

Department of Education and Early Childhood Development

Policy 703

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Subject: Positive Learning and Working Environment
Effective: April 1, 1999
Revised: September 1, 2001; December 2009; December 2013

1.0 PURPOSE

This policy provides a framework for the Department of Education and Early Childhood Development, school districts and schools in consultation with the District Education Councils to create positive learning and working environments in the public education system by:

- establishing a process for fostering positive learning and working environments that are inclusive, safe, respect human rights, support diversity and address discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity; and
- setting standards for behaviour and discipline, and identifying the responsibilities of all partners in the school system; and
- providing an overview of expected student behaviour in the Provincial Student Code of Conduct.

2.0 APPLICATION

The behaviour standards defined in this policy and in the School Positive Learning and Working 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 student, whenever an individual is acting on behalf of or is representing the school, and in all communications related to school (e.g. meetings, both formal and informal; phone calls and written correspondence, including, emails between students and school personnel or parents and visitors and school personnel; and other instances that could have an impact on the school climate).

Additional standards for the behaviour of adults who have contact with students in the New Brunswick public school system are defined in [Policy 701 – Policy for the Protection of Pupils](#).

3.0 DEFINITIONS

Parent(s) – includes guardian(s), as per the [Education Act](#).

ORIGINAL SIGNED BY

MINISTER

School Personnel refers to the superintendent, district administrators, principal 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.

Gender identity refers to a person's internal sense or feeling of being male or female, which may or may not be the same as one's biological sex.

Sexual orientation refers to an individual's psychological, emotional and/or sexual attraction towards another person.

Student(s) refers to pupil(s), as defined in the [Education Act](#).

4.0 **LEGAL AUTHORITY**

[Education Act](#)

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**

- 5.1 Good citizenship and civility are modeled and reinforced throughout the school community. Every person is valued and treated with respect.
- 5.2 School personnel and students in the public school system have the right to work and to learn in a safe, orderly, productive, respectful and harassment-free environment.
- 5.3 Inclusive educational practices are supported and promoted. Students are responsible for their behaviour in accordance with their age and stage of development, and to the extent to which their behaviour is voluntary. When disruptive behaviour is attributable to the student's exceptionality and he or she is unable to control this behaviour, appropriate interventions will be employed with the needs of the student in mind.
- 5.4 Students have a sense of belonging and connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.
- 5.5 Parents, school personnel, district staff and the school community understand that social skills, self-discipline, respect, empathy, compassion and ethics are learned throughout life. Each partner in education through instruction and continued education supports the formation of school-based groups that promote diversity when interest is expressed by a student or staff member (examples include First Nations groups, multicultural groups, religious groups, and sexual minority groups).

- 5.6** All members of the school community learn and work together in an atmosphere of respect and safety, free from homophobia, racism and all other forms of discrimination that could lead to bullying and harassment. Appropriate procedures and strategies are in place to ensure respect for human rights, support diversity, and foster a learning environment that is safe, welcoming, inclusive and affirming for all individuals.

6.0 REQUIREMENTS / STANDARDS

PART 1: FOSTERING A POSITIVE LEARNING AND WORKING ENVIRONMENT

6.1 The District Positive Learning and Working Environment Plan

- 6.1.1** Superintendents will ensure the development of a plan of assistance to ensure positive learning and working environments in their districts in consultation with their District Education Council. This plan promotes a learning environment that is inclusive, safe, respects human rights, supports diversity and addresses discrimination regardless of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity.
- 6.1.2** The District Positive Learning and Working Environment Plan will include strategies for managing inappropriate behaviour by students as well as by parents or visitors when interacting with the school and school personnel, consistent with the [Education Act](#), the New Brunswick [Human Rights Act](#), the [Workplace Harassment Policy](#) from the Administration Manuel System of the New Brunswick government, [Policy 322 on Inclusive Education](#) and this policy.
- 6.1.3** The district plan will be reviewed with the DEC prior to implementation and whenever it is revised.

6.2. The School Positive Learning and Working Environment Plan

- 6.2.1** The principal of the school must prepare the school's positive learning and working environment plan. (see 6.1.1) The principal must report annually to the Superintendent on the plan and related strategies implemented by the school in order to create a positive learning and working environment. This information will be made available to the Minister of Education and Early Childhood Development, upon request.
- 6.2.2** The Senior Education Officer in collaboration with the PSSC will approve their schools' plan prior to implementation and every three years thereafter. Principals hold overall responsibility for their school's effectiveness in developing and implementing the plan.

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- 6.2.3** The school's plan will be reviewed with the PSSC prior to implementation and whenever it is revised.
- 6.2.4** The school's plan will reflect the school community's vision for the safe and inclusive learning and working environment it wishes to achieve. It will include the following elements:
- a school statement on respecting human rights and supporting diversity
 - expectations, roles and responsibilities for staff, students, parents and volunteers;
 - a School Student Code of Conduct that is not inconsistent with the *Provincial Student Code of Conduct* ([Appendix D](#)) and the standards established in this policy. The School Student Code of Conduct will be revised, as necessary, at the same time as the school's plan;
 - a continuum of interventions, supports and consequences to be employed when inappropriate behaviour is exhibited by anyone in the school environment;
 - direction for managing behaviours that are more minor in nature but are disruptive because of their frequency. For example, defiance, disrespectful language and gestures, missing school or arriving late. For some students, additional individual interventions will be required. When disruptive behaviour is substantial and persistent, a formal plan of intervention must be put in place; and
 - strategies aimed at preventing and resolving misunderstandings or disagreements between school personnel and parents or visitors to the school.
- 6.2.5** The Department of Education and Early Childhood Development and school districts will provide support to the school's plan through a variety of means, including provision of resource materials and development of provincial and district protocols, where necessary.

PART 2: INAPPROPRIATE BEHAVIOURS AND MISCONDUCT¹

6.3 Serious Misconduct

- 6.3.1** The following are examples of behaviours exhibited by any person that are viewed as extreme and unacceptable in the New Brunswick public school system:
- bullying, hazing or any form of intimidation;
 - cyber bullying - including, but not limited to, posting inappropriate material online, sending harassing, deliberate or repeated emails and posting items online without permission of those involved;
 - possession, use or provision of weapons - a weapon can be any object 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 or selling of illegal or dangerous substances or objects - examples include the use of illegal drugs, tobacco and alcohol, possession of drug paraphernalia and possession of explosives;
 - possession of or sharing pornographic materials (including electronic images);
 - physical violence - the use of force or inciting others to use force to cause physical injury;
 - sexual assault, harassment, abuse and misconduct;
 - dissemination of any hate propaganda material, including hate literature;
 - harassment - causing a person to fear for their safety or the safety of a person known to them by repeatedly following them from place to place or repeatedly communicating directly or indirectly (e.g. by leaving notes, making or sending persistent or harassing telephone calls or e-mails, etc.);
 - uttering threats - communicating the intent to hurt or damage a person, an animal, place or thing;
 - vandalism causing extensive damage to school property and on school property;
 - theft;
 - disruption to school operations - any behaviour which threatens the health or safety of any person, including school personnel (e.g. arson, bomb threats and tampering with safety equipment such as fire alarms); and

¹ These lists are not exhaustive. It is left to the discretion of the school or school district officials to determine whether a certain action or behaviour will be considered serious misconduct or behaviour not tolerated in the school system.

- any other behaviour that, in the opinion of school or school district officials, would reasonably be considered serious misconduct.

6.3.2 These behaviours represent a significant disruption to the learning and working environment, endanger others or significantly impair the operation of the school and the maintenance of a positive learning and working environment. These behaviours will normally result in the exclusion of a person from school property and, in the case of a student these behaviours will result in an immediate suspension, in addition to other interventions. In most cases, due to the gravity of these behaviours, their occurrence will require the involvement of law enforcement officers.

6.4 Behaviours Not Tolerated

6.4.1 The following behaviours, exhibited by any person, will not be tolerated in the New Brunswick public school system:

- cheating, plagiarism, forging notes, signatures or excuses;
- accusations involving falsehood or malicious intent;
- discrimination on the basis of real or perceived race, colour, religion, national or ethnic origin, ancestry, place of origin, language group, disability, sex, sexual orientation, gender identity, age, social condition or political belief or activity;
- using disrespectful or inappropriate language or gestures;
- disorderly conduct;
- unjustified absenteeism and chronic tardiness;
- persistent or repetitive disruptive behaviour or chronic minor offences;
- shoving, pushing or minor physical altercations;
- loitering;
- disrespect, insubordination or defiance of authority;
- failure to comply with school rules or directions;
- intentional property damage; and
- any other behaviour that, in the opinion of school or school district officials would reasonably be considered a behaviour not tolerated.

6.4.2 These behaviours may not significantly interfere with the operation of a school but do represent a challenge to the positive learning and working environment. These behaviours may escalate into serious misconduct, reflecting the need to address these behaviours consistently and immediately. This means an

intervention, as agreed upon in the School Positive Learning and Working Environment Plan, is consistently applied when these behaviours occur.

PART 3: PREVENTION OF AND INTERVENTION INTO INAPPROPRIATE BEHAVIOURS AND MISCONDUCT

6.5 Prevention

- 6.5.1** School administrators will ensure that the school plan, rules and the roles and responsibilities of students, parents, teachers, school administration and other school personnel are communicated and understood by members of the school community.

6.6 Intervention in Student Misconduct

- 6.6.1** A student whose conduct poses an immediate threat to the safety of others or him/herself will be subject to immediate risk reducing interventions and, if removed from school property, will be permitted to return when safety can reasonably be assured, following an assessment as per the Violent Threat and Risk Assessment Protocols or relevant procedures.
- 6.6.2** In the case where a student is intoxicated (by means of alcohol, drugs or other substances), 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.
- 6.6.3** Some students may behave in challenging ways that are beyond the student's control or understanding. For example, these behaviours could simply represent the student's attempt to communicate with others. Where this appears to be the case, such students may not be subject to the typical consequences established by the school. The student's personalized learning plan will provide direction and will be modified if the behaviour continues to be problematic. Certain behaviours may indicate that additional consideration of the behavioural supports provided to the student is required.
- 6.6.4** When it has been determined at a case conference and approved by the Superintendent, that all available interventions (including positive behavioural supports and other accommodations) have been exhausted and that the behaviour-related needs of a student cannot be met in a classroom setting, alternative educational arrangements will be made. Such a case conference will involve: the student, if appropriate, parents, relevant staff and other professionals involved with the provision of service to the student. The goal of any alternate placement will ultimately be to return the student to the classroom as soon as practicable.

- 6.6.5** Discipline will be corrective, aimed at helping students learn appropriate, self-regulatory, productive behaviours in support of the maintenance of a positive learning and working environment.
- 6.6.6** Superintendents will ensure school personnel are provided with adequate and appropriate training to recognize signs that a student is in difficulty. Early identification increases the likelihood of appropriate intervention or referral. Care must be taken, however, not to stereotype students.
- 6.6.7** School personnel will make parents aware of problems involving their child and will be encouraged to take part in the development of an intervention plan, as appropriate. Parents are responsible for supporting the agreed upon plan of intervention. When parental support is not given, parents must be informed of the constraints this places on the education system in providing service to the child and the consequences for their child's progress and development. In extreme cases, where parental support is not forthcoming, the Superintendent can make a referral to the Department of Social Development. An investigation may follow, as per section 31(2) of the [Family Services Act](#).

6.7 Recording and Sharing Student Conduct Information

- 6.7.1** The primary purpose of maintaining student records is to provide support for the learning of the individual student. Decisions regarding the documentation and sharing of student conduct information must be made in this context.
- 6.7.2** Teachers and other staff, such as bus drivers, must keep an accurate, written record of notable incidents of misconduct. The manner in which incidents are handled, subsequent interventions and progress must also be recorded, if known. Staff must keep school administrators informed concerning specific and general discipline issues.
- 6.7.3** Records documenting student conduct must be kept as per record retention schedules and related processes.
- 6.7.4** Relevant information concerning support received by a student shall be provided to any person who works with the student to the extent it is required for effective delivery of this assistance.
- 6.7.5** If it is assessed that a student 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 student, including bus drivers and to the administration of any school to which the student may transfer.

6.8 Prevention of and Intervention into Misconduct by a Parent or Visitor

- 6.8.1** The conduct of parents or other visitors that disrupts the learning and working environment is unacceptable and will be acted upon as per the direction in the school's plan and this policy.
- 6.8.2** When misconduct occurs involving a parent or visitor, the informal dispute resolution measures described in [Appendix C](#) must be employed. Every reasonable effort shall be made to resolve the issue between the immediate parties directly and as quickly as possible.
- 6.8.3** When misconduct is repetitive, harassing or chronic, contravenes this policy or becomes substantial and persistent, and informal dispute resolution has proven unsuccessful, the formal reporting procedures provided in [Appendix C](#) should be followed (only after all other options have been exhausted). Principals must ensure appropriate follow-up.
- 6.8.4** When misconduct by a parent or a visitor poses an immediate threat to the positive learning and working environment, school personnel, the principal or a designate will inform the individual that the conduct is inappropriate and ask the person to stop. If necessary, school personnel can exclude the person from school property.
- 6.8.5** A notice under the [Trespass Act](#) can also be issued by school administrators should the situation warrant the individual's removal from school grounds for an extended period of time. See [Appendix C](#).
- 6.8.6** Harassment involving personnel in the workplace as defined in the New Brunswick Administration Manual Policy [AD-2913 – Workplace Harassment](#) shall be reported in accordance with that policy.

7.0 GUIDELINES / RECOMMENDATIONS

- 7.1** The PSSC may support efforts to communicate the school plan, rules and the roles and responsibilities of students, parents, teachers, school administration and other school personnel.
- 7.2** Additional topics that could be included in the School Positive Learning and Working Environment Plan are included in [Appendix A](#).
- 7.3** Examples and best practices related to positive discipline are included in [Appendix B](#).
- 7.4** Additional standards for the behaviour of students are included in the Provincial Student Code of Conduct ([Appendix D](#)).

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8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

A District Education Council may develop policies and procedures that are consistent with, or more comprehensive than, this provincial policy.

9.0 REFERENCES

Related *Education Act* sections:

13(1) In support of the learning success of his or her child and the learning environment at the school, a parent is expected to

[...]

(b) communicate reasonably with school personnel employed at the school his or her child attends as required in the best interests of the child,

[...]

(e) have due care for the conduct of his or her child at school and while on the way to and from school.

13(2) The parent of a pupil has a right to reasonable consultation with the pupil's teacher or the principal of the school the pupil attends with respect to the education of the pupil.

13(3) It is the responsibility of the parent of a pupil and of school personnel to conduct themselves in a respectful manner and to follow established procedures when involved in communications concerning the pupil.

14(1) It is the duty of a pupil to

[...]

(e) contribute to a safe and positive learning environment,

(f) be responsible for his or her conduct at school and while on the way to and from school,

(g) respect the rights of others, and

(h) comply with all school policies.

21(2) Subject to any policies or directives of the District Education Council concerned, every teacher shall

(a) maintain proper order and discipline in or on school property,

(b) maintain proper order and discipline on the part of pupils under the teacher's supervision during school activities off school property, and

(c) have due care for the conduct of pupils while on their way to and from school.

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22(1) Where a person creates or attempts to create a disturbance in or on school property while being used for school purposes, a teacher may exclude that person from the school property.

22(2) Where under subsection (1) a teacher attempts to exclude a person from school property and that person refuses to immediately leave the school property that person commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category C offence.

22(3) Where a person, in or on school property,

(a) uses threatening or abusive language, or

(b) speaks or acts in such a way as to impair the maintenance of order and discipline in or on the school property,

that person commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category C offence.

24(4) In accordance with the regulations, the parent of a pupil or an independent pupil may, where the pupil is suspended from attendance at school under this section for more than five school days in a school year, appeal the most recent suspension from attendance at school.

[Regulation 97-150 School Administration](#)

Sections 39 through 43(7)

Related Department of Education policies:

[Policy 311](#) - Information and Communication Technologies (ICT) Use

[Policy 322](#) – Inclusive Education

[Policy 701](#) – Policy for the Protection of Pupils

[Policy 705](#) – School and School District Crisis Planning

New Brunswick Administration Manual [Policy AD-2913 – Workplace Harassment](#)

[Criminal Code of Canada](#)

[Child Victims of Abuse and Neglect Protocols](#) (Government of New Brunswick)

[Trespass Act](#) – sections 2(1) and 2(2)

[New Brunswick Human Rights Act](#)

Canadian Charter of Rights and Freedoms

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

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(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Public Health Agency of Canada, *Questions & Answers: Sexual Orientation in Schools* (Her Majesty the Queen in right of Canada, 2011)

10.0 CONTACTS FOR MORE INFORMATION

Department of Education and Early Childhood Development – Student Services
(506) 453-2816

Department of Education and Early Childhood Development – Policy and Planning Division
(506) 453-3090

ORIGINAL SIGNED BY

MINISTER