

## Bill 13 Accepting Schools Act - Advice to Members

The *Accepting Schools Act* (Bill 13) came into force on September 1, 2012. It is the most recent addition to the safe schools bullying and positive school climate framework. The purpose of this legislation is to:

1. identify bullying;
2. prevent bullying; and
3. improve inclusiveness in schools.

It does so by placing new obligations on the Ministry of Education, boards, principals, and members of ETFO.

The *Accepting Schools Act* is to be fully implemented by February 2013.

### Identifying Bullying

The *Education Act* now defines bullying as: (1) aggressive and typically repeated behavior; (2) an intent to either cause harm or to create a negative environment at a school for another individual; and (3) behavior involving a real or perceived power imbalance between the offending student and the individual victim.

Bullying conduct may involve physical, verbal, electronic, written, or other behavior. It includes cyber-bullying which is defined as bullying by electronic means.

### Preventing Bullying

The *Education Act* now imposes three new requirements designed to prevent bullying. A board must (1) promote a positive school climate that is inclusive and accepting of all pupils; (2) promote the prevention of bullying; and (3) conduct school climate surveys, to obtain information from students, staff, and parents every two years.

### Improving Inclusiveness

The “Behavior, Discipline, and Safety” provisions of the *Education Act* were amended to include the following purposes:

1. creating schools that are safe, inclusive, and accepting of all students;
2. addressing inappropriate student behavior;
3. supporting students affected by bullying; and
4. establishing disciplinary approaches that promote positive behavior and include appropriate consequences.

## Obligations Under the Act

### (a) Ministry Obligations

The Ministry must develop a model bullying prevention and intervention plan. The Ministry may include training for all teachers and staff, resources to support victims, perpetrators and witnesses of bullying, procedures for reporting acts of bullying and resources for student suspension programs in its bullying prevention and intervention plans. The content and timing of this training are not specified in the *Education Act*. The Ministry has proclaimed the week beginning on the third Sunday of November Bullying Awareness and Prevention week. The Ministry is also empowered to establish policies and guidelines with respect to disciplining students.

### (b) Board Obligations

Every board must establish bullying and intervention plans. The plans must be available to the public. With respect to promoting the prevention of bullying, school boards are required to:

1. provide annual professional development on bullying prevention for teachers and other school staff;
2. provide programs and strategies to support victims, perpetrators, and witnesses of bullying;
3. establish policies, guidelines, and plans with respect to bullying prevention and intervention in schools; and
4. support pupils who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate, including those with the name Gay-Straight Alliance or another name.

Boards are required to solicit the views of its pupils, teachers, staff, volunteers working at the board, parents and guardians of the pupils, school councils, and the public when establishing bullying prevention and intervention plans. School climate surveys are to be conducted at least once every two years.

Boards are required to submit annual reports to the minister regarding suspensions and expulsions. The minister is required to post on the Ministry's website information about the number of suspensions and expulsions.

### (c) Principal Obligations

Principals must investigate any instance of bullying reported to them and must now communicate the results of the investigation to the teacher (or other employee) that reported the incident unless the principal thinks it would not be appropriate to do so. Principals are also required to notify the parent or guardian of a student who has engaged in bullying or is the victim of bullying.

### (d) Teacher Obligations

Previously (under Bill 157) a teacher was required to report to a principal, as soon as reasonably possible, where they became aware that a pupil may have engaged in an activity leading to a possible suspension. This has been amended to require the report as soon as

reasonably possible or in the time frame specified in the policies and guidelines. According to the Ministry's amended P/PM 145, members must report any incident by no later than the end of the school day in which the event occurred. Delays in reporting could become disciplinary or professional misconduct issues and, as such, it is important to be alert to bullying and report any concerns promptly.

### **Safe Schools Incident Report Form**

The Safe Schools Incident Report Form has been revised to include a stronger duty for principals to communicate the results of the investigation to the person who submitted the report. Part I of the form now includes a box for principals to indicate if the incident meets the criteria for a serious violent incident and Part II now requires the principal to communicate the results to the member at a mutually agreeable time.

**For further information, contact your local ETFO president or Professional Relations staff in PRS at 416-962-3836 or 1-888-838-3836**

ST:KH