

Safe Schools
Questions and Answers

Contacting Parents/Guardians

Q. Can principals tell the parents of victims that the student who harmed their child has been suspended or expelled?

A. Yes. In fact principals are required to inform the parents of victims of:

- (a) the nature of the activity that resulted in harm to the pupil;
- (b) the nature of the harm to the pupil; and
- (c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity.

The principal must say that the student was suspended, if that is the form of progressive discipline that has been applied. It is not necessary for the principal to say for how many days a student was suspended. The same would be true for other forms of progressive discipline, in that details are not necessary, but the type of discipline must be explained.

Q. Is there anything that the principals cannot tell the parents of a victim?

A. Yes. The Education Act states that the principal shall not disclose the name of or any other identifying or personal information about a student who engaged in the activity that resulted in the harm. For example, a principal may share that the aggressor received a suspension or that his/her parents have been called, but must not share information regarding a referral to counselling or any other personal information.

Q. Do principals have discretion about informing the parents of a student that has been suspended?

A. No. Once a principal decides to suspend a student, the principal has no discretion in the matter of contacting their parents except as set out below.

Sections 308 (1) and 311(1) state that a principal who suspends a pupil under sections 306(1) and 310 (1) shall make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless the pupil is 18 years old or over or is 16 or 17 years old and has withdrawn from parental control.

Q. Must principals notify the parents of a victim who has been harmed as a result of a serious student incident?

A. Yes, except in very limited circumstances. Under section 300.3(3) of the Education Act, principals are not permitted to inform the parents of victims if, in the principal's opinion, doing so would put the victim at risk of harm from the parent. In cases when they decide not to inform the parents of a victim, principals must:

- (a) document the rationale for the decision not to notify the parent or guardian of the pupil;
- (b) inform the appropriate supervisory officer of the decision not to notify a parent of guardian of the pupil;
- (c) if a teacher informed the principal of the harm, inform the teacher of the decision not to notify a parent or guardian of the pupil;
- (d) if the principal determines it is appropriate to do so, inform other board employees of the decision not to notify the parent or guardian of the pupil.

Reporting

Q. Are board employees required to report student incidents that are below the threshold for suspension and expulsion?

A. No. Board employees are only required to report incidents that must be considered for suspension or expulsion by the principal.

Q. Are board employees required to respond to incidents that are below the threshold for suspension and expulsions?

Yes. In fact, school staff who work directly with students must respond to any student behaviour that is likely to have a negative impact on the school climate, if in the employee's opinion it is safe to do so. Such behaviour includes all inappropriate and disrespectful behaviour (e.g. swearing, homophobic or racial slurs, sexist comments or jokes, graffiti), as well as those incidents that must be considered for suspension or expulsion.

For incidents where suspension or expulsion would not be considered, but the board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible.

Q. Are board employees required to submit the written confirmation of their report to the principal by the end of the school day?

A. If possible. Ministry policy states that the employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal by the end of the school day. The report is to be confirmed in writing in a timely manner, using the Safe Schools Incident Reporting form – Part I.

Q. Can the names of the employee who reported be redacted from the Safe Schools Incident Reporting Form before it is placed in a student's OSR?

A. The matter of whether to remove the names of the staff members who reported from the reporting form before it is placed in a student's OSR is up to board policy.

Q. Can a board include the reporting form in the OSR, but keep the supporting/back up documentation electronically?

A. PPM 145 requires that a copy of the reporting form be included in the OSR when the principal has taken action within the progressive discipline continuum.

Section 1 of the OSR Guideline, 2000 says that any "part or parts of the OSR may be micro recorded or stored electronically in a manner that permits the printing of a clear and legible copy". Where it is important to maintain original signatures or initials on a document, that document should be kept in paper form.

Section 2 of the OSR Guideline, 2000 says that boards must develop policies for determining the types of information beyond those specified in the guideline that could be considered to be conducive to the improvement of the instruction of the student; the uses of the information and materials contained in the OSR beyond those specified in the guideline.

Boards should consult with their legal counsel and freedom of information coordinators on this matter.

Q. How long do principals have to return the Part II acknowledgement to the reporting staff member?

A. PPMs 144 and 145 do not stipulate a timeframe in which principals have to return the acknowledgement (Part II) of the reporting form to the reporting staff member. However, the acknowledgement requires the principal to state whether action was taken or not taken. Therefore, principals should return the acknowledgement part of the form as soon as reasonably possible.

Q. Are boards and federations/unions allowed to require employees to keep copies of their reports and the acknowledgement?

A. That is up to board policy, as well up to what federations/unions advise their members to do. Ministry policy does not require board employees to keep copies of their reports and/or the acknowledgement. However, if board policy does permit/require employees to keep copies of their reports and acknowledgement, it should also address privacy considerations, such as how to keep the information secure.

Q. Are day care providers that operate out of schools required to comply with the reporting requirements in Bill 157?

A. If the child care providers are board employees, they would have the same legal obligations as any other board employees.

Suspension/Expulsions

Q. Are principals required to suspend students while conducting an expulsion investigation?

A. Yes. The principal is required to suspend a student for up to 20 school days if the principal believes that the student has engaged in an activity that must be considered for expulsion. This clause requires the removal of the student from the school while the principal conducts an investigation into the incident to decide whether to recommend to the board that the student be expelled.

The Education Act requires the principal to consider mitigating and other factors in determining the length of the suspension and in determining whether to recommend expulsion.

If the pupil is suspended pending an investigation to determine whether expulsion will be recommended, mitigating and other factors must be considered in determining the length of the suspension which can be for one (1) to (20) twenty school days.