



Student Discipline

Administrative Procedure 3.B.130

Board Governance Policy Cross Reference: 1, 2, 3, 16, 17

Legal Reference:

- *Canadian Charter of Rights and Freedoms (Canada)*
 - *The Education Administration Act (Manitoba)*
 - *The Human Rights Code (Manitoba)*
 - *The Public Schools Act (Manitoba) The Public Schools Amendment Act (Appropriate Educational Programming), S.M. 2004, c.9, proclaimed on October 28, 2005*
 - *The Youth Criminal Justice Act (Canada)*
 - *Towards Inclusion: From Challenges to Possibilities: Planning for Behaviour (Manitoba, Education, Training and Youth)*
 - *Manitoba Sourcebook for School Guidance and Counselling (Manitoba, Education, Citizenship, and Youth)*
-

Date Adopted: June, 2009

Date Amended: September, 2012

All school division policy on discipline must be consistent with the *Canadian Charter of Rights and Freedoms* and *The Human Rights Code*.

SDML is responsible for developing policy on discipline of all students and ensuring parents and students know and understand the policy. For some students, the school division, school or educator will need to approach discipline in a manner that considers the student's exceptional learning needs, including whether:

- The student was able to access the information
- The student could understand the policy or rules
- Disciplinary actions used for the majority of students are appropriate for the student

Student discipline policy in SDML shall be revised to comply with changes in regulations, particularly with respect to the expulsion of students under the age of 16.

A. SDML shall:

1. Provide reasonable accommodation for students who have exceptional learning needs that affect their behavior, and when disciplining the student, take into consideration the student's ability to comply and the amount of support required (MR 468/88)
2. Communicate the policy on discipline to school division staff, parents and students at the beginning of each school year or upon registration or enrollment of new students during the year (PSA 58.6, MR 77/05)
3. Require schools to keep records on the nature and duration of all suspensions, both in-school and out-of-school; schools are encouraged to use this data as part of the school planning and reporting process (MR 468/88)
4. Offer and arrange alternative programming for students who are suspended for more than five days* (MR 468/88)
5. Offer and arrange alternative programming for students under the age of 16 who are expelled * (MR 468/88)

B. SDML policy on student discipline should:

1. Include direction to schools on discipline of students with exceptional learning needs.
2. Identify a process that must be followed to inform parents and ensure safety any time a student is sent home for disciplinary reasons.
3. Incorporate a continuum of supports, including positive and preventive approaches and strategies, as well as consequences corresponding to the nature, severity and frequency of the behavior infraction.
4. Identify a re-entry process that includes timelines involving the students, parents and appropriate school team members for students who are suspended, and ensure re-entry occurs on the day following the suspension.
5. Direct staff to develop a written plan for students who have been suspended out of school more than two times during a school year.

APPENDIX 1

Definition of Emotional/Behavioural Disorder

Emotional/Behavioural Disorder [EBD] refers to a condition in which emotional or behavioural responses of an individual in school are so different from his/her generally accepted, age-appropriate, ethnic or cultural norms that they adversely affect educational performance in such areas as self-care, social relationships, personal adjustment, academic progress, classroom behaviour, or work adjustment.

EBD is more than a transient, expected response to stressors in the student's environment, and would persist even with individualized interventions, such as feedback to the individual, consultation with parents or families, and/or modification of the educational environment.

Eligibility for Special Services intervention must be based on multiple sources of data concerning the individual's behavioural or emotional functioning. Misbehaviour must be exhibited in at least two different settings, at least one of which is school-related.

This disorder can coexist with other handicapping conditions such as schizophrenia, affective disorders, anxiety disorders, or with any other sustained disturbances of conduct, attention, or adjustment.

APPENDIX 2

Behaviour Reduction

Behaviour reduction procedures refer to a continuum of strategies
Used to reduce inappropriate behaviours.

Environmental Modification

- Procedures may involve changing the demands of a task, reducing the complexity of each step, or teaching a new skill that will help the child perform the task without frustration.

Differential Reinforcement

- Procedures involve reinforcing appropriate behaviour while ignoring inappropriate behavior
 - i. Differential reinforcement of incompatible behaviour
 - ii. Differential reinforcement of alternative behaviour
 - iii. Differential reinforcement of the omission of behaviour
 - iv. Differential reinforcement of low rate of behavior

Response Cost

- Procedures involve removing a positive reinforce when an inappropriate behaviour is displayed

Timeout

- This procedure removes the child for a short period of time from all reinforcement opportunities

Overcorrection

- These strategies require the disrupter to restore the environment to an orderly and improved state and to practice an appropriate behaviour for the situation.

-
- * current research does not provide a clear direction on when or where to use specific behaviour procedures
 - * recommendations for using behaviour reduction procedures advise obtaining prior consent, trying less intrusive strategies first, following appropriate protocol, writing a detailed plan, using trained personnel, and keeping track of effectiveness

APPENDIX 3

Physical Restraint & Seclusion Procedures

SDML recognizes access to the most effective educational strategies as the basic educational right of each child or youth with a disability. SDML believes that the least restrictive positive educational strategies should be always used to respect the child's or youth's dignity and that this especially pertains to the use of physical restraint and seclusion.

A physical restraint is defined as any method of one or more persons restricting another person's freedom of movement, physical activity, or normal access to his or her body. It is a means for controlling that person's movement, reconstituting behavioural control, and establishing and maintaining safety for the out-of-control individual, other individuals, and school staff. Physical restraints have been in widespread use across most human service, medical, juvenile justice, and education programs for a long period of time. While some have proposed physical restraint as a therapeutic procedure for some children and youth, this view has no scientific basis and is generally discredited. Today most schools or programs that employ physical restraint view it as an emergency procedure to prevent injury to the child or youth or others when a child or youth is in crisis.

Seclusion is the involuntarily confinement of a child or youth alone in a room or area from which the child or youth is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by staff. Any time a child or youth is involuntarily alone in a room and prevented from leaving should be considered seclusion, regardless of the intended purpose or the names applied to this procedure and the place where the child or youth is secluded. Seclusion is often associated with physical restraint in that physical restraint is regularly used to transport a child or youth to a seclusion environment. However, seclusion may occur without employing physical restraint.

In addition, schools may employ a variety of environments that may not meet the definition of seclusion (confinement alone without immediate ability to leave), but which have at least some of the elements of seclusion. These might include detention rooms and in-school suspension rooms where children and youth may not be alone or where they are not technically prevented from leaving, although they may perceive that they are prevented from leaving.

SDML supports the following principles related to the use of physical restraint and seclusion procedures in school settings:

- Behavioural interventions for children and youth must promote the right of all children and youth to be treated with dignity.
- All children and youth should receive necessary educational and mental health supports and programming in a safe and least-restrictive environment.
- Positive and appropriate educational interventions, as well as mental health supports, should be provided routinely to all children and youth who need them.
- Behavioural interventions should emphasize prevention and positive behavioural supports.

- Schools should have adequate staffing levels to effectively provide positive supports to children and youth and should be staffed with appropriately trained personnel
- All staff in schools should have conflict de-escalation training, and conflict de-escalation techniques should be employed by all school staff to avoid and defuse crisis and conflict situations.
- All children and youth whose pattern of behavior impedes their learning or the learning of others should receive appropriate educational assessment, including Functional Behavioural Assessments. These should be followed by Behavioural Intervention Plans that incorporate appropriate positive behavioural interventions, including instruction in appropriate behaviour and strategies to de-escalate their own behaviour.

It is the policy of the SDML that:

- Physical restraint or seclusion procedures should be used in school settings only when the physical safety of the child or youth or others is in immediate danger. Prone restraints (with the student face down on his/her stomach) or supine restraints (with the student face up on the back) or any maneuver that places pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat should never be used. No restraint should be administered in such a manner that prevents a student from breathing or speaking.
- Mechanical or chemical restraint should never be used in school settings when their purpose is simply to manage or address a child's or youth's behaviour. Prescribed assistive devices such as standing tables and chairs with restraints are not considered mechanical restraints for purposes of this document. Their use should be supervised by qualified and trained individuals in accord with professional standards. Vehicle restraints and those restraints used by law enforcement officers are not considered mechanical restraints for purposes of this document.
- Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.
- All seclusion environments should be safe and humane and should be inspected at least annually, not only by fire or safety inspectors, but for programmatic implementation of guidelines and data related to its use.
- Any child or youth in seclusion must be continually observed by an adult both visually and aurally for the entire period of the seclusion. Occasional checks are not acceptable.
- Guidelines or technical assistance documents are generally not adequate to regulate the use of these procedures, since abuses continue to occur in states or provinces where guidelines are in place and these guidelines have few mechanisms for providing oversight or correction of abuses. Policy is needed in the form of legislation or regulation.

- Stakeholders should:
 - Recognize that restraint and seclusion procedures are emergency, not treatment, procedures.
 - Require that preventative measures such as conflict de-escalation procedures be in place in schools where restraint or seclusion will be employed.
 - Require that individualized emergency or safety plans are created for children or youth whose behavior could reasonably be predicted to pose a danger. If an emergency or safety plan is deemed necessary for a child or youth with a disability, that document should be created by the IEP team and may be appended to the child's or youth's IEP.
 - Require that comprehensive debriefings occur after each use of restraint or seclusion and that reports of the incident or seclusion and that reports of the incident are created including parental notification.
 - Require that data on restraint and seclusion are reported to an outside agency such as the state or provincial department of education.
- Any school that employs physical restraint or seclusion procedures should have a written positive behavior support plan specific to that program, pre-established emergency procedures, specific procedures and training related to the use of restraint and seclusion, and data to support the implementation of positive behavior supports and specific uses of restraint and seclusion in that environment.
- Additional research should be conducted regarding the use of physical restraint and seclusion with children or youth across all settings.

APPENDIX 4

Life space Crisis intervention

Student crises do not happen by appointments nor are they scheduled into the school day. In reality, student crises seem to happen at the most inconvenient time for the staff, such as the beginning of the school day, during transitional periods, and between peers when staff are not available or didn't see the precipitating events. During these times, tempers flare and behaviours become more primitive, disruptive, and dangerous. Something needs to be done immediately; something which will (1) de-escalate the crisis, (2) offer staff a clear choice of strategies, and (3) bring about a change in the student's repetitive patterns of perceiving, thinking, feeling, and behaving.

Life Space Crisis Intervention (LSCI) is based on the following concepts and beliefs:

1. A student crisis is to be perceived by staff as a unique opportunity for change and not as a disaster to be avoided. It is a time for benign instruction and not a time for punishment and student alienation.
2. LSCI is a verbal "fire fighting-strategy" which leads to developing "fire-proofing skills."
3. LSCI is a humanistic approach in which the staff serves as the student's advocate and takes place in the "here and now."
4. LSCI is initially no-judgemental, but if the student is motivated to change his inappropriate behaviours, further staff intervention is grounded on clear ethical values about how people live and treat each other in group situations.
5. LSCI assumes a student in crisis initially will deny, project, and rationalize any responsibility for his behavior. During this time, the student is his own worst enemy and will make the situation worse.
6. If logic, order, responsibility, and resolution are to happen during a crisis, the staff must be well-trained to understand and manage his/her own inner thoughts, feelings, and behaviours.

Life Space Crisis Intervention is more than a way of talking to children and youth in crisis. It is a way of “living with” troubled and troubling students; understanding the dynamics of thought and feeling underlying behaviour, and the emotional interplay between the student and others in his life. It is an opportunity for staff to use a student crisis to teach and for students to learn some insights into their pattern of self-defeating behaviours and new social skills. LSCI enables students and staff to build more trusting relationships. It is a multi-theoretical construct incorporating the best practices of psychoeducational concepts, cognitive-behavioural strategies, and learning and behavioural principles. LSCI is a skill which can be used by professionals in diverse settings which serve children and youth including the public schools, mental health programs, and juvenile justice facilities.

APPENDIX 5