

Safety and Security in Schools:

Update on the *Safe Schools Act* –
Beyond Zero Tolerance?

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Safe Schools Action Team

- *Safe Schools Act* introduced by Harris Government in 2000.
- Criticism and confusion since, culminating in a 2005 Ontario Human Rights Commission complaint.
- Safe Schools Action Team created by the McGuinty Government in late 2004 to review the *Safe Schools Act* and anti-bullying initiatives.
- Province-wide consultation with more than 700 educators, parents, students and other community members.



Why review the Safe Schools Act?

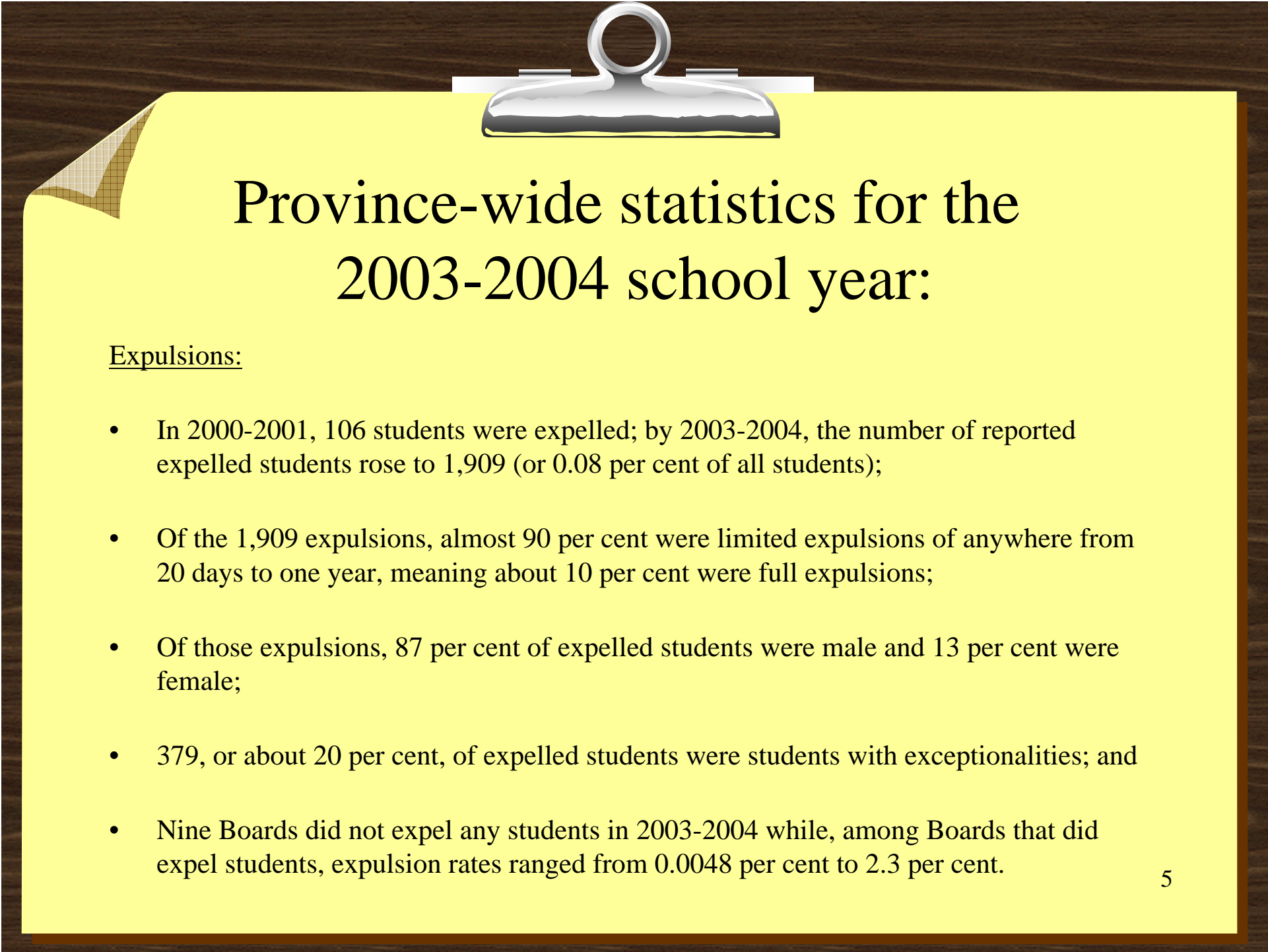
1. Data indicated that the Safe Schools Act was not being consistently applied across Ontario;
2. Some groups were seen to be more likely to be suspended or expelled than others;
3. Expulsions were seen as making the entire community less safe in the long run;
4. There was a perception that judgment could be used more often to reduce the number of suspensions and expulsions; and
5. There was a perception that the Safe Schools Act focuses more on discipline than on preventing behaviours leading to suspensions and expulsions.



Province-wide statistics for the 2003-2004 school year:

Suspensions:

- In 2000-2001, the year before the Safe Schools Act was implemented, 113,778 students were suspended; by 2003-2004, the number of students suspended rose to 152,626 (a drop of 8 per cent from the prior year) or 7.2 per cent of all Ontario students;
- Of suspensions in 2003-2004, 65 per cent of students were suspended once, 17 per cent twice, and 18 per cent were suspended three or more times;
- 77 per cent of suspended students were male and 23 per cent were female;
- 18 per cent of suspended students were students with exceptionalities (representing 8.8 per cent of all students with exceptionalities);
- There was an extremely broad range of suspension rates among Ontario Boards: from 0.5 per cent of students to 36.1 per cent of students.



Province-wide statistics for the 2003-2004 school year:

Expulsions:

- In 2000-2001, 106 students were expelled; by 2003-2004, the number of reported expelled students rose to 1,909 (or 0.08 per cent of all students);
- Of the 1,909 expulsions, almost 90 per cent were limited expulsions of anywhere from 20 days to one year, meaning about 10 per cent were full expulsions;
- Of those expulsions, 87 per cent of expelled students were male and 13 per cent were female;
- 379, or about 20 per cent, of expelled students were students with exceptionalities; and
- Nine Boards did not expel any students in 2003-2004 while, among Boards that did expel students, expulsion rates ranged from 0.0048 per cent to 2.3 per cent.



Province-wide statistics:

Overall, the rate of suspensions and expulsions across the province (and especially expulsions) rose dramatically following implementation of the Safe Schools Act:

Year	Suspensions		Expulsions	
	Number	Percentage of All Students	Number	Percentage of All Students
2000–2001	113,778	5.3%	106	0.005%
2001-2002	149,483	6.9%	1,308	0.061%
2002-2003	165,289	7.6%	1,786	0.083%
2003-2004	152,626	7.2%	1,909	0.09%



“Zero Tolerance”

- “Zero tolerance” appears nowhere in the *Education Act* or the Ontario Schools Code of Conduct.
- Appears to have entered Ontario’s political lexicon, in terms of education, in the lead-up to the 1999 provincial election, when the Progressive Conservative Party “Blueprint” promised a “zero tolerance policy for bad behaviour”.
- What does “zero tolerance” mean? The Oxford Dictionary defines the phrase as:
non-acceptance by the police or other authority of anti-social behaviour, esp. by strict and uncompromising enforcement of the law



Recommendations of the Safe Schools Action Team

- Action Team's June 2006 report emphasizes progressive discipline and early intervention. Focus is corrective rather than punitive:

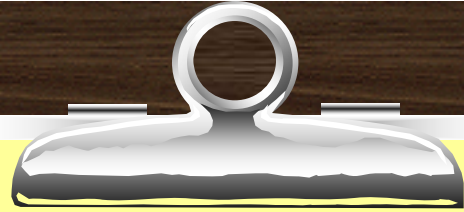
When inappropriate behaviour occurs, schools should look at and employ a range of consequences that are developmentally appropriate, include opportunities to learn from mistakes, and focus on improving behaviour.

- Specific recommendations regarding amendments to the Safe Schools Act include:
 - Expanding the mitigating factors to be considered before suspension or expulsion;
 - Ending the ability of teachers to suspend pupils;
 - To consider having one-day suspensions served in schools (so such suspensions are not viewed as “an approved holiday”, especially by older students);
 - Making exclusions subject to a right of appeal;
 - Providing for only one kind of expulsion with a minimum duration of 21 days, to be decided at the Board level, where Boards are required to provide an alternative program to the student and the student must complete the program before readmission.



Anti-Bullying and Respect Initiatives

- Mandate of the Safe Schools Action Team includes development of a province-wide bullying prevention plan.
- November 2005 report: *Shaping safer schools: A bullying prevention plan.*
- Prevention Plan broadly defines the term “bullying” to mean:
 - ... a dynamic of unhealthy interaction. It is a form of repeated aggression used from a position of power. It can be physical, verbal, or social.
- Social bullying includes the emerging area of cyber bullying.



Statistics on Bullying

2005 OSDUS Mental Health and Well-Being Report, a province-wide survey of Grade 7 to 12 students conducted by the Centre for Addiction and Mental Health:

- Among all students, 31 per cent (representing about 310,000 student in Ontario) reported being bullied at school since the previous September;
- 27 per cent of students reported bullying others at school;
- The most common form of bullying was verbal (25 per cent), while 4 per cent of students said they had been physically bullied and 2.5 per cent said they were victims of theft or vandalism;
- About 10 per cent of students reported being bullied on a daily or weekly basis, and about 20 per cent said they were bullied monthly or less often;
- More females are bullied than males (34 per cent to 28 per cent);
- Among all students, 12 per cent (or about 117,000 in Ontario), said they had assaulted someone at least once in the 12 months before the survey (16 per cent of male students and 7 per cent of females);



Statistics on Bullying

Action Team says bullying should not be seen as a schoolyard rite of passage:

Victims of bullying often deal with social anxiety and loneliness, withdrawal, physical ailments such as headaches and stomach aches, low self esteem, school absenteeism, diminished academic performance, phobias, depression, aggressive behaviour. In the most extreme cases, the result is suicide. Students who drop out to escape bullying suffer the long-term personal and socio-economic consequences of an interrupted education...

Too often, bullying has been downplayed as simply “part of growing up”. On the contrary, research and experience have consistently shown that bullying is a serious issue, with far-reaching consequences to individuals, their families, peers, and the community at large.



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Schools, parents divided on expelling cellphones

February 01, 2007

LOUISE BROWN
EDUCATION REPORTER

SCHOOLS PONDER
CELL PHONE BAN...

HEY!...
MR. HASSENPFEFFER,
ANY IDEA
WHAT TIME
IT IS?!





Impact of Cyber Bullying

Central role of the internet in teen culture:

- On-line chat rooms.
- Instant messaging.
- Personal websites and blogs.
- Cell phone text messaging and photos.

Cyber bullying is seen as worse than traditional schoolyard bullying in two ways:

1. Cyber bullying does not end when the child arrives home.
2. Cyber bullies are often more vicious and hurtful than in-person bullies, saying things on-line they would never say face to face, and affording them anonymity. Having no actual physical contact with their victims, the cyber-bully's feelings of empathy and remorse are minimized.



Dealing with Cyber Bullying Under the Safe Schools Act

- Mandatory expulsion or suspension only where infractions committed by the student “while he or she is at school or is engaged in a school-related activity”.
- Can cyber bullying be considered school-related activity?
- Little case law that helps to define the limits of “school-related activity” for the purposes of the Safe Schools Act.
- Under section 1 of the *Education Act*, “school” means:
 - a) the body of elementary school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board; or
 - b) the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario

and includes the teachers and other staff members associated with the unit or institution and the lands and premises used in connection with the unit or institution;



Dealing with Cyber Bullying Under the Safe Schools Act

- *Black's Law Dictionary* defines “related” as:

Standing in relation; connected; allied; akin...

- Argument that “school-related activity” should be given a broad interpretation, to the extent that definition of “school” focuses on the body of pupils.
- Counter argument: for “educational purposes”.
- Need for some nexus or connection to the school and/or its students.
- Also consider O. Reg. 474/00: principal may exclude a student from the school premises where “his or her presence is detrimental to the safety and well-being of a person on the premises”.



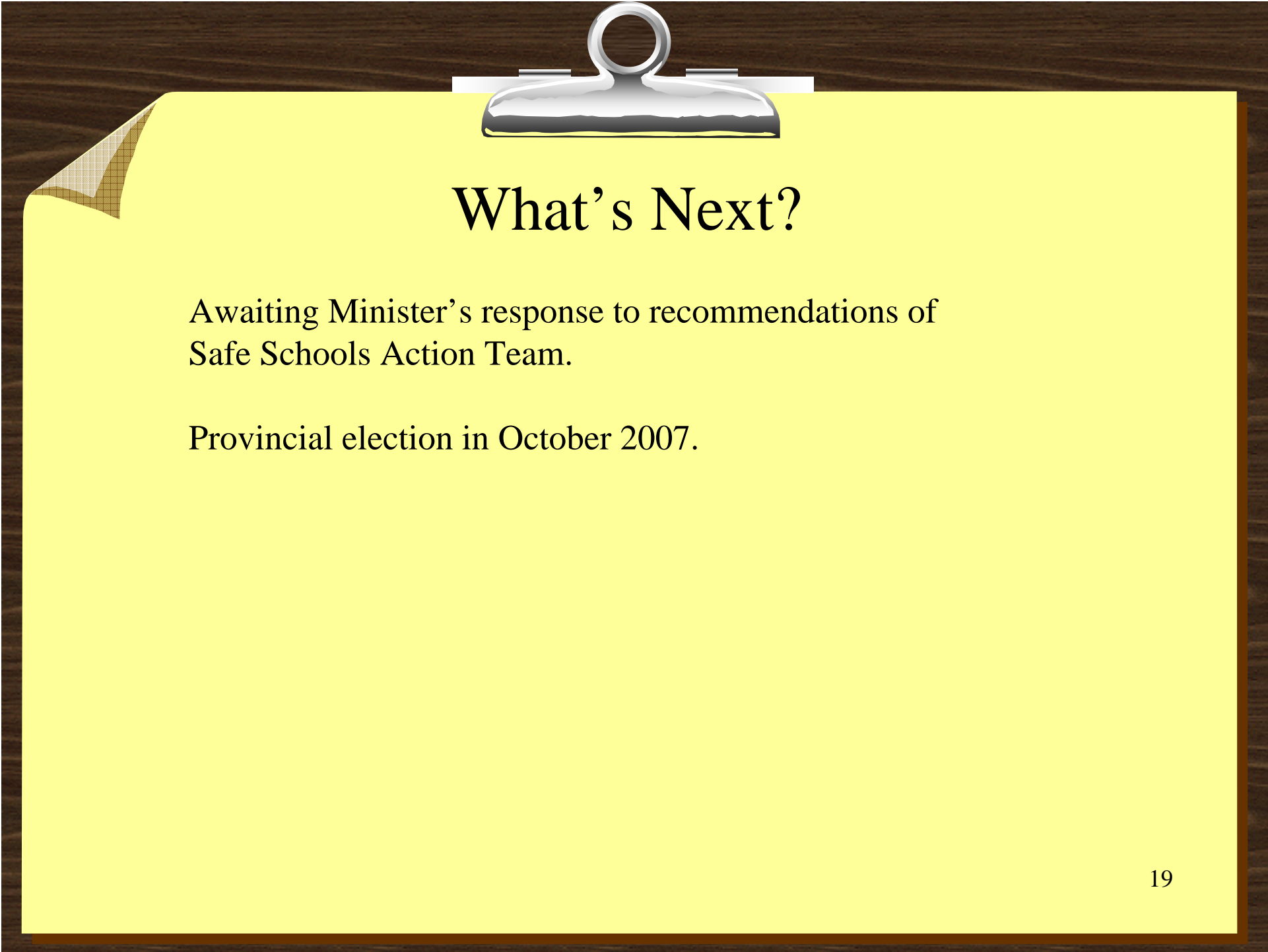
Recommendations of the Safe Schools Action Team

- Prevention Plan’s “overarching” recommendation on bullying:
Bullying prevention should be identified as a **priority** for every school board and every school. Every school board in the province should adopt a bullying prevention **policy** and, flowing from that policy, each school in the province should, as a priority, implement an effective bullying prevention **program**.
[emphasis in original]
- Identifies principals as “the most important person in the school for bullying prevention”.
- Need to recognize that a “code of silence” often surrounds bullying. Environment must be established where students are encouraged to identify incidents to educators and view this as “reporting” rather than “tattling” or “ratting” on other students.



Recommendations of the Safe Schools Action Team

- Each Board's bullying prevention plan should include:
 - A clear definition of bullying;
 - Formation of a bullying prevention committee of teachers, administrators, parents, community and students;
 - A policy statement that prohibits bullying, which is communicated to the school community;
 - Information for parents;
 - A mechanism for anonymous reporting and investigation of those reports;
 - Use of the positive term "reporting" instead of "tattling";
 - A means to prevent retaliation when bullying is reported;
 - Notice to the parents of both bullies and victims of school's response to bullying and consequence flowing from further acts;
 - Collection of data on the number of reported and verified incidents; and
 - A procedure for evaluating the effectiveness of the program.



What's Next?

Awaiting Minister's response to recommendations of
Safe Schools Action Team.

Provincial election in October 2007.