

**340400**

**GUIDELINES AND PROCEDURES**

**for**

**CAREER EXPLORATION 110**

**and**

**COOPERATIVE EDUCATION 120**

**New  Brunswick**

Department of Education  
P.O. Box 6000 Fredericton, New Brunswick  
E3B 5H1  
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Career Exploration 110 and Cooperative Education 120 Guidelines and Procedures Development Advisory Committee:

Dixie Coughlin	District 8
Ellen Pottle	District 17
Lynn MacDonald	District 6
Joe Brennan	District 18
Joanne Williams	Department of Education
John Tingley	Department of Education





## INTRODUCTION

Career Exploration 110 and Cooperative Education 120 integrate classroom learning with actual work place experiences. These courses, delivered under Department of Education guidelines, place students at worksites where they are provided with challenging responsibilities and learn by doing. In this way learning and experience are combined in an educationally beneficial way.

Career Exploration 110 and Cooperative Education 120 require a partnership among education, business, industry and labour that usually involves students, teachers, parents, employers, and employee supervisors. Joint planning by these individuals is required to ensure a systematic progression for career exploration, career planning, and experiential learning.

Students are selected through an interviewing process conducted by classroom teachers, guidance counsellors and/or administrators. Prior to their placement in the workplace, they engage in a pre-placement classroom curriculum.

Career Exploration 110 and Cooperative Education 120 teachers monitor and evaluate their students' out-of-school activities. As well, students share and analyze their work experiences with their teachers and peers in structured classroom activities.

Career Exploration 110 and Cooperative Education 120 are designed to meet the needs of all students. Students bound for post secondary education or entering the workplace are provided with the opportunity to develop knowledge, skills, and attitudes essential in today's society. Career Exploration 110 and Cooperative Education 120 can maximize students' growth and development and can provide students with an organized, sequential program of studies that compliments career development needs.

**Career Exploration 110** is an experiential course that offers a sequence of activities aimed at furthering the career skill development of youth in grades 11/12. Students explore personal characteristics, assess various career options, have the opportunity to engage in two unique work placements and learn about themselves and about the world of work.

**Cooperative Education 120** is an experiential course that offers youth in grades 11/12 the opportunity to engage in a work placement in a chosen area of career interest. A detailed workplace skills learning plan is developed to support a focused learning experience in the workplace.



## PROGRAM COMPONENTS AND PROCEDURES

### RESPONSIBILITIES

Career Explorations 110 and Cooperative Education 120 involve a partnership that has responsibilities that rest with District staff, school staff and employers.

School/District staff are responsible for the following:

- planning the program
- selecting students
- submitting the work placement agreement
- preparing students for placement with an employer
- organizing and administrating the program
- consulting with the employer to clarify students'/employers' workplace expectations
- helping students arrange transportation to and from the workplace
- monitoring students' performance at the worksite
- organizing public relations activities

Employers are responsible for the following:

- providing student interview opportunities
- teaching safety practices specific to the workplace
- providing a variety of work experiences that focus on student learning
- helping design student workplace learning plans
- consulting with the teacher to clarify employer/student workplace expectations
- sharing expertise with the student
- directing and guiding student learning through on-site supervision
- assessing student progress jointly with teachers

Employers and supervisors must be informed of the expectations and responsibilities of this partnership prior to student placement.

### PRE-PLACEMENT PLANNING

Prior to a student's placement, the following should be assessed: the employer's and supervisor's attitudes towards student placements, the range and scope of the experiences available, the equipment and facilities in the workplace, the safety of the placement and the current employment practices of the organization involved.

The out-of-school component should allow all students: to acquire workplace knowledge, skills, and attitudes, to appreciate the importance of lifelong learning and to gain self-confidence and maturity in an adult environment. Care must be taken to provide a suitable environment in which this can happen. For this reason the placement site will normally be outside the student's home school and, in most cases, in a new environment in which the student has not experienced previous training or part-time work.

Full advantage should be taken of the resources available in the community. Experiential learning experiences that involve placements in the home school: store, dramatic presentations, student council,

athletic team, yearbook, office, or similar activities are not considered normal placements and should be discussed to ensure student success.

There may be situations in which the home school provides experiences that cannot be duplicated anywhere else in the immediate community. For example, it may be necessary to place students in the home school to meet the needs of the individual student. In these special situations where it is necessary to place a student in the home school, the teacher should not assume the role of the employer supervisor. Such placements should be arranged in consultation with appropriate school personnel.

Certain circumstances may face some students. Those students may be given approval for placement in a company where they currently have a salaried job provided that there is a clear distinction between the tasks associated with the learning objectives articulated in the Career Exploration 110 or Co-operative Education 120 curriculum guide and the duties of the paid position.

It is likely that a number of students might be placed in a variety of different departments in a large company or organization. Every effort should be made to ensure that the quality of learning, skills, development and growth in maturity of the student are not impeded by the overloading of students at a single worksite. Quality placements and maximum learning opportunities tend to exist where no more than one student is placed with one supervisor at any one time.

Workplace experiential learning will provide students with sufficient time and opportunity for skill development, career decision making, and personal growth. This out-of school time should be planned in at least half-day segments whenever possible. The factors affecting this decision should include the: variety of worksites available, breadth and depth of experience, and time required for students to meet the curriculum outcomes specific to the course and students' needs.

Cooperative Education 120 students are placed at a single worksite and Career Exploration 110 students are placed at two different worksites through the course of the semester.

Under some circumstances, and through consultation with the student, employer and parent, the number of work placements may vary from the above norm.

## **MONITORING**

Monitoring involves observations of the student at the worksite and discussions with the supervisor and student. This is supported by detailed, anecdotal and dated records of monitoring activities which are kept as part of the students' record. Career exploration and cooperative education teachers must visit students at the worksite at least once during the first three weeks of the placement and monthly thereafter. It may be necessary to monitor some students more frequently because of their specific needs or because of the nature of the particular workplace.

The monitoring record should include information on the student's progress, observations of the student's interaction with co-workers, their attendance record, and comments made by both the student and the supervisor.

Teachers may use other methods of communication (telephone, e-mail, etc.) to correspond with the employer and students. The ongoing development of a supportive relationship between the teacher and the student will greatly increase the credibility of the programs.

## REFLECTIVE LEARNING

The reflective learning portion of the in-school component involves sessions with students that are held at various times throughout the course and following the placement. It is essential that time be provided for regular reflective learning activities. The chart on page ??? designates time required for reflective learning.

Employers should be informed well in advance of the times of such reflective learning sessions.

## STUDENT RECORDS

Schools are required to maintain records for each student in Cooperative Education 120 and Career Exploration 110. The following records shall be maintained:

- \* the work placement agreement
- \* the number of hours and times that the student will be at the worksite
- \* Cooperative Education 120 student's workplace learning plan
- \* the dated, anecdotal records of monitoring activities
- \* the performance appraisals or evaluation forms
- \* the weekly logs or records of activities
- \* a union memorandum of agreement where applicable

## STUDENT ASSESSMENT

Student assessment practices must comply with the school's existing policy for evaluation, including requirements regarding methods and frequency. Students must be informed of assessment practices.

The student's performance at the worksite must be evaluated by the on-site supervisor in conjunction with the teacher. Teachers should keep in mind the objectives of the course and the employer feedback when evaluating a student's overall performance. Both formative and summative techniques should be used and opportunities should be provided on the appraisal form for students to comment on their personal and skill development. Teachers should encourage employers to discuss their evaluation with students.

**In all cases, it is the teacher who is responsible for the student's final mark.**

## INTERVIEWING STUDENT APPLICANTS

Interviewing procedures are critical to the appropriate matching of students to placements. These procedures must be adhered to even when a school has sufficient employers to accommodate all of its students. Each school must establish procedures to determine whether individual students applying for an out-of-school placement have the necessary interests, skills and maturity to meet with success in the workplace. A structured interview between the teacher and each potential student is essential and must be conducted prior to the start of a course, usually one semester in advance. Close liaison must also be maintained with the guidance department, the school administration, and parents to ensure that students have considered educational or career goals.

## PRE PLACEMENT INSTRUCTION

Classroom instruction shall include resume writing, interview skills, information related to health and safety, employer and employee rights and responsibilities, confidentiality, ethics, and school and workplace expectations.



At the end of the pre-employment component, students must be provided with the opportunity to apply their knowledge, skills, and attitudes in structured interviews with their prospective employers. Employers should be asked to provide students with written or oral feedback after the interview as part of the learning experience.

Interviews provide the employer and the student with an appropriate forum for initiating a successful experience. If unsuccessful in the initial interview(s), a student should be provided with feedback, further training, and additional interview experiences

## PLANNING STUDENT PLACEMENTS IN COMPULSORY TRADES

In New Brunswick nine occupations are designated compulsory under the **Apprenticeship and Occupational Certification Act**. To work in these occupations, one must be either a certified journey person or be a registered apprentice.

- Automotive Service Technician
- Automotive Service Technician (Steering, Suspension and Brakes)
- Automotive Service Technician (Electrical and Fuel)
- Automotive Service Technician (Transmission)
- Bricklayer
- Construction Electrician
- Plumber
- Refrigeration and Air Condition Technician
- Sprinkler System Installer

If a student is to be placed with an employer in a compulsory occupation, the student will require a pre-apprentice card from the Regional Apprenticeship Office Staff. They will be required to carry this card with them at all times while on the job site.

In order for Apprenticeship and Certification to issue a pre-apprentice card, a list of students, with the following information, must be provided to the appropriate Regional Manager (listed below) at least 10 days before the experiential work placement is to begin:

- Full legal name of the student
- Address
- Social Insurance Number (or Medicare Number if SIN not available)
- Date of birth
- Occupation in which the student will be doing their work placement
- Employer's name and coordinates with whom each student will be doing their work placement
- Date and duration of the work placement

The name and phone number of the person responsible for the program either at the School District level or at the school level, with whom the Regional Apprenticeship Staff can communicate must also be provided.

The Regional Apprenticeship Staff will provide the pre-apprentice cards for all students who are doing a work placement in a compulsory occupation along with a letter from the Director of Apprenticeship and Certification. The student must present this letter to their employer on the first day of work.

### **Responsibilities of District Program Coordinator or School Based Staff**

- Provide the Apprenticeship Regional Managers with the above listed information at least 10 days before the work placement begins.
- Ensure students get their card and letter before they leave for their work placement
- Collect pre-apprentice cards and return to the Apprenticeship Regional Manager upon completion of the work placement.

## COURSE COMPONENT DELIVERY TIME FRAME

Career Exploration 110 and Cooperative Education 120 consist of in-school and out-of-school components. The in-school component consists of pre-placement instruction and reflective learning sessions. The out-of-school component occurs at a worksite. All students must complete the prescribed pre-placement component prior to beginning their work placement.

The time allotted for each component is outlined below:

### Co-operative Education 120 (minimum hours)

Course Components	In-School		Work Placement	Total
	Pre-Placement Component	Reflective Learning		
Two-Credit	34 hours	10 hours	125+ hours	169
Three-Credit	36 hours	15 hours	195+ hours	246

### Career Exploration 110 (minimum hours)

Course Components	In-School			Work Placement	Total
	Pre-Placement Component	In-Class Component	Reflective Learning		
Two-Credit	40 hours	15-20 hours	5-10 hours	95 hours	165
Three-Credit	60 hours	25-30 hours	9-15 hours	145 hours	249

## COOPERATIVE EDUCATION 120 WORKPLACE LEARNING PLANS

Every Cooperative Education student must have a workplace learning plan that identifies the work skills and learning objectives to be pursued at the worksite. The plan should reflect the student's academic background and the difficulty and scope of the tasks assigned

A workplace learning plan must include the following;

- the educational outcomes of the cooperative placement
- the evaluation practices that will be followed
- the tasks to be completed and the suggested time allotments

The student, the worksite supervisor, the monitoring teacher must all have copies of students' workplace learning plans.

A copy of the student workplace learning plan shall be retained in the school and shall be available at the school for parents to examine.

## **PROGRAM MANAGEMENT AND ADMINISTRATION**

### **NUMBER OF HOURS**

The total number of hours required for Co-operative Education 120 course credit(s) and Career Exploration 110 course credits must be the same as for any course credit(s) delivered entirely in school.

Students must complete the full term outlined in their work placement agreement. The completion date of this agreement should coincide with the completion date of other school courses.

### **ATTENDANCE**

Attendance is a critical component of both Career Exploration 110 and Cooperative Education 120. An attendance policy statement for students in these courses should be developed that includes both the in-school and out-of-school components. This must be communicated to all concerned.

### **AWARDING OF CREDIT**

Cooperative Education 120 and Career Exploration 110 may be offered as two-credit (two class periods) or three-credit (three class periods) courses as determined by school scheduling and local circumstance. In most instances, a student will not elect more than one Cooperative Education 120 and/or Career Exploration 110 course. Under special circumstances, and in consultation with school personnel and the student's parents/guardians, a student's personal learning and transition plan may be enhanced with participation in a second Cooperative Education 120 and/or Career Exploration 110 experience. In such cases, the credits obtained for the successful completion of each of these offerings will be granted for graduation purposes.

The following course codes are to be used for Cooperative Education 120 and Career Exploration 110:

<u>Win school Code</u>	<u>Course Name</u>	<u>Data Entry Name</u>
1045040	Cooperative Education (1cr) 120	Coop Ed (1cr) 120
1045140	Cooperative Education (2cr) 120	Coop Ed (2cr) 120
1045240	Cooperative Education (3cr) 120	Coop Ed (3cr) 120
1045340	Cooperative Education (2cr-II) 120	Coop Ed (2cr-II) 120
1045440	Cooperative Education (3cr-II) 120	Coop Ed (3cr-II) 120
<u>Win school Code</u>	<u>Course Name</u>	<u>Data Entry Name</u>
1045530	Career Exploration (2cr) 110	Car Exp (2cr) 110
1045630	Career Exploration (3cr) 110	Car Exp (3cr) 110
1045730	Career Exploration (2cr-II) 110	Car Exp (2cr-II)110
1045830	Career Exploration (3cr-II) 110	Car Exp (2cr-II)110

## **PROGRAM SUPERVISION**

Principals should be aware that Career Exploration 110 and Cooperative Education 120 make considerable demands on a teacher's time.

The delivery of high-quality experiential courses requires that a principal, in planning staffing allocations, give careful consideration to teachers' suitability and to the time required to organize, supervise, and monitor the students at the workplace.

The following is a list of the tasks required of teachers involved with Cooperative Education 120 and/or Career Exploration 110:

- the marketing of experiential education courses to students, staff, parents, and potential employers in the school and local community
- the pre-course interviewing of all students who apply
- the identification and securing of worksites
- the pre-placement curriculum component
- the development of workplace learning plans
- the regular monitoring of the student at the worksite
- the regular consultation with employers and supervisors, employees, and other teachers where appropriate
- the evaluation of student performance
- ongoing evaluation of worksites and course
- the organizing and conducting of regular reflective learning activities
- the administration and management of the day-to-day organizational details

These tasks should be accommodated in the teachers' timetable and consideration should be given to the guidelines and procedures set out in this document.

Consideration should also be given to the many clerical tasks (attendance tracking, evaluating daily logs and student assignments, assisting in preparation of workplace learning plans, developing public relations material, monitoring reports, booking appointments, etc.) associated with the delivery of these courses.

## **STUDENT REMUNERATION**

It is essential that the emphasis in experiential work education programs be placed on learning and that these programs are differentiated from part-time jobs. For this reason, students may not receive hourly wages or a salary for hours spent in the out-of-school component.

Should an employer wish to hire a student outside of the pre-approved program requirements, such an arrangement must be completed by the student and the employer and shall not involve the school or the teacher and shall be subject to New Brunswick Labour Standards Legislation.

The Workers' Compensation Act coverage arranged through the Department of Education will apply only to the hours of participation in the program and does not apply when a student receives an hourly wage or a salary.

## **ADVISORY COMMITTEES**

Advisory committees can play an important role in establishing and maintaining the links between the school and the community that are required for the success of experiential work education courses. While their formation is not mandatory, it is recommended that advisory committees include community groups, parents, employers, representatives of labour, transition co-coordinators, teachers, district office staff, teachers' federation representatives, and students. Committee members could be involved both in the planning, design, and review of the out-of-school component and in the reflective learning activities. Committee members should ensure that appropriate communication is established among all parties concerned.

## **SCHOOL DISTRICTS**

Every school district may establish procedures and policies related to implementation, pre-employment in-school curriculum, placement, monitoring, reflective learning, evaluation, and other administrative tasks that are related to the efficient management of experiential work education courses. These policies and procedures must be established within the framework of this document and should reflect the specific needs and circumstances for program delivery within the school district.

In geographical areas where more than one school district is operating experiential work education programs, the districts involved should develop mechanisms that will ensure regular and consistent cooperation and communication among work education personnel. This is essential if the educational community is to present a unified message to the community.

The sharing of resources and of resource personnel between school districts is strongly encouraged to ensure the effective delivery of experiential work education programs. Every school district should also regularly communicate with other youth organizations that place students and other young adults in order to increase community support and co-operation for the expansion of out-of-school learning programs.

## **WORKPLACE HEALTH, SAFETY AND COMPENSATION COMMISSION**

The Workplace Health, Safety and Compensation Commission requires that all work education programs must be approved by the Department of Education. The work education program approval is obtained by completing Form WEA-86 (Application for Work Education and Worker's Compensation Coverage) available from the Department of Education.

As per section 1 of the Workers' Compensation Act the definition of "learner" means any person who, although not under contract of service or apprenticeship, becomes subject to the hazards of an industry within the scope of this Act, for the purpose of undergoing training or probationary work supplied or stipulated by the employer as a preliminary to employment and includes a student attending an educational institution in the Province while participating in an approved work experience program at the place of business of an employer to whom the Act applies.

Please be advised that the students enrolled in approved Department of Education programs are covered under the Workers' Compensation Act during times that they are working in work education placements.

# Appendices





## APPENDIX A

Form WEA – 86

### APPLICATION FOR EXPERIENTIAL LEARNING PROGRAM APPROVAL AND WORKER'S COMPENSATION REGISTRATION

Separate Application Required Annually For Each Experiential Learning Program

District No. \_\_\_\_\_ School \_\_\_\_\_

School Address \_\_\_\_\_

Principal \_\_\_\_\_ Teacher/Coordinator \_\_\_\_\_

Title of Course/Program \_\_\_\_\_

Provincial Course Code \_\_\_\_\_

Program Start \_\_\_\_\_

Local Option Course Code \_\_\_\_\_

Program End \_\_\_\_\_

Number of Students \_\_\_\_\_

Duration in Weeks \_\_\_\_\_

Grade \_\_\_\_\_

Hours Per Week \_\_\_\_\_

The following criteria apply to all Experiential Learning Programs. Please verify compliance with use of a checkmark in the boxes below:

- It is agreed that no student participating in this program will receive wages.
- Written parental consent has been received for the participation of all students in the program.
- Written parental consent has been received for the method of student transportation to and from work sites.
- The School District has approved the method of student transportation to and from the work sites.
- The teacher/coordinator is familiar with the worksite and is assured that no unusual danger exists.
- A list of participating students is on file in both school and District Office.
- The school agrees to inform the work site supervisor of any tendencies or capabilities of the student that may affect his/her safety or the safety of others.
- The school has made provision for adequate supervision of students at the work site.
- It is the understanding of the school authorities that any student involved in the program will not displace a regular employee.

This application is submitted and certified correct by:

\_\_\_\_\_  
Teacher/Coordinator

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Date

#### DISTRICT USE ONLY

Project Approved

Project Not Approved

\_\_\_\_\_  
Director

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

**APPLICATION SHOULD BE SUBMITTED AT LEAST  
30 DAYS PRIOR TO PROGRAM COMMENCEMENT**

Revised 03/2006 Original kept on file at District Office One Copy to Dept. of Education



## APPENDIX B

The following glossary of the terms used throughout this guidelines document is provided to ensure that the terminology is interpreted consistently by all readers of the document.

**Anecdotal Report.** A written description of a student's behaviour and performance, based on direct observation and including the training-station supervisor's comments. This report is completed at the conclusion of each monitoring session.

**Experiential Learning.** Learning acquired wholly or in part through practical experiences

**Generic Training Plan.** Master lists of all activities at training stations that are relevant to an in-school curriculum guideline. They are used by teachers to develop tasks and activities at a training station and to develop an individualized training plan

**Home School.** The school in which a student is registered.

**Individualized LEARNING Plan.** A descriptive outline of the objectives, learning activities, and training planned for a particular student at a specific training station. The plan must also outline the evaluation criteria to be used and indicate the credit value and code of the course.

**In-school Component.** The activities intended to teach preplacement orientation skills and to help students integrate their in-school and out-of-school experiences.

**In-school Studies.** The designated course to which the out-of-school component is related

**Journals, Logs, and Observation Reports.** Tools used in the reflective-learning process that enable students to describe and analyze experiences at the work site.

**Monitoring.** Observation by a teacher of the student's behaviour at the training station in order to evaluate the student's performance. It is done in consultation with both the student and the training-station supervisor.

**Out-of-school Component.** The time designated to the supervised experience at the training station.

**Pre-employment Curriculum.** students learn what will be expected of them in the preplacement interview and on the job.

**Reflective Learning.** All the techniques or tools used to help students relate their classroom instruction to their training-station experience, including the following: reflective discussions, debriefing, journals, work observation reports, and seminars. During regular reflective learning sessions discussion is encouraged so that students will analyze, compare, and contrast their out-of-school experiences. Students generally share their experiences in order to get a better understanding of their job environment and appropriate work-related behaviours.

**Worksite** The business, industry, or social-service organization that participates by making one or more training stations available to students.

**Work placement Contract** A formal document agreed to and signed by the training-station supervisor, a representative of the school, and the student's parent or guardian that outlines the responsibilities of each participant of the co-operative education venture. It may take the form of a contract designed by the board and is signed prior to student placement.

**Worksite Supervisor** The person at the training station who provides direction and supervision to the student and assists in the evaluation of the student's achievement.

## APPENDIX C

### DEPARTMENT OF EDUCATION

#### POLICY 703

Subject: Positive Learning Environment

Effective: April 1, 1999

Revised: September 1, 2001

#### 1.0 PURPOSE

This policy provides a framework for activities of the Department of Education, school districts and schools which will create positive learning and working environments in the public education system by:

- proposing a vision which is shared by all partners in education;
- establishing a process for fostering positive learning and working environments;
- identifying best practices for discipline when a positive environment alone is not enough; and
- setting limits for behaviour and identifying the responsibilities of all partners in the school system.

#### 2.0 APPLICATION

The behaviour standards defined in this policy and in the School Positive Learning Environment Plan apply to all participants in the public school system, on school property, on school buses and other school system-organized transportation, at school-sponsored events, whenever the school is responsible for a pupil, whenever an individual is acting on behalf of or is representing the school and in all communications related to school events (e.g. meetings, phone calls and written correspondence between parents and staff, e-mails sent by pupils using school system resources, contacts with the public when fund-raising, out-of-school interactions based on in-school relationships, etc.).

Additional standards for the behaviour of adults who have contact with pupils in the New Brunswick public school system are defined in Policy 701.

#### 3.0 DEFINITIONS

None

#### 4.0 LEGAL AUTHORITY

Education Act – Section:

6(b.2) The Minister may establish provincial policies and guidelines related to public education within the scope of this Act.

#### 5.0 GOALS / PRINCIPLES

A positive learning and working environment is one in which:

- every person is valued and all individuals, including staff<sup>1</sup>, pupils, and parents<sup>2</sup> are treated with respect and treat others with respect;
- pupils have the right to be taught and to learn without being disrupted by others and have the responsibility not to disrupt the learning of others;
- pupils are responsible for their behaviour in accordance with their stage of development and to the extent to which their behaviour is voluntary. When disruptive behaviour is due to exceptional characteristics of a pupil and he/she is unable to control this behaviour, solutions must take the needs of the pupil and the pupil's classmates into account;
- adults and pupils in the public school system have the right to work and to learn in a safe, orderly, productive, respectful and harassment-free environment;

- parents, pupils, staff and the community together have defined goals for the learning environment of the school, have agreed on a plan for reaching those goals and are communicating and applying the plan consistently at home, in school and in the community;
- great value is placed on effective teaching so that pupils have a sense of belonging, feel they are supported by staff in their efforts to succeed, and have a positive relationship with at least one adult in the school system;
- successes, appropriate behaviour and accomplishments are emphasized and celebrated;
- parents, staff and the community understand that social skills, self-discipline, compassion and ethics continue to be learned throughout life and each partner in education plays a role in teaching these things through instruction and by example; and
- administrators at the school, the district and the Department of Education support effective teaching and behaviour management.

## **6.0 REQUIREMENTS / STANDARDS**

### **PART 1: FOSTERING A POSITIVE LEARNING ENVIRONMENT**

#### **6.1 The School District Positive Learning Environment Plan**

Superintendents will ensure the development of an overall plan of assistance for fostering positive learning environments in their districts in consultation with their District Education Councils.

1. Staff includes: educators, support staff, bus drivers, resource staff and volunteers.
2. Parents includes guardians.

#### **6.2. The School Positive Learning Environment Plan**

6.2.1 Each school community will develop a School Positive Learning Environment Plan consistent with the Education Act and this policy. Elements of the school plan which are identified as priority areas for the school will be incorporated into the School Improvement Plan. The development process will be a cooperative effort among pupils, parents, the Parent School Support Committee (PSSC), teachers, administrators, resource and support staff, bus drivers and school volunteers. The Director of Education will approve each school's School Positive Learning Environment Plan prior to implementation and every two years thereafter. The School Positive Learning Environment Plan will be reviewed with the PSSC prior to implementation and whenever it is revised. A process permitting staff, pupils, parents and volunteers to review and to modify the School Positive Learning Environment Plan should be in place.

6.2.2 Principals hold overall responsibility for their school's effectiveness in developing and implementing the School Positive Learning Environment Plan.

School district staff and Department of Education staff will provide support through: ongoing development of resource materials reflecting current research and best practices, developing provincial and local protocols for coordination of services with other departments and agencies, fostering contacts with service providers for referral and assistance at the district level, making appropriate professional development opportunities available as well as providing human and other resources and communicating with parents and the public in support of the School Positive Learning Environment Plan.

6.2.3 The School Positive Learning Environment Plan will reflect the school community's vision for the learning environment it wishes to achieve.

**6.3** The following behaviours, exhibited by any person, will not be tolerated in the New Brunswick public school system. This means intervention, as agreed upon in the School Positive Learning Environment Plan, is consistently required when these behaviours occur:

- harassment, intimidation and violence;
- discrimination based on gender, race, colour, national or ethnic origin, religion, culture, language group, sexual orientation, disability, age or grade level;
- dissemination of hate propaganda including hate literature;
- use or possession of alcohol or illegal drugs;
- possession/use/selling of illegal substances or weapons;

- theft or intentional property damage;
- any behaviour which threatens the health or safety of any person. (e.g. arson, bomb threats and tampering with safety equipment such as fire alarms);
- accusations involving falsehood or malicious intent; and
- creating or attempting to create a disturbance, using threatening or abusive language and speaking or acting in such a way as to impair the maintenance of order and discipline on school property.

This is contrary to the Education Act and is an offence punishable under the Provincial Offences Procedure Act. Any person behaving in such a way can be removed from school grounds by staff members or those instructed to act on their behalf.

#### 6.4 Serious misconduct by pupils which will result in automatic penalty

6.4.1 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 may range, depending on the situation, from a brief “cool-down” period to initiation of a suspension procedure.

6.4.2 In the case where a student is intoxicated or there is potential for him/her to endanger him/herself or others, parents must be notified and the student shall not be left without appropriate adult supervision until the student is released to his/her parents or other authority.

6.4.3 The following behaviours are viewed as extreme and unacceptable in the New Brunswick public school system. They may result in immediate suspension without the normal sequence of interventions. They may also require police involvement

- possession/use/selling of weapons (A weapon is any object used, designed to be used, or intended to be used to cause injury or death, or to threaten or intimidate a person. Discipline decisions will take into account the inherent or perceived danger of the object involved.)
- possession/use/selling of illegal or dangerous substances or objects (Examples include the use of illegal drugs and alcohol, possession of drug paraphernalia and possession of explosives.)
- physical violence (The use of force or inciting others to use force to cause physical injury.)
- criminal harassment (Causing a person to fear for their safety or the safety of a person known to them by:
  - (a) repeatedly following from place to place,
  - (b) repeatedly communicating directly or indirectly (e.g. by leaving notes or other indications of having been present, calling on the phone, etc.
  - (c) stalking or
  - (d) engaging in threatening behaviour.)
- uttering threats (Communicating intent to: cause bodily harm or death, destroy or damage property or to kill or injure an animal.)
- any other behaviour which contravenes the Criminal Code of Canada

## PART 2: INTERVENING IN PUPIL MISCONDUCT

**6.5** Behaviours which pose a pervasive threat to the positive learning environment are the more minor but daily disruptions such as: defiance, refusal to work or to comply, disrespectful language and gestures, name calling, ridiculing, missing school or arriving late and physical acting-out including, in the early years, biting, hitting and kicking. Some of this behaviour may be curbed through the collaborative effort of the home, the school system and the community resulting from the development of the School Positive Learning Environment Plan. For some pupils, individual interventions will be required. When disruptive behaviour is substantial and persistent, a formal plan of intervention shall be put in place.

A very small number of pupils will not be able to comply because compliance is beyond their physical, mental or emotional capability. Disruptive behaviour of these pupils must be addressed through a formal plan of intervention or within their individual education plans.

When it has been determined at a case conference and approved by the superintendent or his/her designate, that all available interventions have been exhausted and that the needs of a pupil cannot be met in a regular classroom setting, alternative arrangements will be made, in keeping with school district resources. Such a case conference shall involve: the pupil, if appropriate, parents, school administrators, appropriate district staff, resource staff and other professionals involved with the provision of service to the pupil. The goal of any alternate placement will ultimately be to return the pupil to the regular classroom.

#### 6.5.1 Identification

Superintendents shall ensure school personnel are provided with adequate information, as appropriate for their responsibilities, to recognize signs that a student is in difficulty. Signs indicating that a pupil is at risk of becoming disruptive or being victimized include difficulties with: learning, communication, social skills, self-control, self-esteem, bullying behaviour, and overall functioning in the school environment. In the case of pupils who are victimized, indications may include: reluctance to go to school, to attend certain classes or to be in the school yard or particular areas in the school and may also include behaviours intended to elicit disciplinary action. Exceptional ability may also require particular attention. Early identification will increase the likelihood of appropriate intervention or referral. Care must be taken, however, that identification not lead to stereotyping of pupils.

#### 6.5.2 Parental Involvement

Pupil misconduct at school requires parental involvement just as misconduct outside school hours requires parental involvement. Effectiveness of intervention is significantly influenced by parental collaboration. Parents shall be made aware of problems involving their child and be involved at the earliest stage possible in the development of an appropriate plan of action. Parents are responsible for supporting the agreed upon plan. When parental support is not given, parents must be informed of the constraints this places on the education system in providing service and the consequences for their child's progress. In extreme cases, a referral will be made to Family and Community Services. Section 31(2) of the Family Service Act states: "Where the Minister (of Family and Community Services) receives a report or information about any situation that causes him to suspect that the security or development of a child may be in danger, he shall investigate and shall take such steps as he considers necessary to protect the child." The Act considers that the security or development of a child may be in danger when: "the child is in the care of a person who is unable or unwilling to provide adequate care, supervision or control of the child" or "the child is in the care of a person who neglects or refuses to ensure that the child attends school" as well as a number of other conditions.

#### 6.5.3 Components of Discipline

The goal of discipline must be to help pupils to learn appropriate, self-regulatory, productive behaviours which will enable them, increasingly, to meet their needs and to pursue their goals.

### 6.6. RECORDING AND SHARING CONDUCT INFORMATION

#### 6.6.1 General

The primary purpose of maintaining pupil records is to provide support for the learning of the individual pupil. Decisions regarding the documentation and sharing of pupil conduct information must be made in this context.

#### 6.6.2 Contents of Conduct Records

Teachers and other staff, such as bus drivers, shall keep an accurate, written record of notable incidents of misconduct. The manner in which incidents are handled, subsequent interventions and progress shall also be recorded. Staff shall keep school administrators informed concerning specific and general discipline issues.

#### 6.6.3 Maintenance of Conduct Information

Records documenting pupil conduct shall be kept as long as a pupil poses a threat to him/herself or others or is receiving assistance related to the conduct. Assistance may include: participation in programs, special services and classroom management techniques directed specifically towards the pupil.

Teachers shall review pupil records, including conduct records, at the end of each school year and prior to transfer to another school. At these points, any information which has not been relevant to the provision of service to a pupil for two years or more shall be destroyed.

#### **6.6.4 Sharing of Conduct Information**

Information concerning assistance received by a pupil shall be provided to any person who works with the pupil to the extent required for effective delivery of this assistance.

If it is assessed that a pupil poses potential risk to him/herself, to others or to school property, the nature of this risk shall be communicated as soon as possible, on a need-to-know basis to those who work with the pupil, including bus drivers and to the administration of any school to which the pupil may transfer.

### **7.0 GUIDELINES / RECOMMENDATIONS**

Issues which are suggested for inclusion in the School Positive Learning Environment Plan are listed in Appendix A.

Components of effective discipline which reflect best practices in New Brunswick schools and are supported by current research are included in Appendix B.

### **8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING**

A District Education Council may develop policies and procedures, not inconsistent with this policy, regarding behaviour standards in schools within its jurisdiction.

### **9.0 REFERENCES**

Policy 701 - Policy for the Protection of Pupils in the Public School System from Misconduct by Adults (Pupil Protection Policy)

### **10.0 CONTACTS FOR MORE INFORMATION**

Department of Education – Policy and Planning Branch  
(506) 453-3090

Department of Education – Student Services  
(506) 453-2816

## APPENDIX D

### DEPARTMENT OF EDUCATION POLICY 701

Policy for the Protection of Pupils

Effective: September 26, 1996

Revised: September 1998, November 2004

#### 1.0 PURPOSE

This policy is intended to:

- protect pupils from non-professional conduct by adults to which pupils may be exposed by virtue of being pupils, including physical, sexual, and emotional abuse and discrimination;
- ensure that adults in the public education system understand the magnitude of the responsibility conferred upon them when parents and communities entrust their children to the public education system; and
- eliminate non-professional conduct through the defining of acceptable standards of behaviour, prevention and effective intervention.

#### 2.0 APPLICATION

2.1 To whom does this policy apply?

This policy protects all pupils who are registered in public schools in New Brunswick regardless of their age. This policy applies to all adults whose job or role within the public school system places them in contact with pupils. This includes, but is not limited to, all school personnel, contract and casual employees, visiting professionals, as well as student teachers and volunteers.

2.2 Under what circumstances does this policy apply?

- Whenever a pupil is the responsibility of the school system.
- When an adult affiliated with the school system abuses any child, whether the child is a pupil or not.
- When external agencies are involved and when they are not.

#### 3.0 DEFINITIONS

Complainant in this policy refers to a person reporting non-professional conduct.

Complaint in this policy refers to any information received by any means from any named or anonymous source, either in person or recorded, which suggests that a child is being, or has

been, subjected to non-professional conduct by an adult in the school system. Concerns about inappropriate behaviour management are not treated as complaints under this policy.

Conduct categories This policy deals with behaviours that harm students and impede learning. These behaviours are grouped into two categories: abuse and misconduct, and are treated as non-professional conduct under the Education Act. Other unacceptable, but less serious behaviours are addressed in the guidelines section of this policy and are referred to under the heading of inappropriate behaviour management.

Category I: Abuse refers to behaviour of adults in the school system which has one or more of the following components:

- is counter to the position of trust conferred upon adults in the school system;
- is a breach of section 31(1) of the Family Services Act;
- is a Criminal Code offence involving children; or
- is a form of discrimination under the New Brunswick Human Rights Act or the Canadian Charter of Rights and Freedoms that is likely to have an injurious effect on students.

### Examples of Abuse

- discriminatory behaviour based on race, colour, religion, national or ethnic origin, ancestry, place of origin, age, disability, marital status, sexual orientation, sex, culture, language group, or grade level;
- behaviour of a sexual nature with pupils such as: making or accepting sexual advances or invitations, asking for a date, touching inappropriately or having a sexual relationship; and
- behaviour which is considered physical, sexual or emotional abuse or neglect of a child whether or not the child is a pupil in the public school system.

Category II: Misconduct is negative conduct towards pupils that would be judged inappropriate by professionals in the New Brunswick public education system. It is less severe than abuse but has damaging effects on the physical, mental, social or emotional well-being of pupils. These effects may or may not be intended.

### Examples of Misconduct

- attempting to pursue, isolate or see pupils individually without valid reason;
- behaviour which may not necessarily be directed at anyone in particular but creates a hostile or offensive atmosphere;
- behaviour which would objectively be considered offensive or insulting, exceeding reasonable limits of discipline and has remained unremedied after normal intervention by supervisors. This includes: comments, conduct or displays which demean, belittle, or cause unfair disadvantage;
- staring, perceivable to an observer, at genitals, breasts or buttocks; and
- making sexual gestures or inappropriate comments or jokes.

### Examples of Appropriate Behaviour

- normal work or achievement evaluations and disciplinary measures taken for valid reasons which are consistent with the Education Act;
- physical force or restraint not exceeding that required for the protection of an orderly learning environment, personal safety, the protection of others, or the protection of school property;
- compliments which respect an individual's dignity;
- patting the back, holding the hand, or hugging to comfort a pupil as appropriate to the situation and the physical or developmental age of the child; and
- assisting with toileting or personal care to the extent that a pupil is not able to perform these tasks without assistance.

False accusation means a complaint under this policy which the complainant knew to be untrue. This differs from an unsubstantiated complaint in that unsubstantiated complaints are made in good faith but insufficient evidence exists to either prove or disprove the veracity of the complaint. Unfounded complaints are those where the evidence demonstrates that the respondent is not guilty of a Policy 701 infraction.

Non-professional conduct is defined in section 31.1 of the Education Act as: “conduct having or likely to have an injurious effect on the physical, mental, social or emotional well-being of a pupil, or any other person under the age of 19 years”.

Respondent refers to the person or persons against whom allegations are made under this policy.

School personnel refers to the superintendent, director of education and other administrative and supervisory personnel; school bus drivers; building maintenance personnel including custodians; secretaries and clerks; teachers; persons other than teachers engaged to assist in the delivery of programs and services to students; and other persons engaged in support areas such as social services, health services, psychology and guidance. For the purposes of this policy, school personnel includes any adult whose job or role within the public school system places him/her in contact with pupils.

## 4.0 GOALS / PRINCIPLES

4.1 The Department of Education is committed to providing learning environments that are safe, orderly, inviting, and conducive to the pursuit of excellence. Adults in the public education system are essential to achieving this through the modeling of appropriate behaviour and through the care that they provide to pupils.

4.2 Because of the position of trust held by adults in the public education system, a student cannot give consent, in the full meaning of the word, to being the target of non-professional conduct. Failure by a student to report, or attempt to stop non-professional conduct directed at him/her, cannot be taken as justification for non-professional conduct. Moreover, ignorance of acceptable conduct will not be considered an excuse for non-professional conduct.

4.3 Education is the most basic prevention. Abusive behaviour must be treated as destructive, seriously affecting individuals and the school system as a whole.

## 5.0 REQUIREMENTS / STANDARDS

### 5.1 PREVENTION

#### 5.1.1 Screening Practices

5.1.1.1 Superintendents shall ensure screening procedures, appropriate to a person's role vis-à-vis students, are carried out for all persons who act on the superintendent's behalf in the school system, including volunteers.

5.1.1.2 Any previous incident that would be classified as non-professional conduct must be evaluated in relation to the requirements of the position.

5.1.1.3 No person shall be considered for duty in the New Brunswick public school system if:

- pending or past disciplinary actions by previous employers or supervisors call into question the individual's suitability for being in contact with pupils;
- there are previous convictions for violent crimes or crimes against children; or
- there are previous charges related to violent crimes or crimes against children which did not result in conviction solely as a result of technical reasons stated in the court decision.

#### 5.1.2 References

A person whose conduct has resulted in disciplinary action under this policy, to the extent of suspension or stronger measures, who requests a letter of reference, must be informed that the disciplinary action will be indicated in the letter of reference. The same applies to ongoing investigations that, on the balance of probabilities will result in suspension or stronger action.

Knowingly issuing a reference that is incomplete or dishonest is a violation of this policy.

### 5.2 RESPONSIBILITIES

Disagreements over student evaluations, student awards, student placement decisions and normal disciplinary action, including exclusion from co-curricular and extra-curricular activities for cause, do not fall within the scope of this policy and must be addressed with school and district personnel.

5.2.1 The superintendent shall ensure that:

???adults whose job or role within the public school system place them in contact with pupils are familiar with and adhere to Policy 701 and the Child Victims of Abuse and Neglect Protocols.

### 5.2.2 The school principal shall ensure that:

- staff, students and all persons acting within or for the school are informed about the ethical obligation to report non-professional conduct, as well as the legal obligation to report under section 31.1 of the Education Act and subsection 30(1) of the Family Services Act as described in the Child Victims of Abuse and Neglect Protocols;
- staff, pupils, parents and all persons acting within or for the school are informed about the gravity of making false accusations and the ethical obligation to report cases of false accusation;
- all persons involved in a case are informed of the need to keep the information pertaining to the case confidential; and
- all complaints of abuse and misconduct received at the school level are recorded on a Policy 701 Complaint Summary Form (included in Appendix A) and forwarded to the superintendent.

## 5.3 THE COMPLAINT INVESTIGATION PROCESS:

### CATEGORIES I & II - COMPLAINTS CONCERNING ABUSE AND MISCONDUCT RECEIVED AT THE SCHOOL LEVEL

#### 5.3.1 Step 1: Receiving a Complaint

A complaint may be made by any person.

The principal or designate, the superintendent or designate and Director of Human Resources of the Department of Education or designate shall ensure that each complaint received at their respective level in the public education system is pursued in accordance with this policy and a Policy 701 Complaint Summary Form (Appendix A) is duly completed. The Policy 701 Complaint Summary Form (Appendix A) should be signed by the complainant whenever possible.

When the principal is named as respondent, complaints shall be directed to the superintendent.

Complaints received anonymously shall be acted upon to the extent possible given the amount of information provided. This is consistent with the application of subsection 30(1) of the Family Services Act.

If a situation is reportable under section 30(1) of the Family Services Act, the first member of the school personnel who is made aware of the complaint shall notify Child Protection Services personally or verify with Child Protection Services that a report was received. The police shall be notified whenever school personnel believe criminal activity may be involved.

In addition, under section 31.1 of the Education Act, all school personnel who have reasonable grounds to believe that any member of the school personnel has engaged in non-professional conduct shall report to the superintendent.

#### 5.3.2 Step 2: Initial Assessment of a Complaint

The principal shall refer all complaints made under this policy concerning non-professional conduct to the superintendent's office. The superintendent will make an initial assessment of the complaint and will re-direct those which fall outside of the scope of this policy to the principal for resolution.

#### 5.3.3 Step 3: Superintendent's Decision to Pursue an Investigation

The superintendent shall:

- determine the type and seriousness of the complaint and determine whether an investigation is necessary;
- assign an investigator/investigation team as quickly as possible, when required;
- verify that complaints under section 30 of the Family Services Act have been reported to Child Protection Services;

- proceed with appropriate action as required by the situation and which may include invoking the normal disciplinary procedure; and
- immediately advise the Director of Human Resources of the Department of Education in writing when the superintendent has decided to launch an investigation.

#### 5.3.4 Step 4: The Respondent's Rights

The respondent shall be informed of the complaint at a face-to-face meeting in the workplace as soon as possible. He/she shall also be provided with a written statement of allegations at that time or as soon as possible thereafter, unless school personnel are otherwise directed by the police or Child Protection Services. In the latter case, the respondent shall be advised that an investigation has been launched and that further information will be provided by the police or Child Protection Services, as the case may be. The respondent shall be informed at the latest when an investigation is launched under this policy.

The superintendent shall keep the respondent informed of the progress of the investigation.

Prior to the conclusion of the investigation, the respondent shall be afforded an opportunity to respond to the allegations. Every effort will be made to keep the complainant's/pupil's identity confidential. However, in order to adequately address a situation, it may be necessary to release the complainant's/pupil's name to investigators and possibly to the respondent. The complainant's/pupil's identity will not be disclosed when this would foreseeably place the complainant/pupil at risk of harm.

The respondent shall also be informed of his/her right to be accompanied, at any point in the investigation process, by a person of the respondent's choosing, or to have union representation where applicable. Regardless of the involvement of external agencies, the superintendent shall ensure investigations are concluded in a timely manner. Internal investigations should normally be concluded within three months, taking particular circumstances into account. Where external agencies are involved, the investigation team shall conduct a joint investigation with the external agencies and/or make use of information obtained by external agencies, to the extent possible.

#### 5.3.5 Step 5: The Investigation Report

At the conclusion of the investigation, the investigation team shall provide a written report to the superintendent. This report shall describe the investigative procedure used, describe the events in detail, and state whether the complaint was founded, unfounded, unsubstantiated or false. This report will include the names of the complainant, if available, and the respondent.

#### 5.3.6 Step 6: Meeting with the Respondent

When disciplinary measures are contemplated, the respondent will be given the opportunity to meet with the superintendent or designate. At the respondent's discretion, he/she may be accompanied by a union representative, if applicable. The respondent will have the opportunity to respond to the findings of the investigation.

#### 5.3.7 Step 7: Communicating the Outcome of an Investigation

The superintendent shall forward the report and his/her recommendations regarding the disposition of the case to the Director of Human Resources of the Department of Education. In cases where there is to be a resignation or any disciplinary action related to non-professional conduct, this action is subject to approval by the Minister.

The pupil alleged to have been subject to non-professional conduct, his/her parents (if appropriate) and the complainant, where applicable, shall be informed in writing of the following:

- whether the complaint was determined to be founded, unfounded, unsubstantiated or false;
- any action to be taken that pertains to the student, for example, any accommodation that is to be introduced for the benefit of the student; and
- the ethical obligation to keep confidential the information shared.

The respondent shall be notified in writing of the disposition of the complaint and any disciplinary action that is to be noted in the employee file, where applicable.

The information provided to all parties must respect the confidential nature of such cases and the protection provided by sub-section 31.1(9) of the Education Act which prohibits revealing the names of school personnel and professional persons who have reported reasonable belief of non-professional conduct.

#### 5.3.8 Step 8: Support for Victims

The superintendent shall address counselling support during the period of the investigation and after resolution of the situation for the complainant, other pupils who may have been traumatized and/or the respondent in the case of false allegation.

### 5.4 SPECIAL CIRCUMSTANCES

#### 5.4.1 Complaint received at the School District Office

The school district office shall be the point of contact in dealing with complaints against school personnel who are supervised by district office staff and complaints against school principals. Section 5.3 will be followed as appropriate.

#### 5.4.2 Complaint received at the Department of Education

Complaints received at the Department of Education, shall be referred to the Human Resources Branch which shall ensure the superintendent is notified. Section 5.3 will be followed by the superintendent, as appropriate.

#### 5.4.3 Respondent no longer active in the school system or dated complaints

This section refers to situations where the ability to investigate is limited due to a significant lapse of time or the inability to obtain information from the respondent. In such cases, the superintendent shall consult with Child Protection Services when applicable. If it is likely that the incident involved a breach of the Criminal Code in effect at the time, the incident should be referred to the police. As with any other case involving non-professional conduct, the superintendent shall report dated complaints to the Director of Human Resources of the Department of Education.

#### 5.4.4 Non-professional conduct external to the school system

Any member of the school personnel who has reasonable grounds to believe that any adult who is in contact with pupils in the public school system has been charged with any violent crime or crime against a child, or who has otherwise engaged in non-professional conduct, shall immediately inform the superintendent of the school district in which the person is active. The superintendent shall inform the Director of Human Resources of the Department of Education.

#### 5.4.5 Non-professional conduct reported by a professional who is not a member of the school personnel

As per sub-section 31.1(5) of the Education Act, any professional who is not a member of the school personnel shall immediately report to the Minister of Education, the name of any member of the school personnel who he or she has reasonable grounds to believe has engaged in non-professional conduct. Such reports are to be made to the Director of Human Resources of the Department of Education.

### 5.5 RECORD-KEEPING

#### 5.5.1 At the School:

Documentation pertaining to any complaint under Policy 701 will be accessible to the principal and his/her designate only. Any other release of information will be done through the superintendent's office. The original Policy 701 Complaint Summary Form (Appendix A) completed at the school, shall be maintained in a confidential file at the school until notification of the final outcome of the complaint is received from the

superintendent's office. At that time, all documentation pertaining to the complaint shall be forwarded to the superintendent's office and none maintained at the school.

#### 5.5.2 At the School District Office:

A copy of every Policy 701 Complaint Summary (Appendix A), investigation report and all other supporting documentation shall be maintained in a confidential file by the Human Resource section at the school district office. Access to these files shall be limited to the superintendent and his/her designate(s). Disciplinary actions shall be maintained in the employee file as per subsection 31.1(13) of the Education Act.

#### 5.5.3 At the Human Resources Office of the Department of Education:

A copy of every Policy 701 Complaint Summary (Appendix A), investigation report and all other supporting documentation pertaining to non-professional conduct forwarded to the Director of Human Resources shall be maintained in a confidential file regardless of the outcome of the investigation. This includes records of complaints against persons who are not members of the school personnel and complaints determined to be false allegations. Access to this file is restricted to the Director of Human Resources and his/her designate(s).

### 5.6 DISCIPLINARY ACTION

Judgments concerning the acceptability or classification of a behaviour shall not rest with any one individual but shall be weighed in the light of accepted professional standards.

Disciplinary action will reflect the seriousness of the non-professional conduct and shall take any relevant previous discipline into account. In all instances where an employee has a sexual relationship with a pupil, or sexually abuses a pupil, this shall be cause for dismissal of the employee.

#### 5.6.1 False Accusations

The superintendent shall take action in every case of proven false accusation.

A complaint under this policy that involves falsehood or malicious intent or is otherwise made in bad faith, as determined by the investigation, shall be subject to appropriate disciplinary action up to and including suspension in the case of pupils, dismissal of employees or banning from school premises and possible legal action in the case of parents and volunteers. Disciplinary action taken by the school system does not preclude the respondent from pursuing civil action.

### 6.0 GUIDELINES / RECOMMENDATIONS

NOTE: This section provides guidance for addressing conduct which is undesirable but is not reportable as an infraction under Policy 701.

#### 6.1 GUIDELINES FOR ADDRESSING INAPPROPRIATE BEHAVIOUR MANAGEMENT

Inappropriate Behaviour Management refers to an approach to dealing with pupils that is counterproductive to learning and/or maintaining a positive learning environment in the school, as defined in Policy 703 – Positive Learning Environment. It reflects poor judgment or limited behaviour management skills. It is not abuse or misconduct as defined by this policy. It must be treated by supervisors as any personnel issue which requires supervision.

##### Examples of Inappropriate Behaviour Management

- personal attacks on pupils' characters rather than dealing with their behaviour;
- continuous use of sarcasm;
- undue, non-constructive criticism in dealing with pupils; and
- habitual uncontrolled temper.

### 6.1.1 Responsibilities of the Superintendent

The supervisor of the person against whom such a complaint is lodged is accountable for ensuring it is appropriately identified, monitored, resolved and documented. Reporting criteria will be determined by superintendents. In addition, it is the supervisor's role to be aware of potential areas of weakness and act proactively, ensuring inappropriate behaviour management is addressed. Additional training and monitoring may be required to assist the employee in improving interpersonal or management skills.

### 6.1.2 Responsibilities of the Principal

Once the principal has determined that an action falls into the realm of inappropriate behaviour management, the principal will:

- inquire as to whether the complaint was directed to the person(s) involved and encourage this to be done;
- attempt to establish communication among parents, staff and pupils involved to resolve the issue at the school level if possible; and
- to guide, monitor (and inform the superintendent if necessary) when inappropriate behaviour management is identified.

### 6.1.3 Reporting Procedures

Step 1: Complaints involving inappropriate behaviour management must be dealt with initially at the school level. Persons having a complaint which does not involve abuse or misconduct are encouraged to communicate their concerns directly to those involved. If the outcome is unsatisfactory, the complaint should be directed to the principal or vice-principal.

Step 2: Situations that are not satisfactorily resolved at the school level may be forwarded to the superintendent by the complainant or school administrators. However, prior to intervening in such situations, district staff shall request that complaints are brought to the attention of the school administration. Likewise, Department of Education staff receiving such complaints shall verify that school and district staff have been involved in the complaint process.

Documentation of complaints of inappropriate behaviour management should follow normal human resources practices.

## 7.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

District Education Councils may establish policy, within the parameters of this policy and the Education Act.

## 8.0 LEGAL AUTHORITY

Education Act

6(a) The Minister shall establish educational goals and standards and service goals and standards

Mandatory reporting of non-professional conduct

31.1(1) In this section

"administrative proceedings" includes hearings before an adjudicator under the Public Service Labour Relations Act and hearings before the Appeal Board;

"professional person" means a professional person as defined in subsection 30(10) of the Family Services Act.

31.1(3) A superintendent shall report to the Minister the name of any teacher or other member of the school personnel who

- (a) has been convicted of an indictable offence under the Criminal Code (Canada),
- (b) in the case of a teacher, the superintendent has reasonable grounds to believe has committed an act which may be grounds for the suspension or revocation of the teacher's certificate, or
- (c) is investigated, is disciplined or resigns because of non-professional conduct or alleged non-professional conduct.

31.1(4) A member of the school personnel shall immediately report to the superintendent concerned the name of any member of the school personnel who he or she has reasonable grounds to believe has engaged in non-professional conduct.

31.1(5) A professional person who is not a member of the school personnel shall immediately report to the Minister the name of any member of the school personnel who he or she has reasonable grounds to believe has engaged in non-professional conduct.

31.1(6) This section applies notwithstanding that the person has acquired the information through the discharge of his or her duties or within a confidential relationship.

31.1(7) A person who fails to comply with subsection (3), (4) or (5) commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category F offence.

31.1(8) No action lies for damages or otherwise against a person in relation to anything done or purported to be done in good faith, or in relation to anything omitted to be done in good faith, in the execution or intended execution of the duty to report under this section.

31.1(9) Except in the course of judicial or administrative proceedings, no person shall reveal the identity of a person who has given information under this section without that person's written consent.

31.1(10) A person who violates subsection (9) commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category H offence.

31.1(11) Any agreement respecting a resignation of a member of the school personnel in relation to non-professional conduct or any disciplinary action to be taken against a member of the school personnel in relation to non-professional conduct is subject to the prior approval of the Minister.

31.1(12) The Minister may take such action as the Minister considers appropriate if, in the opinion of the Minister, a matter reported to the Minister under this section

- (a) has been inadequately investigated, or
- (b) may result in an inappropriate agreement respecting a resignation of a member of the school personnel or in inappropriate disciplinary action against a member of the school personnel.

31.1(13) Notwithstanding any provision in any collective agreement under the Public Service Labour Relations Act, any information maintained in the file of a member of the school personnel with respect to a resignation or a disciplinary action taken in relation to non-professional conduct shall not be removed.  
Family Services Act

30(1) Any person who has information causing him/her to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated or otherwise abused shall inform the Minister (of Family and Community Services; read Child Protection Services) of the situation without delay.

30(3) A professional person who acquires information in the discharge of the professional person's

responsibilities that reasonably ought to cause the professional person to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated or otherwise abused but who does not inform the Minister of the situation without delay commits an offence.

30(10) For the purposes of this section "professional person" means a physician, nurse, dentist or other health or mental health professional, an administrator of a hospital facility, a school principal, school teacher or other teaching professional, a social work administrator, social worker or other social service professional, a child care worker in any day care center or child caring institution, a police or law enforcement officer, a psychologist, a guidance counsellor, or a recreational services administrator or worker, and includes any other person who by virtue of his employment or occupation has a responsibility to discharge a duty of care towards a child.

31(1) The security or development of a child may be in danger when

- (a) the child is without adequate care, supervision or control;
- (b) the child is living in unfit or improper circumstances;
- (c) the child is in the care of a person who is unable or unwilling to provide adequate care, supervision or control of the child;
- (d) the child is in the care of a person whose conduct endangers the life, health or emotional well-being of the child;
- (e) the child is physically or sexually abused, physically or emotionally neglected, sexually exploited or in danger of such treatment;
- (f) the child is living in a situation where there is domestic violence;
- (g) the child is in the care of a person who neglects or refuses to provide or obtain proper medical, surgical or other remedial care or treatment necessary for the health or well-being of the child or refuses to permit such care or treatment to be supplied to the child;
- (h) the child is beyond the control of the person caring for him;
- (i) the child by his behaviour, condition, environment or association, is likely to injure himself or others;
- (j) the child is in the care of a person who does not have a right to custody of the child, without the consent of a person having such right;
- (k) the child is in the care of a person who neglects or refuses to ensure that the child attends school; or
- (l) the child has committed an offence or, if the child is under the age of twelve years, has committed an act or omission that would constitute an offence for which the child could be convicted if the child were twelve years of age or older.

## 9.0 REFERENCES

Appendix A – Policy 701 Complaint Summary Form  
 Canadian Charter of Rights and Freedoms  
 Child Victims of Abuse and Neglect Protocols  
 Criminal Code  
 Education Act  
 Family Services Act  
 New Brunswick Age of Majority Act  
 New Brunswick Human Rights Act  
 Policy 703 – Positive Learning Environment  
 Provincial Offences Procedure Act  
 Public Service Labour Relations Act

## 10.0 CONTACTS FOR MORE INFORMATION

Human Resources – (506) 444-4914  
 Policy and Planning – (506) 453-3090

ORIGINAL SIGNED BY MINISTER

