



Safer Schools... Safer Communities

Discussion Guide

Make your voice heard

Take part in the public consultation on ensuring that our schools are as safe as possible through a public review of the *Safe Schools Act* provisions in the *Education Act*. The Ministry is seeking the best means to prevent and respond to behaviour that is either unsafe or unacceptable. The Ministry also accepts the responsibility to ensure that all students are treated as fairly as possible.

November 2005

Safe Schools Action Team



INFORMATION ABOUT CONSULTATIONS

All consultations are scheduled from 7:00 p.m. to 9:30 p.m. on the following dates:

- November 21, 2005 – Ottawa
(French and English)
Nepean Sportsplex
Hall A & B
1701 Woodroffe Ave
- November 23, 2005 – London
(English only)
University of Western Ontario
Great Hall
Somerville House
1151 Richmond Street
- November 29, 2005 – Toronto (West)
(French and English)
Holiday Inn Airport
Ballroom
600 Dixon Road
- December 1, 2005 – Toronto (East)
(English only)
Centennial College
Conference Centre
Scarborough Ballroom
940 Progress Avenue
- December 5, 2005 – Sudbury
(French and English)
Science 2 Cafeteria
Laurentian University
935 Ramsey Lake Road
- December 7, 2005 – Thunder Bay
(English only)
Canadian Lakehead Exhibition (CLE)
Heritage Room
425 Northern Avenue

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Une publication équivalente est disponible en français sous le titre *Des écoles plus sécuritaires... des communautés plus sûres – Guide de discussion*, 2005.

This publication is available on the Ministry of Education's website, at www.edu.gov.on.ca.

Note From The Chairperson Of The Safe Schools Action Team

Help make our schools safer by making your voice heard

The Safe Schools Action Team believes that every student deserves to be safe and to feel safe in school, on the school grounds, in school buses or at school events and activities.

Parents, students, teachers, education workers, principals and vice-principals, board staff and residents of communities across Ontario share this as a common goal.

You can help us achieve this goal.

On behalf of the Safe Schools Action Team, I would like to invite you to give us your ideas by taking part in Safer Schools... Safer Communities, a province-wide public consultation focused on making our schools and our communities safer.

We know that safety is a precondition to good learning. Students learn and teachers teach more successfully when schools are safe.

We also know that students who stay in school longer achieve more and have a greater chance of success in the future.

Reviewing the *Safe Schools Act*

The Safe Schools Action Team was established by Ontario Minister of Education Gerard Kennedy and Community Safety and Correctional Services Minister Monte Kwinter last December as part of the Ontario government's commitment to review a full range of school safety policies and practices, including the provisions brought in under the *Safe Schools Act, 2000*.

We have been asked to determine what is working, whether current approaches are sufficient, what impact the application of the provisions is having and where improvements can be made.

A strategic plan for education in Ontario

Our review is part of the government's overall Excellence for All strategy to improve education in Ontario.

Key government initiatives include the Every Child strategy in JK to Grade 6, the Student Success strategy from Grades 7 to 12, support for long-term labour contracts, Healthy Schools, Arts in Education, Partners in Education and the Safe Schools Action Team.

Your views matter

With your input and your ideas, we can ensure that policies are in place that will:

- protect students and staff by preventing unsafe behaviour before it leads to suspension or expulsion;
- enable teachers, principals and school boards to respond clearly and fairly to behaviour that is unsafe or unacceptable;
- ensure that students who are suspended or expelled are able to successfully return to school.

This discussion paper is a starting point. We have included background on the issue and questions to encourage thinking and discussion.

The Safe Schools Action Team is travelling across Ontario to listen to teachers, parents, students, school administrators and other residents of Ontario communities about the impact of the Safe Schools Act.

I look forward to hearing your thoughts on this vital issue.

Your opinions are important to us. If you are unable to attend any of the scheduled consultations, you can still make your voice heard by sending us your comments in a variety of ways:

- Online, to www.edu.gov.on.ca
- By mail to:
ATTENTION: Safe Schools Action Team
Policy and Program Branch
Ministry of Education
15th floor, Mowat Block
900 Bay Street
Toronto, ON M7A 1L2



Liz Sandals, M.P.P.
Chair, Safe Schools Action Team

SECTION 1 SAFE SCHOOLS AND ONTARIO'S EDUCATION STRATEGY

Initiatives to make our schools safer are part of our comprehensive Excellence for All strategy to improve education in Ontario.

The goal of this strategy is to develop the intellectual, emotional and physical potential of our children and young adults so that they can become the best contributing citizens they can be.

The Ontario government believes that:

- *Every student can learn.*
- *Every student can and should come to school ready to learn.*
- *Every student should learn in a school that is properly funded and in good repair.*
- *Every student in the province should be able to read, write, do math and comprehend at a high level by the age of 12 as the necessary foundation for later educational and social choices.*
- *Every student should have significant exposure to music and the arts.*
- *Every student should enjoy regular physical activity, appreciate the benefits of a healthy lifestyle and have access to a full range of extracurricular activities.*
- *Every student should be safe and feel safe at school and in the schoolyard.*
- *Every student should reach the highest level of achievement that his or her ability and willingness to work hard will permit.*
- *Every student should receive a good outcome from publicly funded education, whether it is an apprenticeship, job placement, or admission to a college or university.*
- *Every student should know how to think for him- or herself, appreciate the rights and obligations of good citizenship and learn about character values.*

To reach these goals, the government has introduced the Every Child program at the elementary level. The program provides more individual attention by capping class sizes in the early grades, lead literacy and numeracy teachers in every elementary school, two thousand new specialist teachers in phys ed, music, the arts and literacy and numeracy, funding for new textbooks and library books, teacher training and resources and lighthouse programs to improve students' reading, writing, math and comprehension skills.

In addition to the Every Child program, the Healthy Schools initiative has also been introduced to replace junk food in vending machines with healthier choices, mandate a minimum of 20 minutes of daily physical activity in schools and open schools to community groups after hours for recreational purposes.

Success for high school students

Every student deserves a good outcome from his or her high school education – whether that be an apprenticeship, entry to college or university or a work placement with learning. At the secondary level, the Student Success strategy to improve high school graduation rates includes the following: adding student success leaders in every school board to coordinate new programs; updating the Grade 9 and 10 math curriculum for students in applied courses; hiring 1300 new teachers – including more than 800 Student Success teachers dedicated to helping struggling students; setting class-size limits for some applied courses; and funding locally developed lighthouse projects to increase graduation rates and encourage young people who have recently left school to return and obtain their diploma.

In addition, the government plans to introduce legislation this fall that will, if passed, require our young people to keep learning — in a classroom, an apprenticeship or a workplace training program — until the age of 18 or graduation, instead of being allowed to drop out at the age of 16. The proposed legislation would also introduce an alternative secondary school diploma, one that gives prominence to the ability to develop a skill or trade, and would give specific targets for improving the graduation rate.

The role of safe schools

Safe schools are a prerequisite to learning and achievement.

The government is acting on needs identified through safety audits that were provided to every school in 2004 to raise awareness of safety and security issues in and around the school.

As part of the Safe Schools Action Plan, the government is providing schools with the tools, policies and funding needed to make them safer, better places to learn.

A number of initiatives are underway to improve student safety, including the following:

- Over 11,000 new staff in Ontario's publicly funded schools since 2002-03.
- Over 875 elementary schools across the province are installing security access devices to support a new safe welcome policy established for all schools.
- Mandatory bullying-prevention programs for every publicly funded school in the province
- A partnership with the Kids Help Phone to expand the 24-hour hotline's ability to respond to calls and online questions from students about bullying, and to provide counselling anonymously.

The Safe Schools Action Team has been charged with reviewing the *Safe Schools Act* and related policies and programs, including the Strict Discipline program pilot projects for fully expelled students. The province-wide public consultation to hear the views of parents, students, teachers, administrators and members of the general public is key to the success of this review and to making the changes that are needed to support the goals of our education strategy.

In addition to the review of the *Safe Schools Act*, the government is moving forward on a more thorough review of Justice Sydney Robins' recommendations on the prevention of sexual misconduct in Ontario schools.

SECTION 2 ABOUT THE *SAFE SCHOOLS ACT*

The *Safe Schools Act* was passed in 2000, becoming part of the *Education Act*. It can be divided into two sections:

- PART ONE – Description of the initiatives schools must undertake to keep a school safe
 - Code of Conduct
 - Police–School Board Protocol
- PART TWO – Procedures that govern student discipline

PART ONE – Initiatives

The Ontario Schools Code of Conduct

The *Safe Schools Act* prohibits specific behaviours in every school in Ontario and, if no mitigating factors exist, requires mandatory suspensions or expulsions for these behaviours.

Prohibited behaviours are listed in the Ontario Schools Code of Conduct, together with rights and responsibilities of *all* members of the school community. This includes parents, teachers, principals and school administrators, as well as students.

The Ontario Schools Code of Conduct applies on school property, on school buses and at all school-authorized events and activities.

The Code is intended to ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity.

It encourages the use of non-violent means to resolve conflict, promotes the safety of people in schools and prohibits the use of alcohol and illegal drugs.

The Ontario Schools Code of Conduct is the foundation for codes of conduct in every school and school board in the province and must be followed across the province. School boards and individual schools are allowed to add to the Ontario Schools Code of Conduct.

Under the *Safe Schools Act*, school boards must inform both students and parents of the code of conduct and of the behaviour that is expected of students and adults in schools.

Police–School Board Protocol

School boards are required to communicate and cooperate with the local police force.

A model protocol was developed by the provincial government that includes 23 mandatory elements about when and how school boards must communicate and cooperate with police.

For example, schools must contact the local police to report incidents such as physical assault, sexual assault, robbery, criminal harassment, weapons offences and drug offences such as trafficking. Schools and school boards can add to the list to meet local needs.

The protocol includes other issues, such as:

- information sharing and disclosure;
- school reporting procedures;
- investigating incidents at school;
- a school board communication strategy;
- violence-prevention programs;
- risk-assessment services; and
- an emergency crisis-response plan.

PART TWO – Procedures That Govern Student Discipline

“Zero tolerance” or mitigating factors?

The *Safe Schools Act* enables teachers, principals and school boards to consider several factors before suspending or expelling a student, including whether:

- the student has the ability to control his or her behaviour;
- the student can understand the consequences of the behaviour; and
- the student’s continuing presence in the school creates an unacceptable risk for anyone.

If a principal or a school board decides that mitigating factors are applicable, they will make a decision whether or not to proceed with a suspension or expulsion for the student.

Why students can be suspended, for how long and who can do it

Under the *Safe Schools Act*, if no mitigating factors exist, a student is suspended from school and from all school-related activities, including sports and clubs, for:

- threatening to inflict serious bodily harm on another person;
- possessing alcohol or illegal drugs;
- being under the influence of alcohol;
- swearing at a teacher or another person in a position of authority;
- vandalism that causes extensive damage to school property or to another person's property at the school; or
- engaging in an activity that is not permitted under the school board's code of conduct.

These are called “mandatory” suspensions, and must be for a period of up to 20 school days.

Both teachers and principals have the authority to suspend a student. Teachers can suspend a student for up to one school day. Principals can suspend a student for up to 20 school days.

Why students can be expelled, for how long and who can do it

Under the *Safe Schools Act*, if no mitigating factors exist, a student is expelled from school and from all school-related activities, including sports and clubs, for:

- possessing a weapon, including a knife or a gun;
- using a weapon to cause, or threaten to cause, bodily harm to another person;
- physical assault that causes bodily harm requiring medical treatment;
- sexual assault;
- trafficking in weapons or illegal drugs;
- robbery;
- giving alcohol to a minor; or
- engaging in an activity that is not permitted under the school board's code of conduct.

These are called “mandatory” expulsions.

The *Safe Schools Act* also allows school boards to deal with local concerns by prohibiting other activities that may result in expulsion from school. These are called “discretionary expulsions.”

There are two types of expulsions:

- **Limited expulsions** are for periods of 21 school days to one year. Expelled students may also be required to meet specific conditions in order to return to school. Principals and school boards have the authority to order a limited expulsion. Students expelled by the principal are expelled from the specific school and there is no requirement to provide alternative programming for the expelled student.
- **Full expulsions** have no time limit. Students are expelled from all schools in all boards. In order to return to school, the student must attend and complete a Strict Discipline program required by the province. Only school boards have the authority to order a full expulsion.

Notification and appeal of suspensions and expulsions

Students and parents or guardians must be given prompt written notice of a suspension or expulsion.

A one-day suspension by a teacher or a principal cannot be appealed.

School boards must have a process in place that allows students and parents to appeal a suspension or expulsion.

Any suspension over one day may be appealed. An expulsion by the school board can be appealed to the Child and Family Services Review Board.

Exclusion

Exclusion means that a person is not allowed to be admitted to a classroom or school or not permitted to remain on the school premises. Principals have long had the authority to exclude individuals from school premises under the *Education Act*, prior to the new provisions brought in by the *Safe Schools Act*.

The purpose of exclusion is to prevent a person from being in a classroom or school or on school premises when the person presents a real and imminent danger to the safety and well-being of students and staff.

SECTION 3 WHAT WE KNOW ABOUT SUSPENSIONS AND EXPULSIONS ACROSS THE PROVINCE

Suspension Data

The ministry collected suspension and expulsion data from school board reports. The following is a summary of provincial data for the 2003-04 school year, the most recent year for which data is available:

Overall

- 152,626 students were suspended or 7.2% of all students attending Ontario schools
- 229,394 total suspensions were issued, accounting for multiple suspensions for individual students.

Frequency

- 98,746 or 65% (4.6% of all students) were suspended one time
- 26,455 or 17% (1.2% of all students) were suspended two times
- 27,425 or 18% (1.2% of all students) for three or more times

Level

- 70,215 or 46% were elementary students (4.9% of all elementary students)
- 82,411 or 54% were secondary students (12% of all secondary students)

Gender

- 35,705 or 23% were female students (3.5% of all female students)
- 116,921 or 77% were male students (10.7% of male students)

Exceptionality

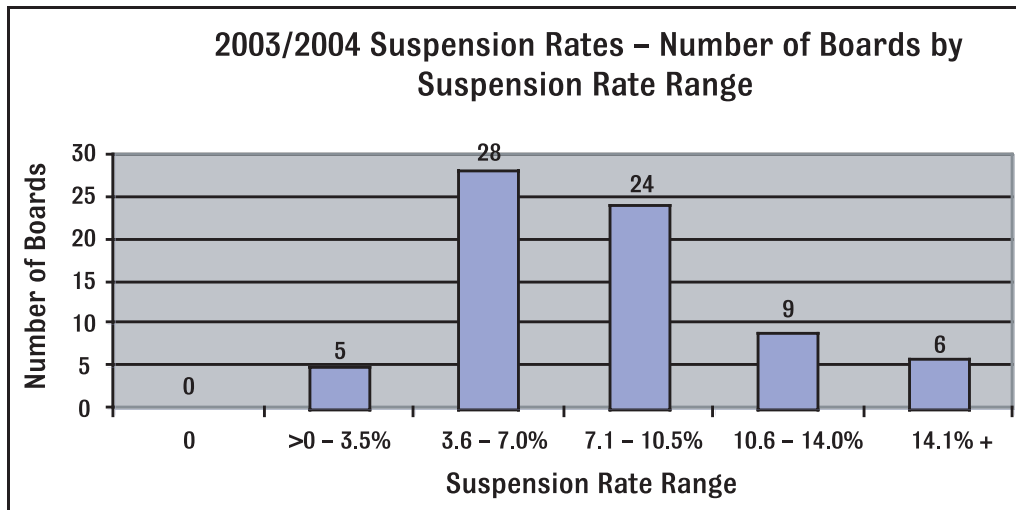
An exceptional pupil is a pupil whose behavioural, communicational, intellectual, physical or multiple exceptionalities are such that he or she is considered to need placement in a special education program by a committee.

- 27,250 or 18% of suspended students were students with exceptionalities (8.8% of all students are identified as having exceptionalities)

Range

There was an extremely large range of suspension rates meted out by boards, from 0.5% of students to 36% of students

Fifty-two school boards had suspension rates between 3.6% and 10.5%. Fifteen boards had a rate of 10.6% or more, six boards had a rate of over 14% and five boards had a rate below 3.6%.



Trends

The number of students suspended increased from 113,778 in the first year the act was introduced in 2000-01 to 152,626 by the third year in 2003-04.

The recent trend from 2002-03 to 2003-04 is a reduction of 8% in the number of suspensions and a reduction of 6% in suspension rates.

Expulsion Data

In 2003-04, 1909 students were expelled or less than 0.1% of all students.

Level*

- 361 or 19% were elementary students (0.025% of all elementary students)
- 1548 or 81% were secondary students (0.23% of all secondary students)

Gender*

- 1656 students or 87% were boys (0.15% of all male students)
- 253 students or 13% were girls (0.002% of all female students)

Of these, almost 90% were for limited expulsions that are more than 21 days and less than one year. About 10% were for full expulsions.

Exceptionality

- 379 or 19.9% of expelled students were students with exceptionalities

*Greater Essex County DSB did not distinguish its expulsions by either gender or level; province-wide proportions were applied to its 32 expelled students

Range

- Nine boards did not expel any students in 2003-04. Among the boards that expelled students, there was a very wide range of expulsion rates meted out by boards from 0.0048% (4 students) to 2.3102% (28 students)

Trends

- The number of expelled students increased from 106 in 2000-01 to 1,909 in 2003-04. There was a large increase from 2000-01 to 2001-02 and a smaller year-over-year increase to 2003-04.

SECTION 4 WHY THE *SAFE SCHOOLS ACT* IS BEING REVIEWED

The *Safe Schools Act* was introduced in 2000 by the previous government. At that time, it was determined that a review of the act would take place after five years of implementation. The McGuinty government committed to the review of the *Safe Schools Act* as part of an overall safe schools action plan and to address concerns raised by parents, educators, community groups and residents of communities across Ontario.

1. Data indicates that the *Safe Schools Act* is not being consistently applied across Ontario.

The rate of suspensions and expulsions varies widely across Ontario. Some school boards in Ontario reported a suspension rate of 0.5% in 2003-04, while other boards reported suspension rates above 36%.

There was less variation in expulsion rates. Some school boards reported no expulsions, while others reported expulsion rates of 2.3%.

2. Some groups are seen to be more likely to be suspended or expelled than others.

The review of the *Safe Schools Act* was announced in December 2004. In July, 2005, The Ontario Human Rights Commission lodged a complaint alleging that the application of the "Safe Schools" sections of the *Education Act* and related discipline policies are having a disproportionate impact on racial minority and disabled students.

The Commission has also called on the Ministry of Education to collect race-based statistics. School boards and the Ministry do not now collect race-based statistics.

Data on the suspension and expulsion rate of exceptional students and data by gender and by panel (elementary vs. secondary) is found in Section 3. Concerns have been raised about how the act impacts each of these demographics.

3. Expulsions are seen as making the entire community less safe in the long term.

Some people believe that kids who are suspended and expelled are not attending classes, are not working and have nothing to do.

In addition, expulsions have been criticized because they limit young people's chances of future success, provide them with few chances for full employment immediately and few productive alternatives to school.

4. There is a perception that judgement could be used more often to reduce the number of suspensions and expulsions.

Under the *Safe Schools Act*, teachers, principals and school boards use their judgement in making decisions about suspensions and expulsions. Some boards may apply the concept of progressive or graduated discipline. When *progressive discipline* is used, students are given a more significant consequence for unacceptable behaviour if the student has been disciplined for the same behaviour previously within a reasonable timeframe.

5. There is a perception that the *Safe Schools Act* focuses more on discipline than on preventing behaviours leading to suspensions and expulsions.

More than 60% of students who are suspended change their behaviour and are not suspended again or expelled.

However, there is concern that not enough is being done to prevent the behaviours that lead to suspension or expulsion.

SECTION 5 QUESTIONS AND DISCUSSION POINTS

The following questions have been developed to encourage discussion and address issues and concerns about the *Safe Schools Act* and provincial school safety policies.

Question 1. Prevention

Is everything being done that can be done to prevent unsafe behaviour and make our schools safer?

Discussion Points:

Inside the school:

- What is being done now to make your school safer? What should be done?
- How should parents, students, teachers and other members of the school community be told of their roles and responsibilities?
- What should be done to prevent unsafe behaviour before it compromises school safety?

In the community:

- How should schools partner with community organizations to make schools safer?
- How can schools and local police departments work together to make schools safer?
- How can the entire community be made more aware of the steps being taken to make schools safer?

Question 2. Response

Are there measures in place to ensure safety? What impact do they have on student learning and engagement?

What should be done to ensure consistency and fairness? How, if at all, should these effects be measured?

Discussion Points:

- What circumstances should be considered before the decision to suspend or expel is made?
- What role should victims play in the decision to suspend or expel?
- Under what circumstances should a student be excluded?
- What process should be followed in the exclusion of a student?
- Should penalties be greater for students who repeatedly break the rules?
- Who should make the final decision to suspend or expel a student?
- What programs should be provided to students while they are suspended or expelled?
- Are some groups (e.g., students with disabilities; students who are members of visible minorities) affected differently than others by the *Safe Schools Act*?

The Safe Schools Action Team

- **Liz Sandals**, Parliamentary Assistant to the Minister of Community Safety and Correctional Services
- **Stu Auty**, President of the Canadian Safe School Network
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