



Bill 56: An Act to prevent and stop bullying and violence in schools

L'Association provinciale des enseignantes et enseignants du Québec

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In June 2012, the National Assembly adopted the final version of Bill 56, *An Act to prevent and stop bullying and violence in schools*. This brought about changes to the *Education Act* that require the school community to address the issue of violence and bullying. The present document will outline these changes and provide certain recommendations for teachers in schools.

New Definitions

The *Education Act* has two new definitions:

“the word **‘bullying’** means any repeated direct or indirect behaviour, comment, act or gesture, whether deliberate or not, including in cyberspace, which occurs in a context where there is a power imbalance between the persons concerned and which causes distress and injures, hurts, oppresses, intimidates or ostracizes;”

“the word **‘violence’** means any intentional demonstration of verbal, written, physical, psychological or sexual force which causes distress and injures, hurts or oppresses a person by attacking their psychological or physical integrity or well-being, or their rights or property.”

Student Obligations

Students have two new obligations included in the *Education Act*. They must:

- Show appropriate conduct toward all individuals in a school, both students and staff;
- Take part in civics and anti-violence and anti-bullying activities in school. Civics here refers to how people co-exist, not to forms and structures of governance.

School Obligations - Staff

Teachers are expected to participate in addressing the issues of bullying and violence by:

- Collaborating with the principal in developing and implementing the anti-violence and anti-bullying plan and the code of conduct and in presenting the rules of conduct to students;
- Participating in an anti-violence and anti-bullying team (not necessarily all staff) with one member of staff as its coordinator (though the coordinator may not be a teacher).

School Obligations - Principal

The law provides for many new obligations on the part of principals with the overarching responsibility to ensure that the school responds to the issue. A principal must:

- Be responsible for the elements and implementation of the anti-violence and anti-bullying plan;

- Deal with all complaints promptly by contacting parents of the victim and perpetrator upon receipt of the complaint and inform them of their right to get help from the designated individual at the board;
- Send to the director general and the student ombudsman a report for each complaint;
- Set up an anti-violence and anti-bullying school team and designate a staff member to coordinate the team's work;
- Support groups of students who want to run activities that deal with violence and bullying (upon recommendation from the school team);
- Ensure that staff has the information regarding the rules of conduct and procedures to follow.

In addition, a principal may suspend a student to end acts of violence or bullying or recommend the expulsion of a student if, in the principal's opinion, it is necessary to end the acts of bullying or violence. The principal may not directly expel a student.

School Obligations - Governing Board

The mandate of the governing board has been expanded to include the following:

- Modifying the code of conduct to include:
 - The required attitudes and conduct of students;
 - Prohibited behaviours and exchanges;
 - Applicable disciplinary sanctions.
- Adopting an anti-bullying and anti-violence plan which includes:
 - An analysis of the school's situation;
 - Prevention measures taken by the school;
 - Procedures for reporting incidents;
 - Actions to be taken by anyone, staff or students, witnessing an event;
 - Confidentiality measures;
 - Measures designed to encourage positive participation of parents against violence and bullying;
 - Supervisory or support measures for any victim, witness and the perpetrator;
 - Specific disciplinary actions according to the severity and/or frequency of the violence or bullying;
 - The follow-up that is required on any reported complaint;
 - The specific form of undertakings and actions taken by the principal with the victim, the perpetrator and their respective parents.
- Evaluating every year the results achieved by the school in dealing with violence and bullying with a report to parents, staff, and student ombudsman;
- Approving the conditions for integrating specific activities prescribed by the Minister into the school's educational services.

School Board Obligations

The school board has new obligations as well. It must:

- Enter into an agreement with a police force on its territory to determine its role in intervening in cases of violence or bullying;
- Enter into an agreement with an appropriate sector of the *Ministère de la Santé et des Services Sociaux* to provide support services for victims;
- Include conditions in its contract with any school bus company regarding what the company must do about any bullying and violence that occurs during transportation, including training for drivers and supervisors;
- Amend its complaints procedure to deal specifically with violence and bullying;
- Decide whether to expel a student within 10 days of principal's request.

In addition, the student ombudsman's annual report must include a specific section regarding the nature of the complaints received regarding cases of violence or bullying, though not the number of such complaints.

Increase in Minister's Power

The Minister also has the power to determine further requirements. First, the Minister has the right to develop regulations to further define what must be included in school anti-violence and anti-bullying plans. In other words, there may be more elements and rules to come in the future. Second, the Minister may now prescribe activities and content related to the broad areas of learning that have to be integrated into the school's educational services.

QPAT Recommendations

In order to assist teachers in dealing with these new requirements, QPAT has a number of recommendations for teachers, particularly in developing the school plan on bullying and violence.

First, Bill 56 calls for teachers to collaborate in the development of the anti-violence and anti-bullying plan prior to its presentation to the governing board. This means that they are not merely consulted but active in the process of creating the plan. Consequently, a group of teachers should be working with the principal to help develop the plan to be presented to the staff and then the governing board.

Schools should use tools they already have and include them in their plan on bullying and violence; if they are effective, there is no need to replace them or start over. If a school has addressed this issue in its success plan or management and educational success agreement, for example, it should include those elements in the bullying and violence plan. If the school board provides a model or tools that are useful to the school, they should be used or incorporated in the school's plan.

The law requires considerable specificity for certain elements of the plan, such as the infractions and sanctions that apply in different situations. As it is impossible to foresee every kind of infraction and appropriate sanction that may apply, the plan should include a general statement that allows for unforeseen types of events to be dealt with effectively without specifying the type of event or sanction.

The law emphasizes prompt action but fails to give proper attention to the importance of judgement and an examination of the situation prior to action being taken. As such, it is essential that each school's plan stress the importance of a proper understanding of the facts before any conclusion is drawn or action is taken. Otherwise, situations could arise that are not necessarily instances of bullying or violence but would end up being treated that way.

The mechanism that requires staff to report incidents should be kept simple and clear. The mechanism should focus on what was observed; it should be concise and simply report incidents to the school administration. It should not take the place of the principal's report.

Finally, the school's plan should also state the importance for all members of the school community, be they students, teachers, staff, administrators or parents, to be bound mutually by the plan. Each individual in a school community, whether student or adult, should be responsible for respecting all other individuals in a school community, whether student or adult.

The first version of the school plan on violence and bullying is supposed to be approved by the governing board by December 31, 2012. In practice, we expect that some schools will produce their plans later in the winter or early spring. If a plan needs to be completed prior to December 31, it can be reviewed and improved at a later point in time. It is also possible for a school to approve an incomplete plan prior to December 31 that includes a timeline for the development and approval of the missing elements. The school's situation and plan must be reviewed at least once a year.

As for the school team that will be established to work on the issues of bullying and violence, its work should focus on pedagogical activities. This committee should not become a place for administrator's work to be done, such as the enforcement of sanctions. It is also important to make sure that the work done by the members of this committee falls within workload provisions.

Your local union will be in communication with your school board to discuss what the board's orientations will be. Based on those discussions, your local union may have further information that is directly relevant to your board and your school. Local unions will also monitor the situation regarding the school team referred to in the previous paragraph to ensure that teachers' duties and workload are appropriate.