

YES, YOU CAN!

SUPERINTENDENT'S MESSAGE

Public Education in New Brunswick plays a leading role toward the academic, social and psychological growth of all youth who attend our schools.

It is critical that schools promote a dynamic, challenging, yet safe and caring environment so that effective instruction and optimum learning can take place. To meet the diverse needs of students, the roles and responsibilities of teachers and school administrators have become more complex. Of special concern is the handling of pupils whose conduct negatively impacts on the learning environment. Any person who creates disturbance in a school or classroom setting should be identified and interventions with appropriate remedial action and fair consequences should take place.

The *Education Act*, Provincial, District and School Policies provide the framework for the development of a Positive Learning Environment. Maintaining an orderly safe climate requires the collaboration of the student, home, school, and community.

This brochure is intended to help the reader understand existing protocols and clarify interventions that are available in our schools.

Superintendent of Schools

YES, YOU CAN!

§ ... hug a child who needs comforting.

Policy 701 (Protection of Pupils in the Public School System from Misconduct by Adults) condones appropriate physical comforting. Teachers have always used good judgement in deciding when and with which child it is appropriate to use physical comforting. *Policy 701* reflects the knowledge a well-timed hug or pat is a needed kindness and will be remembered by a young child.

§ ... restrain a child for the child's or another's safety, the protection of an orderly learning environment or the protection of school property.

Policy 701 will support you if you have to restrain a child to ensure safety, protect school property or protect an orderly learning environment. Using physical force or restraint has not been abolished when it is required to keep students and teachers safe. It has been abolished as a form of punishment, expression of anger or technique for intimidation.

§ ... expect your school and its administrators to work as a team to meet the needs of hard-to-serve pupils.

The *Education Act* (Regulation 97-150, 25-1e) states you can expect advice and direction from your principal. The *Education Act* (28-2c) requires principals to ensure reasonable steps are taken to create and maintain a safe, positive learning environment.

The *Positive Learning Environment Policy* requires administrators, staff, students, parents/guardians, and others who have an interest in the school environment, to come to a common understanding regarding techniques, consequences, supports, and rules to be used. This collaborative task empowers teachers to develop a consistent, unified approach from one classroom to another and one situation to another. The classroom should not be an isolated island where the teacher is stranded. If yours is like that, it's time to rework your school's Positive Learning Environment Plan.

§ ... expect assistance from the District Office when pupils' needs require intervention/resources in addition to those the school can provide.

The *Education Act* (Regulation 97-150, 14b) places responsibility on the Superintendent to require that "every pupil avoids idleness, profanity, falsehood and deceit, quarrelling and fighting, is kind and courteous, obedient to his or her instructors, diligent in his or her studies and conforms to school rules". The *Positive Learning Environment Policy* requires school districts develop a plan to support schools in creating and maintaining positive learning and working environments.

§ ... have a pupil whose conduct poses an immediate threat to the safety of others removed from the situation immediately.

The *Positive Learning Environment Policy* states: "A pupil whose conduct poses an immediate threat to the safety of others will be removed from the situation at once and will be permitted to return when safety can reasonably be assured." This is done according to each school's intervention plan.

§ ... suspend a pupil from school attendance for cause.

The *Education Act* (Section 24) gives principals authority to suspend students for five days or less. Superintendents can suspend for longer periods.

Suspensions over five days cumulatively within the same school year can be appealed. (Eg., A student who receives a one-day suspension, then a two-day suspension, followed by another two-day suspension can choose to appeal any suspension thereafter during the same school year.)

§ ... expect reimbursement when school property is lost, damaged or destroyed as a result of the intentional action of a pupil.

The *Education Act* (Section 25) declares the liability of students and their parents/guardians in such circumstances.

§ ... request a person creating a disturbance on school property, while being used for school purposes, leave.

The *Education Act* (Section 22) gives teachers the authority to do this and states any person who refuses to immediately leave school property when requested by a teacher in this circumstance commits a category C offence under the *Provincial Offences Procedure Act*. This carries a penalty of a fine up to \$500 for the first offence and \$1,000 for a repeat offence.

The power to exclude extends to situations where students from other schools disrupt the learning environment, parents/guardians are abusive to school staff or students, and when the conduct of students or spectators is unacceptable at extracurricular activities such as dances or sports events.

Section 22 does not permit a teacher to send a student registered at the school home during school hours. This would be a suspension from school attendance and that authority rests with the principal.

§ ... expect consequences when a person makes a false allegation of abuse.

Malicious attacks on a person's reputation will not be tolerated in public schools. All accusations involving falsehood, malicious intent or those made in bad faith, will result in disciplinary action. *Policy 701* confirms this stance.

§ ... make decisions about pupil promotion.

Educators are very much aware of the complex and multifaceted considerations involved in recommending a student not be promoted. While there is nothing in the *Education Act* preventing teachers from recommending retention, the *Education Act* does give the right of appeal and vests responsibility for placement with the Superintendent (Section 11).

Information on the Education Act, Regulations and Policies may be found at:

<http://www.gov.nb.ca/education/orgs/policies.asp?strLang=E>.