



## **Revised Procedure PR697, Promoting a Positive School Climate**

**To:** Governance and Policy Committee

**Date:** 30 September, 2020

**Report No.:** 09-20-3946

### **Strategic Directions**

- Transform Student Learning
- Build Strong Relationships and Partnerships Within School Communities to support Student Learning and Well-Being
- Provide Equity of Access to Learning Opportunities for all Students
- Create a culture for student and staff well-being

### **Recommendation**

It is recommended that the revised Promoting a Positive School Climate Procedure (PR697), as presented in this report, be received for information.

### **Context**

On July 31, 2020 the Provincial Government passed O. Reg 440/20. One of the directives in this Regulation removes the principal's discretion to suspend pupils in junior kindergarten to Grade 3 for activities listed in subsection 306(1) of the Education Act. Serious activities listed in subsection 310(1) will continue to require a mandatory suspension after the principal conducts an investigation.

In addition to removing the principal's discretion to suspend pupils for activities listed in subsection 306(1) of the Education Act, the regulation does the following:

Mandatory suspension for bullying Ed Act 310(1) (7.1):

- Where a principal is suspending a student for bullying under s. 310(1) (7.1), the requirement that "the pupil has previously been suspended for engaging in bullying" no longer applies to students in junior kindergarten to Grade 3. The remaining

requirement, that “the pupil’s continuing presence in the school creates an unacceptable risk to the safety of another person” remains in effect.

1) Mandatory investigation before mandatory suspensions under *Education Act* 310(1):

- Principals are now required to conduct an investigation respecting the allegations before imposing a mandatory suspension on a student in junior kindergarten to Grade 3 under subsection 310(1).
- This change in current practice not only documents a Principal’s investigation into an alleged incident but it promotes an opportunity for Principals to seek further guidance regarding an incident. Further, this change in practice encourages and supports investigations that are fair, equitable and consistent across TDSB schools. The documentation of these investigative practices will include a focus on ensuring that the principles of anti-oppression, in particular anti-black racism and anti-indigenous racism are at the center of school based investigations. As well, this same focus will inform and guide any subsequent suspension decisions regarding the incident. This in turn will create and foster a collegial support model that involves the school Superintendent and appropriate central staff.
- Further this process will include, identifying the need to investigate, through a thorough analysis of the incident, whether the allegations against the student were motivated by bias, prejudice or discrimination and integral to the process principals will be emboldened to examine their own bias in assessing and investigating the allegations related to the incident

As a result of the legislative changes detailed above the following actions have been completed and are being implemented to ensure TDSB compliance with these changes:

1) PR 697, Promoting a Positive School Climate Procedure has been amended and approved by Executive Council on September 22. The revised Procedure includes the following (see Appendix A for tracked changes):

## 6.2 Practices

### **Removed:**

Schools Shall:

(m) prior to suspending a student or referring a student for expulsion, conduct an investigation and consider mitigating and other factors and document the process used.

### **Added new:**

School Principals must:

(m) not suspend any student from JK to Gr.3 for any infraction under section 306(1) of the Education Act

(n) prior to issuing a mandatory suspension for a student from JK to Gr.3 for any infraction under section 310(1) of the Education Act (see chart of suspensions below), the principal is required to conduct an investigation into the matter and then determine if a suspension is required; if a principal is suspending a student for bullying under s. 310(1)(7.1), the requirement that “the pupil has previously been suspended for engaging in bullying” no longer applies to students in junior kindergarten to Grade 3. The remaining requirement, that “the pupil’s continuing presence in the school creates an unacceptable risk to the safety of another person” remains in effect.

(o) prior to suspending any student in Gr. 4 to Gr. 12 under section 306 (1) of the Education Act conduct an investigation into the incident and consider mitigating and other factors, apply the principles of progressive discipline and document the process used.

(p) prior to recommending an expulsion under section 310(1) of the Education Act for any student in Gr. 4 to Gr. 12, the Principal is required to suspend the student, conduct an investigation, consider mitigating and other factors, apply the principles of progressive discipline and document the process used.

2) The following changes to the Caring and Safe Schools Database are being implemented:

- Lock the Principal and Vice-Principal’s ability to issue any suspension under section 306(1) of the Education Act for a student in JK to Gr.3.
- Require a Principal or Vice-Principal to complete the Principal’s Investigation prior to issuing a suspension under section 310(1) of the Education Act for a student in JK to Gr.3.
- Require consultation with Superintendent of Education and appropriate central staff prior to issuing a suspension for a student in JK to Gr.3.
- Once the investigation and consultation process are complete for an incident involving a student in JK to Gr. 3 and the Principal has decided to issue a suspension under section 310(1) of the Education Act require the SOE for the school to unlock the 310(1) suspension reason in order for the Principal to complete the suspension.

3) A system message for Trustees, Senior Team, Principals, Vice-Principals and school communities outlining the above changes and expectations is being prepared.

### **Action Plan and Associated Timeline**

Subject to the Procedure being received at the Governance and Policy Committee, the revised Procedure will be provided to the Board of Trustees on October 21, 2020 for receipt.

## **Resource Implications**

The current proposal does not put a strain on existing TDSB resources. The TDSB has supports and resources already in place that will enable the proposed changes to be implemented.

## **Communications Considerations**

As detailed above, a communication plan will be developed for Trustees, Senior Team, Principals, Vice-Principals and school communities outlining the above changes and expectations.

The revised Promoting a Positive School Climate Procedure (PR697) will be posted on the Board's internal and external website and communicated through the System Leaders' Bulletin and the TDSB Connects.

## **Board Policy and Procedure Reference(s)**

### Policies:

- Caring and Safe Schools Policy (P051)
- Equity Policy (P037)

### Procedures:

- Board Code of Conduct (PR585)
- Hearing of and Appeal Under Section 265(1) (m) of the Education Act (PR602)
- Programs for Students on Long Term Suspension or Expulsion (PR586)
- Bullying Prevention and Intervention (PR703)
- Police-School Board Protocol (PR698)
- Progressive Discipline (PR702)
- Promoting a Positive School Climate Procedure (PR697)
- Non-Discretionary and Discretionary Student Transfers (PR 540)
- Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools (PR728)

### Legislative Acts and Regulations:

- *Education Act*

### Other Documents:

- TDSB Expected Practices for Understanding, Addressing and Preventing Discrimination

## **Appendices**

- Appendix A: Promoting a Positive School Climate Procedure (PR697) – Revised Tracked
- Appendix B: Promoting a Positive School Climate Procedure (PR697) – Revised Clean

**From**

Jim Spyropoulos, Executive Superintendent, Human Rights and Indigenous Education  
at [jim.spyropoulos@tdsb.on.ca](mailto:jim.spyropoulos@tdsb.on.ca) or at 416-397-3678