



CHANGES TO THE SAFE SCHOOLS ACT BILL 212: WHAT YOU NEED TO KNOW

Introduction

Bill 212 came into effect on February 1, 2008. It modified the previously existing system of suspension and expulsion of students; while keeping elements of the discretionary and mandatory suspensions already existing in the Education Act. The list of infractions that may lead to suspension now includes bullying - an important step in achieving safe schools. The system now builds in flexibility and progressive consequences for infractions and provides students with programs while suspended and expelled. Lastly, Bill 212 changed the decision making structure so that teachers no longer have the authority to suspend.

Policy/Program Memoranda

Four key Policy/Program Memoranda (PPM) were issued to assist school boards in implementing these programs. These PPM require boards to develop and implement policies, with educator input, on progressive discipline, bullying prevention and intervention. Policies should include a comprehensive definition of bullying and cyberbullying. Once developed, boards must communicate these policies to everyone in the school community. These memoranda are available on the Ministry of Education's website at: <http://www.edu.gov.on.ca/extra/eng/ppm/ppm.html>.

Policy/Program Memorandum No. 141

This PPM deals with school board programs for students under suspension. Boards are expected to provide homework packages for students who have been suspended for less than six days. In the case of long-term suspensions (six days or more), boards must offer at least one program for suspended students. Boards must encourage suspended students to participate in these programs, but boards cannot compel student participation.

A Student Action Plan (SAP) must be developed for every student on a long-term suspension who commits to attend a suspended student program. The SAP will outline the objectives for students and be tailored to meet the student's specific needs.

It is ETFO's position that programs for suspended students must be provided by certified teachers.

Policy/Program Memorandum No. 142

This PPM deals with school board programs for expelled students. Boards are required to either:

- provide at least one program for students who have been expelled from all schools of the board, or;
assign a student who has been expelled only from his or her school to another school of the board, and;
- Boards must encourage expelled students to participate in these programs, but cannot compel expelled students to participate. However, expelled students who wish to return to school must complete an expelled student program.

Policy/Program Memorandum No. 144

This PPM deals with bullying prevention and intervention. Bullying has been added to the list of infractions for which suspension must be considered. Bullying is defined by the Ministry in section 1 (1) of the Education Act as:

- 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

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(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 (1.0.0.1) for the purposes of the definition of “bullying” in subsection (1), behaviour includes the use of any physical, verbal, electronic, written or other means.

Board policies must include several statements regarding:

- the adverse effects of bullying on students;
- that bullying will not be accepted in any circumstance (including online) where it will have a negative impact on the school climate;
- a prevention strategy which includes expectations for appropriate student behavior;
- teaching strategies that reflect prevention policies;
- procedures for students to report bullying incidents safely and in a way that will minimize the possibility of reprisal; and
- support for students who have been bullied, have bullied others and those affected by observed bullying.

Each school is required to have a “Safe School Team” in place that is responsible for school safety. Release time should be provided to carry out this work.

Policy/Program Memorandum No. 145

This PPM deals with progressive discipline and the promotion of positive student behaviour.

The discipline imposed for inappropriate behaviour should be both corrective and supportive. Schools are to utilize a range of interventions, supports and consequences that include learning opportunities while helping students to make good choices. These include meetings with parents, conflict mediation, peer mentoring, and/or a referral to counselling.

In addressing inappropriate behaviour the following should be considered:

- the particular student and circumstances;
- the nature and severity of the behaviour; and
- the impact on the school climate.

Board policies and procedures on progressive discipline must include several specific elements outlined in PPM No. 145.

Tips for ETFO Members

- Release time should be provided if you are asked to prepare generic packages for suspended students (writing teams) and to help develop school policies. Members should not be required to prepare homework packages, student action plans, or policies on their own time in addition to their usual workload.
- Every incident of bullying should be raised with the principal and documented using a Safe Schools Incident Report and/or a Violent Incident Report. There should be clear and prompt consequences for students who bully teachers or others in the school community.
- The board should include a prohibition against students bullying teachers or others in the community. The policy should include all of the information set out in the PPM materials. There should be an appropriate and clear investigation procedure in the policy.
- If you are aware of student conduct occurring outside of school hours that may impact the school environment, raise it with the principal so that a decision can be made about suspending the student. This could include personal attacks against teachers or students via electronic means such as Facebook, "blogs" or other internet sites.

For more information, please contact your Professional Relations Services at 416-962-3836 or 1-888-838-3836 at the provincial office

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