

ACCEPTING SCHOOLS: *Summary of Bill 13 and Policy and Program Changes*

Bill 13, *The Accepting Schools Act, 2012* came into effect September 2012. Boards were expected to make some procedural changes by September 2012, working towards full implementation of Bill 13 obligations by February 1, 2013. This implementation includes changes to the following TVDSB Policies & Procedures: Code of Conduct, Bullying Prevention & Intervention, Progressive Discipline and Promoting Positive Student Behaviour, and Expulsion of Students.

Ontario's Safe Schools Strategy is based on the principle that a caring, safe and positive learning environment is essential for student success and promotes positive student behavior.

Bill 13 sets out new requirements, for example:

- Support for students who are victims of bullying, engage in bullying or are bystanders
- Communication with parents
- Training for school staff

SUMMARY OF KEY BILL 13 CHANGES (full implementation February 2013):

Data and Multi-Year Plans & Bullying and Intervention Plans

Boards must now:

- Conduct anonymous school climate surveys of their students, **staff** and parents at least once every two years
- Use school climate surveys to inform board and school improvement plans as a part of a whole school approach
- Have a Bullying Prevention and Intervention Plan (following Ministry evidence-informed model plan)

Code of Conduct

- Third parties are required to agree to follow standards that are consistent with the TVDSB Code of Conduct when signing agreements with the school board for the use of school space
- TVDSB Code of Conduct – reference to preventing bullying in schools has been added to the Purpose section

Definition of Bullying

- Bullying is **aggressive** and typically **repeated** behavior that is **intended to cause harm, fear or distress** or create a negative environment at school for another individual.
- Bullying occurs in the context of a real or perceived **power imbalance**, based on any number of factors (eg. Popularity, strength)
- Bullying behavior can include physical, verbal, electronic (cyber bullying), written or other means
- An evidence-informed definition of bullying, including cyber bullying is now in the Education Act and is also included in the TVDSB Bullying Prevention and Intervention Procedures

Expulsion – Bullying & Bias, Prejudice, Hate Motivated Incidents

- Principals must consider expulsion for **bullying** if:
 - A student has been previously suspended for bullying, and
 - The student's continued presence in the school creates (in the principal's opinion) an unacceptable risk to the safety of another person
- Principals must consider expulsion for any incidents under 306(1) if it is **motivated by bias, prejudice or hate** based on such factors as race, religion, sex, mental or physical disability, sexual orientation

Principals must continue to consider mitigating and other factors when determining length of the suspension and whether to recommend expulsion. Students on a long-term suspension or expulsion will be offered the TVDSB U-Turn program which will include both an academic and non-academic component. In the case of students with special education needs, boards are required to provide appropriate support consistent with the student's Individual Education Plan.

Reporting – Psychologists & Social Workers

- In certain situations, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are engaged in a clinical relationship with a student shall report incidents of behavior for which suspension or expulsion must be considered to the principal as soon as it is, in their professional opinion, reasonably possible to do so without having a negative impact on the nature of the clinical relationship, in accordance with section 300.2 of Part XIII of the Education Act. They shall also report, in a manner that is consistent with the code of ethics and the standards of practice of their respective professions, matters that could result in the student's doing physical, emotional, or psychological harm to themselves or to others.

Reporting – Investigations & Communications with Staff

- Principals are required to investigate all reports and:
 - Communicate the results of the investigation to the teacher who made the report, or to another board employee as appropriate
- Part II of the Reporting Form (*Acknowledgement of Receipt*) has been revised to confirm receipt of the report and:
 - That the principal has completed the investigation, or
 - That the investigation is in progress

Communication between the principal and staff about the investigation and results of the investigation is a shared responsibility and is an important factor in meeting the student needs and fostering collaboration in the school

Notifying & Engaging Parents

- Principals are required to:
 - Invite parents of students who have been harmed to have a discussion about the supports that will be provided to their child
 - Notify parents/guardians of any student who has caused harm and invite them to discuss supports to be provided
 - Offer opportunities for parents to learn about school safety and school climate
 - Put in place procedures that allow parents (and others) to report incidents of bullying

Bill 157 already required that principals notify these parents if their child was harmed. Parents are important partners in a whole school approach to safe, inclusive and accepting schools. It is important they have opportunities for ongoing dialogue with the school to help prevent and address inappropriate behavior and provide support for their children

Supports for Students

- Supports for students who are involved in inappropriate behavior must be provided to assist them to improve their behavior and develop healthy relationships
- Programs, interventions or other supports must be provided for students:
 - Who have been bullied
 - Who witness incidents of bullying, and
 - Who have engaged in bullying

Student-Led Activities

- Schools shall support students who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, acceptance of and respect for others, and the creation of positive school climate
- Schools are not required to establish an activity or organization unless at least one student wants to establish and lead it
- All names for student-led activities must be consistent with the promotion of a positive school climate
- Boards/principals cannot refuse the use of the name “gay-straight alliance” if that is the name the students choose
- Boards/schools are welcome to work with students to form other types of groups based on local needs

Student-led activities build respect and understanding among all students to create a safe, inclusive and accepting school environment. Examples of student-led activities may include:

- *clubs to promote gender equity,*
- *clubs to promote anti-racism,*
- *clubs to raise awareness of persons with disabilities,*
- *clubs to raise awareness of people of all sexual orientations and gender identities*

Training and Awareness Raising

- Boards must provide annual professional development programs for all school and board staff about bullying prevention and strategies for promoting a positive school climate to increase their understanding and awareness of inappropriate student behavior and their ability to respond

Schools are reminded that the TVDSB WIN WIN Responses DVD is an excellent resource to use with staff to promote discussion and lead to more effective responses to inappropriate behavior

Disclosure of Students' Personal Information

- Given the obligation to respond to inappropriate student behavior, including behavior that could lead to a suspension or expulsion, board employees who work directly with students:
 - May need to know those behavior(s) that may present a potential risk of physical harm to school staff or students as documented as part of progressive discipline in the student's Ontario Student Record (OSR)

Safe Schools Incident Reporting Form Retention in OSR

- Reporting Form Part I must be kept in the OSR for a minimum of one year if action was taken for a serious student incident
- If the principal has identified the incident as violent, the reporting form must be retained in that student's OSR:
 - **For 1 year** if the student's suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period
 - **For 3 years** if the student was suspended for the violent incident
 - **For 5 years** if the student was expelled for the violent incident

For non-violent incidents, if no further action is taken by the principal, the principal is not required to retain the report

Reporting: Early Childhood Educators

- Employees and contractors of third party operators of before and/or after school programs supporting full-day kindergarten (FDK) on the school site are required to report to the principal any incident that may lead to a student suspension, or expulsion as soon as reasonably possible
 - Boards are required to include this as a condition in their agreements with third party operators providing before and/or after school programs for FDK

Boards are expected to provide information to these service providers on completing the Safe Schools Incident Reporting Form

School Transfer Related to School Safety

- In cases where a student is being transferred to another school in order to address school safety, boards are required to coordinate a “transfer meeting” between the school that the student is being transferred from, and the receiving school
- The purpose of the transfer meeting is to put in place a transition strategy to identify any additional supports and resources that the student may require. It must:
 - Include the teaching and other school staff who will have regular direct contact with the student
 - Occur prior to the day or on the day the student is transferred (must occur before the student attends class)
- The receiving school must also be in possession of the student’s OSR prior to the transfer meeting

In cases where the transfer is necessary to protect a student, it is preferable that the student who has been harmed not be moved