



Ministry of Education

Policy/Program Memorandum No. 128

Date of Issue: August 29, 2019

Effective: November 4, 2019, until revoked or modified

Subject: **The Provincial Code of Conduct and School Board Codes of Conduct**

Application: Directors of Education
Supervisory Officers and Secretary-Treasurers of School Authorities
Principals of Elementary Schools
Principals of Secondary Schools
Principals of Provincial and Demonstration Schools

Reference: This memorandum replaces Policy/Program Memorandum No. 128, October 17, 2018.

Introduction

The purpose of this memorandum is to communicate to school boards¹ the revised provincial Code of Conduct. The provincial Code of Conduct has been revised to include a restriction on the use of personal mobile devices² during instructional time.

The use of personal mobile devices during instructional time is permitted under the following circumstances:

- for educational purposes, as directed by an educator³
- for health and medical purposes
- to support special education needs

School boards have a duty under the Ontario Human Rights Code to provide appropriate accommodations to students and employees of the board, including educators. If a student or other person employed by the board requires the use of a personal mobile device as an accommodation under the Human Rights Code, school boards are obligated to allow such accommodation.

1. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

2. In this memorandum, *personal mobile device* refers to any personal electronic device that can be used to communicate or to access the Internet, such as a cellphone or a tablet.

3. In this memorandum, *educator* refers to teachers regulated under the Ontario College of Teachers Act, 1996, and early childhood educators regulated under the Early Childhood Educators Act, 2007.

This memorandum also gives direction to school boards on reviewing their own codes of conduct and the local codes of conduct in their schools. Boards must review their codes of conduct to ensure that they are consistent with the revised provincial Code of Conduct.

Boards should note that subsection 301(2) of Part XIII of the Education Act outlines the purposes of the provincial Code of Conduct. In accordance with subsection 301(3.1), if a board enters into an agreement with a third party with respect to rental of school space or for the provision of before- and after-school programs,⁴ the board must include in the agreement a requirement that the other party follow standards that are consistent with the provincial Code of Conduct.

A school should be a place that promotes responsibility, respect, civility, and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Building and sustaining a positive school climate is a complex challenge requiring evidence-informed solutions.

A whole-school approach, which involves all members of the school community, is also important in supporting efforts to ensure that schools are safe, inclusive, and accepting. It is an effective approach to making systemic changes that will benefit all students and the broader community.

All students,⁵ parents,⁶ and teachers and other school staff⁷ have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate. To foster a positive school climate that supports student achievement and well-being, school boards should focus on prevention and early intervention strategies to address inappropriate behaviour.

The provincial Code of Conduct sets clear provincial standards of behaviour. These standards of behaviour apply to students whether they are on school property, in a virtual

4. In this memorandum, *before- and after-school programs* refers to extended day programs and third party programs, as defined in the Education Act.

5. In this memorandum, *student* refers to pupil, as used in the Education Act.

6. In this memorandum, *parent(s)* refers to parent(s) and guardian(s) as used in the Education Act. It may also be taken to include caregivers or close family members who are responsible for raising the child. For the purposes of Part XIII of the Education Act, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are to be treated as adults.

7. *Other school staff* includes, but is not limited to, staff in areas such as social work, child and youth work, psychology, and psychological services; early childhood educators; educational assistants; attendance counsellors; and Indigenous education counsellors. Even though the term *school staff* is used in this memorandum, it is understood that staff at the school are employed by the board.

learning environment, on school buses, at school-related events or activities, in before- and after-school programs, or in other circumstances that could have an impact on the school climate. They also apply to all individuals involved in the publicly funded school system – principals, teachers, early childhood educators, other school staff, parents, school bus drivers, volunteers, and members of various community groups.

Responsible citizenship involves appropriate participation in the civic life of the school community. Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others.

Requirements for School Boards

All school boards must ensure that their codes of conduct are:

- up to date and consistent with the provincial Code of Conduct, as outlined in this memorandum;
- compliant with all Ministry of Education policies as well as the requirements of the Education Act, its regulations and all other applicable legislation, including the Ontario Human Rights Code;
- made available to the public, either on the school board's website or, if the board does not have a website, in another appropriate manner.

Revision of School Board Codes of Conduct

The standards of behaviour in school board codes of conduct must be consistent with the requirements set out in this memorandum. In reviewing their codes of conduct, school boards must solicit the views of students, teachers, principals, other staff of the board, volunteers working in the schools, parents of the students, school councils, and the public. They should also consult with their Special Education Advisory Committee, their Indigenous Education Advisory Council,⁸ social service agencies, mental health agencies, and other appropriate community partners. Boards may also choose to consult with their Parent Involvement Committee. School board codes of conduct must:

- include the standards stated in the provincial Code of Conduct;
- set out standards of behaviour for all members of the school community (e.g., parents, students, school staff, visitors, volunteers);
- link locally developed standards to the relevant provincial standards;

8. Indigenous Education Advisory Councils are composed of members from First Nation, Métis, and Inuit communities and Indigenous organizations.

- indicate where and/or when these standards will apply (e.g., during instructional time in the classroom, in a virtual learning environment, in school sports activities, on school buses, in off-site school-sponsored activities, in before- and after-school programs, or in circumstances where engaging in an activity could have a negative impact on the school climate);
- include procedures and timelines for review (reviews should be conducted at least every three years).

Development or Revision of Local Codes of Conduct in Schools

School boards may require principals to develop codes of conduct tailored expressly for their schools. Where local codes have already been developed, they must be updated to be consistent with the provincial Code of Conduct and other requirements in this memorandum. These codes must set out clearly what is acceptable and what is unacceptable behaviour for all members of the elementary or secondary school community (e.g., parents, students, school staff, visitors, volunteers), and must also address requirements specified by the board.

In developing or reviewing these local codes of conduct, the principal must take into consideration the views of the school council. In addition, the principal should:

- seek input from students, teachers and other school staff, parents, and other members of the school community;
- include procedures and timelines for review, in accordance with school board policy;
- post the school's code of conduct on the school website or, if the school does not have a website, make the code of conduct available to the public in another appropriate manner;
- develop a communications plan that outlines how these standards will be made clear to everyone, including parents whose first language is a language other than English or French.

School boards should assist principals in developing or reviewing their local codes of conduct by creating clear guidelines for the development of such codes, in accordance with this memorandum.

The Provincial Code of Conduct

Purposes of the Code

Subsection 301(1) of Part XIII of the Education Act states that “the Minister may establish a code of conduct governing the behaviour of all persons in schools”. Subsection 301(2) sets out the purposes of this provincial code of conduct, as follows:

1. To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity.
2. To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community.
3. To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.
4. To encourage the use of non-violent means to resolve conflict.
5. To promote the safety of people in the schools.
6. To discourage the use of alcohol, illegal drugs and, except by a medical cannabis user,⁹ cannabis.
7. To prevent bullying in schools.

Standards of Behaviour

Respect, Civility, and Responsible Citizenship

All members of the school community must:

- respect and comply with all applicable federal, provincial, and municipal laws;
- demonstrate honesty and integrity;
- respect differences in people, their ideas, and their opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement;
- respect and treat others fairly, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability;
- respect the rights of others;
- show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;

9. As defined in the Education Act, a *medical cannabis user* is a person who is authorized to possess cannabis for the person’s own medical purposes in accordance with applicable federal law.

- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- respect all members of the school community, especially persons in positions of authority;
- respect the need of others to work in an environment that is conducive to learning and teaching, including by ensuring that personal mobile devices are only used during instructional time for the educational and other permitted purposes outlined on page 1 of this memorandum;
- not swear at a teacher or at another person in a position of authority.

Safety

All members of the school community must not:

- engage in bullying behaviours, including cyberbullying;¹⁰
- commit sexual assault;
- traffic in weapons or illegal drugs;
- give alcohol or cannabis to a minor;
- commit robbery;
- be in possession of any weapon, including firearms;
- use any object to threaten or intimidate another person;
- cause injury to any person with an object;
- be in possession of, or be under the influence of alcohol, cannabis (unless the individual has been authorized to use cannabis for medical purposes), and illegal drugs;
- provide others with alcohol, illegal drugs, or cannabis (unless the recipient is an individual who has been authorized to use cannabis for medical purposes);
- inflict or encourage others to inflict bodily harm on another person;
- engage in hate propaganda and other forms of behaviour motivated by hate or bias;
- commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school.

10. In this memorandum, *cyberbullying* refers to bullying by electronic means as defined in subsection 1(1.0.0.2) of the Education Act.

Roles and Responsibilities***School Boards***

School boards provide direction to their schools to promote student achievement and well-being and to ensure accountability in the education system. It is the responsibility of school boards to:

- develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety;
- establish a process that clearly communicates the provincial Code of Conduct and school board codes of conduct to all parents, students, principals, teachers, other school staff, and members of the school community in order to obtain their commitment and support;
- review these policies regularly with those listed above and revise them as necessary;
- seek input from school councils, as well as from the board's Parent Involvement Committee, Special Education Advisory Committee, and Indigenous Education Advisory Council;
- develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;
- provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to promote student achievement and well-being in a safe, inclusive, and accepting learning environment.

Wherever possible, boards should collaborate to provide coordinated prevention and intervention programs and services, and should endeavour to share effective practices.

Principals

Under the direction of their school boards, principals take a leadership role in the daily operation of a school. They provide this leadership by:

- demonstrating care for the school community and a commitment to student achievement and well-being in a safe, inclusive, and accepting learning environment;
- holding everyone under their authority accountable for their own behaviour and actions;

- empowering students to be positive leaders in their school and community;
- communicating regularly and meaningfully with all members of their school community.

Teachers and Other School Staff

Under the leadership of their principals, teachers and other school staff maintain a positive learning environment and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, teachers and other school staff uphold these high standards when they:

- help students work to their full potential and develop their sense of self-worth;
- empower students to be positive leaders in their classroom, school, and community;
- communicate regularly and meaningfully with parents;
- maintain consistent and fair standards of behaviour for all students;
- demonstrate respect for one another, all students, parents, volunteers, and other members of the school community;
- prepare students for the full responsibilities of citizenship.

Students

Students are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when students:

- come to school prepared, on time, and ready to learn;
- show respect for themselves, and for others, and for those in positions of authority;
- refrain from bringing anything to school that may compromise the safety of others;
- follow the established rules and take responsibility for their own actions.

Parents

Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe, inclusive, accepting, and respectful learning environment for all students. Parents fulfil their role when they:

- are engaged in their child's schoolwork and progress;
- communicate regularly with the school;
- help their child be appropriately dressed and prepared for school;
- ensure that their child attends school regularly and on time;

- promptly report to the school their child's absence or late arrival;
- become familiar with the provincial Code of Conduct, the board's code of conduct, and, if applicable, the school's code of conduct;
- encourage and assist their child in following the rules of behaviour;
- assist school staff in dealing with disciplinary issues involving their child.

Community Partners

Through outreach, existing partnerships may be enhanced and new partnerships with community-based service providers and members of the community (e.g., Elders, Senators, Knowledge Keepers) may also be created. Community-based service providers are resources that boards can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community-based service providers and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.

Police

The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with the protocol developed with the local school board. These protocols are based on the *Provincial Model for a Local Police/School Board Protocol, 2015*, developed by the Ministry of Community Safety and Correctional Services and the Ministry of Education.