STUDENT BEHAVIOUR

Application: Directors of Education
Superintendents of School Authorities
Principals of Elementary Schools
Principals of Secondary Schools
Principals of Provincial Schools
Special Education Advisory Committees

References: The Education Act, as amended by the Education Amendment Act
(Progressive Discipline and School Safety), 2007.
Ontario Regulation 472/07, "Suspension and Expulsion of Pupils".

INTRODUCTION

The Ministry of Education is committed to building and sustaining a positive school climate for all students¹ in order to support their education so that all students reach their full potential. School boards² are required to develop and implement policies on progressive discipline and are required to have their policies in place by February 1, 2008. Boards that already have a progressive discipline policy in place must review their existing policy to ensure that it meets all of the requirements set out in this memorandum.

The purpose of this memorandum is to provide direction to boards on the development and implementation of their policies on progressive discipline.

BACKGROUND

On June 4, 2007, the Education Amendment Act (Progressive Discipline and School Safety), 2007, was passed, amending Part XIII of the Education Act dealing with behaviour, discipline, and safety. Changes to the safe schools provisions of the Act more effectively combine discipline with opportunities for students to continue their education. These amendments come into force on February 1, 2008. For excerpts from the relevant sections of the Education Act and Ontario Regulation 472/07, see the Appendix to this memorandum.

1. The term *student*, as used in this memorandum, refers to *pupil*, as used in the Education Act.

2. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

The changes to the safe schools provisions of the Act provide the opportunity for students who have been expelled or those on a long-term suspension to continue their education by requiring school boards to provide programs for these students. The ministry provides direction to boards to support this legislative requirement in Policy/Program Memoranda Nos. 141 and 142.³

The Act requires that mitigating and other factors be taken into account when considering whether to suspend or expel a student. These factors are described in Ontario Regulation 472/07, “Suspension and Expulsion of Pupils” (for relevant excerpts, see the Appendix to this memorandum). In the case of suspension pending expulsion, mitigating and other factors are only to be taken into account in determining the duration of the suspension.

As part of the legislative changes, bullying has been added to the list of infractions for which suspension must be considered. The policy memorandum on bullying prevention and intervention⁴ requires every school board and school in Ontario to develop and implement a policy on bullying prevention and intervention. The memorandum provides direction to boards on the development and implementation of board policies on bullying prevention and intervention. It emphasizes the importance of addressing bullying, which can have a significant impact on student safety, learning, and school climate.

Amendments to the safe schools provisions of the Act support the ministry’s Safe Schools Strategy, which places an emphasis on prevention strategies that promote and support positive student behaviour and early and ongoing intervention.

PROMOTING AND SUPPORTING POSITIVE STUDENT BEHAVIOUR

The ministry acknowledges the importance of actively promoting and supporting appropriate and positive student behaviours that contribute to and sustain a safe learning and teaching environment in which every student can reach his or her full potential. Linkages to ministry initiatives such as character development and the Student Success Strategy are key in promoting and supporting appropriate and positive student behaviours.

Prevention

Prevention is the establishment and use of programs such as bullying prevention and citizenship development, as well as other positive activities designed to promote the building of healthy relationships and appropriate behaviours.⁵

3. Policy/Program Memorandum No. 141, “School Board Programs for Students on Long-Term Suspension”, August 23, 2007, and Policy/Program Memorandum No. 142, “School Board Programs for Expelled Students”, August 23, 2007.

4. Policy/Program Memorandum No. 144, “Bullying Prevention and Intervention”, October 4, 2007.

5. *Safe Schools Policy and Practice: An Agenda for Action*, Report of the Safe Schools Action Team (Toronto: June 2006), p. 24.

Generally, prevention measures and initiatives include the whole school and all aspects of school life. Schools that have prevention and intervention strategies foster a positive school climate that supports academic achievement for all students. Boards and schools should focus on prevention and early intervention as the key to maintaining a positive school environment in which students can learn.

A positive “school climate is a crucial component of prevention; it may be defined as the sum total of all of the personal relationships within a school. When these relationships are founded in mutual acceptance and inclusion, and modelled by all, a culture of respect becomes the norm.”⁶ A positive climate exists when all members of the school community feel safe, comfortable, and accepted.

Programs and activities that focus on the building of healthy relationships, character development, and peer relations provide the foundation for an effective continuum of strategies within a school and school-related activities. These supportive strategies and empowerment programs are the basis for creating a positive school climate.

In addition to teachers and administrators, other staff such as educational assistants, Native education counsellors, social workers, child and youth workers, psychologists, and attendance counsellors all play an important role in supporting students and contributing to a positive learning and teaching environment. A positive school climate also includes the participation of the school community, including parents,⁷ as well as the broader community, which can have a major impact on the success of all students in the school.

Progressive Discipline

Progressive discipline is a whole-school approach that utilizes a continuum of interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours described above. 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 include learning opportunities for reinforcing positive behaviour while helping students to make good choices.

In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.

For students with special education needs, interventions, supports, and consequences must be consistent with the student’s strengths, needs, goals, and expectations contained in his or her Individual Education Plan (IEP).

6. *Safe Schools Policy and Practice: An Agenda for Action*, Report of the Safe Schools Action Team (Toronto: June 2006), p. 6.

7. In this memorandum, *parent(s)* refers to parent(s) and guardian(s). Parental involvement applies, except in cases where the student is eighteen years of age or over or is sixteen or seventeen years of age and has “withdrawn from parental control”.

Schools are expected to actively engage parents in the progressive discipline approach.

A progressive discipline approach includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour, which are described below.

Early and Ongoing Intervention Strategies

Early and ongoing intervention strategies will help prevent unsafe or inappropriate behaviours in a school and in school-related activities. Intervention strategies should provide students with appropriate supports that address inappropriate behaviour and that would result in an improved school climate. For example, early interventions may include, but are not limited to, contact with parents, detentions, verbal reminders, review of expectations, or a written work assignment with a learning component.

Ongoing interventions may be necessary to sustain and promote positive student behaviour and/or address underlying causes of inappropriate behaviour. For example, ongoing interventions may include, but are not limited to, meetings with parents, volunteer service to the school community, conflict mediation, peer mentoring, and/or a referral to counselling.

Strategies for Addressing Inappropriate Behaviour

When inappropriate behaviour occurs, schools should utilize a range of interventions, supports, and consequences that are developmentally appropriate, and should include opportunities for students to focus on improving behaviour. Consequences for inappropriate behaviour may include, but are not limited to, meeting with the parent(s), student, and principal;⁸ referral to a community agency⁹ for anger management or substance abuse; and detentions or loss of privileges.

In considering the most appropriate response to address inappropriate behaviour, the following should be taken into consideration:

- the particular student and circumstances (e.g., mitigating or other factors)
- the nature and severity of the behaviour
- the impact on the school climate (i.e., the relationships within the school community)

SCHOOL BOARD POLICIES ON PROGRESSIVE DISCIPLINE

Policy Development

In developing their policies on progressive discipline, boards have the flexibility to take into account local needs and circumstances, such as geographical considerations, demographics, cultural needs, and availability of board and community supports and resources.

8. In this memorandum, *principal* refers to the principal or to a person designated by the principal or by the board.

9. Community agencies include a range of community service agencies, local organizations, and programs.

Boards should draw upon evidence-based practices that promote positive student behaviour. In developing their policies, boards must consult with school councils. They should also consult with parents, principals, teachers, students, their Parent Involvement Committee, their Special Education Advisory Committee, community partners, social service agencies, members of Aboriginal communities (e.g., Elders), and those groups that are traditionally not consulted.

Boards must take into account the needs of individual students by showing sensitivity to diversity, to cultural needs, and to special education needs in their policies, in keeping with the relevant ministry policies on antiracism and ethnocultural equity and antidiscrimination education and with the principles in the ministry document *Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*. Where possible, the policies should incorporate other relevant board-wide policies, strategies, and initiatives, such as those related to Student Success and character development.

Boards are required to adhere to the Municipal Freedom of Information and Protection of Privacy Act, the Ontario Human Rights Code, and the Education Act and regulations made under the Act in the development and implementation of their policies. Board policies must respect all applicable collective agreements. Boards should consult with their legal counsel and freedom of information coordinators to ensure that they are fulfilling their legal responsibilities.

Policy Components and Implementation Strategies

1. Policy Statement

Board policies on progressive discipline must include the following statements:

- The goal of the policy is to support a safe learning and teaching environment in which every student can reach his or her full potential.
- Appropriate action must consistently be taken to address behaviours that are contrary to provincial and board codes of conduct.
- Progressive discipline is an approach that makes use of a continuum of interventions, supports, and consequences, building upon strategies that promote positive behaviours.
- The range of interventions, supports, and consequences used by the board and all schools must be clear and developmentally appropriate, and must include learning opportunities for students in order to reinforce positive behaviours and help students make good choices.
- For students with special education needs, interventions, supports, and consequences must be consistent with the expectations in the student's IEP.
- 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. Progressive Discipline Implementation Strategy

In developing their progressive discipline policies, boards must incorporate the following procedures as part of their implementation strategy. Boards must:

- require schools to develop and implement a school-wide progressive discipline policy that is consistent with the board's policy;
- outline a range of interventions, supports, and consequences, including circumstances in which short-term suspension, long-term suspension, or expulsion may be the response required;
- require schools to use the most appropriate response, as outlined in the board's or school's progressive discipline policy, to respond to a student's behaviour. For students with special education needs, interventions, consequences, and supports must be consistent with the expectations in the student's IEP;
- develop a process for building on existing partnerships and for developing new partnerships with community agencies, including local police services, to support students and their families;
- provide for ongoing dialogue with parents on student achievement and behaviour;
- provide opportunities for students to improve the school climate through assuming leadership roles (e.g., peer mediation, mentorship);
- review the board's code of conduct to ensure that it is aligned with a progressive discipline approach.

3. Building Partnerships

Policies and programs that promote a positive school environment and support the progressive discipline continuum should be developed and established by building positive relationships that engage the whole school community and its partners. Linkages and coordination among boards, local schools, and community agencies should be established. Through outreach, partnerships already in place may be enhanced and new partnerships with community agencies and members of the community (e.g., Aboriginal Elders) may also be created.

Community agencies are resources that boards can use to deliver prevention or intervention programs (e.g., early and ongoing intervention strategies). Protocols between boards and community agencies are effective ways to establish linkages and to formalize the relationship between them. These protocols facilitate the delivery of prevention and intervention programs, the use of referral processes, and the provision of services and support for students and their parents and families. Where such protocols already exist, they should be reviewed, and where they do not, protocols should be developed to increase the board's capacity to respond to the needs of students. These partnerships must respect collective agreements.

Boards should, wherever possible, collaborate to provide coordinated prevention and intervention programs and services and, where possible, share effective practices.

4. Training Strategy for Administrators, Teachers, and Other School Staff

Boards must put in place a training strategy for all administrators and teachers, including educational assistants, on the board's policy on progressive discipline.

A board should make sure that others are aware of the board's policy on progressive discipline – for example, school secretaries and custodians, parents, volunteers, community agencies, and school bus operators/drivers.

The training must 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 and administrators through such opportunities as new-teacher induction programs and e-learning to create and sustain a safe teaching and learning environment.

5. Communication Strategy

For a progressive discipline approach to be effective, it is important that all members of the school community, including teachers, students, and parents, understand and support the progressive discipline approach. Boards must actively communicate policies and procedures to all students, parents, staff members, and school council members. Boards should share this information, as appropriate, with parents whose first language is a language other than English or French.

6. Monitoring and Review

Boards must establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of board policies and procedures. These indicators should be developed in consultation with teachers, students, parents, school councils, their Special Education Advisory Committee, their Parent Involvement Committee, and service providers in the community. Boards will also conduct a cyclical review of their policies and procedures in a timely manner. This review may include an analysis of school climate by their schools on a regular cycle, as determined by the board.

APPENDIX: EXCERPTS FROM THE LEGISLATION**Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007**

Relevant excerpts from sections 301, 306, and 310 of the Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007, are provided below for ease of reference.

Policies and guidelines governing discipline

301. (6) The Minister may establish policies and guidelines with respect to disciplining pupils, specifying, for example, the circumstances in which a pupil is subject to discipline and the forms and the extent of discipline that may be imposed in particular circumstances.

Duty of boards

(9) The Minister may require boards to comply with policies and guidelines established under this section.

SUSPENSION**Activities leading to possible suspension**

306. (1) A principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal 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 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. Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board.

Factors principal must consider

(2) In considering whether to suspend a pupil for engaging in an activity described in subsection (1), a principal shall take into account any mitigating or other factors prescribed by the regulations.

SUSPENSION, INVESTIGATION AND POSSIBLE EXPULSION**Activities leading to suspension**

310. (1) A principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

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 in illegal drugs.
6. Committing robbery.
7. Giving alcohol to a minor.
8. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled.

Same

(2) A pupil who is suspended under this section is suspended from his or her school and from engaging in all school-related activities.

Duration of suspension

(3) A principal may suspend a pupil under this section for up to 20 school days and, in considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

Assignment to program, etc.

(4) When a principal suspends a pupil under this section, he or she shall assign the pupil to a program for suspended pupils in accordance with any policies or guidelines issued by the Minister.

Ontario Regulation 472/07, “Suspension and Expulsion of Pupils”

Relevant excerpts from Ontario Regulation 472/07, made under the Education Act, are provided below for ease of reference.

Mitigating factors

2. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:

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 pupil’s continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other factors

3. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1. The pupil’s history.
2. Whether a progressive discipline approach has been used with the pupil.
3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil 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 pupil’s ongoing education.
5. The age of the pupil.
6. In the case of a pupil for whom an individual education plan has been developed,
 - i. whether the behaviour was a manifestation of a disability identified in the pupil’s individual education plan,
 - ii. whether appropriate individualized accommodation has been provided, and
 - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil’s behaviour or conduct.