

POTLOTEK BOARD OF EDUCATION
POLICIES

REVISED DECEMBER 1, 2005

POTLOTEK BOARD OF EDUCATION

POLICIES

The operations and responsibilities of the Potlotek Board of Education are governed, among other legislation, by the *Mi'kmaq Education Act*, S.C. 1998, c.24 (federal and provincial), the *Chapel Island Education Constitution*, the *Education Act* of the Chapel Island Band Council and the policies and laws enacted and amended by the Board.

These Policies are enacted by the Potlotek Board of Education under the authority delegated to it by the Chapel Island Band Council and are subject to the provisions of the *Chapel Island Education Constitution* and other applicable legislation as amended from time to time.

1. **MI'KMAQ LANGUAGE AND CULTURE**

The Chapel Island Band Council adopted the Mi'kmaq Language as its Official Language on September 30, 1997. With the preservation and promotion of the Mi'kmaq language and culture as a fundamental objective of the Potlotek Board of Education, it is the policy of the Board to ensure that the school curriculum, as well as all Board events and activities provide exposure to and education in both the Mi'kmaq language and culture.

2. **CODE OF ETHICS FOR BOARD MEMBERS**

The Board, desiring to operate under the highest ethical standards, adopts the following Code of Ethics for Board Members.

Board Members will:

Accept and promote the Board's mission statement, beliefs, programs, services and successes in the community they serve and in the larger educational community;

Observe the bylaws and policies of the School Board and the laws, rules and regulations governing education in the Mi'kmaq community, the Province of Nova Scotia, and the provisions of other federal and provincial statutes;

Attend all regularly scheduled Board Meetings insofar as possible and become informed concerning issues to be considered at those meetings;

Recognize that the Board is responsible for policy-making, planning and system evaluation and that the Board Administrator is responsible for day-to-day operation of the system;

Recognize that individual Board Members have no authority to act on behalf of the Board and that the Board functions only as a Board through duly adopted policies and actions approved at public sessions;

Provide leadership in developing systematic communication between the Board and all of its educational partners, and convey to the Board Administrator or other appropriate administrative persons expressions of public support and/or criticism of Board policies, programs and services;

Recognize that the expenditure of Board funds is a public trust, and promote and support policies and actions that will ensure that funds are expended efficiently, economically and in the best interests of the students and community;

Take no private action that will compromise the Board, other board members or members of Board administration, and respect the confidentiality of information that is privileged under applicable by-laws, policies, regulations or statutes;

Make a personal commitment to conduct Board affairs ethically and responsibly.

Statement of Protocol

Board members are team members. The Board functions as a democratic unit. Members have a duty to inform themselves about current educational issues, to participate in the discussion of issues before a vote is taken, and to vote. When a decision is made, it is a decision of the Board. Just as members accept those decisions which are favourable to their wishes, they must also respect and support decisions with which they may personally object.

Board Members are governed by the provisions of the Board's laws in respect of qualification for and disqualification from service as a school board member.

Breach of Code of Ethics

The Board considers that the appointment of board members to standing, special or ad hoc committees of the Board is a privilege conferred by the Board through its by-laws.

Accordingly the Board has the right to withdraw committee privileges, including committee of the whole board privileges, from any board member who breaches any part of the code of ethics of the Board or breaches the confidentiality of privileged information.

Removal of committee privileges shall be for such a period of time as the Board determines.

The Board retains the right to remove a board member from any meeting if that member's disruptive or disorderly actions interfere with the proceedings and proper conduct of the meetings.

CONFLICT OF INTEREST POLICY

It is the policy of the Potlotek Board of Education that in the conduct of its business and in its handling all matters within its authority, it shall behave fairly and without discrimination or bias and, accordingly, no Member of the Board shall participate or vote on a matter in which the Member has a personal interest as defined in the Conflict of Interest Law pertaining to Members.

3. PERSONNEL ACTIONS POLICY

3.1 HIRING

Priority for filling vacancies within the Potlotek Board of Education shall be in the following order:

- Registered Indians who are resident on the Chapel Island Reserve;
- Non-resident Band members of the Chapel Island Reserve;
- Registered Indians who are resident or non-resident on any other Reserve;
- Any other person.

Fair, objective and equitable hiring procedures will be utilized. At no time will preferential treatment be given to staff or Board relatives.

Posting Notices:

All School Board vacancies, except for short term (1 to 10 working days) or substitute positions will be opened to competition when a suitable candidate cannot be found internally. Postings for such positions will be advertised locally and, if little or no response is received, may be advertised in the Native news media, the Cape Breton Post, the Reporter, and the Halifax Herald. Under certain circumstances, the Board may deem it necessary to open competitions throughout the Native and non-Native news media so as to attract the most qualified applicants.

3.2 PROBATION

All new employees who are not under contract will work a six-month period to determine suitability for continued employment. After six months of satisfactory employment, the employee may be appointed to a permanent position or contracted for a specific term.

3.3 TERMINATION OF EMPLOYMENT

Termination Initiated by Employer:

An employee may be discharged at any time if that employee is in breach of established policy, is not working up to minimum standards, or is in a conflict of interest situation. Employees discharged in this regard may request a hearing by the School Board at a regular School Board meeting. Any required notice (or pay in lieu of notice) shall be consistent with Department of Labour guidelines. Employees found guilty of drinking on the

job, wilful misconduct, disobedience, or neglect of duty may be discharged without notice. Employees may appeal such discharge to the School Board within 30 days

Termination Initiated by Employee:

Employees who leave the employ of the Potlotek Board of Education shall give at least two weeks' notice in writing to the Board Administrator.

Any PBOE staff shall be removed who has been convicted of an indictable offence, as set out in the Criminal Code Of Canada. All staff must submit a Child Abuse Registry report and a Criminal Record report.

3.4 GRIEVANCE PROCEDURE

Any employee of the Potlotek Board of Education who feels she/he has been unjustly treated shall have the right to file a grievance with the School Board. Such grievance must be filed in writing with the Board Administrator within 15 days of the personnel action being appealed. The Board shall provide a written response to the griever within 15 days of the filing of the written grievance with the Board Administrator.

3.5 HOURS OF WORK POLICY AND PAY FREQUENCY

The normal work week for employees and staff of the Potlotek Board of Education will be Monday through Friday. The normal working hours are to ensure coverage and supervision of the school and related institutions during the hours in which they are operating. It is understood that special circumstances may require work outside the normal week or hours; however, the Board shall make every reasonable effort to ensure that employees and staff so affected are provided with proper notice and consideration.

Teachers and Other School Staff: Normal hours of work shall be Monday through Friday (8:10 a.m. - 3:00 p.m.) Teachers will have a half-hour lunch except the secretary who will get a one-hour lunch that will include mail pick ups and errands. **Summer closure will coincide with the Mi'kmawey School Calendar.**

Head-start (K-4) students at Mi'kmawey school will attend a full school-day, starting September, 2005. Hours of work for staff will coincide with the Teachers and other School Staff, (8:10 a.m. – 3:00 p.m.), with a half-hour lunch. **Summer closure will coincide with the Mi'kmawey School Calendar.**

School Board Administrative Staff: Normal hours of work shall be Monday through Friday (8:30 a.m. - 4 p.m.). **During the summer the staff will have Friday afternoons off.**

All PBOE Staff - may be granted up to a maximum of five days for:

- family members to appointments
- care for sick child/spouse
- birth of child (for male employees)
- adoption of his/her child
- his/her marriage
- (2 personal days only)
- court day

Day Care: Normal hours of work shall be Monday through Friday (8:30 am - 4:30 pm). **During the summer the staff will have Friday afternoons off.**

Mi'kmawey Etli Mawa'tasikewo'kuo'm: Normal hours of work shall be from 8:30 a.m. to 4:00 p.m. **During the summer the staff will have Friday afternoons off.**

Mi'kmaq Student Services and Other Off Reserve Staff: Normal hours of work to coincide with SRSB policy.

Community Access Site: The normal hours of work are as follows: Mon-Fri 11 am-6 pm. **During the summer the staff will have Friday afternoons off.**

Janitors: Hours of work vary (must total a minimum of 40 hours per week) through the year, with appropriate summer vacation.

Cafeteria Workers:

Normal hours of work are Monday through Friday from 8:00 a.m. to 2:30 p.m.

Lateness:

Late arrivals will be dealt with in accordance with the Late Arrival Policy.

Overtime:

No employee of the Potlotek Board of Education will be paid for time worked in excess of the normal working hours. It is recognized that hours of work may be subject to reasonable change by the Board in cases of special need. In cases where staff is required by

management to put in extra time, compensation will be in the form of compensatory time off at a rate of 1 1/2 times the hours worked.

No compensatory time off will be credited to the employee unless the overtime worked was recommended by the employee's immediate supervisor and approved by the Board Administrator. Compensatory time taken must be approved in the same manner as any other leave.

Other:

Employees who work on the day of a Band Election or Referendum, or a Municipal, Provincial or Federal Election, shall be given time off to vote.

Under such circumstances, staff will be dismissed as follows:

- Mi'kmawey School 3:00 p.m.
- Off Reserve Schools 3:00 p.m.
- Recreation 3:00 p.m.
- Mi'kmawey Etli Mawa'tasikewo'kuo'm 3:00 p.m.
- Community Access Site 6:00 p.m.
- Day Care (discretion of Day Care Director)
- School Board Administrative Staff 4:00 p.m.

Pay Frequency: All Potlotek Board of Education staff is paid every second Wednesday. The pay period begins on a Thursday and ends on the second Wednesday.

3.6 LATE ARRIVAL POLICY FOR STAFF

This policy is designed to discourage chronic late arrivals, not to penalize those who are rarely late and have a valid reason. This policy will either correct the problem with late arrivals or create avenues for the replacement of the offender(s).

Late Arrivals:

This policy applies to late arrivals at the beginning of the work day and after the lunch break. Any staff member arriving late for work will immediately report to his/her immediate supervisor. Failure to report will result in a 3-day suspension without pay. The second failure to report will result in a 5-day suspension with pay, and the third failure to report will result in dismissal.

Reported late arrivals will be subject to the following penalties:

- (i) late 3 times will be penalized by one-day suspension without pay;
- (ii) each successive late arrival (up to 5 times) will be penalized with one-day suspension without pay, including the penalty for the first 3 times.
- (iii) the sixth late arrival will be penalized by one week suspension without pay.
- (iv) the seventh late arrival will be subject to the penalty of dismissal.

After a period of one (1) year, employees will start with a clean slate, i.e. the third late arrival will result in a one day suspension without pay.

4. **DRESS CODE POLICY**

Because the employees of the Potlotek Board of Education are always in the public eye, it is important to establish and maintain a good image, particularly in the way they dress. This dress code policy is intended to serve as a guideline to ensure consistency among all departments.

Janitors, Cafeteria Workers, Recreation Staff

These employees may dress casually or wear proper uniforms according to their specific duties. However, work or casual clothing must be clean and in good repair, taking into account health and safety precautions.

School, CAP Site, Day Care, Mi'kmawey Etlí Mawa'tasikewo'kuo'm, Mi'kmaq Student Services and Office Staff:

Men: Dress pants, dress cords or dress dockers are mandatory. T-shirts are permitted, provided they are void of profane text or graphics. Dress or casual footwear will be worn - no sneakers or jogging type footwear will be permitted. Neck ties, suit jackets or sport coats are optional, as is traditional Native attire (ribbon shirts)

Women: Dresses, skirts, dress slacks, dress cords or dress dockers are mandatory. T-shirts are permitted provided they are void of profane text or graphics. Dress or casual footwear will be worn - no sneakers or jogging type footwear will be permitted. Traditional Native attire is optional.

If weekly casual days are established, then employees are permitted to wear respectable jeans, dress shorts, sweat shirts void of profane text or graphics and sneakers or other jogging type footwear on those days.

This dress code will apply at all staff functions in which the employee represents the Potlotek Board of Education, i.e. workshops, seminars, in-service training, etc. and is dependent upon the formality of said event.

Because of the wide selection of clothing and changing fashions, the Board Administrator, through the various department heads will use discretion in determining what is in compliance with the code and such determination shall be considered final.

5. **INSUBORDINATION POLICY**

For the purposes of this policy, "Insubordination" includes refusal to submit to appropriate authority; wilful disrespect or disobedience; rebelliousness.

Insubordination is considered grounds for dismissal.

A staff member who is considered by her/his immediate supervisor to be behaving in an insubordinate manner will be informed that she/he is in the supervisor's opinion acting in such a manner.

If the verbal warning does not immediately resolve the situation, the supervisor will then provide the employee with a written reprimand, copied to the Board Administrator.

If the situation still does not get resolved, the supervisor will inform the employee that the Board Administrator has been asked to become involved. The Board Administrator will investigate and make a report to the Potlotek Board of Education.

The Board shall convene a meeting and invite the staff member to attend to state her/his position and views.

The Board will make a determination on resolution of the incident or dismissal of the insubordinate staff member.

Sexual Harassment shall not be tolerated and may be grounds for immediate dismissal.

6. **MATERNITY AND PARENTAL LEAVE POLICY**

It is the policy of the Potlotek Board of Education to respect the entitlement of employees to maternity and parental leave and in this matter to be guided by maternity and parental leave policies established and supported by Human Resources Development Canada. Maternity and / or parental leave shall be leave without pay.

Employees who plan to utilize such leave are to notify the Board in writing within a reasonable period before the leave, as to the expected start and end dates of such leave. This information will be used only in determining when and for how long a suitable replacement will be required.

7. **HOLIDAY POLICY**

It is the policy of the Potlotek Board of Education that employees and staff are entitled to all Statutory and Civic holidays and designated Indian holidays, on the conditions noted below, and that the following schedule of holidays shall be recognized:

Labour Day	Good Friday	Civic Holiday
Treaty Day	Easter Sunday	
Thanksgiving Day	Easter Monday	
Remembrance Day	Victoria Day	
Christmas Day	National Aboriginal Day	
Boxing Day	Canada Day	
New Year's Day	St. Anne's Mission	

To be entitled to a holiday with pay, an employee must be present at work on the day immediately preceding and the work day immediately following the holiday.

Potlotek Board of Education staff working at the Strait Regional School Board will not receive vacation.

Other Closures:

Christmas Break - The Potlotek Board of Education employees will not normally be required to work during the Christmas Break as per the Official School Calendar. However, the Director may delay departure or recall employees to the workplace as the workload so warrants.

March Break - The March Break holiday is applicable to School Staff only, with the exception of Janitorial staff. However, the Director may delay departure or recall employees to the workplace as the workload so warrants. The Potlotek Board of Education office, Community Access Site, Mi'kmawey Etli Mawa'tasikewo'kuo'm and the Day Care Staff will remain open during the March Break holiday.

8. **LEAVE POLICY**

8.1 **ANNUAL LEAVE (VACATION)**

Potlotek Board of Education Administration, Community Access Site, Day Care and Mi'kmawey E'tli Mawa'tasikewo'kuo'm staff and all janitors shall be entitled to receive **annual leave** after one year of continuous service. The amount of annual leave an employee is entitled to depend on the employee's length of service .Vacation pay is a part of the salary and not over and above the amount provided for salary. **The following table shall apply:**

1 year to 3 years	10 days
4 years to 9 years	15 days
10 years to 15 years	20 days
15 years or more	25 days

A vacation schedule shall be kept by the Board Administrator or designate for each year, starting April 1 to March 31.

Employees must give four weeks notice of their intention to take more than five (5) consecutive vacations days and at least one week notice if they would like to take 5 or less consecutive vacation days. Vacation days must be used within the fiscal year and not carried over to the following year.

If a designated holiday falls within an employee's vacation leave, then that day or days will not be counted against that employee's vacation days.

8.2 **SICK LEAVE**

Full time permanent and full time staff shall be entitled to 15 days per year. An employee may be required to supply a doctor's certificate from the first day of illness or injury. If an employee is sick for more than three days, then he/she must produce a doctor's certificate. An employee exceeds the 15 days per year for sick leave, the Potlotek Board of Education will not pay the employee until he/she returns to work. Sick leave days cannot be accumulated from year to year. Unused sick leave days will be reimbursed to the teachers at a rate of \$25.00 per number of days unused, and this calculation will be made and reimbursed provided on the last week of the employee's contract.

Teachers must call the Principal or designated person before 7:30 a.m. Failure to do this will result in a loss of a days pay.

Doctor's appointments must be scheduled for after work hours, unless this appointment is with a specialist.

Holidays and closures during sick leave:

Employees on sick leave the day immediately preceding and the day following school and office closures or holidays will be charged sick leave for such holiday or closure.

Approval for Sick Leave:

School Board Office employees will notify the office prior to the start of the work day or work schedule, and in no case later than 15 minutes after their work schedule begins.

Teachers and other school staff must call the Principal before 7:30 a.m., preferably the night before. Failure to follow the above procedure will result in a day's leave without pay. Teachers must ensure that lesson plans and assignments are available at the school in the event of their absence.

All other Board staff must notify their immediate Supervisor before 7:30 a.m. preferably the night before. Failure to follow the above procedure will result in a day's leave without pay.

Certification:

An employee who is on sick leave may, at the discretion of the Board Administrator, be required to supply a doctor's certificate from the first day of illness or injury. Any employee who is on sick leave for more than three consecutive days will be required to supply a doctor's certificate.

8.3 LEAVE FOR MEDICAL OR DENTAL APPOINTMENTS

Medical/Dental appointments must be scheduled for after normal working hours, unless this appointment is with a specialist, at which time a sick day will be claimed at either a half or full day rate (as appropriate).

8.4 BEREAVEMENT LEAVE

All employees of the Potlotek Board of Education may be entitled up to five days bereavement upon the death of an immediate family member as defined below:

Mother/father	Stepmother/father	Stepchild
Grandmother/father	Children	Brother/sister
Spouse	Ward	Grandchildren
Father/mother-in-law	Son/daughter-in-law	

In addition, the death of a relative permanently residing in the employee's household or with whom the employee permanently resides would entitle the employee to bereavement leave.

The employee may be granted up to three days travel time for purposes relating to the death.

Conditions:

The five days referred to above shall be continuous and not extend beyond two days after the funeral, unless specifically authorized by the Board Administrator.

The Board Administrator may grant one day of bereavement time in the case of a death of a family member who is not considered an immediate family member - i.e. aunts, uncles, first/second cousins, brother/sister-in-law, foster parents, godparents/children.

If, during a period of paid Sick or Annual Leave, an employee becomes entitled to Bereavement Leave, then his/her other paid leave credit shall be restored for any current entitlement to Bereavement Leave.

In the event of a death in the Chapel Island community, all Potlotek Board of Education offices and facilities will be closed on the day of the funeral. Staff will not be charged any leave days on this day.

The School Board administrator shall be informed 24 hours prior to taking the day off for a funeral to ensure that appropriate arrangements will be put in place. If notice is not given to the Administrator, the day will be deducted from their salary.

Any time taken off by an employee to attend a funeral for a non-related person will either be

deducted the day from their sick leave, personal day or have it deducted from their salary. The School Board administrator shall be informed 24 hours prior to taking the day off for a funeral to ensure that appropriate arrangement will be put in place.

8.5 OTHER LEAVE

Adoption Leave:

An employee who becomes a parent of one or more children through the placement of a child or children in the care of that employee for the purpose of adoption of the child or children shall be entitled to unpaid leave of absence of such duration as is reasonable according to provincial standards and upon proper notice to the Board Administrator and accommodation by the employee to the needs of the Board in ensuring replacement of said employee.

Mechanical breakdowns / Inclement Weather:

The Board Administrator may grant Other Leave in situations where an employee experiences a mechanical breakdown or is unable to report to work due to inclement weather conditions. In no case will the amount of leave so granted exceed one working day.

In such situations, if the employee does not notify her/his immediate supervisor no later than one half hour after the start of the work day of her/his inability to report to work, such leave will be granted without pay. If in such situations, the school and office are closed due to inclement weather, any employee currently in a no-pay status will not be entitled to pay for the closed period.

Court Leave:

Leave with pay shall be granted to employees who are required to attend Court to be available for Jury selection or to serve on a Jury; or who are required under subpoena or summons to attend as a witness in any proceeding held in or under the authority of a court.

Marriage Leave:

Employees are not entitled to any leave for the purposes of planning or attending any marriage.

Leave of Absence:

A one year leave of absence may be granted to an employee for the purpose of advancing

her/his education, as it pertains to her/his work with the Potlotek Board of Education. A leave of absence must be approved by the employee's immediate supervisor, the Board Administrator and ratified by the board.

The leave of absence is taken without pay and will only be approved subject to the following terms and conditions:

- The employee must be enrolled in a full time credit program at a college or university, as approved by the Board Administrator.
- A formal, written request for leave must be received by the Board Administrator on, or before, May 15th of the year the leave is to start.
- An employee will not be entitled to more than one leave of absence during his/her years of service with the Potlotek Board of Education.
- The period of leave shall not be counted as a year of employment for any purposes.
- If the employee wishes to retain Group Insurance and Medical / Dental coverage for the period of leave, he/she must make voluntary employee contributions based on his/her salary on record. The Potlotek Board of Education will continue to match the employee's contributions as outlined in the Group Insurance Policy section of the Miscellaneous Policy.

9. VEHICLE AND TRAVEL POLICY

Vehicle:

All staff that uses a private vehicle in the performance of their work shall ensure that such vehicle carries at least the minimum Public Liability and Property Damage coverage (6A Endorsement) for all provinces in the Atlantic Region. The additional cost for such coverage on the employee's private vehicle will be borne by the employee.

The Potlotek Board of Education assumes no responsibility for motor vehicle infractions such as parking tickets, fines, convictions, court appearances, etc. Any such infractions are the sole responsibility of the employee.

Travel:

All travel will require prior approval from the Board Administrator. At times when the Board Administrator is not available, the employee will seek **approval from the Chair or Vice-Chair of the Board.**

The Potlotek Board of Education assumes no responsibility for motor infractions such as parking tickets, fines, convictions, court appearances, etc. Any such infractions are the sole responsibility of the employee. Convictions that result in a suspension of the employees' drivers license may result in dismissal if the license is necessary in the performance of work.

Employees shall not be entitled to travel reimbursement for driving to and from their place of work. This policy applies to all employees, including employees driving in from outside the Reserve and employees travelling off Reserve to their place of work. This policy does not preclude the payment of travel expenses for attending meetings outside normal work hours, but such travel must first be approved by the Board Administrator.

Travel will only be paid for the most direct route as determined from the Official Table of Distances. Public transportation will only be paid at the economy class rate unless waived by the Board Administrator. Receipts for hotel accommodations and public transportation must be submitted with the travel expense form that is provided by the Potlotek Board of Education. Meals and mileage will be paid in accordance with the prevailing travel expense guidelines.

The Board Administrator shall have the authority to act on any and all circumstances that may arise from time to time, which are not covered by this travel policy. Such decisions by the board Administrator will be considered final.

10. All staff may be granted up to a maximum of five days for:

- Family members to appointments
- Care for sick spouse/child
- Birth of his child for male employee
- Adoption of his/her child
- His/her marriage
- Two (2) personal days only
- Personal court days

11. SUMMER CLOSURE POLICY

Teachers and Other School Staff - Finish on the last regular school day, **as specified on the Official School Calendar or such other time as required.**

Principal - Finish on the last regular school day, **as specified on the Official School Calendar, or such other time as required.**

Mi'kmaq Student Services and Other Off Reserve Staff – **As specified by the Strait Regional School Board policy.**

Janitors – will work throughout the year, with appropriate summer vacation.

School Board Administrative Staff, Day Care Staff, Community Access Site and Mi'kmawey E'tli Mawa'tasikewo'kuo'm are open year-round. Time off and vacations for staff in these Departments are outlined in the Annual Leave section.

12. **INCLEMENT WEATHER CLOSING POLICY**

Because bussing for Chapel Island students is affected by both on an off Reserve schools, school will be cancelled on Reserve when the Strait Regional School Board closes its schools due to inclement weather.

When school is closed, school staff is not required to report for work. Janitorial Staff are required to do periodic checks of the facility throughout the day. In cases where classes are cancelled during the day, staff will be dismissed only after all students have been picked up and the school is secured.

Upon cancellation of classes, the administration office will remain open; however, if local conditions warrant, the Board Administrator or designate, can close any or all departments. In cases where school is cancelled at the beginning of the day, the Board Administrator can close any or all departments.

13. **TEACHERS' CONDUCT POLICY**

It is the policy of the Potlotek Board of Education that teachers in its school system set an example for their students, not only through what they teach but also through their own prompt and regular attendance at class, and through the respect with which they treat others, including students. A code of ethics for the teachers of Mi'kmawey School is attached.

TEACHER RESPONSIBILITIES

- Teachers must be at school from 8:10 a.m. to 3:00 p.m.
- In case of illness, it is the duty of the teacher to notify the Principal so that necessary arrangement is made for a substitute teacher.
- Teachers must provide adequate supervision at all times that pupils are engaged in authorized activities in accordance with schedules prepared by the principal.
- Teachers must keep in a plan book a daily record of lessons taught and homework assigned. This book must be available at all times.
- Teachers shall treat students entrusted in their care with the greatest respect.
- Teachers shall record faithfully each morning and afternoon in the register the attendance or non-attendance of students.

14. DECISION OF SCHOOL CLOSING

The decision on whether to close school for bad weather or any other reason will be made by the Principal or the Straight Regional District School Board and will be broadcast over the local radio station.

15. POLICY ON SCHOOL EQUIPMENT

Under no circumstances should school equipment be removed from the school.

16. PHOTOCOPIER USAGE

Mi'kmawey school staff is the only ones authorized to use the photocopier. Any person outside of the school wishing to make copies must receive permission from the Principal. There will be a 5-cent per copy charge for such use, which must be paid before copies are made.

17. FIELD TRIPS

Teachers planning field trips which require busses must receive approval from the Director of Education before the trip can be made. Teachers are required to complete the request form at least two weeks prior to the event.

18. SUBSTITUTE TEACHERS

It is the policy of the Potlotek Board of Education that school administrators and teachers shall share the responsibility for ensuring that classes and education are not disrupted by teacher absence.

Teachers shall be responsible to notify the Principal / Board Administrator as early as possible if they expect to be off school for illness or other reason. It shall be the responsibility of the Principal/Board Administrator to ensure that a substitute teacher is contacted to take the teacher's classes. Any teacher who must call in absent for whatever reason is responsible for reasonably providing lesson plans and assignments to which the substitute teacher may refer. **Substitutes will only be granted to classroom teachers.** Teachers will receive \$25 per unused sick days.

19. MONTH END REPORTS FOR SCHOOL STAFF

At the end of each and every school month, staff members are required to complete and submit the following documentations:

Classroom teachers

- Application for leave forms
- Staff monthly attendance report
- Student monthly attendance report
- Specialist teachers, teacher aides
- Application for leave forms
- Staff monthly attendance report

The necessary forms are available from the Principal. Register monthly report forms, personal forms and leave forms not already filled in must be completed on the last teaching day of each month and passed into the Principal's office the following morning by 9:00 a.m. Leave forms must be completed and passed into the office before 9:00 a.m. on the day you return to school.

20. IN-SERVICE DAYS

Staff members will be allowed six in-service days. The October conference will be considered an in-service day. Some of these days may be decided by administration.

21. SUPERVISION

Supervision of students must be taken seriously and followed as the schedules indicate. There must be two supervisors at all times for each playground at the school. In the event of inclement weather, the students will be permitted to come into the building. The four supervisors will be responsible for facilitating space and activities for indoor duty during inclement weather; thereby giving the teachers who are not on duty a break.

The decision to have indoor supervision will be made by the Principal and will be announced.

The school day will have a 15 minute recess twice a day, beginning at 10:00 and ending at 10:15 a.m. The beginning of the third period will be 10:20, thus allowing students 5 minutes to get into the school, remove outdoor clothing and prepare for class. There is also a break for the students from 12:10 to 12:25 p.m. each day.

During in-door recess, only one student is permitted to leave the room at a time to go to the washroom.

EXPECTATIONS OF PLAYGROUND SUPERVISORS

- Make sure you are on time at your designated area.
- You must deal with problems on the playground immediately.
- Fighting, bullying, stone throwing, snowball throwing is not acceptable activities or acceptable behaviour.
- Swearing and disrespectful attitudes toward teachers or students is not allowed.
- Students must enter the building in an orderly fashion.

STUDENTS MUST NOT BE LEFT UNATTENDED AT ANY TIME.

22. MISCELLANEOUS POLICY

Attendance at Conferences

Board Members who are interested in attending a conference in their capacity as Board Members should immediately advise the Secretary of their interest in attending, and furnish the Secretary with the particulars of the conference.

The desirability of having Board Member representation at any particular conference or function will be decided at a Regular Board Meeting. Requests that arise between Board Meetings will be assessed by the Board Chair in consultation with the Secretary and Financial Officer.

At the request of the Board, any member who attends a conference on behalf of the Board may, at the next regular meeting following the conference, be required to report to the Board with respect to the substance of the conference.

Honorariums to Staff:

Under no circumstances will honorariums be paid to staff while they are on salary.

Salary Levels - All employees of the Potlotek Board of Education will be paid according to their appropriate salary scale, as approved by the Board.

Pay Frequency - Potlotek Board of Education employees are paid every second Wednesday.

Salary Advances - It is the policy of the Potlotek Board of Education not to grant salary advances or to allow employees to receive their pay checks before the designated pay day.

Staff Meetings: All Board Supervisors will meet on the third Thursday of each month with the Executive Committee of the Potlotek Board of Education for an information gathering and sharing session.

Staff meetings at the Mi'kmawey School will be held at least once per month on the first Monday of the month.

In addition, staff may be asked to attend special staff meetings as called for by the Principal or Board Administrator.

Conduct: All employees of the Potlotek Board of Education shall, in the work place and while representing the Board, conduct themselves in a manner so as not to discredit themselves or the Potlotek Board of Education. Employees who are found to be in contradiction to this policy will be subject to disciplinary action as deemed appropriate by the Board at a regular meeting.

Confidentiality: All information acquired by employees regarding Potlotek Board of Education operations, employees and students is considered "confidential information" and will not be released to any other individual, the general public, or the news media without written authority from the Board Administrator. Any employee found to be in breach of this policy will be subject to disciplinary action as deemed appropriate by the Potlotek Board of Education at a regular meeting.

Group Insurance: The Potlotek Board of Education has a group insurance and medical benefits package available to permanent staff and staff hired for a full school term. The benefits package is comprised of the following:

- a) Term Life Insurance
- b) Accidental Death & Dismemberment
- c) Dependent Life
- d) Medical/Dental

Group Insurance (Life, AD&D, and Dependent Life) is mandatory for all permanent and full year term staff after completing **one year of continuous employment** with the Potlotek Board of Education. **Medical coverage is optional after a six-month grace period.** New employees should contact the Financial Officer at the Chapel Island Band Council office for more information on Group Insurance.

Pension Plan: The Pension Plan is mandatory for all full time, permanent employees of the Potlotek Board of Education. **Employees must wait one year to be eligible for the Pension Plan.** The Potlotek Board of Education matches the deduction from the employee to a maximum of 5.5% of their salary. More information on this plan may be obtained by contacting the Board Secretary at the Board Office. Full time term employees have the option of entering the pension plan if they so desire.

Service Award/Death Benefit: All employees of the Potlotek Board of Education, who have worked for the Board or previously the Chapel Island Band Council, for ten years or more, will be entitled to a Service Award/Death Benefit in the amount of \$100.00 per year of service. This amount will be paid to the employee upon retirement or termination of employment. The Service Award/Death Benefit will be paid to the employee's beneficiary as sated in the Group Insurance Policy, upon the employee's death, provided that the employee was a paid employee of the Potlotek Board of Education at the time of his/her death.

23. Any Potlotek Board of Education staff shall be removed who has been convicted of an indictable offence, as set out in the Criminal Code of Canada. All staff must submit a Child Abuse Registry report and a Criminal Record report.

24. **OTHER**

- Incentives for students: (Amount may vary year to year depending on availability of funds)
 - ◇ An Education Achievement Awards Day will be held each year at the end of June to honour the Elementary, Secondary and Post-Secondary students who achieved the following:
 - Elementary P-8 students: best attendance, most improved, extra-curricular and highest average.
 - Grades 9-12 students: best attendance, most improved, extra-curricular, highest average.
 - A Mi'kmaq Language award for a Grade 9 student.
 - ◇ Secondary students shall receive incentives upon a grade 12 graduation:
 - Payment for rental of cap and gown.
 - \$20 for achieving distinction
 - \$250 for graduation ring – one time only
 - \$200 for graduating
 - ◇ Post-Secondary Student Awards:
 - BA Graduate - \$500
 - Masters - \$750
 - PhD Graduate - \$1000

- School supplies will be given to students P-12 in September and January of each year – P-12 students will receive \$150 per year (\$75/\$75) and K-4 receives \$50 per year given in September only. This depends on attendance and availability of funds.
- Student allowance is given to students from grades 9-12 in January and June, based on their attendance. Maximum amount for the allowance is \$150 per year. If a student misses 5 days or less during the year, they will receive the full allowance. For every five days thereafter the allowance will be decreased by \$5.

MI'KMAWEY SCHOOL

25. STUDENT ATTENDANCE

Regular school attendance by all students is vital to students' education and development.

Students shall be required to provide a written note from a parent or guardian giving the reason(s) for the student's absence from school. Teachers shall be encouraged to stress the importance of daily attendance and shall follow-up by contacting a parent or guardian whose child is absent from school for two days' in a row. Teachers shall also follow-up with any parent or guardian whose child is frequently absent from school even where those absences are excused by written note.

26. STUDENT LATENESS

Prompt arrival at school and in class by students is important to the orderly conduct of classroom education. If a student is unreasonably or repeatedly late for class (8:45), the teacher shall contact the parent or guardian to discuss the problems of lateness and missed time.

Habitual lateness may be grounds for failing a student and the teacher shall advise the parent or guardian of this possibility.

27. STUDENT CONDUCT

Students are expected and must be encouraged to behave in an orderly and respectful manner towards the teachers and staff and towards fellow students in the school. Attached is a detailed policy on Student Behaviour and Discipline that includes Objectives and Principles, Definitions and Roles, Student Rights and Responsibilities, Good Standing, Expectations and Consequences, Strategies for Dealing with Unacceptable Behaviour, and Suspension Review and Appeal Processes.

28. DISCIPLINE FOR STUDENT MISCONDUCT

A student will be suspended without question for exhibiting behaviour which in any way dangers the safety of other students or staff of the school. This will include:

- Having on their person a knife or any other potential weapon, which they refuse to turn over on demand to a staff member.
- Throwing objects such as books, chairs, desks or any other items in the school which is potentially dangerous to others, whether or not the object is purposely directed toward another person.
- Lighting fires, pulling fire alarms or any purposeful behaviour which causes the evacuation of people from the building
- Any type of behaviour which constitutes physical assault upon another student or staff member.
- A student will be suspended from school for any serious, wilful destruction of school property. In the event of suspension for breaking one of the aforementioned rules, the student may not return to school until the parent or guardian meets with the school administration or the school board (if a referral has occurred). The purpose of the meeting will be to discuss whether the student will be allowed to return to school, and if so, what conditions he/she must meet in order to return and remain in school. The meeting will take place only after an appointment has been set up.
- Fighting – Minor fights will be dealt within the school whenever possible. However, if a fight is considered to be of serious nature where someone is at risk of being injured, the fighters will be sent home until all parties agree that they want to return to school to discuss with the administration a way of settling the problem. An appointment time will be arranged by the administration which will be convenient to all concerned. In the event where one party is willing to discuss returning to school and the other refuses to come in, the administration will consider meeting with the willing party in an effort to have him/her return to classes until such time as the other person expresses a desire to set up a meeting of all concerned.

It is the policy of the Mi'kmawey School that bullying or intolerant behaviour or insulting or derogatory comments (verbal abuse) toward any other person on school premises will not be tolerated and may be grounds for discipline. A student who chooses to behave in this manner will be sent home until the parents and the student can arrange to meet with the teacher

involved to discuss the terms of returning to classes. It is possible in these cases that a referral may be made to the School Board for a decision or to legal authorities if the problem is seen to be of a serious nature.

A student may choose suspension by repeatedly breaking rules and refusing to alter the undesirable behaviour after all attempts to assist the student have proven fruitless. In this case, the student who has chosen suspension will also choose the length of the suspension because the student will be allowed to return to classes after he/she agrees to meet with the school personnel and parent/guardians to discuss the terms of returning to class. The meeting will take place only after an appointment time is arranged so that all concerned are free to attend. If a student refuses to leave the building after a suspension is issued, he/she will be removed by the police. Once the police are involved, they will take whatever legal action they feel is necessary. Police will only become involved if the student chooses either verbally or through his/her actions that the police are required.

Teachers and the Principal will be jointly responsible to ensure that a student's parent or guardian is fully informed of disciplinary measures taken and the reasons for those measures.

Where the disciplinary measures involve out-of-school suspension, the Board must be informed and the Board shall ensure that the student's parent or guardian is fully informed and involved in agreeing to any reasonable accommodations that must be made to continue the student's studies during the period of suspension.

The staff members involved will be expected to provide an incident report to the Principal.

29. SEVERE MISCONDUCT

Where a student's misconduct causes school staff to call the police for assistance, staff shall ensure that the student's parent or guardian and the Board of Education are immediately notified.

30. SUSPENSIONS

A student who seriously misbehaves may be subject to disciplinary suspension from school and in such case the student's parent or guardian must be informed and shall be invited to meet with the Board and the student's teacher to discuss the misbehaviour and the terms of the suspension. The Board will have the discretion to exclude the student from part of the discussion; however, it shall be the policy of the Board to encourage the student to participate in the meeting to explain his or her misconduct and discuss alternatives to suspension.

31. STUDENT RECORDS

Each teacher shall be responsible for maintaining class records and providing grades and student reports to the Principal / Board Administrator on a scheduled basis. The Principal / Board Administrator shall be responsible for ensuring that a detailed record of disciplinary action is maintained in each student's file, stating the grounds for discipline, persons involved, and the measures taken.

The Board shall ask the Principal / Board Administrator for a periodical report on discipline to identify whether any students are having or creating particular problems and may need specific intervention.

Student records are confidential and may not be shared or disclosed except as determined appropriate by the Board. Report cards must be filled out by the end of the school year. All pertinent information will be put in cume cards as it becomes available.

32. POLICY ON TEXTBOOKS

The Board shall be responsible for ensuring that the school has a sufficient supply of textbooks for its student population and that these textbooks and other teaching materials are maintained in good condition.

Teachers shall keep a record of textbooks distributed to students and shall notify the Principal / Board Administrator where replacement or new textbooks are required.

Students shall be required to treat textbooks with reasonable care and shall be responsible for returning those books to the classroom teacher at the end of each school year.

The Board shall send a notice to parents and guardians advising that a penalty fee may be charged to a student who damages or destroys or loses a textbook in that student's possession.

33. PROTOCOL FOR REPORTING SUSPECTED CASES OF ABUSE OR NEGLECT

The Potlotek Board of Education recognize its responsibility to report suspected cases of abuse or neglect and that it works cooperatively with Micmac Family and Children Services to ensure that the actions taken are appropriate for referral. (See attached information, "Protocol and Guidelines for Child Protection Workers and School Personnel in the Strait Regional School Community".) This policy is effective for Mi'kmawey School and Chapel Island Day Care.

34. MEALS

Breakfast and lunch will be provided to students at Mi'kmawey School. Weekly menus posted on the bulletin board.

CHAPEL ISLAND DAY CARE

35. ADMISSION

- 1ST priority will be given to single working parents or parents going to school.
- 2nd priority will be given to working parents. Both parents must be working.
- 3rd priority goes to preschool children that will be going to school the next school year.
- 4th priority will be given to others providing there is space.

36. MEALS

The Chapel Island Day Care will provide two snacks and a lunch for the children each day. Weekly menus will be posted on the bulletin Board at the Day Care.

37. CHAPEL ISLAND DAY CARE PARENT INFORMATION BOOKLET - Attached

38. POLICY ON ELIGIBILITY FOR POST-SECONDARY STUDENT SUPPORT

The Board recognizes the importance to the Community of the progress of its students through the primary and secondary school systems to post-secondary education or training. The Board shall make efforts to ensure that students are prepared and informed about their options for further education prior to graduating from secondary school. The Board shall make efforts to ensure that students and their parents or guardians are well informed about the sources of financial and other support for post-secondary education and training. (See PSE Policy)

39. POLICY ON STUDENT TRANSFERS

Students shall not be permitted to transfer into or out of Chapel Island schools except during the months of September and January of each year. The Board has the discretion to approve transfers at other times where it finds there are special circumstances which support such a transfer, but the Board is not bound to approve such application for transfer. Applications for student's transfers shall be submitted to the Board in writing. On receipt of an application for transfer, the Board may require the student and/or the student's parent or guardian to appear before the Board to explain those circumstances and the application for transfer.

40. **Head Lice (Mi'kmawey School)**

Head lice is a common occurrence at every school and it can become an administrative headache on how to control the situation without interfering with the privacy rights of families involved and taking away the rights of the child to attend school. The responsibility of the school and the Board is to ensure the health and safety of all students attending Mi'kmawey school. It is also the parents' responsibility to ensure that the children attending school are healthy. Head lice does become a problem when the infestation transfers to the other students, hence, causing a health problem for all students and staff.

It is, therefore, necessary to implement a plan to help the students and staff members minimize the risk of the infestation of lice:

Child/Parents:

- A volunteer will check each and every student for head lice. This eliminates the inference that one child is a favourite.
- The child will not be sent home the day the infestation is found. In other words, the child must not lose time from school.
- At the end of the school day, a letter will be sent to the parents asking that the child be cleaned.
- If the child returns to school without being cleaned, another letter will be sent home at the end of the school day. A copy will be sent to the Health Department.
- The third consecutive letter to the parents will be a notice that the school will be obligated to send a copy of the letter to the Mi'kmaq Family and Children Services.
- If there is a continuance of neglect by the parents to respond to the school's three letters, the school will automatically make a referral to MFCS.

Staff:

- It is of utmost importance that the child be treated with dignity and respect by the staff if they aware the child is infested. Remember, the child is incapable of controlling the situation.
- Staff must be cautious, without overt reaction, of being infected.
- Adults are capable of ridding head lice; therefore, it is not necessary to take a day off work if they become infected.
- It is expected that staff conduct themselves in the most professional manner. They must not make any comments about the situation at the school, other than reporting to the Principal. Gossip spreads; families and children hear and become a target of criticism.

The child's self-esteem is lost and their learning capacity dwindles. A staff member will be reprimanded for this infraction.

41. Head Lice (Day Care Centre)

See CHAPEL ISLAND DAY CARE PARENT INFORMATION BOOKLET - Attached

The Executive Committee of the Board, in consultation with the Board Administrator, shall have authority to act on any and all circumstances that may arise from time to time, which are not covered by Potlotek Board of Education policies. Such decisions by the Executive Committee and Board Administrator shall be considered final if and when ratified by the Board.

ATTACHMENTS:

- **Appendix A** **Code of Ethics – Teachers**
- **Appendix B** **Student Behaviour and Discipline**
- **Appendix C** **Protocol for Reporting Suspected Cases of Abuse or Neglect**
- **Appendix D** **Protocol for Child Protection Workers & School Personnel**
- **Appendix E** **Day Care Parent Information Booklet**
- **Appendix F** **Job Descriptions**

APPENDIX A

Code of Ethics Employees Potlotek Board of Education

This code of Ethics is a guide to teachers in maintaining at all times, the high traditions of their profession.

I. Teacher and Pupil

- (a) The teacher regards as confidential, and does not divulge other than through professional channels any information of a personal or domestic nature, concerning either pupils or home, obtained through the course of his/her professional duties.
- (b) The teacher should be just and impartial in all relationships with pupils.
- (c) The teacher should assume responsibility for the safety and welfare of his/her pupils, especially under conditions of emergency.
- (d) The teacher should avoid giving offence to the religious and political beliefs and moral scruples of his/her pupils and/or parents.
- (e) The teacher should be as objective as possible in dealing with controversial matters arising out of the curriculum subjects, whether scientific or political, religious or racial.

II. Employee to Employee

- (a) The teacher should not make defamatory, disparaging, condescending, embarrassing, or offensive comments concerning another teacher.
- (b) The teacher shall not make derogatory remarks about the professional competence of another teacher.
- (c) The teacher shall not accept the position of another teacher who has been dismissed unjustly.
- (d) The teacher shall not accept a position arising out of the unsettled dispute between a teacher, or teachers, and the school board.
- (e) The teacher shall not sexually harass another teacher. Sexual harassment shall mean any unsolicited and unwanted sexual comments, suggestions or physical contact directed to a specific staff member which that staff member finds objectionable or offensive and which causes the staff member discomfort on the job. The accused staff member must be made aware of the nature of the objection prior to action being taken.

III. Teacher and Internal Administration

- (a) The teacher should observe a reasonable and proper loyalty to internal administration of the school.
- (b) The teacher responsible for internal administration should be loyal, fair, and just to the members of the staff.
- (c) The teacher responsible for internal administration should not of her/his own initiative, make any detrimental report, oral or written, on a teacher's efficiency without first discussing the matter with the teacher.

IV. Teacher and External Administration

- (a) The teacher should adhere to a contract until the contract has been terminated by mutual consent, or the contract has otherwise been legally terminated. (A verbal agreement set by the school board and the staff member is considered a contract between the school board and the staff member.)
- (b) The teacher should not accept a salary below that which he/she would receive according to the scale set by Potlotek Board of Education. The teacher should not accept a salary above that which he/she would receive according to the scale set by the Potlotek Board of Education.

V. Teacher and Profession

- (a) The teacher should maintain his/her efficiency by study, travel or by other means which will keep him/her abreast of the trends in education and the world in which we live.
The teacher should engage in no gainful employment, outside of his/her contract, where the employment affects adversely his/her professional status, or impairs his/her standing with students, associates, and the community.
- (b) The teacher should not accept remuneration for tutoring his/her pupils except under unusual circumstances and with the approval of his/her supervisor or principal.

VI. Teacher and Community

- (a) The teacher should so conduct himself/herself in his/her private life that no dishonor may befall him/her or through him/her, his/her profession.

APPENDIX B
Mi'kmawey School
Student Behavior and Discipline
Objectives and Principles

POLICY STATEMENT:

The Potlotek Board of Education recognizes that learning and teaching will thrive in a school climate that is caring, orderly, and safe. Standards of behavior supporting the total education process, and consequences of failure to adhere to those standards shall therefore be established and clearly communicated within the education community.

These policies and guidelines for student behavior at the Mi'kmawey are designed to describe an approach to student behavior and discipline that is fair, firm, and consistent in the school, and to complement the provisions of *The Education Act*, and the Regulations under the Act. Collectively, these documents provide the foundation upon which the school codes for acceptable behavior and discipline are developed.

**THE FOLLOWING PRINCIPLES PROVIDE THE FRAMEWORK FOR
ACCEPTABLE BEHAVIOR AND DISCIPLINE POLICIES, GUIDELINES AND
SCHOOL CODES:**

- Preventative strategies inspired by respect, courtesy and care for others promote appropriate behavior.
- Clearly defined expectations and consequences foster a productive learning and teaching environment.
- Communication among the education partners is an essential part of effective development and implementation of policies and codes dealing with acceptable behavior and discipline.
- A process for appeal decisions is clearly described and easily accessible.
- Appropriate records of disciplinary actions are maintained.
- Appropriate school procedures which are consistent with this policy shall be established for student detentions and suspensions.
- Policies and codes must respect the rights of students.
- Attendance at school is an essential part of the education process, and failure to follow attendance regulations may constitute unacceptable behavior under this policy.
- Inappropriate behavior and discipline must be addressed through a collaborative team approach involving students, teachers, school administration, and parents/guardians.
- Due process must be extended to all students who have allegedly violated acceptable behavioral codes and standards. Due process shall apply up to and including the school board appeal level.
- Every effort must be made to ensure that a student's education process will be continued in the event of a suspension from school.

- Enforcement of acceptable behavior is a part of the process of teaching and not a demonstration of power.

Mi'kmawey School
Student Behavior and Discipline Policy
Definition and Roles

POLICY STATEMENT:

The following DEFINITIONS are provided for the purposes of student behavior and discipline policies:

- “Environments” include all areas designated for learning services under the jurisdiction of the Potlotek Board of Education. These include, but may not be limited to: school buildings, school grounds, school buses and contracted vehicles, and venues/carriers involved in extracurricular and co-curricular activities.
- “Partners” include all persons who have responsibility to ensure that successful learning occurs. These include, but may not be limited to: parents/guardians, teachers, school administrators, school-based non-academic staff, bus drivers, school advisory councils, and the school board.

ROLES:

Students must be actively involved in the development and implementation of school and classroom codes of behavior. The degree of involvement will depend on the grade level. Students are expected to be aware of and to make an effort to understand the codes of behavior applicable to them, and shall be informed of the consequences of their misbehavior. Students are expected to accept the consequences for choices they make, insofar as they are able to make choices.

Parents are expected to reinforce with their children the importance of appropriate behavior and the consequences of misbehavior. Parents collaborate with teachers and school administrators on the educational well being of their children.

Teachers must incorporate the principles of acceptable behavior in classroom learning activities and the total school environment. They maintain communication with parents, and engage in professional development opportunities to support the development of skills and strategies in classroom management.

The Principal, as the education leaders in the school community, are responsible for the overall maintenance of good order, discipline and communications in order to promote a supportive, caring and orderly learning and teaching environment.

The Potlotek Board of Education supports the school community in carrying out the provisions of these student behavior and discipline policies.

Inappropriate behaviors and consequences are outlined in Policy IV-C-5.

Mi'kmawey School
Student Behavior and Discipline
Student Rights and Responsibilities

POLICY STATEMENT:

Students have the right to quality education in positive learning environments which provide the opportunities for personal development. Students have the right to be treated with respect and fairness. In meeting these obligations, the Potlotek Board of Education and the Mi'kmawey School strive to provide:

- quality instruction in a clean and safe environment;
- opportunities for growth through extra and co-curricular activities;
- appropriate intervention to address inappropriate behavior;
- individual assistance when it can reasonably be made available;
- opportunities to express ideas in interactive settings;
- confidential, personal guidance when appropriate;
- processes for pursuing their rights in the event of disciplinary action.

Accompanying these rights, students have responsibilities to participate in school affairs in a positive way and to respect school property and the rights of others. In fulfilling these responsibilities, students strive to:

- demonstrate respect for self, school, staff, other students and school visitors;
- follow school rules, regulations and directions given by teachers;
- take good care of the property of others and of the school;
- attend school regularly and come to school prepared to learn;
- be open to new people, cultures and ideas;
- do their utmost to avoid conflict that will disrupt school activities;
- convey school information to parents/guardians.

Mi'kmawey School
Student Behavior and Discipline
Good Standing

POLICY STATEMENT:

Students who live up to their responsibilities maintain good standing. This standing allows students to participate in all programs, provided they meet participation criteria.

GUIDELINES:

1. Loss of good standing- Good standing may be lost by:

- failure to abide by school rules;

- failure to follow behavior and attendance codes;
- failure to maintain an appropriate level of effort in class work and assignments;
- serious or repetitive discipline problems;
- persistent tardiness.

2. Restoration of good standing- Good standing may be restored after a student demonstrates willingness to meet school expectations for a period of time as determined by the school administration in consultation with appropriate school staff and parents/guardians.

3. A student who is not in good standing shall be excluded from extra-curricular activities.

Mi'kmawey School
Student Behavior and Discipline
Expectations and Consequences

POLICY STATEMENT:

The Potlotek Board of Education is committed to building and maintaining a school climate in which positive behaviors are recognized and fostered and inappropriate behaviors are addressed in a firm, fair, and consistent manner.

School behavior and discipline codes outline explicit and effective consequences for inappropriate behaviors.

When addressing specific situations, persons responsible for dealing with student behavior are expected to use their professional judgment, within code guidelines. The welfare of both the individual student and the entire school community must be considered in each disciplinary situation.

Discipline must be free of bias or stereotyping with respect to race, religion, color, creed, nationality, ethnic or aboriginal origin, age, gender, disability, marital or family status, sexual orientation, physical characteristics, and socio-economic status.

CATEGORIES OF BEHAVIOR:

Behavior is a total education process. Discipline policies are designed to enhance self-knowledge, self-esteem, and self-confidence. Discipline involves a collection of skills that promote effective learning and teaching. The four levels of behavior are characterized by the degree to which they influence the positive operation of the education environment:

1. Good behavior
2. Moderately disruptive behavior
3. Severely disruptive behavior

4. Illegal behavior

1. Good behavior

Good behavior is reinforced by complimenting students and by providing recognition through awards programs and opportunities for participation in school activities that supplement the school program. Student recognition programs shall be available to all students regardless of academic ability.

APPROPRIATE CONSEQUENCES- Consequences include, but may not be limited to:

- Complimenting students
- Recognition and awards programs
- Opportunities for extra activities

2. Moderately disruptive behavior

Inappropriate behavior that is not frequent or serious enough to significantly interrupt the learning climate or endanger the well-being of others is classified as moderately disruptive. Most behaviors of this type can be dealt with adequately by the classroom teacher alone or in collaboration with school administration, other teachers, or school board personnel.

EXAMPLES of moderately disruptive behavior include but may not be limited to:

- homework infractions;
- tardiness;
- minor class disruptions;
- sarcastic, angry or inappropriate language;
- stereotyping and labeling;
- lack of responsiveness, apathy;
- lack of responsibility;
- minor attendance concerns;
- disrespect or insubordination;
- marking on desks;
- cheating on tests and exams;
- smoking (first or occasional offence).

APPROPRIATE CONSEQUENCES- Consequences include, but may not be limited to:

- verbal reminders and directions from staff;
- student-teacher conferences;
- parent notification;
- referral for guidance counseling;
- school administration-student conferences;
- detention;

- in-school time out;
- free-time detention;
- school personnel-parent conferences;
- restitution;
- repair work;
- loss of good standing;
- suspension from sports, dances, extra-curricular activities;
- verbal or written apology;
- referral to peer mediation or conflict resolution boards, where available.

3. Severely disruptive behavior

When inappropriate behavior reaches the level where its frequency and nature is disruptive to the learning environment, it is considered to be severely disruptive. Ordinarily only a small number of students display severely disruptive behavior, and it is expected that school efforts to develop collaborative approaches to building and maintaining a positive school climate will reduce the occurrences of such behavior.

EXAMPLES of severely disruptive behavior include but may not be limited to:

- fighting;
- verbal or physical assault;
- repeated acts of disrespect or insubordination;
- ongoing failure to accept responsibility;
- disruptions of the operations of a school or classroom;
- vandalism;
- verbal abuse;
- theft;
- repeated defiance of smoke-free environment policy;
- pushing/shoving;
- obscenity;
- repeated remarks/slurs about an individual's physical characteristics.

APPROPRIATE CONSEQUENCES- Consequences include, but may not be limited to:

- notification of parents;
- conference with parents;
- school-based service;
- counseling;
- repair of damaged property;
- in-school time out;
- in-school suspension;
- out-of-school suspension;
- restitution;
- behavioral contract;
- loss of good standing;

- suspension from sports and extracurricular activities;
- verbal or written apology.

4. Illegal behaviors

Some behaviors require immediate and urgent intervention. Counseling is an integral part of all consequences at this level.

EXAMPLES of illegal behavior include but may not be limited to:

- physical violence resulting in injury;
- inciting others to use force resulting in injury;
- racial misconduct of any form;
- sexual assault;
- physical or sexual abuse or harassment;
- vandalism;
- inciting others to vandalize property;
- possession of a weapon or using a weapon to threaten others;
- stealing from others by use of intimidation, threat or force;
- possession or selling of a controlled substance;
- possession of alcohol at school-sponsored activities;
- selling tobacco products to minors;
- any illegal activity;

APPROPRIATE CONSEQUENCES- Consequences include, but may not be limited to:

- notification of parents/guardians;
- suspension from school (internal or external);
- withdrawal from school for the remainder of the school term;
- conference with parents;
- school-based community service;
- payment of restitution;
- counseling;
- behavioral contract as a condition of return to school;
- repair of damaged property;
- loss of good standing;
- notification and action by law enforcement officers.

Note: Where the suspension of a student begins within two months of the end of the school academic year, the suspension may be extended to include a portion of the next academic year.

Mi'kmawey School
Student Behavior and Discipline
Strategies for dealing with Unacceptable Behavior

POLICY STATEMENT

The Potlotek Board of Education recognizes that, depending on the situation, no one particular strategy may be appropriate for all students in a given situation. Conferencing with parents, the student(s) and school administration may produce variations or combinations of strategies that will achieve the desired outcomes.

Appropriate school personnel shall make every possible effort to notify the student's parent/guardian as soon as possible if behavior modification strategies are being implemented.

The following guidelines provide options that are adaptable to individual circumstances.

GUIDELINES:

1. Detention

Students who have demonstrated unacceptable behavior or poor work habits may be assigned detention.

2. In-school suspension

A student who causes repeated difficulties may be withdrawn from all classes and placed in a separate safe and supervised area to complete school work for a specified number of days. These students do not attend regular classes until a specified time is served and may only leave the assigned area for washroom use with permission from the supervisor. These students may not participate in any extra curricular activities during in-school suspensions. This is an alternative to out-of-school suspensions and is to be applied to serious disciplinary situations.

3. School community service

Students whose behavior results in additional work for custodial staff may be assigned duties designed to correct the problems they caused. Examples include restoring desks, picking up garbage, and cleaning walls or fixtures. The work may be performed during school time or outside of school hours, depending on school and home circumstances.

4. Restitution

Students are expected to pay for damaged or stolen property. A student who damages property, whether through carelessness or vandalism, will be held responsible. Other disciplinary action may also apply.

5. Counseling

Counseling refers to personal interaction in which students explore their feelings, ideas and behaviors with a school psychologist, guidance counselor, teacher or administrator. In-school, one-on-one counseling as well as group counseling will be provided through the school guidance office (if available). Out-of-school referrals to professional counselors may be arranged, by the school principal, in consultation with parents and guardians.

6. Alternative dispute resolution

This approach may be used to resolve differences between parties in conflict. It makes use of the mediation process to bring the disputants together before a neutral party to hear evidence and assist in reaching a solution. The parties must agree in writing to the process. This includes referral to peer mediation and conflict resolution boards. A variation of the process would involve binding arbitration in which a final and binding decision is made by the third party.

7. Behavioral contract

A written agreement setting out the terms and conditions of continued school attendance or restoration of school-related privileges may be instituted. The terms are set by the school (or representative of school board administration, when appropriate) in consultation with parents/guardians, and the students signs the document signifying intent to abide by its conditions. Failure to abide by the contract will result in further consequences.

8. Learning packets

Students involved in inappropriate behavior may be provided with a learning package related to the situation that gave rise to the problem.

9. Police action

When it is necessary to involve police in response to extremely serious disciplinary situations or incidents involving illegal activity, parents or guardians will be informed as soon as possible. Every precaution will be taken to assure that the situation is handled in a manner that is least disruptive to the school environment.

10. Involvement of child welfare agency

In situations that require the involvement of the child welfare agency, the school will adhere to the protocol that is provided for the handling of the situation.

11. Suspension from school

Under the *Education Act*, the school principal has the authority to suspend a student from school for a period of up to five (5) days for one instance of unacceptable behavior. The Potlotek Board of Education believes that out-of-school suspensions should be reserved for extremely serious behavior that cannot be managed through other strategies.

RECOMMENDATIONS FOR SUSPENSION BEYOND FIVE DAYS must be referred to the Discipline Committee of the Board for review in accordance with the provisions of the Act. The student or the parents/guardians have the right to appeal suspensions which are for more than five days to the SCHOOL BOARD. For suspensions of less than five days the parent/guardian has a right to request a review of the suspension.

Administrative procedures will be developed to ensure that these strategies are managed in a fair and consistent manner at the Mi'kmawey School and that due process is available to all students affected by the provisions of the acceptable behavior and discipline policies.

Mi'kmawey School
Student Behavior and Discipline
Suspension Review and Appeal Processes

POLICY STATEMENT

The Potlotek Board of Education recognizes that suspensions are appropriate in circumstances where disruptive behavior cannot be managed through other strategies, or where a student's behavior poses a significant risk to others and to the school environment. Suspensions allow the student time for self-assessment and provide parents/guardians an additional opportunity to work in partnership with the school to meet the student's needs.

The Board will follow the processes and time frames which are set out in *The Education Act* for suspension of students from school.

PROCEDURES:

1. Authority of principal to suspend for up to five days [*Reference the Education Act, S. 122, 123(1)*]

1.1 For each offence the principal or designate may suspend a student for not more than five (5) school days.

1.2 Before suspending a student, the principal or designate shall inform the student of the formal disciplinary nature of suspension and its consequences and the reasons for which suspension is being considered. The student must be given an opportunity to offer an explanation in his or her defense.

1.3 When a decision is made to suspend a student, the principal or designate shall:

1.31 make every possible effort to notify the parent or guardian by telephone immediately;

1.32 in the event that an adult is not present in the student's home, ensure that the student is maintained on the school premises until the parents/guardians are contacted.

1.4 The principal/designate shall, within one school day, notify, in writing, the student, the student's teachers, the school board administrator, and the student's parents/guardians of the reason for the suspension. This written notice shall be delivered by the most expedient means which may include hand delivery or registered mail. The letter shall include:

1.41 the reason for the suspension, and

1.42 the procedure that is available to the student/parent/guardian should an individual wish to have the suspension reviewed.

2. Review of principal's decision to suspend [*Reference the Education Act. S. 123(2) (3), 125 (1)*]

2.1 The Discipline Committee of the Potlotek Board of Education is authorized to carry out a review of the principal's decision to suspend a student, if a request is made by the student/parents/guardians.

2.2 The Discipline Committee may

2.2.1 confirm the suspension; or

2.2.2 order that the suspension be revoked and removed from the school's record.

3. Suspension for more than five days [*Reference the Education Act, S. 124,125(1)*]

3.1 dismiss the principal's recommendation; or

3.1.2 extend the suspension for a period greater than five school days.

3.2 If the suspension of a student begins within two months of the end of the school academic year, the suspension may be extended to include a portion of the next academic year.

3.3 The decision of the Discipline Committee shall be communicated to the student/parents/guardians in writing. The notice will include information about the right to appeal the decision, and how to access the appeal board.

4. Appeal of decision to the school board [*Reference the Education Act, S. 124 (7) (8) (9)*]

4.1 The student/parents/guardians have a right to appeal a suspension for a period of more than five days to the Potlotek Board of Education.

4.2 Those representatives of the school board who were involved in the decision made by the Discipline Committee are not permitted to be a part of the appeals board.

4.3 The Board shall, after a hearing takes place, confirm, revoke or vary the decision of the Discipline Committee. The decision of the Board is final and binding.

5. Due process

5.1 In all processes related to suspension from school, students and their parents/guardians shall be informed of their rights. Any assistance that students/parents/guardians may engage to assist them in pursuing their rights shall be at no cost to the Potlotek Board of Education.

5.2 Decisions of the Discipline Committee and of the Potlotek Board of Education are based on documentation provided by persons who know the facts related to the case. The student's previous disciplinary record, if any, is included as evidence.

5.3 Students and/or their parents/guardians are expected to give reasons for their request to have a decision reviewed or appealed under this policy. Ordinarily, a review of a decision of the school principal or an appeal of a decision by the Discipline Committee is warranted:

5.3.1 where the student or parent/guardian takes issue with the reasonableness of the length of the suspension imposed; or

5.3.2 where the student or parent/guardian has new information concerning the facts giving rise to the suspension; or

5.3.3 where procedural defects in the suspension process are alleged.

5.4 All meeting and hearings related to student suspensions shall be held "in-camera".

APPENDIX C

Protocol for Reporting Suspected Cases of Abuse or Neglect

It is decided by the School Board that there are three levels of abuse or concern which are to be addressed by this protocol.

These levels will each be dealt with separately in this report and will define what actions are appropriate in cases of referral to the Mi'kmaq Family and Children's Services (MFCS) by Mi'kmawey School.

The three levels of concern are:

1. Physical/Sexual Abuse or Neglect where a child is considered to be at substantial risk.
2. Neglect in the form of lack of food, sleep or hygiene where it appears the parent is not adequately meeting the child's needs in preparing him/her for school.
3. A parent(s) refusing to work with school authorities to have a child attend school, after the school has attempted to deal with the student.

Level 1 Concern: Is to be dealt with as indicated by the Department of Community Services document entitled, "Roles and Responsibilities of School Employees in Responding and Reporting Suspected Cases of Child Abuse", pages 17 through 21 (Appendix 1).

Level 2 Concern: If a child is suspected of suffering from lack of nourishment or sleep, or is unclean or exhibits other signs which seem to indicate parental neglect, the school will decide if a referral to MFCS is necessary. The Guideline for this decision will be if the problem is considered to be of a reoccurring and chronic nature even after it has been reported by the school to the parent.

Level 3 Concern: If a child is not attending school and the parent(s) appear to be willing to work with school authorities to get the child back into school, it may be decided to refer the matter to MFCS.

The reason for asking MFCS to intervene is simply to have them assess whether a family problem exists. The outcome of this assessment will determine if MFCS will become involved or if the matter will be turned back to the school authorities for a decision on their part.

REVISED FAMILY SERVICE ACT

- (a) the maintenance of regular contact between the child and the parent or guardian:
- (b) the desirability of keeping brothers and sisters in the same family unit:
- (c) the child's need to maintain contact with the child's relatives and friends:
- (d) the preservation of the child's cultural, racial and linguistic heritage; and
- (e) the continuity of the child's education and religion.

Mediator:

21(1) An agency and a parent or guardian of a child may, at any time, agree to the appointment of the mediator to attempt to resolve matters relating to the child who is or may become a child in need of protective services.

Stay of Proceedings:

(2) Where a mediator is appointed pursuant to subsection (1) after proceedings to determine whether the child is in need of protective services have been commenced, the court, on the application of the parties, may grant a stay of the proceedings for a period not exceeding three months.

Extension of Time Limits:

(3) While a stay of proceedings pursuant to subsection (2) is in effect, any time limits applicable to the proceedings are extended accordingly.

“Substantial Risk” defined:

22(1) In this section, “substantial risk”, means a real chance of danger that is apparent on the evidence.

Child is in need of protective services:

(2) A child is in need of protective services where:

(a) the child has suffered physical harm, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;

(b) there is substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);

(c) the child has been sexually abused by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(d) there is substantial risk that the child will be sexually abused as described in clause (c);

(e) a child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parents or guardian does not provide, or refuses, or is unavailable, or is unable to consent to the treatment;

(f) the child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behavior and the child's parent or guardian does not provide, or refuses or is unavailable to consent to, services or treatment to remedy or alleviate the harm;

(g) there is substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the condition;

(I) the child has suffered physical or emotional harm by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(j) the child has suffered physical or emotional harm caused by the chronic and serious neglect by or towards a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(k) the child has been abandoned, the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provisions for the child's care and custody, or the child is in care of an agency or another person and the parent or guardian of the child refuses or is unavailable or unable or unwilling to resume the child's care and custody;

(l) the child is under twelve years of age and has killed or seriously injured another person or caused serious property damage to another person's property, and services or treatment are necessary to prevent recurrence and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, the necessary services or treatment;

(m) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to another person's property, with encouragement of parent or guardian of the child or because of the parent or guardian's failure or inability to supervise the child adequately;

Duty to report:

23(1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protection services shall forthwith report that information to an agency.

Restriction on civil action:

(2) No action lies against a person by reason of that person reporting information pursuant to subsection (1) unless the reporting information is done falsely and maliciously.

Offence and penalty:

(3) Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or imprisonment for a period of not exceeding six months or to both.

Limitation period:

(4) No proceedings shall be instituted pursuant to subsection (3) more than one year after the contravention occurred.

Offence and penalty:

(5) Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or both.

“Suffer abuse” defined:

24(1) In this section, “suffer abuse”, when used in reference to a child, means to be in need of protective services within the meaning of clause (a),(b),(c),(d),(e),(f),(g),(I) or (j) of subsection (2) of Section 22.

Duty of professionals and officials to report:

- (2) Notwithstanding any other Act, every person who performs professional or official duties with respect to a child including:
- (a) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist;
 - (b) a teacher, school principal, social worker, family counselor, member of the clergy, operator or employee of a day-care facility;
 - (c) a peace officer or medical examiner;
 - (d) an operator or employee of a child caring facility or child-care service;
 - (e) a youth or recreation worker;

who in course of that person’s professional or official duties has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.

Application of Section:

- (3) This section applies whether or not the information reported is confidential or privileged.

Effect on Section 23:

- (4) Nothing in this Section affects the obligation of a person referred to in subsection to report information pursuant to Section 23.

Restriction on civil action:

- (5) No action lies against a person by reason of that person reporting information pursuant to subsection (2), unless the reporting is done falsely and maliciously.

Offence and penalty:

- (6) Every person who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Limitation period:

- (7) no proceedings shall be instituted pursuant to subsection (6) more than one year after the contravention occurred.

Offence and penalty:

- (8) Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Protocol and Guidelines
For
Child Protection Workers and School Personnel
in the
Strait Regional School Community



entered into by

Children's Aid Society of Inverness-Richmond
Department of Community Services, Antigonish
Department of Community Services, Guysborough
Mi'kmaq Family and Children's Services of Nova Scotia
Strait Regional School Board

August 24, 2001

INTRODUCTION

This manual is designed to provide a coordinated response in child abuse investigations for the Strait Regional School Community. It replaces the former Protocol distributed in September 1992, and integrates investigative procedures for all forms of child abuse and neglect into one manual. It does not specifically deal with issues of child abuse prevention and treatment. It is also intended to incorporate the requirements of the Children and Family Services Act which was proclaimed effective September 3, 1991.

Depending on where the family resides the school shall report to the Child Protection Agency that has jurisdiction within that area. Residents of Inverness-Richmond Counties shall report suspicions of child abuse to the Children's Aid Society of Inverness-Richmond (625-0660). Residents of Guysborough County shall report to the Department of Community Services in Guysborough (533-4007). Residents of Antigonish County and the District of St. Mary's shall report to the Department of Community Services in Antigonish (863-3213). Situations involving children of Mi'kmaq communities throughout the region are to be reported to the Mi'kmaq Family and Children's Services office (Eskasoni 379-2433; Indian Brook 758-3553). All offices offer 24 hour emergency services. Phone numbers for after-hours emergency can be located in **Appendix A** of this document.

Child protection workers and investigating police officers are the primary professionals involved. The medical community, schools, daycare centers, mental health services and community resources all play an important part as well. It is hoped that the procedures described here will help professionals identify their legal responsibilities and provide information regarding what they should expect in the process of investigation.

Professionals are required by law to report to the Child Protection Agency reasonable grounds to suspect abuse which arise in the course of providing their professional or official duties.

The police are responsible for investigating alleged violations of the Criminal Code with regard to complaints of abuse.

The Child Protection Agency is responsible for the safety of the child and for investigating whether a child is "in need of protective services" as mandated by the Children and Family Services Act.

AN INTEGRATED AND COOPERATIVE APPROACH

Child protection staff, school personnel, and the police recognize that the safety and well being of children are of paramount concern and that a cooperative and collaborative approach in response to any allegation of child abuse or neglect is essential. When children are subjected to physical, sexual or emotional abuse, or when there is persistent neglect, children are traumatized and their development is adversely affected. The consequences of such acts or omission or commission are often far-reaching and may

result in some of the following characteristics or behaviors: poor self-image, depression, running away from home, poor school achievement, drug and/or alcohol abuse, prostitution and suicide. The essential elements in breaking such destructive cycles include prevention, early detection and effective intervention.

Recognizing that in all cases the safety and well-being of the child takes precedence, Department of Community Services or Children's Aid Society must be notified immediately when there are reasonable grounds to believe a child is in need of protective services. When there is a possibility that a criminal offense has occurred- such as in physical or sexual abuse cases- police also have an important role in such investigations to ensure the requirements of both the Criminal Code and the Children and Family Services Act have been met. While the police have the authority and responsibility to investigate situations in which a crime may have been committed, the primary responsibility and mandate for child welfare investigations rests with the Children's Aid Society and/or Department of Community Services. Child protection workers are required, by department policy, to notify and involve the police in child welfare investigations where there are reasons to believe an offense may have been committed. Therefore, school personnel must direct their child protection concerns to a child welfare worker. However, this does not preclude school authorities from also notifying the police in matters involving serious forms of abuse.

It is important to note that under the law, regardless of internal procedures/policies for different school districts, the obligation to report lies with the individual and has not been discharged until he/she is certain that a report has been made to Children's Aid Society or the Department of Community Services Office. This document represents the minimum preferred practice guidelines to govern the interface between child welfare staff and school personnel.

GLOSSARY OF TERMS

SCHOOL PERSONNEL

Anyone working on the auspices of the school board, i.e. employees, persons on contract, interns, volunteers, or any others that work directly or indirectly with students.

CAREGIVER

Anyone having the responsibility of caring for a child on a short-term or long-term basis.

DEFINITION OF CHILD

While the age of majority is 19 years, the focus of this protocol is on children who are under 16 years of age.

EXTRA-FAMILIAL CHILD ABUSE

The abuse of a child by a non-family member (friend, acquaintances or stranger).

INTRA-FAMILIAL CHILD ABUSE

The abuse of a child by a family member (parent, parent's common-law partner, guardian, sibling, relative).

INTAKE CHILD PROTECTION WORKER

The Child Protection Agency worker who receives referrals coming into the Agency.

INVESTIGATION

Refers to the joint Police-Child Protection Agency investigation unless otherwise specified.

ORDER OF SUPERVISION

An order made by a Judge of the Supreme Court, Family Division pursuant to the Children and Family Services Act, after a finding that the child is in need of protection, which returns the child to, or leaves the child in the home of a parent/person in charge or another person subject to compulsory supervision by the Child Protection Agency. The Court may impose reasonable terms and conditions relating to the child's care and supervision.

PROTECTION APPLICATION

An application which must be filed at the Supreme Court, Family Division, requesting a hearing to find a child in need of protective services to the Children and Family Services Act. When a child has been taken into care, a protection application must be filed immediately so that a hearing may take place within 5 working days of the child's coming into care.

TAKEN INTO CARE (APPREHENSION)

Under Section 22 of the Children and Family Services Act, is the legal removal of the child from the care of his/her parent(s) or caregiver.

RESTRAINING ORDER

An order made by the Court restraining or prohibiting a person's access to or contact with another person.

TEAM

Unless identified, refers to the joint Police-Child Protection Agency investigating team.

DUTY TO REPORT**REPORTABLE ABUSE AND NEGLECT**

Abuse of a child can be grouped under four main categories. In all of these categories the abuse or neglect has happened or there is a substantial risk that it may occur.

A. Physical Abuse

Physical abuse is a deliberate non-accidental physical assault on a child that results in physical harm. Physical abuse may also result from excessive or inappropriate discipline. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks or major fracture of the long bones or skull, and in its most extreme form, the death of a child.

B. Sexual Abuse

Sexual abuse is a generic term to describe a range of sexual activity/behavior perpetrated towards a child (under 16 years of age), with or without the child's consent, for the sexual gratification of the other person. The abuse can occur within the family (intra familial) or outside the family (extra familial) and can be homosexual or heterosexual in nature. Examples can include instances where a child is encouraged, coerced, forced or enticed into acts such as sexual molestation, fondling, sexual intercourse, fellatio, cunnilingus, exhibitionism, or any type of sexual exploitation including pornography.

C. Emotional Abuse

Emotional abuse is the most difficult type of abuse to define and identify. It may range from habitual humiliation of the child to the withholding life-sustaining parenting. If a child is told often enough that he or she is no good and will come to a bad end, he or she may come to believe it and act accordingly. Similarly, lack of nurturing (holding, cuddling, and warm verbal communication) in the early years can be very damaging. Combined with verbal abuse, it can cause a child great suffering.

The abuse is persistent or chronic on the part of the caregiver and results in some degree of emotional damage to the child, evidenced by severe anxiety, withdrawal, or self-destructive or aggressive behavior. This form of abuse may occur separate from, or along with, other forms of abuse or neglect. Children with emotionally abusive parents may exhibit or react with behaviors similar to children who have been physically or sexually abused.

D. Child Neglect

Child Neglect is a chronic and serious omission on the part of the parent/guardian that results in physical harm to the child. It does not include emotional harm. The term "chronic" demands that the neglect constitutes a pattern of conduct over a period of time. The term "serious" conveys a marked and substantial departure from the standard of care expected of a reasonable parent.

LEGISLATIVE FRAMEWORK FOR INTERVENTION

In Nova Scotia, the Children and Family Services Act (September 1991) provides the mandate for intervention by Children's Services Agencies. It outlines the grounds under which a child may be found to be in need of protective services, or a victim of physical, sexual, or emotional abuse, and, as well, the grounds under which a child may be taken into care.

Under the Children and Family Services Act, a "child" means a person under sixteen (16) year of age.

For the purpose of this protocol, Section 22(2), Section 23, Section 24, Section 25(1), Section 25(2), Section 32, Section 33(1) and Section 33(3) provide the legal framework for Agency intervention into allegations of abuse or neglect.

WHEN TO REPORT

Section 22(2) of the **Children and Family Services Act** states that a child is in need of protective services where:

- (a) the child has suffered physical harm inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;
- (b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a)
- (c) the child has been sexually abused by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;
- (d) there is a substantial risk that the child will be sexually abused as described in clause (c);
- (e) the child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, refuses or is unavailable or is unable to consent to the treatment;
- (f) that the child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behavior and the child's parent or guardian does not provide, or refuses or is unavailable or unable;
- (g) there is substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the parent or guardian does not provide, or refuses, or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or guardian does not provide, or refuses, or is unavailable or unable to consent to services or treatment to remedy or alleviate the condition;

(i) the child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(j) there is substantial risk that the child will suffer physical harm inflicted or caused as described in clause (i)

(k) the child has been abandoned, the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provisions for the child's care and custody, or the child is in the care of an agency or another person and the parent or guardian of the child refuses or is unable or unwilling to resume the child's care and custody;

(l) the child is under twelve years of age and has killed or seriously injured another person or caused serious damage to another person's property, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, or refuses or is unavailable or unable to consent to, the necessary services or treatment;

(m) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of a parent or guardian of the child or because of the parent or guardian's failure or inability to supervise the child adequately.

LEGAL RESPONSIBILITY TO REPORT

Section 23 of the **Children and Family Services Act** for Nova Scotia states:

- (1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an Agency.
- (2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.
- (3) Every person who contravenes subsection (1) commits an offense.

Section 24 of the same Act states:

(2) Notwithstanding any other act, every person who performs professional or official duties with respect to a child, including (b) a teacher, school principal, social worker, family counselor, member of the clergy, operator or employee of a daycare facility; (d) operator or employee of a child caring facility or child care service; who in the course of that person's professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.

Under this act, any school personnel, to include employees or volunteers, who has reasonable grounds to suspect a child may be abused or neglected has a legal obligation to report the matter to the local Children's Services Agency. Failure to do so may constitute an offense punishable by not more than \$5,000 and/or imprisonment for a period not exceeding one year.

Abuse or neglect need not have already occurred for a child to be in need of protection. It is not necessary to wait until a child has been harmed to make a report. When there are reasonable grounds to believe a child is in need of protective services, the legal obligation to report applies. When the alleged abuse is "third party", that is the alleged perpetrator is someone other than the child's parent or guardian (ie. School personnel), you must have the information/concerns that the child may have suffered abuse in the past or may be currently suffering abuse.

Where there is doubt about whether to report, consult with the intake worker at the nearest Children's Services Agency office.

It is the school personnel's responsibility to report suspicion or disclosure of abuse. It is not the school personnel's responsibility to investigate or "prove" that abuse is taking place. A report raises the concern and is a request for an investigation. The actual investigation is not to be done by school personnel, but by a Children's Service Agency.

Where the school personnel reports allegations to the principal or designate, and the principal or designate does not feel the matter warrants reporting, the school personnel **SHALL** exercise their responsibility to report if they believe the allegations should be reported.

Section 25 (1) of the Children and Family Services Act states that "abuse by a person other than a parent or guardian" means that a child

(a) has suffered physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately.

(b) has been sexually abused by a person other than a parent or guardian or by another person where the person, not being a parent or guardian, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(c) has suffered serious emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behavior, caused by the intentional conduct of a person other than a parent or guardian.

Section 25(2), Duty to report third-party abuse, states that “Every person who has information, whether or not it is confidential or privileged, indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian shall forthwith report the information to an agency”.

REPORTING AND INVESTIGATION PROCEDURES

The investigation of a child protection complaint may be conducted by a duly authorized child welfare worker from a Children’s Aid Society or Department of Community Services, with assistance from the police, where appropriate. These responsibilities cannot and should not be assumed by school personnel. It is in the child’s best interest to be interviewed by the responsible authorities who are trained and authorized to carry out such investigations. However, the cooperation of school personnel and other authorities, throughout an investigation, is essential for an integrated and effective response.

The following procedures should be adhered to by school personnel and the child welfare authorities:

1. REPORTING

1.1 All school personnel who may have reason to believe a child is in need of protective services shall **immediately upon receipt of information**, report the situation to the Child Protection Agency. Whenever possible the school personnel shall inform the principal or designate that a report is or has been made to the Child Protection Agency.

All persons aware of the abuse have a legal responsibility to ensure that it is reported to the Child Protection Agency.

1.2 Any statement made by a child to a school personnel should be recorded in the child’s own words and this information will be documented on the intake form. Such recording should generally not occur in the presence of the child. School personnel, while offering support, should refrain from initiating further interviews with the child after receiving the child’s first disclosure. Any drawings or writings made by the child, in reference to the disclosure, should be forwarded to the Agency.

1.3 Knowledge of the suspected case of child abuse or neglect is confidential and is to be restricted to the staff member initiating the report, the principal and any other School Board personnel, as necessary.

2. ACCESS TO STUDENTS

- 2.1 Children and Family Services Act (1991) requires the investigation of any report of a child believed to be in need of protective services and provides authority for child welfare workers and police officers to conduct such investigations. An investigation will result in a determination of whether or not the child is in need of protection and whether further intervention, by way of agreement or Court Order, is necessary for the future protection of the child. Frequently, child welfare workers and/or police will request access to a student at school in order to conduct the preliminary interview and investigation. This interview site is often appropriate due to the importance of timely investigations of reports of abuse, and because the school provides a safe, neutral environment for the child being interviewed. An interview at the child's school may eliminate the need for more coercive or intrusive intervention- e.g. apprehension of the child from school or home to allow the investigative interview to occur.

Therefore, school personnel are required to facilitate access to students at school by child welfare workers and/or the police for the purpose of investigating allegations of abuse or neglect.

- 2.2 Investigators are expected to consider the convenience of the school and student in arranging an interview, and should attempt to minimize any possible stigmatization of the student as a result of the interview.
- 2.3 The principal should ask the child welfare worker or police officer to present identification cards and to state their reasons for conducting the interview in the school.
- 2.4 Where the alleged perpetrator is school personnel, it may be in the child's best interest to be interviewed somewhere other than the school, or at a place more neutral to the child.
- 2.5 Where the child has siblings or the alleged offender has children, or other children have been in the offenders care or supervision, the Police- Child Protection team may interview them separately and in private. Where the alleged perpetrator has access to other children the team shall assess the potential for risk to these children. Upon assessment of potential risk it may be deemed necessary to conduct interviews with these children.

3.0 INTERVIEWS OF SCHOOL PERSONNEL

- 3.1 Investigators may wish to interview school personnel who have regular contact with the child, or who may have other specific information relevant to the investigation.
- 3.2 The principal will assist the investigator(s) by facilitating these contacts.

- 3.3 School personnel will provide all pertinent information to the investigator(s).
- 3.4 Since potential informants may be subsequently required to provide evidence under oath at a Court proceeding, school personnel should summarize in writing any information provided to the investigator(s) immediately following the interview. This documentation should be retained by school personnel, in a confidential manner, for future reference.

4. NOTIFICATION OF PARENTS

- 4.1 The responsibility for notifying parents about an investigation rests with the external investigator (child welfare worker or police officer).
- 4.2 Depending on the nature of the alleged abuse or neglect, the investigator will make every effort to notify the non-offending parent if this is possible without jeopardizing the interview investigation process.
- 4.3 The principal should clarify with the child welfare investigator when contact with the parents will be made.
- 4.4 If the child is apprehended from the school, or his/her return to the parental home is delayed because of the investigation, and the principal subsequently is contacted by the parents because the child has not yet returned home, the principal should provide the investigator's name and Agency telephone number.
- 4.5 If child is apprehended from school, the child protection worker shall provide principal, or designate, with a copy of the notice of taking into care.

5. PRESENCE OF SCHOOL PERSONNEL DURING INVESTIGATIVE INTERVIEW

- 5.1 The school personnel's responsibility for the safety and well being of a student in regard to matters under the Children and Family Services Act is met if a referral is immediately made to the Agency and by cooperating and assisting with child welfare investigations.
- 5.2 An effective initial interview with a victim of alleged abuse or neglect should occur under circumstances that will encourage the child to speak freely and openly to the investigating authorities about sensitive and potentially threatening personal matters. At the same time, it is important to recognize and preserve the family reputation and right to privacy.
- 5.3 In the interest of confidentiality and fully undistorted disclosure, it is generally most appropriate for the investigator(s) to interview the child alone.

- 5.4 Occasionally a student may request or require the supportive but non-participating presence of a familiar school employee. The investigator(s) and school personnel will consult on the appropriateness of having a school representative present during the interview.
- 5.5 The joint investigative team will assess the appropriateness of a videotaped interview, particularly, in sexual abuse investigations.
- 5.6 Upon completion of the interview and while the child is in the school and until the parents are notified, the principal (or designate) or a support person (a teacher or counselor) should be available to render assistance to the child. The child may experience reintegration back into the classroom session.

6.0 OUTCOME

- 6.1 Following the investigation conducted by the child welfare worker, contact with the parents by the worker will occur as soon as possible, usually the same day.
- 6.2 The child welfare worker will assess the need for any service(s) required by the child or family, and will determine the need for further intervention or closure of the matter.
- 6.3 The child protection worker will provide feedback to those school personnel directly involved concerning outcome of the investigation as directed by provincial standards manual.

ONGOING CHILD WELFARE INTERVENTION

When a child abuse or neglect is confirmed, Child Protection Staff of the Children's Aid Society or Department of Community Services will determine what further action is necessary to ensure the protection of the child. There are a range of short-term and long-term intervention and treatment options which include, but are not limited to, the following: referral to a Community Agency, counseling and/or other support services for child in a treatment facility, permanent guardianship, adoption, and so forth. However, the Agency is committed to using the least intrusive measures possible which protect the child and contribute to the rehabilitation of the family unit. In extreme circumstances it may be necessary to apprehend the child(ren) to ensure their immediate safety as outlined in the Children and Family Services Act.

Section 33(1) states that where child protection staff have reasonable and probable grounds to believe that a child is in need of protective services and the child's health or safety cannot be protected adequately otherwise than by taking the child into care, the agency may, at any time, before or after an application to determine whether a child is in need of protective services has been commenced, without warrant or court order, take a child into care.

Section 33(2) states that where child protection staff have reasonable and probable grounds to believe that a child is in need of protective services and the child's health or safety cannot be protected adequately otherwise than by taking the child into care, the agency may, at any time before or after an application to determine whether a child is in need of protective services has been commenced, without warrant or court order, take a child into care.

1. ONGOING ACCESS TO STUDENT AT SCHOOL

- 1.2 If the child protection worker believes there is justifiable reason for requesting ongoing access to a student during school hours, the worker will negotiate with the principal a mutually agreed upon arrangement.
- 1.3 The child protection worker will give consideration to the needs of the school and the student in negotiating such access arrangements, and will attempt to minimize any possible stigmatization of the student as a result of such contacts occurring at school.
- 1.4 If it is agreed that interviews by the child protection worker may take place at school, the worker will proceed to the school office, provide identification if requested, and allow school personnel to arrange for the student's attendance at an appropriate interview area.

2.0 CONFLICT RESOLUTION

Should the child worker and the principal be unable to achieve resolution regarding matters arising from the requested access by the worker to the student during school hours, the concerns should be immediately referred to the supervisors of the respective parties.

This Protocol is to be reviewed annually by the parties or their designates.

SIGNED at Dundee, Nova Scotia, August 24,2001.

Michael Melnyk, Executive Director
Children's Aid Society Inverness-Richmond

Lisa Smith, District Manager
Department of Community Services in Antigonish

Harold Roberts, District Manager
Department of Community Services in Guysborough

Joan Gloade, Executive Director
Mi'kmaq Family and Children's Services

Phonse Gillis, Superintendent of Schools
Strait Regional School Board

**Appendix A
Contact Information
Child Welfare Agencies in the Strait Region**

Children's Aid Society of Inverness-Richmond

8:30 am -4:30 pm Phone (902) 625-0660 – request to speak to intake worker
Emergency *after hours* Phone (902) 625-1320 - request to speak to duty worker

Guysborough District Office, Department of Community Services

8:30 am -4:30 pm Phone (902) 533-4007 – request to speak to intake worker
Emergency *after hours* Phone (902) 863-2830 - request to speak to duty worker

Antigonish District Office, Department of Community Services

8:30 am -4:30 pm Phone (902) 863-3213 – request to speak to intake worker
Emergency *after hours* Phone (902) 863-2830 – request to speak to duty worker

Mi'kmaq Family and Children's Services of Nova Scotia

Eskasoni office

8:30 am -4:30 pm

Phone (902) 379-2433 or 1-800-263-8300

Indian Brook office

8:30 am -4:20 pm

Phone (902) 758-3553 or 1-800-263-8686

After hours number for **both Eskasoni and Indian Brook offices**: 1-800-263-8686

Appendix B

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School Board

INTAKE FORM

FOR CASES OF SUSPECTED CHILD ABUSE AND NEGLECT

(original of this report to be provided to authorized representative of the appropriate Child Protection agency. A copy shall be provided to the school principal for retention in a confidential file.)

Full name of child _____ Age _____

Address _____ Grade _____

_____ Postal Code

Present school

Address of school _____

_____ School phone # _____

_____ Postal Code

Name(s) of parent(s) or guardian(s) _____

Address (if different from that of child) _____

_____ Phone # _____

Why is referral being made at this time? _____

Referral information [Provide detailed account. Include date(s) of incident(s)]

Name of person making report _____

Position _____

Address _____

_____ Phone # _____
Postal Code

Date of report _____

Principal's name _____

Name(s) of other member(s) of school staff involved and/or aware of problem:

Signature of Referral Person

Signature of Principal or Supervisor

Date _____

Date _____

(Original of this report to be provided to authorized representative of the appropriate Child Protection agency. A copy shall be provided to the school principal for retention in a confidential file).

