

| Policy Statement | |
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|  | Commission scolaire Western Québec Western Québec School Board |
| Policy No. C-24 | |
| SUBJECT: | Physical Restraint |
| Approval Date: October 25, 2000 | Resolution No: C-00/01-65 |
| Revision Date: | Resolution No: |
| Origin: Council of Commissioners | |

PREAMBLE

The act of restraining another person, especially a pupil, is very upsetting and unpleasant. Anyone using restraint or involved in a decision of whether to approve restraint will often feel very anxious and uncomfortable. At the same time however, we must not avoid consideration of restraint simply because the issue is emotional and difficult to endorse.

The safety of the pupil, other pupils, teachers, and board staff or school property must be a primary concern for board employees entrusted with the responsibility of pupils. In that regard, the Board acknowledges that teachers and pupils have the right not to be subjected to physical assault or abuse, and that teachers have the right to defend themselves and students in their charge from physical assault or abuse as permitted by law.

1. OBJECTIVE

To provide a framework within which a school board employee may use temporary restraining force, of a physical nature, when dealing with pupils in a school setting.

2. DEFINITIONS

Education Act -Education Act (Quebec), last amendment: July 1998

Temporary Restraining Force -That force which is reasonable under the circumstances and used to ensure the pupil's own safety, the safety of others, or to protect property.

School Setting - Shall include any setting, both on or off school property, where a pupil is under the supervision of a board employee

3. ARTICLES

- Article 22 – Teachers Obligations¹
- Article 76 – Rules of Conduct²
- Safe Schools Policy – C14
- Allegations of Abuse Policy – F2
- WQSB Transportation Policy³

4. POLICY

The policy of the school board is specific legislation regarding restraint and physical intervention as included in the following sections of the Criminal Code of Canada, and reflects a reasonable approach to discipline and restraint:

R.S., c.C-34, s.43

“Every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.”

R.S., c.C-34, s.26

“Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes excess.”

5. DIRECTIVES

As with the case of procedures for pupils recommended for suspension and expulsion, (Safe School Policy C14), following incidences of temporary physical intervention to restrain a pupil(s) from hurting himself/herself or others, the board employee involved and any and all witnesses to the incident shall carefully document all actions and communications.

¹ Article 22 – Teachers Obligations (subsection 4) – See Annex A

² Article 76 – Rules of Conduct (sanctions) – See Annex A

³ WQSB Transportation Policy – See Annex A

EXCERPT FROM EDUCATION ACT - *Last amendment: 1 July 1998*

Teachers Obligations

22. A teacher shall

- (1) contribute to the intellectual and overall personal development of each student entrusted to his care;
- (2) take part in instilling into each student entrusted to his care a desire to learn;
- (3) take the appropriate means to foster respect for human rights in his students;
- (4) act in a just and impartial manner in his dealings with his students;
- (5) take the necessary measures to promote the quality of written and spoken language;
- (6) take the appropriate measures to attain and maintain a high level of professionalism;
- (6.1) collaborate in the training of future teachers and in the mentoring of newly qualified teachers;
- (7) comply with the educational project of the school.

1988, c. 84, s. 22; 1990, c. 78, s. 30; 1997, c. 96, s. 10.

76. Rules of conduct

The governing board is responsible for approving the rules of conduct and the safety measures proposed by the principal.

Sanctions

The collaboration procedure shall be established by the persons concerned at general meetings called for that purpose by the principal or, failing that, shall be determined by the principal.

1988, c. 84, s. 76; 1990, c. 78, s. 54; 1997, c. 96, s. 13.

EXCERPT FROM WESTERN QUEBEC TRANSPORTATION POLICY - *Last amendment:*
August 10, 2000

Supervision of Students

11.2 The Driver must be satisfied as to the proper identification of each passenger. (Refer to Bus list supplied by the School Board).

When students must cross the street either to board or when alighting, the driver must ensure that the students are visible and signals to the student when it is safe to cross.

When necessary, he/she may call the pupils to order, but should not attempt to enforce disciplinary measures against them nor threaten them. At times he may be required to stop the bus to deal with the situation.

When deemed appropriate, he/she should note the offender's name and request his/he bus "I.D." card if applicable, then reports the details to the School Principal at the next arrival at school. The driver must fill out the report form and, when applicable, submit the student's identification card to the Principal.

The driver shall not refuse on his own authority to transport pupils for reasons of insubordination or discipline, but must report insubordination or discipline to the school principal, whose right it shall be to make a decision on this matter.

However, in the case where the safety of passengers is threatened by the conduct of a pupil, the driver may refuse to transport such pupil. In such a case he must make a specific report to the school board as soon as possible.

Should the driver feel, in spite of his best efforts, that the safety of the passengers is threatened while en route by the behaviour of students, he should stop the bus and contact his contractor for further instructions. In such cases the driver or the contractor must ensure that the pupil in question is returned to his/her home or regular drop-off point and that the proper authorities be informed.