

# Toronto District School Board

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Operational Procedure PR746

Title: **ADULT AND CONTINUING LEARNERS**

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Effected: October 8, 2024

Revised: N/A

Reviewed: N/A

Authorization: Executive Council

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## 1.0 RATIONALE

The Adult and Continuing Learners Procedure (the “Procedure”) affirms the Board’s commitment to creating learning environments that are caring, accepting, welcoming, safe, peaceful, nurturing, positive, equitable and respectful, and that enable all learners to reach their full potential. Since Continuing Education, Community Services and Adult Learners, hereinafter referred to as Adult and Continuing Learners, are not subject to Part XIII of the *Education Act* (Behaviour, Discipline and Safety). This Procedure sets forth a process for addressing potential disciplinary matters for Adult and Continuing Learners at the Toronto District School Board (TDSB), or all non-regular day school learners. This Procedure also supports the implementation of the Caring and Safe Schools Policy (P051).

## 2.0 OBJECTIVE

This Procedure establishes a process for addressing behaviour and/or conduct in contravention of TDSB Policies and Procedures for Adult and Continuing Learners at the TDSB. This Procedure works in conjunction with other TDSB Policies and Procedures, including but not limited to, the Caring and Safe Schools Policy (P051), the Board Code of Conduct (PR585), and the Access to School Premises Procedure (PR523), to assist supervisors when addressing potential disciplinary matters for Adult and Continuing Learners. Therefore, a supervisor will consider the relevant TDSB policies and procedures as needed.

## 3.0 DEFINITIONS

*Adult Learner* refers to a student over the age of 18 who is enrolled as an Adult or Continuing Learner, but does not refer to students over the age of 18 who are enrolled in a Regular Day school.

*Balance of Probabilities* is the standard of proof which is satisfied where a proposition is reasonable, more probable than not and more probable than any other proposition based on all the evidence.

*Board* is the Toronto District School Board, which is also referred to as the "TDSB".

*Community Services Programs* refers to programs operated by the Community Services Department. These programs focus on developing and delivering services (with funding that is external to the Ministry of Education) to support a diverse clientele to achieve their settlement, employment, language and/or skills development goals. These programs include, but are not limited to, the Welcoming Communities Student Mentorship Program, the Newcomer Services Program for Adults, Next Steps Employment Centres, Language Instruction for Newcomers to Canada, Enhanced Language Training, Essential Skills Upgrading, Hairstyling Apprenticeship Program and Pre-Apprenticeship Program and the Youth Employment Programs - "On The Line" Culinary program and "On the Road" construction preparation program, among others.

*Continuing Education, Community Services and Adult Learners*, for the purposes of this document, will be referred to as Adult and Continuing Learners.

*Continuing Education Programs* refers to a program for the instruction of Continuing Learners, taking place both during and outside of day-school instructional hours.

*Continuing Learner* refers to students enrolled in TDSB elementary or secondary schools, who are also enrolled in TDSB Continuing Education programs. Some students may be over the age of 18 and still be enrolled in secondary school.

*Disciplinary Matters* refers to matters which impact school climate and/or safety, whether or not progressive discipline is appropriate or applied.

*Progressive Discipline* refers to a whole-school approach that uses a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student conduct, as well as a variety of strategies to promote and foster positive behaviours. Disciplinary measures are applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive (Caring and Safe Schools Policy - P051).

*Regular Day School* refers to a program of kindergarten, mandatory elementary, or mandatory secondary instruction that is within the school year and is not a school holiday.

*Site Staff Member* for the purposes of this Procedure refers to teachers, instructors, and other support staff.

*Supervisor* for the purposes of this Procedure refers to, but is not limited to: Centrally Assigned Principal, Principal, Vice-Principal, Program Manager, Manager, Community Services Coordinator, Community Services Supervisor and others. Please refer to the *Occupational Health and Safety Act* for the legislated definition of supervisor.

*TDSB* refers to the Toronto District School Board, which is also referred to as the “Board”.

#### **4.0 RESPONSIBILITY**

Associate Director, Instructional Innovation and Equitable Outcomes and Executive Superintendent, Indigenous Education and Caring and Safe Schools

#### **5.0 APPLICATION AND SCOPE**

This Procedure will apply to Adult and Continuing Learners who are registered in any Continuing Education or Community Services program at any location within the TDSB. This includes regular day school students who are registered at a home school whether at the TDSB or a different school board during the school year. Further, this Procedure applies to the aforementioned groups of learners regardless of the time of day, the day of the week, the time of year or the type of program they are registered in.

#### **6.0 PROCEDURES**

##### **6.1 Receiving and Acting on a Complaint**

In accordance with this Procedure, all sites, where Adult and Continuing Learners (“learner”) attend, will have a process for addressing behaviour and/or conduct in contravention of TDSB Policies and Procedures, including the Board Code of Conduct (PR585), for Adult and Continuing Learners.

Once a complaint has been received the matter will be investigated by the appropriate supervisor, who will consider the principles of fairness, non-discrimination, anti-oppression, anti-racism, equity, acceptance, inclusive education practices, that value, engage, promote, and support healthy student, staff, and school community relations in accordance with TDSB Policies and Procedures, including, but not limited to, the Human Rights Policy (P031), the Caring and Safe Schools Policy (P051), and the Board Code of Conduct (PR585). Investigations can include the following steps:

- i) Consultation
- ii) Decision Making
- iii) Consideration of Mitigating and Other Factors Where Needed

After the fact finding investigation the decision maker will consider:

- iv) Possible Discipline Options as required
- v) Possible Notification of Discipline Decision to Learner
- vi) Privacy and Confidentiality

i) Consultation

- When making the final discipline decision, the supervisor must consider and apply any mitigating and other factors.
- The supervisor can consult with their Superintendent of Education, Centrally Assigned Principal, Senior Manager, Learning Centre Executive Superintendent, Centrally Assigned Principal of Caring and Safe Schools as well as any other centrally assigned staff that the supervisor deems appropriate.

ii) Decision Making

- At the conclusion of the investigation, the supervisor must decide on what occurred, who was involved and the extent of each party's involvement. The supervisor must consider whether the Board Code of Conduct (PR585) has been breached. In reaching this conclusion, the supervisor should consider which version of the incident is more supportable by considering the consistency of the facts and evidence. The supervisor's decision will be made based on a balance of probabilities.

iii) Mitigating and Other Factors:

When determining possible discipline options for Adult and Continuing Learners, Principals and managers will take into account the following mitigating and other factors and whether appropriate supports have been made available to the learner.

Mitigating Factors

- the learner does not have the ability to control their behaviour
- the learner does not have the ability to understand the foreseeable consequences of their behaviour
- the learner's continuing presence in the school does not create an unacceptable risk to the safety of any person

Other Factors (when appropriate)

- the learner's history and whether a progressive discipline approach has been used with the learner in the past
- whether the activity for which the learner may be or is being disciplined for was related to any harassment of the learner

because of their race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment

- how the discipline would affect the learner's ongoing education
- the age of the learner
- in the case of a learner for whom an Individual Education Plan (IEP) has been developed,
  - a. whether the behaviour was a manifestation of a disability identified in the learner's Individual Education Plan,
  - b. whether appropriate individualized accommodation(s) has been provided, and
  - c. whether the discipline is likely to result in an aggravation or worsening of the learner's behaviour or conduct

iv) Possible Discipline Options:

- a) No Discipline Required
- b) Code of Conduct Review
- c) Warning Letter
- d) Limit/Deny Access to School/Site Premises (trespass letter, as appropriate, in accordance with Access to School Board Premises - PR523)
- e) Removal from program (how long, what are the conditions for return)
- f) Relocation from program (transfer to new location)
- g) Other Progressive Discipline Options as appropriate

v) Notification of Discipline Decision to Learner

The respondent will be informed of the discipline decision (related to section vii) that has been made at the conclusion of the supervisor's investigation in a timely manner. The written decision letter must also include information on how and to whom an appeal can be made. For learners who are not adults, staff must communicate with the learner's parent, guardian or caregiver as appropriate.

vi) Privacy and Confidentiality

The confidentiality of personal information must be maintained in accordance with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA), the *Personal Health Information Protection Act* ("PHIPA"), the *Education Act*, the *Child, Youth and Family Services Act* ("CYFSA"), and any other applicable legislation as well as TDSB policies (e.g., P094 - Freedom of Information and Protection of Privacy) and procedures, as may be amended from time to time.

## 6.2 Notifications Where Applicable

i) The Regular Day School Principal will be informed of an incident involving Adult and Continuing Learners and/or Adult Learners who are involved in an incident during their program if they are also registered in the Toronto District School Board as a Regular Day School student. The Regular Day School Principal will determine if the Regular Day School climate has been impacted by the incident and will then act according to the authority granted to them by the *Education Act*, accompanying Policy and Program Memorandum and all applicable TDSB policies and procedures.

ii) Notification of Parents/Guardians/Caregivers (K-12 learners where age is appropriate)

In some disciplinary matters involving continuing learners who are under the age of 18, staff may need to contact the learner's parent, guardian, or caregiver. Note: parent, guardians or caregivers will not be contacted if the student is 16 or 17 years old and has withdrawn from parental control.

iii) Notice to External Agencies (Toronto Police Services, Child Protection Services, other outside agencies)

Staff must recognize that some complaints, concerns, or allegations will necessitate notification of agencies outside of the TDSB. In a timely manner and after consultation with appropriate TDSB staff and after referring to current TDSB policies and procedures, contact will be made with all appropriate external agencies in accordance with the appropriate TDSB policy or procedure.

### **6.3 Appeals**

A learner may appeal the outcome of the discipline decision. This process will be initiated by an email to the Program Coordinator or Program Manager and either the Senior Manager or the Centrally Assigned Principal of Continuing Education indicating their intent to appeal and the rationale for the appeal within 14 calendar days (holidays exempted) of the learner being notified of the decision.

The original discipline decision will remain in effect until the appeal has been completed.

The person conducting the review of the matter will review all documents pertaining to the matter, can reinterview any of the persons involved in the incident and has the authority to uphold the discipline, vary the discipline, or rescind the discipline.

### **6.4 The Appeal Process**

1. Once the appeal is received by the Program Coordinator or Program Manager, they will conduct a review of the matter and inform the person who initiated the appeal of their findings and decision. This review will occur in a timely fashion.
2. For matters that are still unresolved after following the process above, the Senior Manager or Centrally Assigned Principal will review the matter and

- inform the person who initiated the appeal of their findings and decision. The Senior Manager or Centrally Assigned Principal's decision related to the matter under appeal is final.
3. The Board will establish a process for the tracking and record-keeping of appeals filed under this Procedure. This process will include a retention schedule in accordance with the Records and Information Management Policy (P097).

## **7.0 EVALUATION**

This Procedure will be reviewed and updated as required, but at a minimum every five (5) years after the effective date.

## **8.0 APPENDICES**

Not Applicable

## **9.0 REFERENCE DOCUMENTS**

### Policies:

- Caring and Safe Schools (P051)
- Equity (P037)
- Human Rights (P031)
- Records and Information Management Policy (P097).

### Operational Procedures:

- Access to School Premises (PR523)
- Board Code of Conduct (PR585)
- Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools (PR728)

### Legislative Acts and Regulations:

- *Education Act*