

Bill 157, Education Amendment Act (Keeping Our Kids Safe at School), 2009

[Wynne, Hon Kathleen O.](#) Minister of Education

Current Status: Royal Assent received Chapter Number: S.O. 2009 C.17

Viewing: Royal Assent (current version) [pdf](#)

- View the Bill
- [Status](#)
- [Debates](#)
- Explanatory Note
- [Background Information](#)
- [Acts Affected](#)

Bill 157 2009

An Act to amend the Education Act

Note: This Act amends the Education Act . For the legislative history of the Act, see the Table of Consolidated Public Statutes - Detailed Legislative History at www.e-Laws.gov.on.ca.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Education Act is amended by adding the following sections:

Delegation by principals

300.1 (1) A principal of a school may delegate in writing any of his or her powers, duties or functions under this Part to,

(a) a vice-principal of the school; and

(b) a teacher employed in the school.

Same

(2) A teacher who is not a vice-principal may only act under a delegation under this section if the principal and vice-principal of the school are absent from the school.

Same

(3) A delegation under this section is subject to any restrictions, limitations and conditions set out in the delegation.

Same

(4) A delegation under this section shall be in accordance with any policies and guidelines established by the Minister under subsection 301 (5.1) or by the board under subsection 302 (0.1).

Reporting to the principal

300.2 An employee of a board who becomes aware that a pupil of a school of the board may have engaged in an activity described in subsection 306 (1) or 310 (1) shall, as soon as reasonably possible, report to the principal of the school about the matter.

Notice to parent or guardian

300.3 (1) Subject to subsections (2) and (3), if the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306 (1) or 310 (1), the principal shall, as soon as reasonably possible, notify the parent or guardian of the pupil.

Same

(2) A principal shall not, without the pupil's consent, notify a parent or guardian of a pupil who is,

(a) 18 years or older; or

(b) 16 or 17 years old and has withdrawn from parental control.

Same

(3) A principal shall not notify a parent or guardian of a pupil if in the opinion of the principal doing so would put the pupil at risk of harm from a parent or guardian of the pupil, such that the notification is not in the pupil's best interests.

Same

(4) When notifying a parent or guardian of a pupil under this section, the principal shall disclose,

(a) the nature of the activity that resulted in harm to the pupil;

(b) the nature of the harm to the pupil; and

(c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity.

Same

(5) When notifying a parent or guardian under this section, the principal shall not disclose the name of or any other identifying or personal information about a pupil who engaged in the activity that resulted in the harm, except in so far as is necessary to comply with subsection (4).

Response by board employees

300.4 (1) If the Minister has established policies or guidelines under subsection 301 (5.6), an employee of a board who observes a pupil of a school of the board behaving in a way that is likely to have a negative impact on the school climate shall respond in accordance with those policies and guidelines and in accordance with any policies and guidelines established by the board under subsection 302 (3.3).

Exception

(2) Subsection (1) does not apply in circumstances set out in a regulation made under clause 316 (1) (d).

2. Section 301 of the Act is amended by adding the following subsections:

Same, governing delegation by principals

(5.1) The Minister may establish policies and guidelines with respect to delegation by principals, under section 300.1, of their powers, duties or functions under this Part.

Same, reporting to principals

(5.2) The Minister may establish policies and guidelines requiring individuals described in subsection (5.3) who become aware that a pupil of a school of a board may have engaged in an activity described in subsection 306 (1) or 310 (1) to report to the principal of the school about the matter, as soon as reasonably possible.

Same

(5.3) The individuals referred to in subsection (5.2) are individuals who are not board employees who come into direct contact with pupils of a board on a regular basis in the normal course of,

(a) providing goods or services to the board;

(b) carrying out their employment functions as an employee of a person who provides goods or services to the board; or

(c) providing services to a person who provides goods or services to the board.

Same

(5.4) The Minister may establish policies and guidelines with respect to reporting to principals under section 300.2 or under a policy or guideline established under subsection (5.2).

Same, support to certain pupils

(5.5) The Minister may establish policies and guidelines with respect to the support to be provided to a pupil when a principal does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3).

Same, governing responses by board employees

(5.6) The Minister may establish policies and guidelines with respect to responses under section 300.4 by employees of a board, including but not limited to policies and guidelines with respect to the kinds of responses that are appropriate.

3. (1) Section 302 of the Act is amended by adding the following subsection:

Board policies and guidelines

Delegation by principals

(0.1) Every board shall establish policies and guidelines with respect to delegation by principals, under section 300.1, of their powers, duties or functions under this Part and the policies and guidelines must be consistent with the policies and guidelines established by the Minister under section 301, and must address such matters and include such requirements as the Minister may specify.

(2) Section 302 of the Act is amended by adding the following subsections:

Same, reporting to principals

(3.1) If required to do so by the Minister, a board shall establish policies and guidelines with respect to reporting to principals under section 300.2 or under a policy or guideline established under subsection 301 (5.2), and the policies and guidelines must be consistent with those established by the Minister under section 301 and must address such matters and include such requirements as the Minister may specify.

Same, support to certain pupils

(3.2) If required to do so by the Minister, a board shall establish policies and guidelines with respect to the support to be provided to a pupil when a principal does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3), and the policies and guidelines must be consistent with those established by the Minister under section 301 and must address such matters and include such requirements as the Minister may specify.

Same, governing responses by board employees

(3.3) If required to do so by the Minister, a board shall establish policies and guidelines with respect to responses under section 300.4 by employees of a board, including but not limited to policies and guidelines with respect to the kinds of responses that are appropriate, and the policies and guidelines must be consistent with those established by the Minister under section 301, and must address such matters and include such requirements as the Minister may specify.

4. Subsection 316 (1) of the Act is amended by adding the following clauses:

(c) governing actions to be taken by a principal who does not notify a parent or guardian of the pupil because of the circumstances described in subsection 300.3 (3);

(d) setting out circumstances in which employees are not required to respond under section 300.4.

Commencement

5. This Act comes into force on February 1, 2010.

Short title

6. The short title of this Act is the Education Amendment Act (Keeping Our Kids Safe at School), 2009 .

EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 157 and does not form part of the law. Bill 157 has been enacted as Chapter 17 of the Statutes of Ontario, 2009.

The Bill amends Part XIII (Behaviour, Discipline and Safety) of the Education Act as follows:

Section 1 of the Bill adds sections 300.1 to 300.4 to the Part. Section 300.1 permits the principal of a school to delegate his or her powers, duties and functions under the Part. Section 300.2 requires board employees who become aware that a pupil may have engaged in an activity listed in subsection 306 (1) or 310 (1) of the Act to report on the matter to the principal. Subsection 300.3 (1) requires a principal who believes that a

pupil has been harmed as a result of an activity listed in subsection 306 (1) or 310 (1) of the Act to notify the parent or guardian of the pupil. Subsections 300.3 (2) and (3) set out exceptions to this requirement. Subsection 300.3 (4) and (5) set out what the principal shall and shall not disclose when notifying a parent or guardian under the section. Section 300.4 requires board employees who observe a pupil behaving in a way that is likely to have a negative impact on the school climate to respond in accordance with policies and guidelines established under sections 301 and 302.

Section 2 of the Bill adds subsections (5.1) to (5.6) to section 301 of the Act. Subsection (5.1) permits the Minister to establish policies and guidelines governing delegation by principals under section 300.1. Subsections (5.2) and (5.3) permit the Minister to establish policies and guidelines requiring certain individuals who are not board employees but who come into contact with pupils of a board on a regular basis to report to the principal if they become aware that a pupil may have engaged in an activity listed in subsection 306 (1) or 310 (1) of the Act. Subsection (5.4) permits the Minister to establish policies and guidelines respecting reporting certain activities to principals. Subsection (5.5) permits the Minister to establish policies and guidelines respecting the support to be provided to pupils in certain circumstances. Subsection (5.6) permits the Minister to establish policies and guidelines respecting responses by board employees under section 300.4 of the Act.

Section 3 of the Bill adds subsection (0.1) and subsections (3.1) to (3.3) to section 302 of the Act. Subsection (0.1) requires boards to establish policies and guidelines governing delegation by principals under section 300.1. Subsection (3.1) provides for board policies and guidelines respecting reporting certain activities to principals. Subsection (3.2) provides for board policies and guidelines respecting the support to be provided to pupils in certain circumstances. Subsection (3.3) provides for board policies and guidelines respecting responses by board employees under section 300.4 of the Act. In each case, board policies and guidelines must be consistent with policies and guidelines established by the Minister under section 301 and must address such matters and include such requirements as the Minister may specify.

Section 4 of the Bill adds clauses (c) and (d) to subsection 316 (1) of the Act, authorizing the Minister to make regulations governing actions to be taken by a principal in the circumstances described in subsection 300.3 (3) and to make regulations setting out circumstances in which employees are not required to respond under section 300.4.

Section 5 of the Bill provides that it comes into force on February 1, 2010.