

<b>SAFE AND CARING SCHOOLS AND MANAGING STUDENT DISCIPLINE POLICY</b>	
<b>DM Approval:</b>	<b>Effective Date: DRAFT</b>

## **GENERAL INFORMATION**

### **Safe and Caring School Environments**

Under the *Education Act*, the Minister must establish and communicate goals and objectives for the Yukon education system, including the development of student self-worth through a positive educational environment.

The Department of Education supports a healthy, active, safe and caring learning environment in Yukon schools.

A school is a place that promotes responsibility, respect, and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, included and accepted. Building and sustaining a positive school climate is a complex challenge requiring evidence-informed solutions.

All students, parents, and teachers and other school staff have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate. The promotion of a whole-school approach to prevention and intervention strategies fosters a positive school climate that supports student achievement and the well-being of all students.

This policy establishes a code of conduct that sets clear, Yukon-wide standards of behaviour. These standards of behaviour apply to students whether they are on school property, on school buses, at school-related events or activities, or in other circumstances that could have an impact on the school climate. They also apply to all individuals involved in the publicly funded school system – principals, teachers, other school staff, parents, volunteers, and community groups.

## PURPOSE OF POLICY

*Education Act* reference:

- To promote the safety of people in the schools.
- To ensure that all members of the school community are treated with respect and dignity.
- To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community.
- To maintain an environment where conflict and difference can be addressed in a manner characterized by respect.
- To encourage the use of non-violent means to resolve conflict.
- To prevent bullying in schools.

## PRINCIPLES

**Respect:** School community members must exhibit behaviour that shows respect for the rights, property and safety of themselves and others.

**Responsibility:** School community members must accept personal responsibility for their behaviour in order to maintain a safe and productive learning environment.

**Rights:** School community members must honour the rights of others through the process of learning and demonstrating appropriate behaviour in the context of social responsibility.

The above principles are supported by the *Education Act* under several sections, included the preamble and those pertaining to the duties of students, parents/guardians, teachers, principals, superintendents and support staff.

## STANDARDS OF BEHAVIOUR

*Respect & Responsibility*

All members of the school community must:

- respect and comply with all applicable federal, territorial, and municipal laws;
- demonstrate honesty and integrity; respect differences in people, their ideas, and their opinions; treat one another with dignity and respect at all times, and especially when there is disagreement;
- respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability;
- respect the rights of others; show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;
- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;

- respect all members of the school community,
- respect the need of others to work in an environment that is conducive to learning and teaching; and
- not use profane language.

### *Safety*

All members of the school community must not:

- engage in bullying or abusive behaviour;
- commit physical or sexual assault;
- traffic in weapons or illegal drugs; give alcohol to a minor;
- commit robbery;
- be in possession of any weapon;
- use any object to threaten or intimidate another person;
- cause injury to any person with an object;
- be in possession of, or be under the influence of, or provide others with alcohol or illegal drugs; inflict or encourage others to inflict bodily harm on another person;
- engage in hate propaganda and other forms of behaviour motivated by hate or bias;
- commit an act of vandalism that causes damage to school property or to property located on the premises of the school.

## **ROLES AND RESPONSIBILITIES**

### **Department of Education**

It is the responsibility of the Department to:

- Provide direction to schools, school councils and school boards to ensure opportunity, academic excellence and accountability in the education system.
- Develop and review policy and procedures that set out how schools implement and enforce the code of conduct.
- Establish a process that clearly communicates the code of conduct to all parents, students, principals, teachers, other school staff, and members of the school community in order to obtain their commitment and support.
- Support schools in developing their own Codes of Conduct using this policy and code of conduct.
- Promote the use of effective intervention strategies and responses as necessary.
- Provide opportunities for all staff to acquire the knowledge, skills, and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment.

- Wherever possible, the Department should collaborate to provide coordinated prevention and intervention programs and services, and should endeavor to share effective practices.

**Principals**, under the direction of their superintendent, take a leadership role in the daily operation of a school. They provide this leadership by:

- Establishing a representative committee of school community members to develop, implement and review the school code of conduct.
- Promoting academic excellence in a safe teaching and learning environment.
- Holding everyone, under their authority, accountable for their behaviour and actions.
- Empowering students to be positive leaders in their school community.
- Communicating regularly and meaningfully with school community members.

**Teachers and school staff**, with the leadership of their principal, maintain order in the school and are role models. They are expected to:

- Help students work to their full potential and develop self-worth.
- Teach students the expectations of the school code of conduct.
- Empower students to be positive leaders in their classroom, school and community.
- Communicate regularly and meaningfully with parents.
- Maintain consistent standards of behaviour for all students.
- Demonstrate respect for all students, staff and parents.
- Prepare students for the full responsibilities of citizenship.

**Students** must demonstrate respect for themselves and others. Respect and responsibility are demonstrated when a student:

- Attends school prepared, on time and ready to learn.
- Shows respect for themselves, others.
- Refrains from bringing anything to school that may compromise the safety of others.
- Is aware of and follows the established rules and takes responsibility for his or her own actions.

**Parents** must support the efforts of school staff in maintaining a safe and respectful learning environment for all students. Parents fulfill this responsibility when they:

- Ensure that their child attends school regularly and on time.
- Show an active interest in their child's school work and progress.
- Communicate regularly with the school.
- Help their child be prepared for school.
- Promptly reports to the school their child's absence or late arrival.
- Become familiar with the code of conduct and school expectations.
- Encourage and assist their child in following the school behaviour expectations.
- Collaborate with school staff in managing discipline issues.

- Demonstrate respect for all school community members.

All school community members have the responsibility to comply with the *Education Act* and regulations, department policies and Memorandum of Understandings that have been established with Yukon First Nations.

### **Development or Revision of School Codes of Conduct**

Under the leadership of administrators, school community members must develop a codes of conduct tailored expressly for their school. Where local codes have been developed, they must be reviewed to ensure that they are consistent with this policy.

The codes must set expectations regarding what is acceptable and what is unacceptable behaviour for all members of the school community. School codes of conduct must:

- Set out standards of behaviour for all members of the school community (e.g., parents, students, staff, visitors, volunteers).
- Be developed with input from students, staff, parents, First Nations and other members of the school community.
- Indicate where and/or when these standards will apply (e.g., in school sports activities, on school buses, in off-site school-sponsored activities, or in circumstances where engaging in an activity could have a negative impact on the school climate).
- Include procedures and timelines for review (reviews should be conducted regularly).

The principal of each school must communicate how these standards will be made clear to everyone, including parents whose first language is a language other than English or French.

### **Progressive Response to Managing Student Discipline**

The Department of Education supports progressive disciplinary responses that are sensitive to the needs of any student who has been involved with inappropriate and unacceptable behaviour. School administrators and school-based staff shall respond to inappropriate student behaviour with a restorative approach and shall consider a series of progressive responses that take into consideration the individual circumstances of the situation.

Communication is important for maintaining trust and reconciling relationships between the school and the affected families when incidents of inappropriate behaviour occur. Any information sharing must also respect a student's right to privacy under the *Education Act* and the *Access to Information and Protection of Privacy Act*.

Reasonable attempts will be made to give notice of all out-of-school suspensions to school councils.

Under the Act, all School Councils must approve rules for their school (including procedures for the enforcement of those rules) that are developed by the school administration in consultation with school employees and with input from students. The Act provides that the discipline of students must be administered in accordance with the Act and those rules and procedures.

Under the *Student Transportation Regulations*, the Assistant Deputy Minister, Public Schools is responsible for approving school bus rules governing behaviour by a student during the student's transportation to and from school. These rules must also set out procedures to be followed and consequences to be applied when a student does not follow the school bus rules. A school may also address behaviour by its students on a school bus as part of its school rules and procedures.

### **Ensuring Safe and Caring Schools**

When bullying, harassment or intimidation or other incidents of unacceptable behaviour occur, school staff will act to deal with the incident. This can include but is not limited to the steps below:

- Listen and offer support.
- Act immediately to de-escalate the situation.
- Provide a supportive environment ensuring that harm is reduced and that all views, including those of the student(s) involved, are expressed and respected.
- Avoid the use of physical force, sarcasm, or ridicule to manage the situation.
- Investigate and gather information to understand what led to the behaviour.
- Provide a clear message that bullying, harassment, discrimination and intimidation will not be tolerated.
- Document the incident and determine the appropriate course of action.
- Prepare targeted intervention strategies to reintegrate the offending student, for example a Student Learning Plan, a Behaviour Support Plan, a Safety Plan or a new or revised Individualized Education Plan.
- Ensure those affected by the incident receive the necessary support.
- Implement appropriate processes (e.g. facilitation, mediation, discipline) to arrive at a plan to effectively deal with the behaviour.
- Communicate with parents, students and staff to ensure that everyone involved understands the situation and next steps while respecting a student's right to privacy.
- If necessary, call 911 or local emergency services in an emergency situation.
- Continue to address the situation until it is resolved.
- Document and manage all records of the incident in accordance with the school's records management process and the *Access to Information and Protection of Privacy Act*.

## Administration of Discipline

School administrators are required to document any discipline that is administered, and to deal with and support a student who has breached the school rules. This must include timely formal communication with the student and their parents outlining the behaviour, any discipline administered, and any interventions that will occur.

Where a student does not comply with the behavioural expectations of the code, appropriate actions should be initiated. The following principles for responding to problem behaviour must be applied:

- Responses to behaviour will be appropriate for the student's stage of development and on consideration of the student's special needs, circumstances and culture.
- Responses to behaviour will reflect the severity of misbehaviour and take into account the frequency and duration of the misbehaviour.
- Responses to behaviour will be chosen primarily for their educational value.
- Responses to behaviour will be understood by the student.
- Responses to behaviour will be appropriately timed.

When managing disruptive behaviour or severely disruptive behaviour, the following points must be considered:

- Inappropriate behaviour is never ignored
- Appropriate action is always taken
- Immediate action is taken to bring a stop to the behaviour
- Additional action in the form of an intervention should be designed in order to produce constructive behaviour change

### Responses that will not be used in Yukon Schools

The following consequences are prohibited to any type of misconduct:

- Corporal punishment.
- Use of academic consequences as a disciplinary procedure (e.g. assigning academic work as a consequence for misbehaviour or course withdrawal for absenteeism).
- Use of evaluation procedures as a disciplinary procedure (e.g. arbitrarily assigning a test to an individual or class that is behaving inappropriately).

### In-School Responses

All schools are required to establish procedures for in-school responses outside the regular classroom. These procedures must include:

1. Methods of informing the student's parent(s) of the reasons for the in-school response.
2. The duration of in-school responses and the supervision to be provided.

3. How the program of studies will be delivered to the student.
4. A reintegration plan for the student to return to the regular classroom.
5. Documentation of any repeat patterns of inappropriate behaviour and in-school responses.

### Out-of-School Responses

#### *Dismissal of Students*

In accordance with the *Education Act* section 40, a principal may dismiss a student for a period not exceeding two school days for any breach of school rules or code conduct.

When a student has been dismissed, the principal shall:

- make every effort possible to inform the parents of the student the reason for the dismissal; and
- meet as soon as possible with the student and the parents of the student to review the circumstances surrounding the dismissal and to determine appropriate corrective action.

If there is no resolution within two school days, the principal must decide either to reinstate or to suspend, in accordance with the *Education Act*, section 41.

Dates, times, the number of dismissals and grade levels must be recorded in the school administrator's monthly Superintendent report and be provided to the School Council. Student personal information (e.g. names) should not be included in the report as per ATIPP requirements.

#### *Out-of-School Suspensions*

In accordance with the *Education Act* section 41, following a dismissal, a principal may suspend a student for a period not exceeding ten school days for any breach of school rules or code conduct.

A principal may recommend to a School Board, Council, or if there is no Council, a superintendent that a student be suspended for a period greater than ten school days.

When a principal suspends a student or makes a recommendation for suspension for a period exceeding ten school days, the principal shall report in writing to the parents of the student and to the School Board, the Council, or if there is no Council, the superintendent the reason or reasons for the suspension.

#### *Responses to Students with Individualized Education Plans*

School administrators must ensure that an out-of-school suspension of a student who has an Individualized Education Plan (IEP) aligns with the goals of the student's IEP.

Where time is needed to revise a student's IEP, the IEP can be suspended. Every effort will be made to ensure that the student returns to school as quickly as possible.

Ongoing behaviour problems must be addressed in a Behaviour Support Plan, and/or a Safety Plan and/or an IEP.

#### *Restriction from Attending Other Yukon Schools*

A student suspended from any Yukon school is prohibited from enrolling at and attending any other Yukon school operated by the Department of Education during the period of suspension.

### **Appeals**

#### In-School Responses and Dismissals

Any student and/or parent wishing to appeal an in-school response or dismissal should follow the dispute resolution procedure established for the school (see the “School Council Dispute Resolution Procedure Policy”).

#### Out-of-School Suspensions

##### *Written Notice of Suspension*

When a principal suspends a student or makes a recommendation for suspension for a period exceeding ten school days, the principal should inform the superintendent and then provide as soon as possible written reasons for the suspension to the student, the student’s parents and the School Council.

##### *Representations to School Council or School Board*

The written notice of suspension must clearly specify that the student and/or the student’s parents have the right to make representations to the School Council with regard to the suspension or recommendation for suspension made by the school administrator. The suspension remains in effect until the School Council has reached a decision.

##### *Decision of School Council or School Board*

In response to representations made by the student and/or the student’s parents regarding the suspension or recommendation for suspension made by the school administrator, the School Council may reinstate the student, uphold the suspension, or place the student on a suspension that exceeds 10 school days.

The decision of the School Council must also indicate that the student and/or the student’s parent may appeal the decision of the School Council to the Education Appeal Tribunal within fourteen days of receiving the School Council’s decision.

The School Council must communicate the decision to the student and/or the student’s parents as soon as possible after the decision has been made.

*Education Appeal Tribunal*

Any appeal that is made to the Education Appeal Tribunal must be considered in accordance with the school rules and the provisions of this policy.

*Reporting*

Dates, times, the number of dismissals and grade levels must be recorded in the school administrator's monthly Superintendent report and be provided to the School Council. Student personal information (e.g. names) should not be included in the report as per ATIPP requirements.

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## Appendix A: Definitions

### DEFINITIONS

**‘Abuse of Authority’** means an individual’s improper use of power and authority inherent in the position held, by means of intimidation, threats, blackmail or coercion.

**‘Behaviour Support Plan’** (BSP) is a written plan based on a functional assessment of problematic behaviour. The BSP contains preventative practices, replacement or alternative behaviour being taught and reinforced and consequences for problematic behaviour. A BSP is implemented, continually monitored, and then evaluated based on the progress achieved.

**‘Bullying’** is a pattern of repeated aggressive behaviour, with negative intent, directed from one person to another, or from one group to another. In many cases bullying occurs when there is a power imbalance. Repeated bullying behaviours can take many forms and are not limited to; physical (e.g. pushing, tripping), verbal (e.g. name calling, put-downs), social (e.g. social isolation, gossip), intimidation (extortion, defacing property or clothing) or electronic bullying (threats or harmful and demeaning text messages, photos or videos distributed or published to the internet).

**‘Consequence’** is “something produced by a cause or necessarily following from a set of conditions”. A consequence can be positive or negative, and every single event and action/behaviour has a consequence.

**‘Discrimination’** consists of being mistreated or treated differently, unequally or unfairly on the basis of an identified group membership which may include: race, ethnic origin, colour, gender, sexual orientation, age, religion, marital/family status or disability.

**‘Dismissal’** of a student means that a school administrator may remove a student from school for up to two school days to give all parties time to gather information, de-escalate the situation or find an appropriate solution.

**‘Diversity’** encompasses such factors as age, gender, sexual orientation, race, ethnicity, ability, religion, marital / parental status.

**“Discipline”** is the steps or actions teachers, administrators, parents and students engage in when behaviour disrupts ongoing educational or social learning. Its purpose is to the development of student academic and social behaviour success. Discipline is nonjudgmental, the goal is to instruct, it leaves students with their dignity intact and involves working with students to find positive solutions.

**‘Equity’** in education is achieved when all members of society have fair and equal opportunity to participate in and enjoy the benefits of an education, including the opportunity to experience success while developing the skills, knowledge and attitudes

necessary to contribute as leaders and citizens in society. The concept of equity goes beyond formal equality where everyone is treated the same, to fostering a barrier-free environment where individuals benefit equally. It recognizes that some people or groups of people may require additional and/or unique approaches in order to achieve equal benefit.

**'Harassment'** consists of unwelcome comments, actions or material directed at or offensive to another person in which the harasser knows or ought to have reasonably known is unwelcome.

**'In-School Response' or 'In-School Suspension'** means that a student who has breached the school's behaviour code or rules stays in a structured, supervised environment. The student may be removed from regular classes and provided with his/her program of studies with limited, controlled contact with other students.

An **'Individualized Education Plan'** (IEP) is a document that outlines the educational program for a student as determined in consultation with professional staff and parents. IEPs are implemented when a student is determined to have academic, social/emotional and/or behaviour challenges have led to a designation of exceptionality under Division 2 of the *Education Act*.

**'Out-of-School Suspension'** means that a student has lost his/her right to attend school or be on school property due to repeated and/or serious misbehaviour.

**'Parent'** means the biological parents, the adoptive parents by custom or otherwise, and/or otherwise the persons legally entitled to custody of the child.

A **'Restorative Approach'** facilitates community support and ensures that a student learns how his/her behaviour impacts others and the surrounding environment. Restorative processes provide the student with the opportunity to accept responsibility, make amends to those impacted negatively, and engage in restitution. For additional information and resources contact Student Support Services in the Department of Education.

A **'Reintegration Plan'** is a written plan that identifies the actions being taken to allow the student to successfully return to the classroom following an in-school or out-of-school response to problematic behaviour. Reasonable attempts should be made to include the parents in the reintegration plan.

A **'Safety Plan'** is a written plan created in progressive response to a student who may exhibit increasing levels of disruptive and/or violent behaviour. A Safety Plan emphasizes keeping staff and student safety as the paramount goal. A Safety Plan is reviewed regularly by the student's school based team.

**'Sexual Harassment'** means any conduct, comment, gesture or contact of a sexual nature:

- a) that might reasonably be expected to cause offense or humiliation; or
- b) that might reasonably be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

**'School Administration'** means the school principal, vice principal and or other staff acting in the role of principal or vice principal.

**'School Activities'** means all activities that occur in the school, on school grounds and during activities that are sponsored by or approved by the school.

**'School Based Team'** means a collaborative problem solving team that is established to address a student's needs and increase learner success. The members can include the school administrator, a Learning Assistance Teacher, Shared Resource Program Teacher, school counselor, classroom teacher and parent(s).

**'School Community'** means everyone in a community that has contact with a school, including students, families, Department of Education staff, School Councils or Boards, First Nations and other partners in education.

A **'Student Learning Plan'** (StLP) is a written document that identifies short-term and ongoing adaptations to support the student in achieving prescribed learning outcomes.

A **'Threat'** is any expression of intent to do harm or act out violently against someone or something. Threats may be spoken, written, drawn, posted on the internet, or made by gesture only. Threats may be direct, indirect, conditional or veiled.

**'Unacceptable Behaviours'** mean behaviours that break school rules and interfere with the learning of others, including their emotional well-being, interfere with an orderly environment or create unsafe conditions for other students and staff.

**"Violence Threat Risk Assessment Protocol"** is the Department of Education's protocol for assessing violence and supporting student with high-risk behaviours.

**"Workplace Risk Assessment"** is the Department of Education's procedure to document incidents of concern when a student's escalating behaviour may present a risk to school staff.

## **Appendix B: Application, Exceptional Circumstances and Legislated and Policy References**

### **APPLICATION**

This policy applies to all staff of the Department of Education, School Councils and School Boards, and all other members of the School community.

### **EXCEPTIONAL CIRCUMSTANCES**

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

### **EFFECTIVE DATE**

This policy is effective XXXXXX

### **LEGISLATIVE AND POLICY REFERENCES**

Education Act, s. 34 (e)(f); s. 36; s. 38; s. 39; s. 40; s. 41; s. 167; s. 168 (d) and (g); s. 169 (d); Division 2 s. 15-16.

Student Transportation Regulations (O.I.C. 1991/069) s. 12; s. 13.

Access to Information and Protection of Privacy Act

Yukon Human Rights Act

Canadian Charter of Rights and Freedoms, Section 2, 15

Department of Education Policy 'Education Appeal Tribunal Procedures and Operations Policy'

Department of Education Policy 'School Council Dispute Resolution Procedure Policy'

Department of Education Policy 'Sexual Orientation and Gender Identity Policy'

Department of Education Policy 'Student Transportation on School Buses – Ridership Guidelines'

Department of Education Policy 'Video Surveillance in Schools and on School Buses'

General Administration Manual, Policy 3.47

Department of Education 'Student Support Services Procedures'

Department of Education 'Violence Threat Risk Assessment Protocol'

Department of Education 'Workplace Risk Assessment'

### **HISTORY**

Department of Education Policy 'Safe and Caring Schools Policy' (January 31, 2008); replaced by 'Safe and Caring Schools and Managing Student Behaviour Policy, effective XXXX.