

## Amendments to Ontario's Safe Schools Act

After a year-long consultation, the Safe Schools component of the Education Act, which governs the behaviour of people in schools, has been extensively revised. The revised rules come into force on February 1, 2008.

Under the new rules, some suspensions are no longer mandatory; teachers can no longer suspend students and principals on their own can no longer expel students. The Act has also been changed to focus on a range of consequences for unacceptable behaviour and to require boards to provide support for students.

The new Act stipulates that the unacceptable activity doesn't have to take place physically inside the school. For example, if a student threatens or harasses another student or a teacher on the internet while the student is in his/her own home, that behaviour may qualify as having an impact on the school climate and a student could be suspended for it.

Activities that <i>MAY</i> lead to suspension	Activities that <i>MUST</i> lead to suspension and for which the principal <i>MUST</i> consider expulsion
Uttering a threat to inflict serious bodily harm	Possessing a weapon
Possessing alcohol or illegal drugs	Using a weapon to cause or threaten bodily harm
Being under the influence of alcohol	Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
Swearing at a teacher or another person in a position of authority	Committing sexual assault
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	Trafficking in weapons or in illegal drugs
Bullying	Committing robbery
Any other activity for which a principal may suspend a pupil under school board policy	Giving alcohol to a minor
	Any other activity for which a principal may suspend a pupil under school board policy and therefore may conduct an investigation to determine whether to recommend to the board that the pupil be expelled

*N.B all suspensions may be for up to 20 days*

The Act also stipulates that:

- Every school board and every school must have its own Code of Conduct, which must be available to the public. The code must incorporate the new Provincial Code of Conduct and must include a series of escalating consequences for unacceptable behaviour, referred to as the "progressive discipline approach."
- The continuum of the progressive discipline approach must contain a range of interventions, supports, and consequences that are developmentally appropriate, that include opportunities for students to learn from mistakes, and that focus on improving behaviour. The continuum ranges from in-school supports and interventions, to short-term suspensions to long-term suspension or expulsion.
- Principals must make every effort within 24 hours to inform the suspended pupil's parent/s in writing of the suspension and include the reason for the suspension, information about any programs for suspended students and information about the right to appeal and the appeal process.

- Principals and boards must consider all of the factors which might have led to the unacceptable behaviour including:
  - The pupil does not have the ability to control his or her behaviour.
  - The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
  - The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.
  - The pupil's history
  - Whether a progressive discipline approach has been used with the pupil.
  - 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.
  - How the suspension or expulsion would affect the pupil's ongoing education.
  - The age of the pupil.
  - In the case of a pupil for whom an individual education plan has been developed:
    - whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan
    - whether appropriate individualized accommodation has been provided, and
    - whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.
- Students and their parents or guardians have the right to appeal all suspensions or expulsions, but the decision of the school board on the appeal is final.
- When a student is suspended for an activity that falls under the mandatory suspension criteria, the principal must conduct an investigation to determine whether to recommend to the board that the student be expelled.
- If a principal suspends a student, the principal is required to assign him or her to a program for suspended pupils provided by the board.
- If a principal recommends expelling a student, the board must hold a hearing that includes the principal, the student, the student's parent/s or guardian/s, and members of the board to determine if the student should be expelled.
- If a student is expelled, the board must either find another school for the student or place the student in a program for expelled students.
- A Student Action Plan (SAP) must be developed for every expelled student. The SAP is to be developed by the principal, in cooperation with staff, the student and his or her parent(s) and, among other things, must set out a series of goals, measures of success and strategies and types of support for the student.

*For more information about the Act and for the Policy Memoranda accompanying the Act go to the People for Education website at [www.peopleforeducation.com](http://www.peopleforeducation.com)*

People for Education is an independent parents' group working to support public education in Ontario's English, French and Catholic schools.

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