



BUSINESS COMMITTEE OF THE WHOLE AGENDA

Tuesday, September 20, 2016, 4:00 P.M.

SCHOOL BOARD OFFICE

425 Jermyn Avenue

Pages

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| 1. | Call to Order | |
| 2. | Adoption of Agenda | |
| | RECOMMENDED MOTION:
That the agenda be approved. | |
| 3. | Presentations | |
| 4. | Information Items | |
| | 4.1 Cheque and ePAYMENT Listing | 1 |
| | A cheque and ePAYMENT listing for August 2016 will be reviewed. | |
| | 4.2 Transportation Funding Application | |
| | The secretary-treasurer will present information regarding the transportation funding application. | |
| 5. | Action Items | |
| | 5.1 General | |
| | a. Prairie Creek Daylighting Project | 5 |
| | The Board will discuss whether to write a letter regarding the Prairie Creek Daylighting project. | |
| | b. BCPSEA Advisory Committee Meeting | |
| | The Board will discuss possible input to bring forward to the conference calls. | |
| | 5.2 Policy No. 750 - School Closure | 6 |
| | The Board will review Policy No. 750 - School Closure (last reviewed September 10, 2007). A copy of the policy and proposed draft policy are attached. | |
| | 5.3 Policy No. 310 - District Code of Conduct | 14 |
| | The Board will review Policy No. 310 - District Code of Conduct (last reviewed October 5, 2015) as it relates to LGBTQ. A copy of a legal bulletin and the policy is attached. | |

6. Upcoming Policies

- Policy No. 317 - Harassment/Threats/Intimidation/Racial Prejudice/ Violence
- Policy No. 720 - Security of Premises (last reviewed February 9, 2004)
- Policy No. 530 - Employee Wellness, Health and Safety (last reviewed September 10, 2007)
- Policy No. 610 - Records Retention (last reviewed September 10, 2007)
- Policy No. 201 - School Fundraising and School Financial Records (last reviewed September 10, 2007)
- Policy No. 212 - Trespassers on School Property (last reviewed September 10, 2007)
- Policy No. 150 - Trustee Financial Matters (last reviewed March 9, 2015)
- Policy No. 305 - Choice and Flexibility (last reviewed January 13, 2014)

7. Question Period

8. Adjournment

RECOMMENDED MOTION:

That the meeting be adjourned.

SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)

POLICY

POLICY #750 School Closure

RATIONALE

The *School Act* and the ministerial orders that support the Act place the responsibility for school closure on the local Board of Education. In particular, the Board must develop and implement a policy that includes a public consultation process with respect to permanent school closures and make the policy available to the public.

POLICY

The Board of Education of School District No. 67 (Okanagan Skaha) recognizes its responsibility under the *School Act* for the effective and efficient operation of schools in the school district.

The school closure policy applies when the Board is considering the permanent closure of a school. Closing a school permanently means the closing, for a period exceeding 12 months, of a school building used for the purposes of providing an educational program to students.

Though there may be many reasons for closing a school, the Board of Education commits to a complete public consultation process with all members of the affected communities prior to any final decision being made.

ADOPTED: September 8, 2003

Reviewed/Revised: September 10, 2007

Statutory Reference: *School Act*

SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)

REGULATIONS AND PROCEDURES

POLICY #750 School Closure

There are three distinct stages involved in the decision-making process: 1) decision to consider school for closure; 2) consultation process; and 3) final decision on closure.

1. Decision to Consider School(s) for Closure:

- a. The process of decision-making will be preceded by a feasibility report developed by the Superintendent (or designate) that outlines:
 - i. Specific school(s) being considered for closure;
 - ii. Detailed reasons for the proposed school closure(s);
 - iii. How the proposed closure would affect district's catchment boundaries;
 - iv. The estimated number of students who would be affected in the catchment area and surrounding schools;
 - v. An evaluation of the physical condition of the school;
 - vi. The educational program/course implications for affected students;
 - vii. Alternate potential uses of the facility;
 - viii. Potential parental and community support;
 - ix. Enrolment projections;
 - x. Effect on transportation services;
 - xi. Financial impact of the closure;
 - xii. Impact on district capital plans; and
 - xiii. Other factors relevant to whether the particular school(s) should be considered for closure.
- b. The Board will consider the information provided and decide whether to consider to close the school(s). The decision for consideration will be made at a public meeting of the Board.

2. Consultation Process:

- a. Public consultation will be undertaken by the Board prior to making a final decision on any proposed closure of a school.
- b. The process of consultation for school closure shall require at least 60 days commencing from the time when the Board provides public notice as to which specific school(s) is/are being considered for closure.
- c. The process of consultation will provide an opportunity for those who will be affected by a proposed closure to participate in the process. Such participation could include parents, students, community members, trustees, district staff, school staff members, employee groups, partner groups, First Nations, local government, community organizations or business organizations.

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- d. The Board will take the following steps to ensure that an open and meaningful public consultation has taken place:
 - i. Make available to the public, the facts and information received by the Board with respect to the initial decision to 'consider a school for closure' as outlined in Section 1a-b.
 - ii. Provide an adequate opportunity for affected persons to submit a written response to any proposed school closure and information and directions on how to submit a written response to the Board. The information and directions will advise potential correspondents that their written response may be referred to at subsequent public forums respecting the closure, unless the correspondent specifically states in their written response that the correspondent wishes his or her name and address to remain confidential.
 - iii. Hold at least one public meeting to discuss the proposed closure, summarize written submissions, and listen to community concerns and proposed options.
 - iv. Advertise the time and place of the public meeting(s) (with at least 7 days notice) to ensure adequate notification to affected persons in the community. Generally, this will mean a letter to parents of students currently attending the school, a clearly visible notice in a local newspaper and a notice on the school district's website. Specifically notify, in writing, any potentially affected local governments and First Nations of the time and place of the public meeting.
 - v. Include in the public meeting discussions the implications of the closure, implementation plans including timing of the closure, options that the Board considered as alternatives to closure, possible future community growth in the area of the school, and contents of written submissions presented to the Board by members of the community.
 - vi. Maintain records of all consultation including agenda, minutes, dates of consultation working group and public community consultation meetings, copies of information provided at these meetings, names of trustees/district staff who attended these meetings, a record of individuals attending public community consultation meetings, record of questions asked, concerns raised, options proposed and a record of transition plans/activities identified for parent/staff/students at both the school considered for closure and the school to which the students would be moved.

3. Final Decision on Closure:

- a. Following the public meeting(s), the Board will give fair consideration to all public input prior to making its final decision with respect to any proposed school closure(s). Fair consideration includes the concept that the Board's proposal to close a school could be changed or reversed.
- b. The final decision of the Board on a school closure shall be by Board Bylaw. The first reading of the Bylaw at a public board meeting will be at least fourteen (14) days prior to the final reading of the Bylaw.

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- c. If the Board decides to permanently close a school under Section 73 of the School Act, the Board will, without delay, provide the Minister with written notification of the decision containing the following information:
- i. the school's name;
 - ii. the school's facility number;
 - iii. the school's address; and
 - iv. the date on which the school will close.

ADOPTED: September 8, 2003

Reviewed/Revised: September 10, 2007

Statutory Reference: *School Act*

SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)

DRAFT

POLICY

POLICY #750 School Closure

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POLICY

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Though there may be many reasons for closing a school, the Board of Education commits to a complete public consultation process with all members of the affected communities prior to any final decision being made.

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SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)

DRAFT

REGULATIONS AND PROCEDURES

POLICY #750 School Closure

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 - vi. Effect on transportation services;
 - vii. Financial impact of the closure;
 - viii. Impact on district capital plans; and
 - ix. **xiii.** Other factors relevant to whether the particular school(s) should be considered for closure **may include but are not limited to:**
 - **The estimated number of students who would be affected in the catchment area and surrounding schools;**
 - **An evaluation of the physical condition of the school;**
 - **The educational program/course implications for affected students.**
- b. The Board will consider the information provided and decide whether to consider to close the school(s). The decision for consideration will be made at a public meeting of the Board.

2. Consultation Process:

- a. Public consultation will be undertaken by the Board prior to making a final decision on any proposed closure of a school.
- b. The process of consultation for school closure shall require at least 60 days commencing from the time when the Board provides public notice as to which specific school(s) is/are being considered for closure.
- c. The process of consultation will provide an opportunity for those who will be affected by a proposed closure to participate in the process. Such participation could include parents, students, community members, trustees, district staff, school staff members, employee groups, partner groups, First Nations, local government, community organizations or business organizations.

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 - iii. Hold at least one public meeting to discuss the proposed closure, summarize written submissions, and listen to community concerns and proposed options.
 - iv. Advertise the time and place of the public meeting(s) (with at least 7 days notice) to ensure adequate notification to affected persons in the community. Generally, this will mean a letter to parents of students currently attending the school, a clearly visible notice in a local newspaper and a notice on the school district's website. Specifically notify, in writing, any potentially affected local governments and First Nations of the time and place of the public meeting.

Maintain complete records of all consultation meetings

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ADOPTED: September 8, 2003

Reviewed/Revised: September 10, 2007

Statutory Reference: *School Act*

May 19, 2015

Ref: U:\SBO-ST-Data\SECTR JULY 2014\00100-00999 Administration\00540 Policies and Regulations\2014-15\P-R 750 May 26, 2015 Mtg.docx

June 3, 2015

Ref: U:\SBO-ST-Data\SECTR JULY 2014\00100-00999 Administration\00540 Policies and Regulations\2015-16\P-R 750 School Closure for June 8, 2015 Mtg.docx

LEGAL BULLETIN

September 13, 2016

The provincial government recently amended the [Human Rights Code](#) (or the “Code”) and the [Provincial Standards for Codes of Conduct Order](#) (M276/07) to address discrimination on the basis of “gender identity or expression”. These amendments have implications for public board of education policies and school codes of conduct.

Human Rights Code

In July of 2016, the BC *Human Rights Code* was amended to add “gender identity or expression” as one of the prohibited grounds of discrimination under the *Human Rights Code*. This recent legislative amendment:

- adds the grounds “gender identity or expression” to all areas of Part I of the *Human Rights Code* except the section on wage discrimination based on sex;
- adds the grounds “sexual orientation” and “gender identity or expression” to the non-profit exemption (section 41) ; and,
- adds the grounds “sexual orientation” and “gender identity or expression” to the employment equity programs provision (section 42).

Although gender identity or expression was not previously referenced in the *Human Rights Code*, court and tribunal decisions have interpreted the Code’s prohibitions on discrimination on the basis of sex as prohibiting discrimination against transgender people.

Provincial Standards for Codes of Conduct Order¹

On September 7, 2016, the provincial government amended the *Provincial Standards for Codes of Conduct Order* to require public school codes of conduct to reference “gender identity or expression” along with the other prohibited grounds of discrimination under section 7 (Discriminatory publication) and section 8 (Discrimination in accommodation, service and facility) of the *Human Rights Code*. Codes of conduct for schools must specifically reference each of the following prohibited grounds of discrimination:

- race,
- colour,
- ancestry,
- place of origin,
- religion,
- marital status,
- family status,
- physical or mental disability,
- sex,
- sexual orientation,
- gender identity or expression; and
- age

In addition, section 6 of the Ministerial Order was amended to require school codes of conduct to include “one or more statements about what is unacceptable behaviour including bullying, cyberbullying, harassment, intimidation, threatening or violent behaviours while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the

¹ On September 8, 2016, the [Harassment and Bullying Prevention Inspector’s Order](#) was established under the *Independent School Act*. The Inspector’s Order requires

independent schools to implement harassment and bullying prevention policies and sets out the elements that must be included in these policies.

school environment.”² Prior to this amendment, school codes of conduct were required to include “one or more statements about what is unacceptable behaviour, including aggressive behaviours such as bullying behaviours...”

Implications for Public Boards of Education

- **School codes of conduct:** Review and revise your school codes of conduct to ensure that each of the prohibited grounds of discrimination set out in sections 7 and 8 of the *Human Rights Code* (including gender identity or expression) is specifically referenced in the school codes of conduct. You will also want to review your school codes of conduct to ensure that they include the necessary statements about “what is unacceptable behaviour including bullying, cyberbullying, harassment, intimidation, threatening or violent behaviours...”
- **Board of education policies regarding school codes of conduct:** Review your board’s policy on school codes of conduct to ensure that it requires school codes of conduct to: (a) specifically reference the prohibited grounds of discrimination set out in sections 7 and 8 of the *Human Rights Code*; and, (b) include the necessary statements about “what is unacceptable behaviour including bullying, cyberbullying, harassment, intimidation, threatening or violent behaviours...”
- **Other board of education policies, procedures and forms:** Review your other policies, procedures and forms that address human rights, discrimination and harassment and consider whether they should be revised to recognize the addition of “gender identity or expression” to the list of prohibited grounds of discrimination under the *Human Rights Code*. If your board has a policy that specifically lists each

ground of discrimination referenced in the *Human Rights Code*, you will want consider revising the policy to make it consistent with the recently amended *Human Rights Code* (For example, revising the policy by adding “gender identity or expression” to the list of prohibited grounds set out in the policy).

Resources

- [Provincial Standards for Codes of Conduct Order](#)
- [Ministry of Education’s September 8, 2016 press release](#)
- [Human Rights Code](#)
- [BC Human Rights Tribunal – Personal Characteristics Protected in the BC Human Rights Code](#)

Please contact BCSTA Legal Counsel, [Audrey Ackah](#), for further assistance with this matter.

All or part of this legal opinion may be excepted from mandatory disclosure requirements under the Freedom of Information and Protection of Privacy Act because it is subject to solicitor-client privilege. It is confidential to member boards of education, their trustees, officers, and such staff members as are permitted access by the member.

² Emphasis added.

SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)

POLICY

POLICY #310 District Code of Conduct

RATIONALE

The Board believes that student achievement and the development of skills and attitudes necessary for positive participation in a civil democratic society are optimized in a safe, caring and orderly environment. Such an environment is best built on a foundation of respect – respect for self, for others, for property, and for community. The Board acknowledges the obligation entrusted to it by the *School Act* to set expectations for student conduct that it believes will contribute to the realization of such an environment.

POLICY

The Board shall establish a *District Code of Conduct* for the schools within the district that will outline its expectations regarding student conduct. Within this framework, each school shall develop a written School Code of Conduct to govern the behaviour of its students.

ADOPTED: November 8, 1999

Reviewed/Revised: June 11, 2001
February 9, 2009
December 8, 2014
October 5, 2015

Statutory Reference: *School Act*

SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)

REGULATIONS AND PROCEDURES

POLICY #310 District Code of Conduct

1. Scope of the District Code of Conduct

- 1.1 The District Code of Conduct applies to students of the district engaged in, present at, or attending:
- a) School or any activity on school premises whether during a regular school day, outside the regular school day, or on a day that is not a school day;
 - b) Travel on a school bus or other transportation contracted or arranged by the Board or school;
 - c) Any activity sponsored by, organized by or participated in by the school regardless of the time or place;
 - d) Any activity in and around the school premises occurring during the school day that involves the property of neighbouring residents, or that constitutes a nuisance or abusive behaviour;
 - e) Any activity which may have a connection with the maintenance of order and discipline at a school.
- 1.2 The school principal has the authority to respond to student misconduct occurring outside the school day or school-related or sponsored activities (e.g., cyberbullying in the evening), where the principal determines the conduct may negatively impact the school environment.
- 1.3 The district and school will cooperate with the police in cases where students violate the law. This cooperation will be informed by the guidelines outlined in Policy No. 323 – Police Questioning of Students in Schools.

2. Conduct Expectations

- 2.1 The Board expects students to conduct themselves in the following manner:
- a) Maintain courteous and respectful relationships with fellow students, teachers and others involved in the school system;
 - b) Respect public and personal property;
 - c) Actively promote the general welfare of the school and the student body;
 - d) Adhere to all classroom, school and district rules and policies;
 - e) Comply with the reasonable directives of a teacher or other employee of the Board;
 - f) Maintain appropriate standards of hygiene, dress and language;
 - g) Maintain a healthy lifestyle and attitude;
 - h) Attend school daily and promptly at the appointed hours;
 - i) Work diligently at their studies without disrupting the work of others;
 - j) Demonstrate respect for all people, both in and outside school in compliance with the *BC Human Rights Code*;

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- k) Demonstrate respect for diversity including, but not limited to, diversity with reference to race, colour, sex, age, physical or mental ability, place of origin, ancestry, language, religious beliefs, sexual orientation, marital status, family status, and socioeconomic background;
 - l) Comply with the *Tobacco Control Act* and District policy #740 – Smoking and Tobacco Free Environments, prohibiting tobacco use on school property.
- 2.2 The Board regards the following as examples of serious misconduct which are not acceptable in the district's schools and workplaces:
- a) Bullying (including cyberbullying);
 - b) Verbal or physical harassment, disrespect, and/or intimidation;
 - c) Physical or emotional violence;
 - d) Discrimination contrary to the *BC Human Rights Code*;
 - e) The possession, use and/or trafficking of illegal or restricted drugs, alcohol, or other harmful substances;
 - f) The possession and/or use of weapons ("weapon" means anything used, designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes a firearm);
 - g) The possession and/or use of fireworks or incendiary devices;
 - h) The possession and/or use of noxious or toxic substances;
 - i) Engage in conduct contrary to the District or School Code of Conduct and/or any school rule of Board policy.

3. Consequences for Unacceptable Conduct

Where appropriate, consequences for unacceptable conduct should be preventative and restorative in nature and should provide students with the opportunity to correct behavioural issues. Corrective and/or other measures, including student suspension and exclusion from school, may be necessary for those occasions when corrective efforts fail to result in a student complying with the expected conduct standards. In such instances, disciplinary actions must recognize and adhere to certain principles:

- 3.1 Each instance of student misconduct must be dealt with on an individual basis taking into consideration the individual circumstances of the student;
- 3.2 Each case of student misconduct shall be dealt with as expeditiously as possible;
- 3.3 Students who contravene the District or School Code of Conduct will be subject to discipline reflective of the age and maturity of the student and the severity and frequency of the unacceptable conduct:
 - a) Disciplinary consequences should be progressive in nature;
 - b) As students become older, behaviour expectations become higher and consequences of unacceptable behaviour become greater;
 - c) Severe, pervasive or retaliatory behaviour will warrant stronger consequences and may lead to a referral to the *District Discipline Committee*;
- 3.4 Discipline will be fair, consistent and meaningful, for the purpose of making restitution and enhancing student responsibility and self-discipline;

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- 3.5 Special considerations may apply to students with special needs if these students are unable or do not comply with a Code of Conduct due to having a disability of an intellectual, physical, sensory, emotional or behavioural nature. When students with identified special needs require intervention regarding their conduct, the school administrator will ensure that:
- a) Such students have been adequately assessed;
 - b) Appropriate interventions are applied before discipline is considered;
 - c) The grounds for suspension are clear and appropriate;
 - d) Meaningful education programs or interventions are offered during any period of suspension;
 - e) Planning is undertaken for successful re-entry of the student if suspension is imposed.
- 3.6 In cases of property damage, the *School Act* assigns a liability for costs to the parents and student(s) involved.

4. Suspensions

Suspension from school is an action of last resort when all other corrective efforts have failed, or in those instances in which the misconduct is deemed to be of a serious enough nature that the student's continued presence in the school may be detrimental to the well being of students, others or to the overall school environment. In such cases,

- 4.1 School administrators have the authority to suspend a student from school for up to five (5) consecutive school days;
- 4.2 In the event of a suspension, the school administrator shall immediately report it in writing to the student's parent(s)/guardian(s) and the superintendent. The report should include the dates involved, reason(s), date of reinstatement, and advice to parents regarding alternatives they may pursue, including reference to the Appeal By-Law;
- 4.3 If, in the opinion of the school administrator, an infraction is of a serious enough nature to warrant a suspension of greater than five (5) days, the school administrator shall consult with district staff pursuant to the procedure outlined in the District Discipline Committee Policy;
- 4.4 The consultation process noted in 4.3 may result in an issue being referred to the *District Discipline Committee* in accordance with the District Discipline Committee policy.

5. Record-Keeping

The Board expects that district and school administration will maintain accurate and reliable records which allow the monitoring and tracking of individual, school and district-wide student conduct data over time.

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6. Appeals

The school administrator responsible for imposing discipline on a particular student shall advise parents and students that discipline decisions significantly affecting the education, health, or safety of a student entitled to an educational program in the district are subject to appeal as provided by S. 11 of the *School Act* and Board Procedural By-Law #3 – Appeals.

7. BC Human Rights Code

7.1 The Board of Education recognizes that the *BC Human Rights Code* prohibits discrimination, which is defined as an intentional or unintentional act which adversely affects a person or group on the basis of prejudice.

7.2 In order to “promote a climate of understanding and respect where all are equal in dignity and rights” (*BC Human Rights Code*), the Board supports the values expressed in the *BC Human Rights Code*, which state:

“A person must not publish, issue or display, or cause to be published, issued or displayed, any statement, publication, notice, sign, symbol, emblem or other representation that

- (a) indicates discriminator or an intention to discriminate against a person or a group or class of persons, or
- (b) is likely to expose a person or a group or class of persons to hatred or contempt

because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.”.

7.3 Further to section 7.2, also expressed in the *BC Human Rights Code*:

“A person must not, without a bona fide and reasonable justification,

- (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or
- (b) discriminate against a person or class of persons regarding any accommodation, service, or facility customarily available to the public

because of the race, colour, ancestry, place of origin, religion, marital status, family status physical or mental disability, sex, sexual orientation or age of that person or that group or class of persons.

A person does not contravene this section by discriminating on the basis of sex, if the discrimination relates to the maintenance of public decency.”

7.4 The Board therefore expects that students shall, at all times, engage in behaviour which is tolerant and respectful of every person and in particular is tolerant and respectful of minorities and the diversity of Canadian society.

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8. Retaliation

The Board will take all reasonable steps to prevent retaliation by a person against a student who has made a complaint of a breach of a Code of Conduct.

9. School Codes of Conduct

Within the framework of the *District Code of Conduct*, each school shall establish a written *School Code of Conduct* that will govern student conduct. School principals will ensure these codes are:

- 9.1 Reflective of the standards outlined in *Safe, Caring, and Orderly Schools, 2004*;
- 9.2 Developed collaboratively with staff, parents and students;
- 9.3 To reference the prohibited grounds of discrimination set out in section 7 and section 8 of the Human Rights Code.
- 9.3 Made available to the public;
- 9.4 Distributed to students, parents and employees of the Board at the beginning of each school year;
- 9.5 Provided to students and parents who enrol in the school during the school year;
- 9.6 Provided to employees of the Board who are assigned to the school during the school year when they are so assigned;
- 9.7 Displayed prominently in the school;
- 9.8 Reviewed annually with individuals or groups the school considers are representative of:
 - a) Employees of the Board;
 - b) Parents; and
 - c) Students

in order to assess the effectiveness of the School Code of Conduct in addressing current school safety issues;
- 9.9 Actively “taught” as part of the regular classroom and school experience.

ADOPTED: November 8, 1999

Reviewed/Revised:

June 11, 2001
 February 9, 2009
 December 8, 2014
 October 5, 2015

Statutory Reference:

October 9, 2015

Ref: U:\SBO-ST-Data\SECTR JULY 2014\00100-00999 Administration\00540 Policies and Regulations\00540-02 Policy Manual Originals\Policy Manual\P-R 310 District Code of Conduct.docx