

GOVERNANCE AND POLICY COMMITTEE REGULAR MEETING Public Session

AGENDA September 7, 2021

Markus de Domenico, Chair
Trustee Ward 2

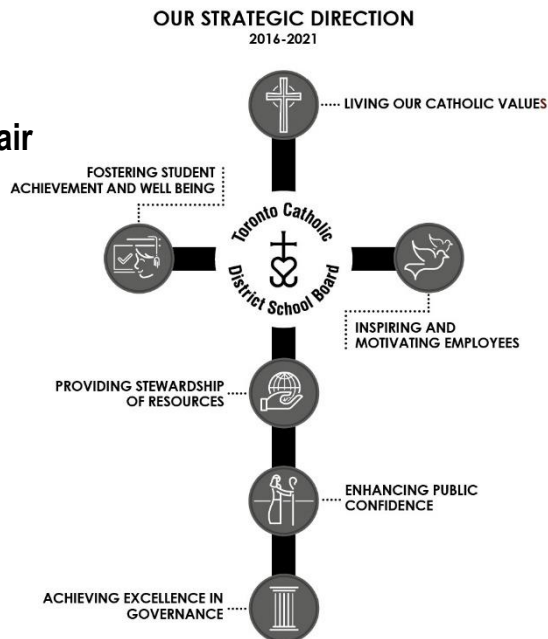
Nancy Crawford
Ex-Officio

Norman Di Pasquale, Vice-Chair
Trustee Ward 9

Joseph Martino
Ex-Officio

Ida Li Preti
Trustee Ward 3

Teresa Lubinski
Trustee Ward 4



MISSION

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

VISION

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Recording Secretary: Sophia Harris, 416-222-8282 Ext. 2293
Assistant Recording Secretary: Skeeter Hinds-Barnett, 416-222-8282 Ext. 2298
Assistant Recording Secretary: Sarah Pellegrini, 416-222-8282 Ext. 2207

Dr. Brendan Browne
Director of Education

Joseph Martino
Chair of the Board

TERMS OF REFERENCE FOR GOVERNANCE AND POLICY COMMITTEE

The Governance Framework Committee is responsible for:

A. Ensuring that governance structures, policies, protocols, processes and performance metrics:

- i). advance the vision of the TCDSB, rooted in Catholic values and teachings.
- ii). support the achievement of our Multi-Year Plan.
- iii). conform to best practices.
- iv). provide strategic cohesion and consistency.
- v). comply with the Education Act and other pertinent legislation.

B. Providing a meta policy framework to ensure all policy formation, monitoring and evaluation follow a standard process that reflects exemplary practices in policy development.

C. Carrying out a continuous review of the roster of existing policy to ensure conformity and advancement of (A) above.

D. Identifying the supports (e.g. capacity training) needed to implement the governance framework.

E. Ensuring ongoing governance reviews of the Board.

F. Ensuring that the TCDSB By-laws and the Trustee Code of Conduct reflect the vision and mission of the Board and adhere to good governance practices, the Education Act and other pertinent legislation.

LAND ACKNOWLEDGEMENT

Out of our deep respect for Indigenous peoples in Canada, we acknowledge that all Toronto Catholic District School Board properties are situated upon traditional territories of the Anishinabek (a-ni-shna-bek), the Haudenosaunee (hoh-Dee-noh-Shoh-nee) Confederacy, and the Wendat peoples. We also acknowledge the land covered by Treaty 13 is held by the Mississaugas of the Credit First Nation and Toronto is subject to The Dish with One Spoon covenant. We also recognize the contributions and enduring presence of all First Nations, Métis, and Inuit peoples in Ontario and the rest of Canada.

La Reconnaissance du Territoire

Nous témoignons du plus grand respect pour les Peuples autochtones au Canada et nous avons à cœur de souligner que tous les immeubles du Toronto Catholic District School Board sont situés sur les terres traditionnelles de la Nation Anishinabek, de la Confédération de Haudenosaunee et des Wendats. Il est également important de noter que le territoire visé par le Traité 13 est celui des Mississaugas de la Première Nation Credit et que celui de Toronto est protégé par l'accord d'« un plat à une cuillère ». Nous tenons également à rappeler la présence pérenne et l'importance des contributions des Premières Nations, des Metis et des Inuits en Ontario, et dans tout le Canada.

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AGENDA THE REGULAR MEETING OF THE GOVERNANCE AND POLICY COMMITTEE

PUBLIC SESSION

Markus de Domenico, Chair

Norman Di Pasquale, Vice Chair

Tuesday, September 7, 2021

7:00 P.M.

	Pages
1. Call to Order	
2. Opening Prayer	
3. Land Acknowledgement	
4. Roll Call and Apologies	
5. Approval of the Agenda	
6. Declarations of Interest	
7. Approval and Signing of the Minutes of the Meeting held June 1, 2021	1 - 7
8. Delegations	
9. Presentation	
10. Notices of Motion	
11. Consent and Review	

12. Unfinished Business

13. Matters referred or deferred

14. Staff Reports

14.a.	Flag Flying Policy A.04 (New)	8 - 13
14.b.	Update to Policy on Electronic Participation in Meetings of the Board, Committees of the Board, and the Committee of the Whole Board Policy T.19	14 - 23
14.c.	Policy on Early Learning and Child Care Policy B.R.02	24 - 71
14.d.	Update to Operational Procedures on Selection Process for Community and Parent /Guardian Membership on Advisory/Ad Hoc Committees	72 - 76
14.e.	Updated Policy on Safe Schools Policies S.S.01 and S.S.12	77 - 160
14.f.	COVID-19 Immunization Disclosure Policy H.M.03 (New)	161 - 172
14.g.	Legal Counsel Policy A.12	173 - 178

15. Listing of Communications

16. Inquiries and Miscellaneous

17. Updating of Pending List

17.a.	Monthly Pending List	179 - 188
17.b.	Annual Policy Priority Schedule	189 - 191

18. Adjournment

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MINUTES OF THE REGULAR VIRTUAL MEETING OF THE GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

HELD TUESDAY, JUNE 1, 2021

PRESENT:

Trustees:

M. de Domenico, Chair – In Person
N. Di Pasquale, Vice-Chair
N. Crawford - Ex-Officio
I. Li Preti
T. Lubinski

Non-Voting Trustee: M. Rizzo

Staff:

B. Browne
M. Farrell (For Item 14c)
C. Fernandes
D. Friesen (For Item 14c)
P. Matthews
C. Onyia

S. Harris, Recording Secretary
S. Hinds-Barnett, Assistant Recording Secretary

External Guest: A. Robertson, Parliamentarian

4. Roll Call and Apologies

Trustee Martino was absent.

5. Approval of the Agenda

MOVED by Trustee Di Pasquale, seconded by Trustee Crawford, that the Agenda, as amended to include the Addendum, be approved.

The Motion was declared

CARRIED

6. Declarations of Interest

There were none.

7. Approval and Signing of the Minutes

MOVED by Trustee Di Pasquale, seconded by Trustee Crawford, that the Minutes of the Meeting held May 4, 2021 be approved.

The Motion was declared

CARRIED

14. Staff Reports

MOVED by Trustee Li Preti, seconded by Trustee Di Pasquale, that Item 14a) be adopted as follows:

- 14a) Trustee Pregnancy and Parental Leave Policy (T.21) (New)** that the Governance and Policy Committee recommend to Board that the Trustee

Pregnancy and Parental Leave of Absence Policy (T.21) provided in Report Appendix A, be adopted.

Trustee de Domenico relinquished the Chair to Trustee Di Pasquale.

MOVED by Trustee Crawford, seconded by Trustee Lubinski, that the Trustee Pregnancy and Parental Leave Policy (T.21) be referred back to Staff.

Results of the Vote taken on Referral, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski

The Motion to Refer was declared

CARRIED

Trustee de Domenico reassumed the Chair.

MOVED by Trustee Di Pasquale, seconded by Trustee Crawford, that Item 14b) be adopted as follows:

- 14b) Selection of Learning Materials Policy (S.M.06)** that the Governance and Policy Committee recommend to Board that the revised Selection of Learning Materials Policy (S.M.06) provided in Report Appendix A, be adopted.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski

The Motion was declared

CARRIED

MOVED by Trustee Li Preti, seconded by Trustee Di Pasquale, that Item 14c) be adopted as follows:

- 14c) Policy on Facilities Management (B.B.01)** that the Governance and Policy Committee recommend to Board that the revised Policy on Facilities Management (B.B 01) provided in Report Appendix A, and the accompanying Operation Procedures provided in Report Appendix B, be adopted.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski

The Motion was declared

CARRIED

MOVED by Trustee Di Pasquale, seconded by Trustee Li Preti, that Item 14d) be adopted as follows:

- 14d) Revision of the Delegation and Public Participation Policy (T.14)** that the Governance and Policy Committee recommend to Board that the Committee adopt the change to the recently revised Delegation and Public Participation Policy (T.14).

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski

The Motion was declared

CARRIED

17. Updating of Pending List

MOVED by Trustee Di Pasquale, seconded by Trustee Crawford, that Item 17a) be adopted as follows:

17a) Monthly Pending List received.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski

The Motion was declared

CARRIED

MOVED by Trustee Di Pasquale, seconded by Trustee Crawford, that Item 17b) be adopted as follows:

17b) Annual Policy Priority Schedule received.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski

The Motion was declared

CARRIED

18. Adjournment

MOVED by Trustee Di Pasquale, seconded by Trustee Crawford, that the meeting be adjourned.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
de Domenico
Di Pasquale
Li Preti
Lubinski

The Motion was declared

CARRIED

SECRETARY

CHAIR



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

FLAG FLYING POLICY A.4 (NEW)

"Obey the government, for God is the One who has put it there. There is no government anywhere that God has not placed in power. So those who refuse to obey the law of the land are refusing to obey God, and punishment will follow." Romans 13:1-2

Created, Draft	First Tabling	Review
August 10, 2021	September 7, 2021	

Paul Matthews, General Legal Counsel

RECOMMENDATION REPORT

Vision:

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Mission:

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Director of Education

A. Della Mora
Associate Director of Academic
Affairs and Chief Operating
Officer

D. Boyce
Associate Director of
Facilities, Business and
Community Development

R. Putnam
Chief Financial Officer and
Treasurer

A. EXECUTIVE SUMMARY

This report recommends a new policy on Flag Flying Protocols at the Toronto Catholic District School Board to conform with current legal requirements and policies.

The cumulative staff time required to prepare this report was 5 hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends a new policy on Flag Flying Protocol.

C. BACKGROUND

1. At the Corporate Services Meeting on May 20, 2021, a motion was passed for staff to create a new policy on Flag Flying protocols.
2. This new policy reflects current legal requirements and alignment with related protocols:
 - (i) *National Flag of Canada Act S.C. 2012, c.12*
 - (ii) *Education Act – Ontario Regulation 298*
 - (iii) *Guidelines for National Symbols – Government of Canada*

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from the Facilities and Communications Departments, Field Superintendents and Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the newly created Policy on Flag Flying Protocol provided in Report Appendix A, be adopted.



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

POLICY NAME: FLAG FLYING POLICY

POLICY NO:

Date Approved:	Date of Next Review:	Dates of Amendments:
Cross References: <i>National Flag of Canada Act S.C.2012, c.12</i> <i>Education Act - Ontario Regulation 298</i> Guidelines for National Symbols – Government of Canada		

Purpose:

The purpose of this policy is to prescribe procedures for flying the National Flag of Canada and other flags on Toronto Catholic District School Board properties.

Scope and Responsibility:

The Director of Education is responsible for this policy.

Alignment with Multi Year Strategic Plan (MYSP):

Living Our Catholic Values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Achieving Excellence in Governance

Providing Stewardship of Resources

Inspiring and Motivating Employees



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

POLICY NAME: FLAG FLYING POLICY

POLICY NO:

Policy:

The Toronto Catholic District School Board's Flag Flying Policy will promote and maintain practices required by legislation on flying the National Flag of Canada and other flags on Toronto Catholic District School Board properties. This policy will ensure the proper protocols are followed to strengthen relationships, support organizations and activities of the Board, and to celebrate the values of Catholic education.

Regulations:

1. Ontario Regulation 298 under the *Education Act* requires that:
 - (i) S.5(1) *Every school shall fly both the National Flag of Canada and the Flag of Ontario on such occasions as the board directs.*
 - (ii) S.5(2) *Every school shall display in the school the National Flag of Canada and the Provincial Flag of Ontario.*
2. The National Flag of Canada shall be flown at the Catholic Education Centre, all schools and all Board facilities.
3. Where there are multiple flags flown on the same pole, the National Flag of Canada shall be flown above any other flag. The following flags will be flown below the National Flag of Canada in the following order:
 - (i) Provincial Flag of Ontario; and
 - (ii) Flags of First Nations' whose traditional territories are situated within the City of Toronto; and
 - (iii) Other Flags as approved by the Board of Trustees or the Director of Education.



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

POLICY NAME: FLAG FLYING POLICY

POLICY NO:

4. As Canada's paramount symbol of national identity, the act of half-masting of the National Flag of Canada is a dramatic visual statement that speaks to the shared sense of collective loss. All flags at Toronto Catholic District School Board schools and facilities shall be flown at half-mast upon the direction of the Director of Education or designate. Flags are flown at half-mast in recognition of the death of prominent public figures and other individuals.
5. Individual schools, at the direction of the principal and in consultation with their supervisory officer, may fly their flag at half-mast to recognize the death of a student or staff member.
6. On Remembrance Day, flags at all Toronto Catholic District School Board schools and facilities shall be flown at half-mast from 11:00am to the end of the instructional day as a symbol of respect.
7. All flags must be treated with dignity and respect at all times.
8. Flags should be regularly inspected for signs of wear and damage and shall be replaced when worn, noticeably faded or otherwise unfit for service. When a flag is worn and is no longer in a suitable condition for use, it should be destroyed in a dignified way.
9. When raised or lowered, a flag should be prevented from touching or falling to the ground.

Evaluation and Metrics:

The effectiveness of the policy will be evaluated on an as needed basis. The analysis and findings will be presented to the Board of Trustees on a five-year cycle to ensure compliance with current legislation and policies.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEE

UPDATE TO POLICY ON ELECTRONIC PARTICIPATION IN MEETINGS OF THE BOARD, COMMITTEES OF THE BOARD, AND THE COMMITTEE OF THE WHOLE BOARD POLICY T.19

"Obey the government, for God is the One who has put it there. There is no government anywhere that God has not placed in power. So those who refuse to obey the law of the land are refusing to obey God, and punishment will follow." Romans 13:1-2

Created, Draft	First Tabling	Review
August 10, 2021	September 7, 2021	

Paul Matthews, General Legal Counsel

RECOMMENDATION REPORT

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Facilities, Business and
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R. Putnam
Chief Financial Officer and
Treasurer

A. EXECUTIVE SUMMARY

This report recommends updating the current Policy on Electronic Participation in Meetings of the Board, Committees of the Board, and the Committee of the Whole Board Policy T.19 to conform to current legal requirements and policies.

The cumulative staff time required to prepare this report was 3 hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends policy revision.

C. BACKGROUND

1. The Policy on Policy was first approved in October 2013 and was amended in October of 2018.
2. Changes to this policy reflect current legal requirement alignment with related policies:
 - (i) Education Act
 - (ii) Ontario Regulation 463/97
 - (iii) Municipal Conflict of Interest Act
 - (iv) Student Trustee Policy T.02
 - (v) TCDSB Operating By-Laws #175

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from the Facilities and Communications Departments, Field Superintendents and Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the revised Policy on Electronic Participation in Meetings of the Board, Committees of the Board, and the Committee of the Whole Board Policy T.19 provided in Report Appendix A, and the accompanying Operational Procedures provided in Report Appendix B, be adopted.

Date Approved: October 15, 2013	Date of Next Review: October, 2023	Dates of Amendments: October 18, 2018
Cross References: Education Act, S. 208.1 Ontario Regulation 463/97, 1997 as amended Municipal Conflict of Interest Act TCDSB Policy: T.02 Student Trustee TCDSB Operating By-Laws #175		
Appendix: Protocol for Participation in Meetings Using Electronic Means		

Purpose:

~~All trustees are expected to be in attendance in person at meetings of the Board and the committee of the whole board. There may be occasions when Trustees and Student Trustees are unable to be physically present for a meeting of the Board or its committees, including a committee of the whole board. This policy confirms the ability of Trustees and Student Trustees to participate in meetings of the Board and its committees through electronic means.~~ **Ontario Regulation 463/97 requires that every Board shall develop and implement a policy providing for the use of electronic means for the holding of meetings of the Board, and meetings of a committee of the Board, including a committee of the whole Board.**

Scope and Responsibility:

The policy extends to Trustees and Student Trustees of the TCDSB. The Director of Education is responsible for this policy.

Alignment with MYSP:

Living Our Catholic Values

Strengthening **Enhancing** Public Confidence

Achieving Excellence in Governance

Policy:

The Toronto Catholic District School Board shall provide the electronic means for Board members and Student Trustees to participate in a meeting of the Board and its committees, including a committee of the whole board.

Regulations:

1. At the request of any Board Member or Student Trustee, the TCDSB shall provide the Trustees and Student Trustees with electronic means for participating in one or more meetings of the Board or of a committee of the Board, including a committee of the whole board.
2. At every meeting of the Board, ~~a committee~~, or of a committee of the whole board, the following persons must be physically present in the Board room:
 - (i) the Chair of the board or his or her designate, subject to regulation 3.
 - (ii) at least one additional member of the board.
 - (iii) the Director of Education of the board or his or her designate
3. **Subject to regulation 4, the Chair of the Board or of a committee of the Board, or his or her designate, may participate in a meeting of the Board or of a committee of the Board by electronic means if:**

- (i) **Weather conditions do not allow the Chair or designate to**

- travel to the meeting safely, or**
(ii) The Chair or designate cannot be physically present at a meeting due to health-related issues.

4. At every meeting of a committee ~~not comprised of all trustees~~ of the Board, except a committee of the whole Board, the following persons must be physically present in the Board room:
- (i) the Chair of the committee or his or her designate, subject to regulation 3**
 - (ii) if the Chair of the committee, or his or her designate, participates in a meeting by electronic means, at least one additional member of the committee**
 - (iii) the Director of Education of the board or his or her designate**
5. **Despite regulation 2, the Chair of the Board or designate must be physically present in the Board room for at least half of the meetings of the Board of Trustees for any 12-month period beginning December 1.**
6. The Board is permitted to refuse to provide a member with electronic means of participation in a meeting of the Board, a meeting of a committee of the whole board or a committee of the Board, where to do so is necessary to ensure compliance with Regulations 2, 3, **4** and **5**.
7. A Trustee or Student Trustee who participates in a meeting through electronic means shall be deemed to be present at the meeting and will be recorded in the attendance for **at** the meeting. Minutes of the meeting will record the **names of Trustees and Student Trustees** ~~Board Members~~ who participated in the meeting using electronic means.

8. In accordance with TCDSB **Operating** By-Laws #175 regarding quorum for Board or committee meetings, board members participating using electronic means will be included for **quorum purposes** as long as they remain electronically connected to the meeting. If quorum is not present within thirty minutes after the time appointed for any meeting, the Recording Secretary shall record the names of Trustees and officials of the board who are present, and the meeting shall stand adjourned.
9. To ensure quorum is maintained, Trustees using electronic means to participate in meetings shall inform the Chair of the Board or the Chair of the Board committee about their intentions to leave the meeting, either on a temporary or permanent basis.
10. Trustees and Student Trustees using electronic means to participate in meetings must be able to hear and be heard by all participants of the meeting.
11. At all meetings of the Board or its committees, Trustees and Student Trustees participating by electronic means must comply with the requirements of the Municipal Conflict of Interest Act.
12. A Student Trustee participating through electronic means in meetings of the Board or its committees that are closed to the public, pursuant to Education Act S.207(2)(b), is not permitted to participate in those proceedings.
13. Trustees and Student Trustees using electronic means for participation in meetings of the Board or its committees should follow the protocol for electronic meetings enforced by the Chair.
14. Public meetings of the Board and its committees comprised of all Trustees shall be web broadcast.

15. Copies of all materials shall be securely provided to Trustees electronically before the start of the meeting.
16. Trustees and Student Trustees participating in meetings closed to the public through electronic means must ensure confidentiality of all materials, discussions and decisions.
17. Appropriate processes will be put in place to ensure the security and confidentiality of proceedings that are closed to the public in accordance with the Education Act.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:
An annual Information Report about participation at meetings of the Board and its committees will be presented to Trustees for consideration.



Protocol for Participating in Board and Its Committee Meetings Using Electronic means

There may be occasions when Trustees and Student Trustees are unable to be physically present for a meeting of the Board or its committees, including a committee of the whole board. TCDSB policy T.19 Electronic participation in Meetings of the Board, Committees of the Board and Committee of the Whole Board, confirms the ability of Trustees and Student Trustees to participate in meetings of the Board and its committees through electronic means.

In order to ensure effective participation in meetings using electronic means without creating disruptions to the meeting taking place in the Boardroom, the following protocol is established:

1. In the event that a Trustee **or student Trustee** is unable to physically attend a meeting of the Board or its committees, the Trustee will ~~endeavour to~~ notify the Chair as soon as reasonably possible prior to the start of the meeting.
 2. The following are practices utilized to ensure effective and efficient participation in meetings using electronic means:
 - (i) Place the telephone or microphone on mute during those times when the Trustee **or Student Trustee** is not speaking during the meeting.
 - (ii) Ensure there is no background noise at the location from which the Trustee **or Student Trustee** is using the electronic means to connect to the meeting, as this noise may be broadcast into the boardroom.
 - (iii) In the event that the disruption is a result of a bad telephone/internet connection, the Chair will notify the Trustee **or Student Trustee** and request that he/she disconnects and then reconnects to the meeting.
 - (iv) The Chair will canvass ~~those~~ Trustees **and Student Trustees** using electronic means about the intention to speak to a matter on the floor, and will notify the Trustee **and Student Trustee** when it is his/her turn to speak.
 - (v) Upon being recognized by the Chair to speak, Trustees **or Student Trustees** will identify themselves before beginning to speak about a matter on the floor.
 3. In those instances where, after direction by the Chair to reduce any background noise and/or mute the telephone or microphone, there still exist disruptions to the meeting, the Chair will ~~request that the provide a final warning to the~~ Trustee **or Student Trustee** to rectify the **background noise issue** ~~expressed concerns~~.
 4. In the event that the Trustee **or Student Trustee** fails to rectify the **background noise issue** ~~expressed concerns~~, the Chair may cause or direct the temporary disconnection or muting of a member's connection if it is causing undue interference with the meeting.
- ~~Board members participating in meetings using electronic means will be included for as long as they remain electronically connected to the meeting.~~
5. Trustees **and Student Trustees** using electronic means to participate in meetings shall inform the Chair of the Board or the Chair of the Board committee about their intentions to leave the meeting, either on a temporary or permanent basis.



Protocol for Participating in Board and Its Committee Meetings Using Electronic means

6. Trustees ~~and Student Trustees~~ participating by electronic means must comply with the requirements of the Municipal Conflict of Interest Act. ~~by declaring a conflict with a specific item(s) on the Order Paper.~~
7. During those times when the meeting is closed to the public, Trustees **and Student Trustees** will ensure that confidentiality is maintained at all times.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEEPOLICY ON EARLY LEARNING AND CHILD
CARE POLICY B.R.0.2

"Start children off on the way they should go, and even when they are old they will not turn from it."
Proverbs 22:6 (NIV)

Created, Draft	First Tabling	Review
August 31, 2021	September 7, 2021	
Shawna Campbell, Superintendent of Education, Area 3 and Early Learning Program Michael Loberto, Superintendent Planning and Development Services Martin Farrell, Superintendent Environmental Support Services		
RECOMMENDATION REPORT		

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A. EXECUTIVE SUMMARY

This report recommends updating the name of the current Policy on Child Care Centre Policy B.R.0.2 and the accompanying Child Care and Family Support Programs Manual to the Early Learning and Child Care Policy B.R.0.2 and the accompanying Early Learning and Child Care Standard Operating Procedures to align to current practice and policies.

The cumulative staff time required to prepare this report was 6 hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends policy revision.

C. BACKGROUND

1. The Policy on Child Care Policy B.R.0.2 was first approved in April 1977 and has not been amended since May, 2003.
2. Changes to this policy reflect current practice and alignment with related policies:
 - i. [Ontario Renewed Early Years and Policy Framework, 2017](#)
 - ii. [Early Years Accommodations in Schools Reference Guide, Ministry of Education, Spring, 2018](#)
 - iii. [City of Toronto Children's Services Service Plan](#)
 - iv. [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)
 - v. [Child Care and Early Years' Act, 2014](#)
 - vi. [The Education Act and Ont. Regulation 221/11 Extended Day and Third-Party Programs](#)
 - vii. [Before and After School Programs Kindergarten to Grade 6.](#)
 - viii. [Child Care and Schools – Working Together in a Shared Space](#)
 - ix. [TCDSB Early Years Programs](#)
 - x. [Ontario Regulation 137/15 General](#)
 - xi. [Ontario Reg. 221/11](#)

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from the Early Learning Department, Environmental Support Services, Planning and Development Services and Communications Department, Field Superintendents and Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff.
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the revised POLICY ON EARLY LEARNING AND CHILD CARE POLICY B.R.0.2 provided in Report Appendix A, and the accompanying Early Learning and Child Care Standard Operating Procedures provided in Report Appendix B, be adopted.



POLICY SECTION: Buildings Plant Grounds

SUB-SECTION: Rental Permits

POLICY NAME: Early Learning and Childcare Programs

POLICY NO: B.R.02

Date Approved:
May 15, 2003 – Board Meeting

Date of Next Review:

Dates of Amendments:
BM p 15 May 03; BM p 95, 16 Jan 97; BM p 124, 16 Jun 88; BM p 17 Dec 87; BM p 126, 19 Jun 86; BM p 371, Jun 85; BM p 211, Feb 81; BM p 259, Apr 77.

Cross References:

Appendix

Purpose:

The Toronto Catholic District School Board supports the establishment of quality Childcare programs and Family support programs in its schools. This policy outlines the processes and procedures to establish such programs.

Scope and Responsibility:

This Policy is under the purview of the Director of Education.

Alignment with the Multi Year Strategic Plan [MYSP]:

Living Our Catholic Values

Enhancing Public Confidence

Fostering Student Achievement and Well-Being

Achieving Excellence in Governance

Providing Stewardship of Resources



POLICY SECTION: Buildings Plant Grounds
SUB-SECTION: Rental Permits
POLICY NAME: Early Learning and Childcare Programs
POLICY NO: B.R.02

Inspiring and Motivating Employees

Policy:

The Toronto Catholic District School Board supports the establishment of quality early learning and child care programs in schools.

Regulations:

1. Services for young children within the school setting provide a supportive and secure environment and a continuum of care for the transition from care to school. School space for exclusive childcare use is provided through the Ministry of Education funding for retrofits and for new capital projects. Before and After School programs are made available using shared space in age-appropriate classrooms. Tenure of space is done on a cost recovery basis for no less than one school year.
2. TCDSB partners with the Ministry of Education and Toronto Children's Services Division to support quality childcare programs that are accessible to children and families. Child Care Centres and Before and After School programs are provided by third party operators. These programs are licensed by the Ministry of Education and overseen by Toronto Children's Services Division in partnership with TCDSB.
3. With respect to new programs, operators are secured through a TCDSB Request for Proposal process in partnership with the City of Toronto Children's Services Division. All third party childcare providers must be not-for-profit, be in good standing with the Ministry of Education, have a Service Agreement for Fee Subsidy from City of Toronto Children's Services Division and meet TCDSB criteria.



POLICY SECTION: Buildings Plant Grounds

SUB-SECTION: Rental Permits

POLICY NAME: Early Learning and Childcare Programs

POLICY NO: B.R.02

4. The school principal or designate shall be consulted and have input into all matters of the Early Learning and Child Care Programs as it relates to school space, regulations or school policy. Shared space classrooms will be determined by the principal in collaboration with the Early Learning Program Department and the childcare operator. These shared spaces will be age appropriate and licensed by the Ministry of Education to ensure that they meet all legislation and regulations.

5. Programs that are located within TCDSB schools must show proof of licensing by the Ministry of Education as well as required insurance coverage.

6. The operators of each program should hold a minimum of one meeting per year with the principal to discuss matters related to the program.

7. In the matter of leases:

(a) Each program must have a fully executed Lease/License agreement with the Board.

(b) The renewal of the lease or license agreement is subject to the needs of the Board.

(c) Programs that have exclusive or shared space within TCDSB schools will be charged rent on a cost recovery basis as per Board policy, subject to annual increases.

(d) Each organization shall, upon request, submit a notarized financial statement to the Director of Education.

7. The TCDSB reserves the right to develop rules and regulations to ensure the safety standards in buildings housing Early Learning and Child Care Programs.



POLICY SECTION: Buildings Plant Grounds

SUB-SECTION: Rental Permits

POLICY NAME: Early Learning and Childcare Programs

POLICY NO: B.R.02

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

1. Recommendations in this report will be monitored by policy development staff.
2. Further reports will be brought to Board in accordance with the policy review schedule.



TCDSB Early Learning and Child Care Standard Operating Procedures



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Early Learning Department - Purpose and Overview

1.0 PURPOSE

Ontario has identified school boards as partners to make high quality child care more accessible for children and families. School boards are in the unique position to support child care programs for children 0 to 4 years old and before and after school care for school age children up to 12 years old at their school sites. The Toronto Catholic District School Board (TCDSB) recognizes the importance and numerous benefits of child care programs operating within schools. TCDSB is committed to partnering with and supporting child care operators to provide this essential service for our children and families.

The TCDSB Child Care Standard Operating Procedures increases accessibility to policies and processes related to child care operations within our schools. Its purpose is to clearly outline procedures, roles, responsibilities, and scope of duties for TCDSB staff and child care operators to enhance communication, and support child care to meet operational expectations.

2.0 SCOPE AND BACKGROUND

2.1 SCOPE

The TCDSB Child Care Standard Operating Procedures applies to the operational logistics for all third-party child care programs located in TCDSB schools. It is of particular relevance to licensed child care staff operating in a TCDSB school and for TCDSB school staff and central departments to support child care programs.

TCDSB third-party licensed child care operators are non-profit, licensed child care agencies who hold a Service Agreement for Fee Subsidy in good standing, with City of Toronto Children's Services Division and who meet Ministry of Education and TCDSB criteria.

2.2 BACKGROUND

2.2.1 VISION AND OVERVIEW

The TCDSB supports the Ministry of Education vision that children and families have access to quality child care programs and that schools are the optimal site for child care centres in the community. Schools are secure, support a seamless day for children and their families, and ensure a smooth transition to school life.



[Ontario Renewed Early Years and Policy Framework, 2017](#) outlines Ontario's Vision for Early Years and Child Care centered on the premise that:

"All children and families have access to a range of high quality, inclusive, and affordable early years and child care programs and services that are child and family centered and contribute to children's learning, development and well-being." (pg.6)

Furthermore, the [Early Years Accommodations in Schools Reference Guide, Ministry of Education, Spring 2018](#) posits that:

"The government has prioritized schools-first approach as the preferred location for early years programs in communities. Schools are viewed by the community as secure and trusted centres for children, and therefore are natural sites for early years programs." (pg. 3)

The Ministry of Education sets legislative, regulatory, policy and funding framework for the Early Years. The Consolidated Municipal Services Manager (CMSM), City of Toronto, is responsible for planning, managing the services at the local level and allocating early years program funding. The TCDSB works closely with the CMSM in implementation of the Ministry of Education Early Years Programs and Policies, as well as [City of Toronto Children's Services Service Plan](#).

Early Years Programs must be operated by not for-profit, licensed third-party operators that hold a Service Agreement for Fee Subsidy, in good standing, with the City of Toronto Children's Services Division and who meet Ministry of Education and TCDSB criteria. Licensed child care programs are eligible to receive [fee subsidy payments](#) administered by the CMSM.

All Early Years' Programs are guided by curriculum document, [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#).

How Does Learning Happen? Learning is organized around four foundational conditions that are important for children to grow and flourish: **Belonging, Well-Being, Engagement, and Expression** and holds at its core a shared understanding of the roles and contributions of children, families, and educators. (HDLH, pg.6&7)

2.2.2 TCDSB EARLY LEARNING AND CHILD CARE PROGRAMS

The TCDSB Early Learning and Child Care Programs include:

- a. EarlyON Child and Family Centres
- b. Child Care Centres
- c. Licensed Before and After School Programs
- d. Authorized Recreational and Skill Building Programs



2.2.3 DESCRIPTION OF TCDSB EARLY LEARNING AND CHILD CARE PROGRAMS

a. EarlyON Child & Family Centres

In 2007, the Ministry of Education announced funding for the establishment of the EarlyON Child & Family Centres (formerly called Parenting & Family Literacy Centres) in selected school boards across Ontario. The purpose is to promote positive early childhood development and parenting to support young children's successful start to school.

The TCDSB directly operates EarlyON Child & Family Centres located in TCDSB schools and are part of the school complement. They offer free, inclusive, high quality, school-based drop-in programs where parents/caregivers & children ages 0 to 6 years old can participate together in an emergent, play-based learning environment with a focus on literacy and numeracy. They are located in school classrooms to build familiarity and positive relationships for children and their families with the school. A qualified Early Childhood Educator employed by the TCDSB delivers the programs and services.

The EarlyON Child & Family Centres follow 3 Mandatory Core Services:

- Engaging Parent/Caregivers and Children
- Making Connections for Families
- Supporting Early Learning and Development

[TCDSB EarlyON Centres Locations](#)

b. CHILD CARE CENTRES

TCDSB Child Care Centres serve Infant, Toddler and Preschool children. These programs take place in dedicated, purpose-built space (also referred to as exclusive or leased space). The TCDSB works closely with the CMSM to identify sites for child care expansions in TCDSB schools. These may be retrofits of unused school space, additions, or part of new school capital projects. TCDSB avails itself of every opportunity to access funding for child care expansions.

Licensed child care centres are Ministry regulated and inspected. Children are grouped according to age. In Infant programs, children are younger than 18 months; in Toddler Programs, children are 18 months up to 30 months and in Preschool Programs, children may be 30 months up to 5.9 years. Staff members meet the qualification requirements set out under the [Child Care and Early Years Act, 2014](#). Staff must meet certain standards of care, maintain ratios and design activities for children at different stages of development.



Licensed child care centres must meet and maintain specific provincial standards set out in [Ontario Regulation 137/15 General](#). These standards address items that affect quality in a licensed child care centre, such as staff/child ratios, physical environment, staff qualifications, and children's health and well-being. Programming and pedagogy are based on [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#).

[TCDSB Child Care Locations](#)

BEFORE AND AFTER SCHOOL PROGRAMS KINDERGARTEN TO GRADE 6

In accordance with Section 2 of [O.Reg 221/11](#), school boards are required to ensure the provision of a before and after school program for every elementary school serving students in Kindergarten to Grade 6 where there is sufficient interest.

In accordance with the Education Act, the board may enter into an agreement with a third-party to deliver these programs.

TCDSB Before and After School Programs Kindergarten to Grade 6 include Licensed Before and After School Programs (BASP) and Authorized Recreational and Skill Building Programs. These programs adhere to the policies and guidelines outlined in the [Before and After School Programs Kindergarten to Grade 6](#).

c. LICENSED BEFORE AND AFTER SCHOOL PROGRAMS (BASP)

The primary purpose of BASP is to provide care before the start of the school day and after the school day has ended until 6:00 p.m. BASP serves children from Kindergarten to Grade 6 and operates on all instructional days. They may also provide programming on all non-instructional days, e.g., PD Days, March, Christmas, Summer Breaks. BASP fees are set in each school by the child care agency providing the service.

All programs follow Ministry of Education Guidelines and [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)

BASP takes place in shared space classrooms. Wherever possible the classrooms must serve the same age children as during school hours, e.g., kindergarten programs must be held in a kindergarten classroom, school age in a school age class. These spaces are subject to licensing requirements by the Ministry of Education and the TCDSB.



The TCDSB Early Learning Program Department facilitates the selection of classroom space to be licensed for use for the BASP. The school principal and the child care operator determine the most suitable classrooms for the program and will submit a signed TCDSB Shared Space Form to be completed for final review and approval for licensing.

The following resource is used to support the collaborative partnership between child care operators and school staff, [Child Care in Schools Working Together in a Shared Space](#)

Registration and fees for September programs must be completed and communicated to the TCDSB Early Learning Program Department by April 15th each year. If there are any anticipated expansions, an updated TCDSB Shared Space Form must be signed and submitted by May 15th.

[TCDSB Before and After School Programs Locations](#)

d. AUTHORIZED RECREATIONAL/ SKILL BUILDING PROGRAMS

The primary purpose of is to provide care and include, as a complementary purpose, activities that may promote recreational, musical, artistic, athletic skills.

These programs may serve students in Kindergarten through Grade 6. They currently provide up to 3 hours of care, after school ONLY. Authorized Recreational and Skill Building Programs do not consistently provide care on non-instructional days. Programming is consistent with [How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)

In accordance with the amendments to [O.Reg. 137/15](#) under the [Child Care and Early Years' Act CCEYA](#) will allow for some Authorized Recreational and Skill Building programs to operate for more than three consecutive hours or non-consecutive hours in a day. It can be both before and after school and may also operate for full days on non-instructional days - PA Days, March Break, Summer. Note that this option is only available to specific providers who have completed the application process and have been approved by the Ministry of Education.

[TCDSB Authorized Recreation Programs Locations](#)



Role of Administrators

Under the Education Act, the Principal is responsible for all matters that relate to the school and all activities therein.

3.1 UNDERSTANDING AND COMMUNICATION

The Principal will:

- a) Have a thorough understanding of the overall operations of the child care centre and Before and After School Programs.
- b) Facilitate and support, with a child-and family-centered focus, strong partnerships among school staff, child care centre staff and families.
- c) Meet with the child care supervisor on a regular basis to discuss matters of mutual interest or concern.
- d) Nurture a shared understanding of roles and responsibilities and program outcomes between the child care staff and the school staff.
- e) Include child care staff in all communications, including TCDSB policies and Ministry legislation, that may have an impact on their program. Clear protocols for communication are to be established to promote inclusivity and a sense of community committed to meeting expectations for children and families.
- f) Where appropriate, invite child care staff to attend and participate in staff meetings, school-based committee meetings, professional development forums, school community events and support opportunities for staff collaboration.

3.2 PROGRAM ADMINISTRATION

The Principal will:

- a) Become familiar with all TCDSB policies and procedures related to the operation of child care centres and before and after school programs.
- b) Where there is an existing licensed BASP, communicate and promote child care program information and registration process to families.
- c) Where there is no licensed BASP, facilitate survey to families to determine interest for a new program. Based on survey results, promote, and communicate child care program information



and registration process to families.

- d) Ensure that they have a copy of the most recent lease/license/permit agreements as they pertain to both child care exclusive and shared space.
- e) Review the lease and license agreements and ensure that the child care centre is occupying only the space designated on the agreements.
- f) Be responsible for providing input and approve all matters relating to space regulations and policies with respect to the operation of the program. For shared and auxiliary space, the principal will liaise with the Early Learning Program Department and the child care operator to determine the locations to be licensed for the Before and After School program.
- g) Consult with the Early Learning Program Department and child care staff any considerations to change licensed shared space on a long-term basis. Note that this should only be considered in extenuating circumstances. Shared space is licensed through the Ministry of Education and TCDSB.
- h) Ensure that the child care supervisor is invited to all preliminary and on-going meetings regarding planned school upgrades, renovations, or new builds so that child care is informed and they can provide input in those areas that impact their program. Child care will need to communicate, in a timely manner, the impact and alternate arrangements directly to the families they serve.
- i) Where work is of an urgent nature provide, inasmuch as is possible, sufficient notice to the child care supervisor of any changes in school facilities (e.g., water/hydro cut-off) or changes to routine or any other issue that affects child care programming. Where possible, the board will endeavor to have such work completed during off hours/weekends.
- j) Be informed by child care of any events or items that may have an impact on the school community.
- k) Must approve in coordination with the Facilities/Development Services any renovations, repairs or other tenant improvements adhering to TCDSB tenant improvement policies and procedures.
- l) Should be informed if the student attends both the child care and the school, in cases where there are issues of serious concern such as the involvement of the Catholic Children's Aid Society.
- m) Be responsible for evacuating all students, staff, and tenants in the event of an emergency.



Leases and License Agreements

4.1 LICENSE AGREEMENTS

How to Create or Amend a License Agreement for ARC, School Age and FDELK Programs		
What is a License Agreement?	A License Agreement is a formal agreement that authorizes shared use of the premises. License Agreements are self-renewing annually and operate under a 10-month term commencing September 1 st and ending June 30 th each year.	
When do I use this procedure?	The following procedure should be used when a Child Care Operator would like to create or amend a License Agreement.	
Step #	Task	Stakeholder Responsible
1	Intake request to create or amend the license agreement	Development Services
1.1	Review and confirm all required documents and approvals are complete	Development Services
2	Create report in escribe for Small Business Council (SBC)	Development Services
2.1	Review report and workflow to SBC for approval	Development Services
3	Review report	Small Business Council
4	Receive Action After report and approval from SBC	Development Services
4.1	If not approved by SBC, advise Early Learning, Principal, SQS and Tenant	Development Services
4.2	If approved by SBC, advise Early Learning, Principal, SQS and Tenant	Development Services
5	Send information to Board Solicitor for agreement drafting	Development Services
6	Draft agreement and execute signing with Tenant and TCDSB	Board Solicitor
6.1	Send agreement to Tenant for signing	Board Solicitor
7	Sign agreement and return to Board Solicitor	Tenant
8	Receive Tenant signed agreement and forward copies to Development Services	Board Solicitor
9	Receive agreement from Board Solicitor	Development Services



9.1	Deliver the agreements to the Executive Office for signature	Development Services
10	Sign copy of agreement and return to Development Services	Executive Office
11	Receive copy of agreement back from Executive Office	Development Services
11.1	Send agreements back to Board Solicitor	Development Services
12	Send fully executed agreement to Tenant	Board Solicitor

4.2 LEASE AGREEMENTS

SOP: How to Create or Amend a Lease Agreement for Full Day Child Care Programs		
What is a Lease Agreement?	A Lease Agreement is a formal agreement that authorizes exclusive use of the premises. Lease Agreements have a fixed term and permit operation 12 months of the year.	
When do I use this procedure?	The following procedure should be used when a Child Care Operator would like to create or amend a Lease Agreement.	
Step #	Task	Stakeholder Responsible
1	Intake request to create or amend lease agreement	Development Services
2	Review request and confirm all required documents (if any) are complete	Development Services
3	Create report in escribe for Small Business Council (SBC)	Development Services
3.1	Review report and workflow to SBC for approval	Development Services
4	Review report	Small Business Council
5	Receive Action After report and approval from SBC	Development Services
5.1	If not approved by SBC, advise Early Learning, Principal, SQS and Tenant	Development Services
5.2	If approved by SBC, advise Early Learning, Principal, SQS and Tenant	Development Services
6	Send information to Board Solicitor for agreement drafting	Development Services
7	Draft agreement and execute signing with Tenant and TCDSB	Board Solicitor



7.1	Send agreement to Tenant for signing	Board Solicitor
8	Sign agreement and return to Board Solicitor	Tenant
9	Receive Tenant signed agreement and forward copies to Development Services	Board Solicitor
10	Receive agreement from Board Solicitor	Development Services
10.1	Deliver the agreements to the Executive Office for signature	Development Services
11	Sign copy of agreement and return to Development Services	Executive Office
12	Receive copy of agreement back from Executive Office	Development Services
12.1	Send agreements back to Board Solicitor	Development Services
13	Send fully executed agreement to Tenant	Board Solicitor

SOP: How to Create or Renew a Temporary Evacuation Agreement		
What is a Temporary Evacuation Agreement?	A Temporary Evacuation Agreement is a formal agreement that authorizes temporary shared use of the premises for the purpose of temporary evacuation. Temporary Evacuation Agreement operate under a fixed term.	
When do I use this procedure?	The following procedure should be used when an Operator would like to create or renew a Temporary Evacuation Agreement.	
Step #	Task	Stakeholder Responsible
1	Intake request to create temporary evacuation agreement	Development Services
2	Review request and confirm all required documents (if any) are complete	Development Services
3	Confirm approval from Principal	Development Services
3.1	If not approved, advise Operator	Development Services
3.2	If approved, seek Planning Services approval	Development Services
3.3	Confirm approval from Planning Services	Development Services



3.4	If not approved, advise Operator	Development Services
4	Create report in escribe for Small Business Council (SBC)	Development Services
41	Review report and workflow to SBC for approval	Development Services
5	Review report	Small Business Council
6	Receive Action After report and approval from SBC	Development Services
6.1	If not approved by SBC, advise Operator	Development Services
6.2	If approved by SBC, advise Operator	Development Services
7	Send information to Board Solicitor for agreement drafting	Development Services
8	Draft agreement and execute signing with Operator and TCDSB	Board Solicitor
8.1	Send agreement to Operator for signing	Board Solicitor
9	Sign agreement and return to Board Solicitor	Operator
10	Receive Operator signed agreement and forward copies to Development Services	Board Solicitor
12	Receive agreement from Board Solicitor	Development Services
12.1	Deliver the agreements to the Executive Office for signature	Development Services
13	Sign copy of agreement and return to Development Services	Executive Office
14	Receive copy of agreement back from Executive Office	Development Services
14.1	Send agreements back to Board Solicitor	Development Services
15	Send fully executed agreement to Operator	Board Solicitor



Licensed Before and After School Programs

5.0 LICENSED BEFORE AND AFTER SCHOOL PROGRAMS: NEW PROGRAMS AND EXPANSIONS

5.1 NEW PROGRAMS

The TCDSB endeavours to have a Before and After School Program in every TCDSB elementary school where there is sufficient demand.

5.1.1 SURVEY

- Schools identified with no BASP will be surveyed for interest for a new program for September of the following year.
- Beginning in January of each year, as part of the Kindergarten Student Online Admission and Registration (S.O.A.R.) process, parents will be surveyed for interest in a Licensed Before and After School Program.
- In January, currently enrolled Kindergarten and School Age children's families will also be surveyed.
- Principals with no BASP will be notified, provided with instructions, timelines, and survey links, in order to communicate and share with families the survey of interest for a BASP at their school.
- By mid- March, where survey results determine that there is insufficient interest, these schools will not have a program for the upcoming school year. These schools will undergo this same process the following year.
- By mid-March, where survey results show sufficient interest from families, the TCDSB Early Learning Program Department will inform principals and invite a qualified, third-party child care agency to provide a registration process to ensure viability.
- The operator currently operates within the TCDSB or be on the TCDSB prequalified list of child care operators. They must have a Service Agreement for child care subsidy, in good standing, with the Toronto Children's Services Division and meet Ministry of Education and TCDSB criteria.
- At this time, the Early Learning Program Department will share with third-party child care operators new to Kindergarten and new to TCDSB contact information of interested families obtained through the S.O.A.R. process.
- School principals will work collaboratively with the child care agency to communicate the registration process and timelines, as well as hours of operation and fees with the school community via e-blast, school messenger, newsletter insert and/or other networks such as school parish.



5.1.2 REGISTRATION

- By mid-April, registration outcomes will be confirmed.
- Where registrations determine that there is insufficient interest and viability, the school will not have a program for the upcoming school year. Based on survey results, in the next school year, this school may undergo the same registration process.
- Where there are sufficient confirmed registrations for viability, a new Before and After School Program will begin in September of the following school year.
- The Early Learning Program Department will facilitate the process in order to determine shared space classroom allocations. This is a collaborative process based on [Before and After School Programs, Kindergarten to Grade 6](#) as well as [Child Care and Schools: Working Together in a Shared Space](#).
- The school principal and child care operator will work together to identify age-appropriate, shared space classrooms, alternate spaces, and additional workspaces such as food preparation.
- A TCDSB Shared Space Form will be completed and signed by the child care operator and school principal to receive Board approval and begin the licensing process for the operator.
- A TCDSB license agreement for the use of shared space will be prepared by the Board's solicitor for signature by the child care operator.
- A final TCDSB Shared Space Form will be provided to the school principal and child care operator for their records.

5.2 EXPANSIONS

The TCDSB actively supports the continued growth and expansion of Before and After School Programs.

- Beginning in January of each year, as part of the Kindergarten Student Online Admission and Registration (S.O.A.R.) process, parents will be surveyed for interest in a Licensed Before and After School Program. In addition, parents enrolling their child(ren) at a TCDSB elementary school for the first time will also be surveyed for interest in a Licensed Before and After School Program.
- In February, child care operators coordinate messaging with school principals and families regarding registration process and timelines, as well as hours of operation and fees for BASP for the next school year.
- In March, the Early Learning Program (ELP) Department will also share new contact information of interested families obtained through the S.O.A.R. process with third-party child care operators. Child care operators will contact new families to provide information regarding their programming, fees, hours of operation and confirm registration.



- Based on the child care operator's confirmed registrations, if expansion for Kindergarten and/or School Age programs is necessary, operators are to inform the school principal and the TCDSB Early Learning Program Department.
- Where additional classroom space is required to accommodate the expansion, operators are to work with the school principal to identify any new shared space classrooms.
- A TCDSB Shared Space Form must be completed and signed by the Principal and Child Care Operator in order to receive Board approvals and begin the licensing process for the operator.
- A TCDSB license agreement for the use of shared space will be prepared by the Board's solicitor for signature by the child care operator.
- A final TCDSB Shared Space Form will be provided to the school principal and child care operator for their records.

BASP Annual E-Updates

6.0 BASP ANNUAL E-UPDATES

Before the end of April each year, TCDSB will provide the following updated BASP information to parents and guardians on the school board's website (www.tcdsb.org):

- Fees, including non-instructional days.
- The process and approach for determining sufficient demand and viability.
- Schools that will and will not be offering a before and after school program.
- Information on how to apply for financial assistance for before and after school programs.
- Notice that if a third-party program ceases to operate, the school board will ensure that another program will be available if there is sufficient demand, but the fees, days, and times of operation may change.



Community Use of Schools

BACKGROUND

The Community Use of Schools Department issues type II permits according to the Board's TCDSB facilities operational procedures.

This type of permit is intended for occasional or continuing use after 6:00 p.m. on school days, and during non-school days and is processed centrally by the Community Use of Schools Department.

WHEN ARE PERMITS REQUIRED?

10-Month License holders are required to permit for use of facilities including their licensed space for:

- Any time when the school is closed;
- After 6:00 p.m.;
- Saturday, Sunday;
- Occasional caretaker overtime when caretaking coverage is at a premium for example: P.A. days, March Break, Easter, Statutory holidays, Christmas, New Year, and summer from July 1 to August 31.

12-Month Lease holders are required to permit for use of facilities including their leased space for:

- Any time when the school is closed;
- After 6:00 p.m.;
- Saturday, Sunday;
- For occasional caretaker overtime when caretaking coverage is at a premium for example: P.A. days, March Break, Easter, Statutory holidays, Christmas, New Year, and summer from July 01 to August 31. Open-ended Permit is required for Summer Months from 4:00 p.m. - 6:30 p.m. Child Care shall only be charged in the event that a caretaker is required to be deployed to provide the remaining coverage for the child care centre's normal hours of operation.



WHEN DO I APPLY?**1. September – June (All Requests)**

Acceptance of applications starts June 1, or the next following business day if June 1 falls on a weekend. All applications received by July 31 will be processed, approved, where possible, and confirmed in date and priority order by August 31. Applications from non-TCDSB users received after July 31 will be processed based upon the availability of appropriate facilities and times. Permits will not be granted for community use of school facilities during the two weeks prior to school closing in June, two weeks prior to school commencing in September and during the first week of school in September, unless otherwise authorized by the School Principal or Community Use of Schools Department.

2. May – August – Exterior Use of Space

Acceptance of applications starts January 15 or second Monday in January, whichever occurs first in that year. Applications received after March 1 will be processed based upon the availability of appropriate facilities and times. The deadline for summer permit applications is April 30.

3. July – August – Interior Use of Space

Acceptance of applications starts January 15 or second Monday in January, whichever occurs first in that year. All applications received by May 1 will be processed, approved, where possible, and confirmed in date and priority order by June 15. The deadline for summer permit applications is April 30.

Note that school availability for summer use may be limited to allow for scheduled and/or necessary maintenance, renovations and major cleaning.

HOW CAN I APPLY?

Applications can be submitted online or by email:

- Online <https://permits.tcdsb.org/permits/>
 - A Username and Password is required.
 - To request a Username and Password [email:newpermitbookingresponse@tcdsb.org](mailto:newpermitbookingresponse@tcdsb.org).
- Email: newpermitbookingresponse@tcdsb.org



HOW MUCH NOTICE IS REQUIRED?

Minimum ten **(10) days advance** notice is required before a Permit can be issued. This ten day notice applies to ALL Permit applicants.

HOW DO I CHANGE AN EXISTING PERMIT?

- Any changes to a permit require **72 hours** notice
- Changes to an existing permit can be completed online: <https://permits.tcdsb.org/permits/>
 - Login to account
 - Select the permit number that you want to change
 - Select *Action*
 - Select *Request a change*
 - Input Information (reason for the change)
 - Click *Submit*

WHAT FEES WILL I BE CHARGED?

10 Month License Holders:

- \$0.00 Processing Fee
- \$25.00 Change Fee (if applicable)
- No Show [3-hour callout charge] (if applicable)
- **Not for Profit Rate** for Use of Gymnasium & Other School Facilities including licensed space after 6:30 p.m.; Monday to Friday, P.A. Day, Saturday, Sunday, Statutory Holiday, and summer from July 1 to August 31.
- Caretaker Supervision according to current CUPE 1280 rates

12 Month Lease Holders:

- \$0.00 Processing Fee
- \$25.00 Change Fee (if applicable)
- \$0.00 Leased Space
- No Show [3-hour callout charge] (if applicable)
- **Not for Profit Rate** for Use of Gymnasium & Other School Facilities after 6:30 p.m.; Monday to Friday, P.A. Day, Saturday, Sunday, Statutory Holiday, and summer from July 1 to August 31.
- Caretaker Supervision according to current CUPE 1280 rate



WHAT METHOD OF PAYMENT DO YOU ACCEPT?

- Visa Online
- MasterCard Online
- Cheque payable to: TCDSB – Permits Dept. 80 Sheppard Ave. E. Toronto, ON M2N 6E8

IF I HAVE QUESTIONS, WHO CAN I CONTACT?

Permit requests are distributed among three area representatives according to the area of the city:

- East of Leslie St. (Tizziana Bruni ext. 2328)
- Central (Louise Iaconis ext. 2325)
- West of Keele St. (Marisa Nunno ext. 2308)



Role of SQS

The role of the Service Quality Supervisor (SQS) is to ensure that the Early Learning and Child Care Programs have the same level of service as the school.

The SQS will notify the Early Learning and Child Care Programs of any additional costs with respect to custodial scheduling (e.g., Christmas, March Break and Summer Break) through the Head Custodian.

Additional custodial services will be provided on a cost recovery basis as required on the approval of the SQS. Once approval has been provided, the Program Administrator must apply for a permit for extended custodial hours.

Issues/concerns regarding the operation of the Early Learning and Child Care Programs in relation to custodial care will be reviewed by the SQS.

Where work is of an urgent nature, the SQS will inasmuch as is possible, provide sufficient notice to the Early Learning and Child Care Programs Supervisor, of any changes in school facilities (e.g., water/hydro cut-off) or changes to routine or any other issue that may affect child care programming. Where possible, the Board will endeavor to have such work completed during off hours/weekends.

Prior to any renovations or repairs conducted by the Early Learning and Child Care Program at a school, the SQS is required to review and approve in accordance to the TCDSB tenant improvement policies and procedures.



Role of Custodian

1. The role of the Custodian is to maintain the Early Learning and Child Care Centre to the same level of service as the school.
2. The Custodian should inform the tenant of any changes to custodial scheduling (e.g., Christmas, March Break and Summer Break).
3. Additional custodial services will be provided on a cost recovery basis as required. The Program Administrator must apply for a permit for extended custodial hours.
4. The Custodian may choose to provide additional services/supports if it falls within his/her timelines.
5. If there are issues/concerns regarding the operation of the Early Learning and Child Care Programs in relation to custodial care, the custodian needs to bring these issues to the attention of the school Principal and Area Supervisor.
6. The Child Care Operator is responsible for the cost and usage of consumables such as paper towels, garbage bags and hand soap.
7. The Child Care Operator is responsible for the following classroom procedures at the end of the day:
 - a. Ensure that all windows are closed.
 - b. Ensure that chairs are put up on desks/tables.
 - c. Pick up all large paper items off the floor.
8. In schools with Early Learning and Child Care Programs, special emphasis will be placed to ensure that appropriate custodial services are maintained.
9. Custodial services include routine daily inspections of playground structures throughout the year.



PROCEDURES REGARDING CUSTODIAL COVERAGE OUTSIDE THE STATED HOURS OF USE:

10. The Child Care Operator is responsible to apply for a permit to assign a Custodian to cover the hours of operation that the Operator chooses to stay open beyond the days and times as stated in the Operator's Lease/License.
11. Cost for these services is dependent upon the circumstances. A minimum of three hours of custodial service is required which is charged based on an hourly rate.



Fire Safety

1. Fire Safety plans of the school should include the Early Learning and Child Care Programs (e.g., evacuation, emergency procedures).
2. The Principal and the Program Administrators should meet to discuss a plan of action with regards to evacuation and the emergency evacuation site and part of the planning.
3. When school is not in session, Christmas, March Break and Summer Months (July & August) the Child Care Operator will be required to conduct their own fire drills with the assistance of the custodian on site and this information should be part of the fire safety plan of the school.
4. Child Care Operators have their own section in the School's fire safety plan as outlined by Toronto Fire Services (Section 10). A copy of the school's fire safety plan is to be provided to the Child Care for a reference.
5. Child Care Operators that need to be licensed require a copy of the school's fire safety plan, the school's fire certificate and verification that the building meets Fire code. For specific legislation on Child Cares, refer to the relevant sections of Policies & Procedures, Subject: Fire Safety, of the Ministry of Community and Social Services for Day Nurseries.
6. Before and After Programs are shared classroom space and follow the same practices as in the school Fire Safety Plan.



Playground Structures

1. The Principal will work together with the Area Supervisor, Landscape Supervisor and the Child Care Operator to determine the appropriate location and the feasibility of the playground structure. Once established; each Child Care Operator is required to send a letter of intent to the Senior Coordinator, Real Property to install a playground structure on School Board property that identifies detailed "scope of work" under "Tenant Rental Agreement".
2. Once the playground structure is affixed to the school property, it becomes the property of the Board and the Board maintains and provides inspections for the structure.
3. Child Care Operators must provide a copy of insurance and inspection reports for the playground structure.
4. Each Child Care Operator is required to submit a letter to Facilities/Management department with three quotes from different playground companies as well as plans and scope of work for its location on school property.
5. Playground inspections are to be done on an annual basis as requested by the Ministry of Child/Family and Community Services.
6. Where playground structures are used exclusively by the Child Care Operator, the operator shall reimburse the Board for all maintenance, inspections, demolition and all other costs related to these structures. Where the playground structures are shared, all costs related to these structures will be shared equally between the Child Care Operator and the Board.
7. Custodial services include daily routine inspections of playground structures throughout the year.



Access to Schools

- Access to schools is based on the License Agreement Monday to Friday and hours of operation.
- Security Access Card hours: 8:00 a.m. to 6:00 p.m. Monday to Friday (while the school is open).
- Child Care Providers may request up to two (2) security access cards. These cards are billable to the Child Care Provider by making a request to the Board's Real Property department. The Board will issue an invoice for the total cost of each security access card which is \$25.00 per card (*cost of the card can be reviewed annually*).
- If card is lost or stolen it must be reported to the School Principal immediately to cancel the security access card. The replacement of a card that is lost or damaged is \$50.00 per card (*cost of replacement can be reviewed annually*).
- If the School Door is not open in the a.m., by school custodial staff, Child Care Operators are to follow the regular procedure, contact CEC Security at 416-512-3049. Under no circumstances can the card to be used unless school custodial staff has disarmed the security system. Entering the school site while the site is still armed, the Board's Monitoring station staff will dispatch Police. Since the Police will treat this a false Police call, Police charges will be paid by the Child Care Operator.



Tenant Improvement

SOP: How to Create a Tenant Improvement Agreement		
What is a Tenant Improvement Agreement?	A Tenant Improvement Agreement is a formal agreement to proceed with alterations or additions to the leased or licensed premises. All improvements are at the sole cost of the tenant (including, but not limited to: environmental assessments, abatement, etc.).	
When do I use this procedure?	The following procedure should be used when a Child Care Operator would like to make improvements to their leased or licensed space. A Tenant Improvement is an alteration or addition to the leased or licensed premises (including, but not limited to: erecting partitions, installing furnishings or equipment, installing playground structures, painting, major and minor repairs, etc.).	
Step #	Task	Stakeholder Responsible
1	Submit the Request, Quote and Approvals to Development Services	Early Learning
2	Intake request to create tenant improvement agreement	Development Services
2.1	Review and confirm all required documents and approvals are complete	Development Services
3	Create report in escribe for Small Business Council (SBC)	Development Services
3.1	Review report and workflow to SBC for approval	Development Services
4	Review report	Small Business Council
5	Receive Action After report and approval from SBC	Development Services
5.1	If not approved by SBC, advise Early Learning, Principal, SQS and Tenant	Development Services
5.2	If approved by SBC, advise Early Learning, Principal, SQS and Tenant	Development Services
6	Send information to Board Solicitor for agreement drafting	Development Services
7	Draft agreement and execute signing with Tenant and TCDSB	Board Solicitor



7.1	Send agreement to Tenant for signing	Board Solicitor
8	Sign agreement and return to Board Solicitor	Tenant
8.1	Once the agreement is signed and returned to the Board Solicitor, the Tenant can work with Board staff to schedule the work	Tenant
9	Receive Tenant signed agreement and forward copies to Development Services	Board Solicitor
10	Receive agreement from Board Solicitor	Development Services
10.1	Deliver the agreements to the Executive Office for signature.	Development Services
11	Sign copy of agreement and return to Development Services	Executive Office
12	Receive copy of agreement back from Executive Office	Development Services
12.1	Send agreements back to Board Solicitor	Development Services
13	Send fully executed agreement to Tenant	Board Solicitor



Air Conditioning

This section outlines the process for adding air conditioning (AC) equipment in the spaces occupied by the childcare as well as the responsibilities of the Childcare Operator (refer herein as the “Operator”) during the operation phase of this asset.

Step #	Task	Stakeholder Responsible
1	Engage with TCDSB ELP Department about request details – obtain and submit the AC Request Form to conduct a feasibility study for adding AC equipment. This study will be conducted by the TCDSB pre-selected Consultant. The negotiated fixed rate for this study will be charged to the Operator.	Operator
2	Submit Request to add AC to the Capital Development, Asset Management & Renewal (CDAMR) assigned supervisor.	ELP
3	Submit invoice for Feasibility Study to the Operator. Feasibility Consultant will only be engaged upon receiving payment from the Operator.	Planning
4	Request Consultant to undertake Feasibility Study and review/approve study recommendations. Study to be submitted to Early Learning team.	CDAMR supervisor
5	Submit to Operator the Final feasibility Study and unit price for purchasing and installing equipment in accordance with Feasibility Study recommendations. Equipment will be purchased and installed by the TCDSB pre-selected Contractor based on a unit-price contract agreement.	Early Learning
6	Submit Request to purchase and install AC units (in accordance with Feasibility Study recommendations) to ELP team	Operator
7	Obtain approval from Principal & Supervisor of Quality Services (SQS) to install AC equipment.	Early Learning
8	If approved by Principal/SQS, submit Request to install units to CDAMR supervisor.	Early Learning
9	Submit invoice for purchase/installation of AC units to the Operator. Contractor will only be engaged upon receiving payment from the Operator.	Planning
10	CDAMR Supervisor to request Contractor to purchase/install AC equipment	CDAMR



11	Development Services to create tenant improvement agreement. Please refer to the SOP " <i>How to Create a Tenant Improvement Agreement</i> " for the detailed steps.	Development Services
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Nick D'Urzo to add additional steps required to be added in the Lease Agreement – if any. Paola Collini to review/edit steps that are EL team responsibility

After the AC equipment is installed it becomes the TCDSB's property and shall remain on school property following expiry of the agreement – unless the Board specifies otherwise.

The Operator shall be responsible for the maintenance, repair and replacement of the A/C units at its sole cost throughout the term of the agreement, plus additional utilities.

If TCDSB is asking the Operator to relocate, TCDSB will be responsible for the cost associated with the relocation of the AC equipment and the associated ancillary services/work (e.g., electrical supply, make-good all affected areas (window, window frame, etc.)). If the Operator relocates at their own discretion, the operator will be responsible for the above described costs. At the expiry of their agreement, the Operator shall be responsible for the removal of the A/C equipment at the Board's request.



Marketing and Signage

OPERATOR MARKETING AND SIGNAGE

Any signage, banners, and other marketing material an Operator is requesting to affix to TCDSB property requires approval by the TCDSB Communications Department. This includes signage included in Tenant Improvement requests.

Requests for approval can be sent to commdept@tcdsb.org and must include the following information about signage:

- PDF of design
- Size
- Material(s) used
- Placement on TCDSB property
- Duration of placement

TCDSB LOGO USE

Any use of the TCDSB corporate logo, including on Operator documentation, must be submitted to the TCDSB Communications Department for approval and must comply with the [TCDSB Logo Guidelines](#). Requests for approval can be sent to commdept@tcdsb.org.



Selection of Program Operators

REQUEST FOR PROPOSALS (RFP) PROCESS FOR CHILDCARE SERVICE PROVIDERS

This document is offered to identify elements in the RFP process for Childcare Service Providers. The stages of the RFP process are as follows:

- Stage 1 - Plan
- Stage 2 - Pre-Award
- Stage 3 - Award

STAGE 1 PLAN

It is useful to know the questions that need to be answered and information needed for the planning process. Following is general guidance to assist with this process:

1. WHO NEEDS TO BE INVOLVED?	
1.1	Who will review and approve the RFP draft? A representative is required from both TCDSB Early Learning Program and Toronto Children's Services.
1.2	Who will be able to provide information related to the site, such as floor plan, square footage information?
2. HOW MUCH TIME IS AVAILABLE?	
2.1	How soon does this contract need to start?
2.2	How much time is there for the solicitation process? According to BPS Procurement Directive - Minimum response time of 15 calendar days for procurement of goods and services valued at \$100K or more. Must consider providing supplier a minimum response time of 30 calendar days for procurements of high complexity, risk, and/or dollar value.
2.3	What is the contingency plan if these timelines aren't met?
2.4	Will timelines be impacted by key participants' availability (e.g., vacation schedules, heavy workloads etc.)?
2.5	Realistically, when does the RFP process need to be complete?
3. HOW WILL THE PARTICIPATING VENDORS BE EVALUATED?	
3.1	What are the mandatory requirements?
3.2	What licenses, qualifications, skills, knowledge and experience are needed for this service?
3.3	Is there an existing or previous contract with lessons learned that apply to this contract?



3.4	Who will be included in the evaluation process? Evaluators are required from both TCDSB Early Learning Program and Toronto Children's Services.
4. WHAT NEEDS TO BE CONSIDERED FOR THE CONTRACT?	
4.1	Which Child Care Lease Sample Agreement template will be used? (Obtain from Development Services Department.)

STAGE 2 PRE-AWARD

Pre-award includes all those activities related to a department that "goes to market." The documentation developed during the plan phase is used for the pre-award phase.

This process typically involves the following steps:

- Select a solicitation process and template;
- Prepare solicitation documents;
- Post opportunities; and
- Submission Evaluations.

ELEMENT	1:	Pre-solicitation	Activities
1.1	The Early Learning Program Department obtains agreement with Toronto Children's Services to invite licensed and non-profit Child Care Operator for the operation of a new childcare facility.		
1.2	The Early Learning Program Department informs Materials Management Department when there is an expanded space to license a childcare service provider for the operation of a childcare facility and/or Before and After Care program.		
1.3	Preparation of Service Descriptions and Scope of Work		

Service Descriptions and Scope of Work should address:

- Childcare space location
- Licensed capacity: number of children from different age groups that the new childcare facility is planned for, such as: xxx-space Child Care Centre designed for xx space infant, xx space toddler, xx space preschool-age children; and the Before and After School Program licensed for xx-space Kindergarten; and xx-space School-age children.
- Occupancy date for the childcare space
- Approximate square footage of the interior space of each room.
- Square footage of the total indoor area space.
- Square footage of the total outdoor area space (as the rent is calculated to include 15% of the common areas).



- Square footage of the common areas
- List all other spaces will be occupied and equipped by the service operator, such as: Office for Superior, Catering Kitchen, Staff Room, Laundry Room, Shared/combined Infant/Toddler Outdoor Play Area, Separate dedicated Pre-school Outdoor Play Area, Video-phone door release and Security system, Air Conditioning, Outside storage and shade structure.
- Required operation schedule
- If funding is available for the startup costs
- Insurance coverage requirement

Mandatory requirements may include that the potential childcare service provider to be:

- In good standing with EIC
- Licensed and non-profit childcare service operator
- Service Agreement in good standing with City of Toronto
- Agency must be eligible to add the new childcare location into its Service Agreement for Child Care Fee Subsidy with the City of Toronto

ELEMENT 2: Develop the Request for Proposals (RFP)

The acquisition team must ensure a clear linkage between the requirements and evaluation factors to maximize the accuracy and clarity of the RFP.

RFP Template

A RFP template is maintained by the Materials Management Department.

The terms and conditions contained in the standard template is modified from time to time to reflect changes in legislation or contracting practices. The RFP template has been designed to ensure that key information is communicated to proponents and that all proponents have access to the same information.

The RFP template requires inclusion of:

- Contact information
- The rules of the RFP process, both administrative and legal
- This solicitation's specific requirements and any relevant background information
- Specific directions for the content and format of proposals; and
- An overview of how the successful proposal will be determined.

RFP Structure

Instructions to Proponents should include:



- Submission method, location, and deadline, e.g., date and time, manner.
- Proposal format and content requirements.
- Process and designated point of contact for questions, clarifications, and addenda.
- Mandatory requirements, if any.
- Board-provided response forms.
- Schedule of solicitation activities, timelines, and milestones.
- Background: History and context for the service required.

Service Descriptions and Scope of Work should include:

- Information as prepared and described in Section 1.3
- Attach a copy of Child Care Lease Sample Agreement (obtain from Development Services)
- Attach a copy of Childcare space floor plan (obtain from Capital Development)

The evaluation methodology and selection process should include:

- Evaluation Criteria
- Weighting of each criterion
- Formulas or calculations to be used for scoring
- Responsiveness and responsibility requirements
- Information for interviews, presentations, or demonstrations.
- Negotiation terms and the process to include exceptions/alternatives.
- The method of contract award, e.g., single, or multiple awards, highest rated proposal(s).
- Tie Break Method
- Proponents are entitled to a debrief

Forms

The RFP should include required forms for the Proponent to complete and submit with their proposal. Provision of forms helps the Proponent prepare an organized and concise proposal.

Forms for Proponents' use may include:

- General Information – Agency Information
- General Information – Board Member Information
- Financial Information
- Start-up Costs Sources
- Typical Toy and Equipment Start-up Costs
- References.
- Questions or clarifications.
- Open-ended questions to gauge Proponents' level of expertise.



The RFP should include or reference the Board's proposed Lease Agreement for review and subsequent acceptance upon award.

Evaluation Handbook

The Evaluation Handbook will be developed by Materials Management Department and be distributed to all evaluators.

The Evaluation Handbook will address:

- Where the evaluators can access Proponents' submissions and score.
- If the evaluation is performed through Bids & Tenders, the Handbook should provide each evaluator their login information
- Evaluation Schedule
- Evaluation Criteria
- Scoring methods

RFP Documents Review and Approval

The RFP documents should be reviewed and approved by below entities before releasing:

- TCDSB Early Learning Program Department representative
- City of Toronto, Toronto Children's Services representative
- TCDSB Materials Management Department Senior Management

ELEMENT 3: Executing the RFP Process

Once the RFP is issued, the Buyer's responsibilities include the following:

- Record the activities related to the solicitation process.
- A repository of the RFP documents may be paper or electronic
- The process for record-keeping should be documented and consistent for all RFPs
- To be the single point of contact for Proponents and management of pre-proposal communications.
- All potential Proponent questions and other communications regarding the RFP are to be directed to the Buyer managing the solicitation
- The designated Buyer would consult with the Early Learning Program Department or City of Toronto to gain information to respond to a Proponent's questions
- Communicate any changes to the RFP via addenda to all interested parties using the same method through which the RFP was issued, and before the deadline to receive proposals.



- Manage, guide, and facilitate the evaluation process. The Buyer should not be a voting member of the evaluation committee.

When evaluating proposals, members of the evaluation committee must:

- Evaluate the proposals according to the published criteria and evaluation methodology, e.g., established weights for criteria and using the same assumptions.
- Use a consistent approach when scoring each criterion and each proposal.
- Record scores with the strengths, weaknesses, or rationale and include the scores with the evaluation report.

ELEMENT 4: Receipt and Review of Proposals

Receipt and Responsiveness

After the proposal deadline, the Buyer opens the proposal and determines responsiveness by ensuring the proposals comply with the mandatory requirements stated in the RFP.

Non-Responsiveness

If a proposal is determined to be non-responsive and eliminated from consideration, the justification must be documented in the procurement file.

Minor Informalities and Irregularities

When applicable, the Buyer may request the Proponent resolve, or rectify, any immaterial errors or omissions related to mandatory criteria within a specified time, as stated in the RFP.

Requests for Clarification

The Board may request a Proponent to clarify a specific aspect of a proposal. This process may not be used to correct, supplement, or modify a proposal. When a request for clarification is necessary:

- Negotiations are not implied.
- The Buyer must issue the request in writing.
- The requests and responses must be documented in the procurement file and shared with the evaluation committee.

Conditions for Participation

Suppliers may be eliminated from consideration for award on grounds such as:

- Service Agreement not in good standing with City of Toronto, Children's Services for a minimum of the last two years is required
- Not eligible to enter into a purchase of Service Agreement
- Not in good standing with Employment Insurance – Canada (EIC)
- Cannot provide Clearance certificate from Workplace Safety + Insurance Board



- Cannot provide current Provincial License or Ministry Letter showing that all current sites have clear license
- Bankruptcy or insolvency.
- False declarations.
- Significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts.
- Final judgments in respect of serious crimes or other serious offences.

Consensus

After all evaluation committee members have independently completed the initial scoring of the proposals, the committee applies the established methodology as stated in the Evaluation Handbook to reach consensus.

Optional steps

The committee may exercise the right to use optional steps as stated in the RFP, for example, establishing a short list of Proponents who will move forward in the evaluation process. Proponents may be invited to present or participate in interviews as established in the RFP.

After the optional steps have been executed, members of the evaluation committee may finalize their scores and document the rationale for any changes.

ELEMENT 5: Evaluation Report and Recommendation for Award

The Buyer will develop the Bid Assessment Worksheet to support the recommendation for award. The Bid Assessment Worksheet includes:

- General description of the RFP.
- Names of all evaluators.
- Date of the final consensus meeting.
- Evaluation methodology used by the committee.
- Names of all Proponents.
- Results of the valuation process performed by the evaluation committee.
- Justification for the award recommendation.

STAGE 3 AWARD**Award Approval**

The award recommendation should be reported and approved by below entities before releasing:

- City of Toronto, Financial Review Manager and District Directors
- TCDSB Early Learning Program, Superintendent



- Development Services, report to Director's Council to enter into a lease/license agreement with the successful Proponent

Notice of Intent to Award

Once the award recommendation has been approved, the Buyer should notify the successful proposer, in writing. All other proposers should also be notified of the decision.

Debrief

Once the award has been announced, Proponents may request a debrief within a specified amount of time as stated in the RFP. The Board will provide a debrief upon request. The debrief should be facilitated by the Buyer. During the debrief, the Board discusses only the strengths and weaknesses of that Proponent's proposal.



Evaluation

The Early Learning and Child Care Standard Operating Procedure will be reviewed annually by a committee with representatives from Early Learning, Development Services, Environmental Support Services, Communications, Materials Management and Capital Development, Asset Management and Renewal.

Any revisions will be documented in the Revision Log.



Appendices

[Ontario Renewed Early Years and Policy Framework, 2017](#)

[Early Years Accommodations in Schools Reference Guide, Ministry of Education, Spring, 2018](#)

[City of Toronto Children's Services Service Plan](#)

[How Does Learning Happen? Ontario's Pedagogy for the Early Years](#)

[Child Care and Early Years' Act, 2014](#)

[The Education Act and Ont. Regulation 221/11 Extended Day and Third-party Programs Before and After School Programs Kindergarten to Grade 6.](#)

[Child Care and Schools – Working Together in a Shared Space](#)

[TCDSB Early Years Programs](#)

[Ontario Regulation 137/15 General](#)

[Ontario Reg. 221/11](#)



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

UPDATE TO OPERATIONAL PROCEDURES ON SELECTION PROCESS FOR COMMUNITY AND PARENT/GUARDIAN MEMBERSHIP ON ADVISORY/AD HOC COMMITTEES

“Fathers, do not embitter your children, or they will become discouraged” – 20 Colossians 3:21

Created, Draft	First Tabling	Review
August 10, 2021	September 7, 2021	

Paul Matthews, General Legal Counsel

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



B. Browne Ph.D
Director of Education

A. Della Mora
Associate Director
of Academic Affairs and Chief
Operating Officer

D. Boyce
Associate Director of Facilities,
Business and Community
Development

R. Putnam
Chief Financial Officer &
Treasurer

A. EXECUTIVE SUMMARY

This report recommends updating the current Operational Procedures on the Selection Process for Community and Parent/Guardian Membership on TCDSB Advisory or Ad Hoc Committees to conform to current practice and policies.

The cumulative staff time required to prepare this report was 1 hour.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it was brought to the attention of the Board that the Operational Procedure required revision.

C. BACKGROUND

1. Arising from the Student Achievement and Well-Being, Catholic Education and Human Resources Committee meeting on March 4, 2021, the Board requested that staff look into the Operational Procedures for *Community and Parent/Guardian Membership on Board Committees*.
2. The Operational Procedures were amended to conform to the expectations of the Board of Trustees with respect to appointment of Community and Parent/Guardian Members to committees.
3. This Operational Procedure confirms that the Board of Trustees is responsible for appointing members to committees and approving the terms of reference for all committees, on the advice of staff and the committee.

D. EVIDENCE/RESEARCH/ANALYSIS

This Operational Procedure has been amended in consultation with staff from the Legal Services Department.

E. IMPLEMENTATION

The updated Operational Procedure as approved will be posted on the TCDSB policy register.

F. STAFF RECOMMENDATION

Staff recommends that the revised Operational Procedure on Community and Parent/Guardian Membership Selection appointment to committees provided in Report Appendix A, be adopted.



Selection Process for Parent Membership on TCDSB ~~Staff,~~ ~~Steering,~~ Advisory or Ad Hoc Committees

OPERATIONAL PROCEDURES

*The following selection processes are recommended for parents serving on ~~Staff,~~
~~Steering,~~ Advisory or Ad Hoc Committees:*

1. Identify or confirm the need for parent representation on the committee.
2. Staff will develop the terms of reference of the committee, including length of term and composition. Check any legislative requirements specifying the number of parents required, and/or qualifying conditions (i.e. parent / member of School Council / parent member of another committee such as SEAC / member of a PIC).
3. Staff will provide recommendation of the composition of the committee, including terms of reference, to the Board of Trustees.
4. Staff will provide a list of all eligible and recommended parent appointees to the Board of Trustees.
5. Board of Trustees will discuss committee appointments in private and make a public resolution confirming the appointment.

SELECTION PROCESS

Notification about committee:

- Terms of Reference and General Information about the committee is placed on TCDSB Portal home page and communicated to the public by the Communications Department using all available tools and modalities, including social media (Twitter)
- The Archdiocese of Toronto will be notified about committees.

Communication with Principals to include information about the need for a parent to serve on a board-level committee:

- on School Portal page;
- in monthly Newsletter;
- via e-mail blast;
- Syner-Voice message to parents (secondary)
- using the school's sign or street-level electronic messaging board (for school's with this capacity)

Communication with CSAC Chairs, TAPCE, SEAC AND CPIC

- at a CSAC meeting
- through other means of parent communication

Application Process:

- interested parents to download and complete an objective application card
- identify any skills/experiences germane to the mandate of the committee
- submit application to the Committee Chair: e-mail; board courier; through the principal of the school



Selection Process for Parent Membership on TCDSB Staff, Steering, Advisory or Ad Hoc Committees

Selection Criteria:

Chair and/or staff on the selection committee to consider the following factors in selecting the parent(s) at the next available meeting:

- Panel (Elementary/Secondary/Alternative Ed.)
- Availability
- Geographic considerations
- Level/type of experience/expertise relative to the work of the committee
- Current/past involvement on board committees
- Other, as required

Candidate Selection:

- Candidates are ranked in order of preference based on selection criteria
- Top candidate is offered membership on the committee
- Candidate accepts → other applicants are informed of the decision and asked if they wish to remain on the Priority List in the event that the selected applicant cannot begin/continue with the commitment.
- Candidate declines → next candidate is offered membership on the committee, and other applicants are informed of the decision and asked if they wish to remain on the Priority List in the event that the selected applicant cannot begin/continue with the commitment.

METRICS AND ACCOUNTABILITY

1. Process for selecting parent(s) to participate on ~~Staff, Steering,~~ Advisory or Ad Hoc Committees will be assessed by the Chair and staff of the specific Committee.
2. Tracking the number of applicants per committee call-out for parental involvement will be gathered to support ongoing and proactive review for the purpose of improving the effectiveness of communications and parental engagement activities.
3. Tracking the parent(s) selected for each committee to ensure fairness and equity of opportunity.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEEUPDATED POLICY ON SAFE SCHOOLS
POLICIES S.S.01 AND S.S.12

"Obey the government, for God is the One who has put it there. There is no government anywhere that God has not placed in power. So those who refuse to obey the law of the land are refusing to obey God, and punishment will follow." Romans 13:1-2

Created, Draft	First Tabling	Review
August 31, 2021	September 7, 2021	

Paul Matthews, General Legal Counsel

M. Caccamo, Superintendent of Education for Nurturing our Catholic Community, Safe Schools, Continuing Education, and St. Anne Catholic Academy

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Dr. B. Browne
Director of Education

A. Della Mora
Associate Director
of Academic Services and Chief
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D. Boyce
Associate Director of Facilities,
Business and Community
Development

R. Putnam
Chief Financial Officer and
Treasurer

A. EXECUTIVE SUMMARY

This report recommends an update to the Safe School policies S.S.01 and S.S.12 at the Toronto Catholic District School Board to conform with current legal requirements and policies, and to accurately reflect current practices.

The cumulative staff time required to prepare this report was 5 hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends an update to the two Safe School policies.

C. BACKGROUND

1. Changes to the S.S.01 and S.S.12 policies are being recommended in order to accurately reflect practices and criteria used when considering a Safe Schools transition of a student.
2. Although these criteria have consistently been considered when transitioning students to a new school placement as a result of a Safe Schools matter, not all these criteria were reflected in policy.
3. In an effort to provide consistency throughout all Safe Schools policies, the outlined revisions are recommended.
4. The revisions also serve to highlight the criteria related to geographical/demographic considerations, including concerns related to community and family circumstances.
5. An additional criteria has been added to address extenuating circumstances when in-person learning may not be possible. In such circumstances, virtual programming will be considered.

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from the Safe Schools, Special Services, and Equity, Diversity, Indigenous Education and Community Relations Departments, the Human Rights and Equity Advisor Office, Field Superintendents and Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff.
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the updated policies attached in Appendices A, B, C and D adopted.



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: FRESH START

POLICY NO: S.S. 12

Date Approved: March 26, 2008- Board	Date of Next Review: January, 2024	Dates of Amendments: August 25, 2016-Board January 24, 2019 - Board
Cross References: <ul style="list-style-type: none">• S.S. 04 Access to School Premises• S.S. 13 Victim's Rights Policy• <i>Education Act</i>• Program/Policy Memorandum 145, <i>Progressive Discipline and Promoting Positive Student Behaviour</i>• "A Guide to Ontario Legislation Covering the Release of Students' Personal Information" (Privacy Commissioner)• <i>Occupational Health and Safety Act</i>		
Appendix: A: Elementary Fresh Start PackageB: Secondary Fresh Start Package C: Fresh Start Appeal Package		

Purpose

This Policy affirms the need for students to feel safe at school and to provide successful transitions for those students subject to a Fresh Start. All Fresh Starts will be facilitated with a balanced approach that incorporates fairness and equity. Successful Fresh Start transitions will promote safe and positive learning environments which are essential for student achievement and well-being.

Scope and Responsibility

The policy extends to all students of the TCDSB and assigns specific duties to principals and employees of the board to ensure compliance with the policy and legislation. The Director of Education, the Superintendent of Safe Schools, and school principals are responsible for this policy.



POLICY SECTION: SAFE SCHOOLS
SUB-SECTION:
POLICY NAME: FRESH START
POLICY NO: S.S. 12

Alignment with MYSP

Living Our Catholic Values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Policy

The TCDSB is committed to ensuring that all schools focus on building a safe, inclusive, and accepting learning environment rooted in the Ontario Catholic Graduate Expectations. The purpose of this policy is to ensure that students and staff feel safe at school and that students who are subject to a Fresh Start are provided with a successful transition. A Fresh Start is a non-disciplinary administrative transfer to a new school to preserve school safety.

Regulations

1. A Fresh Start is a non-disciplinary administrative transfer to a new school to preserve student and staff safety while at school or school related events. A Fresh Start may not be imposed as a form of discipline.
2. Fresh Starts can be imposed:
 - a. in response to TCDSB Victims' Rights Policy (S.S.13);
 - b. to assist the student **in complying** with **a court order** or an undertaking or conditions agreed to by the student and/or student's parent/legal guardian;
or
 - c. in other circumstances to preserve school safety as approved by the superintendent of the student's school.



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: FRESH START

POLICY NO: S.S. 12

3. Criteria Considered for Safe Schools Transitions

The *Education Act* provides that a student has the right to attend a school, but not the right to attend a particular school. When deciding on the new school location for a student, the following criteria will be considered:

- a. Distance from student's home to the new school;
- b. Availability of academic and social-emotional supports at the new school;
- c. **Compliance with a court order or** undertaking or conditions agreed to by the student and/or student's parent/legal guardian;
- d. Fair and equitable distribution of ~~fresh start~~ students **subject to Safe Schools transitions** amongst the schools of the Board;
- e. ~~Previous school transfers~~ **Safe Schools transitions** of the ~~Fresh Start Student~~ **student**;
- f. Presence of student(s) or staff **at school(s) under consideration** who were previously the victim of, or in conflict with, the ~~Fresh Start~~ student;
- g. **Presence of student(s) at school(s) under consideration who may have been involved in previous serious incidents with the student;**
- h. **Other Factors: Additional factors that may compromise the student's safety and well-being, such as but not limited to, geographical/demographic considerations (i.e. concerns related to gangs, family circumstances, etc.).**

4. A parent/guardian (or an adult student/student who has withdrawn from parental control) shall have the right to file an appeal of the fresh start decision as outlined in Appendix C hereto. The fresh start appeal must be filed in writing, within three (3) school days of receiving written notice of the fresh start, using the Notice of Intention to Appeal a Fresh Start Form and by sending this Form to the Safe Schools Officer.

Evaluation and Metrics

The effectiveness of the policy will be reported to the Trustees in the annual SafeSchools Report.

APPENDIX A

Elementary Fresh Start Package

Procedures for an Elementary School Fresh Start

&

Safe Schools Transitions

Checklist of Critical Steps Elementary

Procedures for an Elementary School Fresh Start:

1. All Fresh Starts will be coordinated by the Superintendent of the school currently attended by the student.
2. All requests for Fresh Starts will be considered for approval by the superintendent of the school the student (initially) attends.
3. The Superintendent will decide the new location for a student based on the following criteria:
 - Distance from student's home to the new school;
 - Availability of academic and social-emotional supports at the newschool;
 - **Compliance with a court order or** undertaking or conditions agreed to by the student and/or student's parent/legal guardian;
 - Fair and equitable distribution of ~~fresh-start~~ students **subject to Safe Schools transitions** amongst the schools of the Board;
 - Previous ~~school transfers~~ **Safe Schools transitions** of the ~~Fresh Start Student~~ **student**;
 - Presence of student(s) or staff **at school(s) under consideration** who were previously the victim of, or in conflict with, the ~~Fresh Start Student~~ **student**;
 - **Presence of student(s) at school(s) under consideration who may have been involved in previous serious incidents with the student;**
 - **Other Factors: Additional factors that may compromise the student's safety and well-being, such as but not limited to, geographical/demographic considerations (e.g. concerns related to gangs, family circumstances, etc.).**
4. The Superintendent of the school currently attended by the student will contact the student and parent(s)/guardian(s) to inform them of the new school information and the obligation of social work follow-up as part of the process. The Superintendent of the school currently attended by the student will also provide the Safe Schools Officer with details related to the Fresh Start. Safe Schools Officer will inform Monsignor Fraser College, St. Martin Campus Administrator.
5. The sending principal will ensure that the *Fresh Start Acknowledgement Letter* and *Record of Fresh Start* documents are completed and filed accordingly.
6. The receiving school principal will contact the student and parents for an intake meeting in a timely manner. The receiving school principal will ensure that the Ontario Student Record (OSR) is at the receiving school before the intake meeting.

7. At the intake meeting, school regulations and expectations will be covered before placing the student in the new school. The mandatory social work follow-up will be initiated at this meeting if a social work referral does not already exist. Additional supports and resources will be addressed, where applicable.
8. Prior to the student starting class, a local school based meeting will be held where teachers and other school staff that will have regular direct contact with the student will be provided with relevant information and appropriate strategies.
9. The receiving principal will ensure that the necessary academic, support staff and social work supports, including a *Transition Plan*, are in place, and that there is documentation to support this, including a checklist of critical documentation and steps.
10. The receiving principal will ensure that appropriate staff are advised in accordance with the *Occupational Health and Safety Act*. Specifically, the Board recognizes Section 32.0.5(3) of the OHSA which states the employer's "duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if, (a) the worker can be expected to encounter that person in the course of his or her work; and (b) the risk of workplace violence is likely to expose the worker to physical injury."
11. The Superintendent with responsibility for Safe Schools will maintain a record of all Safe Schools transfers.



Safe Schools Department Safe Schools Transitions Checklist of Critical Steps Elementary

****Refer to the Safe Schools Transitions Flowchart for additional information.***

- ☐ Received communication from School Superintendent confirming FreshStart transition
- ☐ Requested OSR from sending school

*****Receiving school must be in possession of OSR prior to the intake meeting and OSR must be available to be consulted during intake meeting (PPM145)***

- ☐ Reviewed OSR to identify relevant information to support successful student transition.
- ☐ Engaged in an exchange of information with Principal (VP) of Sending School
- ☐ Determined classroom placement for student
- ☐ Arranged an in-take meeting at the Receiving School prior to the day or on the day the student is transferred
- ☐ Ensured the academic and social work supports, including a Transition Plan, are in place

*****Transition Plan must also include considerations related to extra-curricular activities to ensure that at no time the student will be in contact with previous victim(s), witness(es), or co-accused. Should the student be a member of an extra-curricular team or club, the principal should contact the Safe Schools Department for further direction***

- ☐ **Prior to the student beginning classes**, met or spoke with teaching and non-teaching staff that will have direct and regular contact with the student to review key information from the Intake Meeting and strategies to best support the student.

Informed teaching and non-teaching staff that they must treat any information about the student and the incident disclosed at the meeting as confidential.

APPENDIX B

Secondary Fresh Start Package

Procedures for a Secondary School Fresh Start

&

Safe Schools Transitions

Checklist of Critical Steps Secondary

Procedures for a Secondary School Fresh Start

1. All Fresh Starts will be coordinated by the principal of ~~Monsignor Fraser College, St. Martin Campus~~ **St. Martin Catholic School**.
2. All requests for Fresh Starts will be considered for approval by the superintendent of the school the student (initially) attends.
3. The Fresh Start administrator will decide the new location for a student based on the following criteria:
 - a. Distance from student's home to the new school;
 - b. Availability of academic and social-emotional supports at the new school;
 - c. **Compliance with a court order or** undertaking or conditions agreed to by the student and/or student's parent/legal guardian;
 - d. Fair and equitable distribution of ~~fresh-start~~ students **subject to Safe Schools transitions** amongst the schools of the Board;
 - e. Previous ~~school transfers~~ **Safe Schools transitions** of the ~~Fresh Start Student~~ **student**;
 - f. Presence of student(s) or staff **at school(s) under consideration** who were previously the victim of, or in conflict with, the ~~Fresh Start Student~~ **student**;
 - g. **Presence of student(s) at school(s) under consideration who may have been involved in previous serious incidents with the student**;
 - h. **Other Factors: Additional factors that may compromise the student's safety and well-being, such as but not limited to, geographical/demographic considerations (e.g. concerns related to gangs, family circumstances, etc.).**
4. The sending Principal must notify the student and parent/guardian (if student is a minor) that a Fresh Start transfer is being imposed. The sending Principal will also inform them of the new school information and the obligation of social work follow-up as part of the process. The sending principal will also ensure that the *Fresh Start Acknowledgement Letter* and *Record of Fresh Start* documents are completed and filed accordingly.
5. The Receiving School will receive email from the ~~Monsignor Fraser College, St. Martin Campus~~ **St. Martin Catholic School** Administrator with all pertinent information including but not limited to a Credit Counselling Summary and details related to the reason for the transfer.

6. The Receiving School will reply to the ~~Monsignor Fraser College, St. Martin Campus~~ **St. Martin Catholic School** Administrator that a timetable will be produced to accommodate the best possible fit.
7. The receiving school principal will contact the student and parents for an intake meeting in a timely manner. The receiving school principal will ensure that the Ontario Student Record (OSR) is at the receiving school before the intake meeting.
8. At the intake meeting, school regulations and expectations will be covered with the Fresh Start Student and parent/guardian before placing the student in the new school. The mandatory social work follow-up will be initiated at this meeting if a social work referral does not already exist. Additional supports and resources will be addressed, where applicable.
9. Prior to the student starting class, a local school based meeting will be held at which teachers and other school staff who will have regular direct contact with the student will be provided with relevant information and appropriate strategies.
10. The receiving principal will ensure that the necessary academic, support staff and social work supports, including a *Transition Plan*, are in place, and that there is documentation to support this, including a checklist of critical documentation and steps.
11. The receiving principal will ensure that appropriate staff are advised in accordance with the *Occupational Health and Safety Act* (OHSA) requirements. Specifically, the Board recognizes Section 32.0.5(3) of the OHSA which states the employer's "duty to provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if, (a) the worker can be expected to encounter that person in the course of his or her work; and (b) the risk of workplace violence is likely to expose the worker to physical injury."
12. If a student is Fresh Started more than once or was previously expelled, the student and the parent(s)/guardian(s) must meet with the area superintendent and/or Superintendent of Safe Schools prior to transferring to the new school placement.

13. The Superintendent with responsibility for Safe Schools will maintain a record of all Safe Schools transfers.
14. If a student is Fresh Started immediately preceding the end of a semester the sending principal will facilitate credit completion at the home school, negotiate completion with the receiving school or discuss completion of work and exams at another location. The student will begin attending the new school placement at the start of the new semester.



Safe Schools Department

Safe Schools Transitions

Checklist of Critical Steps

Secondary

****Refer to the Safe Schools Transitions Flowchart for additional information.***

- ☐ Received an e-mail containing relevant student information from Fresh Start Administrator
- ☐ Reviewed the e-mail and all information
- ☐ Requested OSR from sending school

*****Receiving school must be in possession of OSR prior to the intake meeting and OSR must be available to be consulted during intake meeting (PPM145)***

- ☐ Reviewed OSR to identify relevant information to support successful student transition
- ☐ Engaged in an exchange of information with Principal (VP) of Sending School
- ☐ Developed a student timetable for student
- ☐ Arranged an in-take meeting at the Receiving School prior to the day or on the day the student is transferred
- ☐ Ensured the academic and social work supports, including a Transition Plan, are in place

*****Transition Plan must also include considerations related to extra-curricular activities to ensure that at no time the student will be in contact with previous victim(s), witness(es), or co-accused. Should the student be a member of an extra-curricular team or club, the principal should contact the Safe Schools Department for further direction***

- ☐ **Prior to the student beginning classes**, met or spoke with teaching and non-teaching staff that will have direct and regular contact with the student to review key information from the Intake Meeting and strategies to best support the student

Informed teaching and non-teaching staff that they must treat any information about the student and the incident disclosed at the meeting as confidential.

Suspension and Expulsion Policy OPERATIONAL PROCEDURES

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SECTION A

Protocol to Suspension Activities Leading to Possible Suspension

SECTION A

Protocol to Suspension Activities Leading to Possible Suspension

In accordance with *the Act* section 306 (1) a principal shall consider whether to suspend a pupil if the principal that the pupil has engaged in any of the following activities while at school, at a school related activity, or in other circumstances where engaging in the Activity will have an impact on school climate:

1. Uttering a threat to inflict serious bodily harm on another person
2. Possessing alcohol, illegal drugs or, unless the pupil is a medical cannabis user, cannabis.
3. Being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis.
4. Swearing at a teacher or at another person in a position of authority
5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school
6. Bullying
7. Any other activity that is an activity for which a principal may suspend a pupil under the policy of the board.

Suspension under Board Policy

Under clause 306. (1) 7 of *the Act*, a pupil may be suspended if the pupil in an activity that is an activity for which a principal may suspend a pupil under a policy of the board.

Under Board policy, activities for which a principal may suspend a pupil include:

- (1) Persistent opposition to authority;
- (2) Habitual neglect of duty;
- (3) Use of profane or improper language;
- (4) Theft;
- (5) Aid/incite harmful behaviour;
- (6) Physical assault;
- (7) Being under the influence of illegal drugs;
- (8) Harassment;
- (9) Fighting;
- (10) Extortion;
- (11) Inappropriate use of electronic communications/media equipment; and/or
- (12) Other – defined as any conduct injurious to the moral tone of the school or to

the physical or mental well-being of others.

Suspensions Related to Junior Kindergarten to Grade 3 Pupils

O. Reg 440/20 removes the principal's discretion to suspend pupils in junior kindergarten to Grade 3 for activities listed in subsection 306(1) of the *Education Act*. Serious activities listed in subsection 310(1) will continue to require mandatory suspension.

Activities Leading to a Suspension Pending Possible Expulsion

Under subsection 310. (1) of *the Act*, a principal shall suspend a pupil if the principal believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the Activity will have an impact on the school climate:

- (1) Possessing a weapon, including possessing a firearm
- (2) Using a weapon to cause or to threaten bodily harm to another person
- (3) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- (4) Committing a sexual assault
- (5) Trafficking in weapons or in illegal drugs
- (6) Committing robbery
- (7) Giving alcohol or cannabis to a minor

7.1 Bullying, if,

- (i) the pupil has been previously suspended for engaging in bullying, and
- (ii) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.

Mandatory Suspension of Junior Kindergarten to Grade 3 Pupils Related to Bullying

Where a principal is suspending a student for bullying under s. 310(1)(7.1), the requirement that "the pupil has previously been suspended for engaging in bullying" ***no longer applies*** to students in junior kindergarten to Grade 3. The remaining requirement, that "the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person" remains in effect.

7.2 Any activity listed in subsection 306. (1) of *the Act* that is motivated by bias,

prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, family status, marital status, or any other similar basis.

8. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

Suspension Pending Expulsion under Board Policy

Under clause 310. (1) 8 of *the Act*, a pupil must be suspended if the pupil engages in an activity that is an activity for which a principal must suspend a pupil under a policy of the board including.

- (1) Possession of explosive substance;
- (2) Refractory conduct;
- (3) Serious or repeated misconduct;
- (4) Conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

Mandatory Investigation before Mandatory Suspension Pending Possible Expulsion of Pupils in Junior Kindergarten to Grade 3

Principals are now required to conduct an investigation respecting the allegations before imposing a mandatory suspension pending possible expulsion on a student in junior kindergarten to Grade 3 under subsection 310(1).

Suspension Duration and Scope

The minimum duration of a suspension is one school day and the maximum duration is 20 school days.

In considering how long the suspension should be, a principal will take into account any mitigating and/or other factors prescribed by the regulations.

A principal may not suspend a pupil more than once for the same occurrence.

If a principal decides to suspend a pupil for engaging in an activity described in subsections 306. or 310. of *the Act*, the principal will suspend the pupil from the pupil's school and from engaging in all school-related activities.

Mitigating Factors

In recognizing the uniqueness of each child and applying a trauma-informed lens of pastoral care, the principal will consider the following mitigating factors in reaching a final determination:

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

Other Factors

Similarly, the principal will consider the following other factors in reaching a final determination, once again in recognition of the uniqueness of each child and applying a trauma-informed lens of pastoral care:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- Whether the activity for which the pupil may be suspended was related to any harassment of the pupil because of the pupil's race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, family status, marital status, or to any other form of harassment.
- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- In the case of a pupil for whom an individual education plan has been developed,
 - (i) whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan.
 - (ii) whether appropriate individualized accommodation has been provided, and
 - (iii) whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.
- Whether the pupil has a history of marginalization or trauma.

Notice of Suspension

A principal who suspends a pupil under S. 306 or S. 310 of the *Act* shall,

- (a) inform the pupil's teacher(s) of the suspension; and
- (b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
 - (i) the pupil is at least 18 years old, or
 - (ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- (c) ensure that written notice is given promptly to the following persons:
 - (1.) the pupil
 - (2.) the pupil's parent or guardian unless,
 - (i.) the pupil is at least 18 years old, or
 - (ii.) the pupil is 16 or 17 years old and has withdrawn from parental control.

Contents of the Notice of Suspension under S. 306 and S. 310 of the Act

The notice of suspension will include the following:

- (1) The reason for the suspension;
- (2) The duration of the suspension;
- (3) Information about any program for suspended pupils to which the pupil is assigned;
- (4) Information about the right to appeal the suspension under section 309. of *the Act* including,
 - (i) a copy of the Board policies and guidelines governing the appeal process established by the Board under subsection 302. (6) of *the Act*, and;
 - (ii) the name and contact information of the appropriate superintendent of education to whom notice of the appeal must be given under subsection 309. (2) of *the Act*.

Additional Contents of the Notice of Suspension under S. 310 of the Act

In addition to the contents of the Notice of Suspension described immediately above under S. 306 and S. 310 of the *Act*, a notice of suspension under S. 310 of the *Act* must also include:

- 1. Information about the investigation the principal will conduct under S.

311.1 of the Act to determine whether to recommend that the pupil be expelled; and

2. A statement indicating that,
 - (i) There is no immediate right to appeal the suspension,
 - (ii) If the principal does not recommend to the board that the pupil be expelled following the investigation under subsection 311.1, the suspension will become subject to appeal under subsection 311.2, and
 - (iii) If there is an expulsion hearing because the principal recommends to the board that the pupil be expelled, the suspension may be addressed by parties at the hearing.

Suspension Program

When a Principal suspends a pupil, the principal shall assign the pupil to a program for suspended pupils in accordance with policies and guidelines issued by the Minister, under sections 306 (5) and 310.(4) of *the Act*.

Receipt of Notice

Where notice is given, it shall be considered to have been received by the person in accordance with the following rules:

- (1) If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent.
- (2) If the notice is sent by fax or another method of electronic transmission, the notice shall be considered to have been received by the person to whom it was sent on the first school day after the day on which it was sent.

Suspension Appeal

Under section 309. of *the Act*, the parent, guardian or adult student may appeal the decision to suspend a student. (See Section E)

Procedures for Suspension

- (i) Where a concern arises regarding possible student discipline, a principal will conduct an investigation and consider mitigating factors and other factors.
- (ii) With respect to serious infractions, the principal will consult with the appropriate superintendent of education.
- (iii) Following an investigation, if it is considered necessary to suspend a student, a principal/designate should contact the student's parent/guardian/adult student in order to discuss reasons for the suspension and engage them in becoming part of the plan to change behavior, consistent with our desire for faith-based reconciliation, reformation and restorative practices.
- (iv) If the principal/designate has imposed a suspension pending possible expulsion under section 310. of *the Act*, the principal will conduct a principal investigation in order that a final determination can be made.

Procedures for Safe Schools Transitions

The *Education Act* provides that a student has the right to attend a school, but not the right to attend a particular school. When deciding on the new school location for a student who has been approved for a School Expulsion, the following criteria will be considered:

- a. Distance from student's home to the new school;**
- b. Availability of academic and social-emotional supports at the new school;**
- c. Compliance with a court order or undertaking or conditions agreed to by the student and/or student's parent/legal guardian;**
- d. Fair and equitable distribution of students subject to Safe Schools transitions amongst the schools of the Board;**
- e. Previous Safe Schools transitions of the student;**
- f. Presence of student(s) or staff at school(s) under consideration who were previously the victim of, or in conflict with, the student;**
- g. Presence of student(s) at school(s) under consideration who may have been involved in previous serious incidents with the student;**
- h. Other Factors: Additional factors that may compromise the student's safety and well-being, such as but not limited to, geographical/demographic considerations (e.g. concerns related to**

gangs, family circumstances, etc.).

DEFINITIONS

Bullying – Aggressive and typically repeated behaviour (physical, verbal, electronic, written or other means) by a student where,

(a) the behaviour is intended to have the effect of, or the student ought to know that the behaviour would likely have the effect of,

- i. causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
- ii. creating a negative environment at a school for another individual, and

(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the student and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, national or ethnic origin, sexual orientation, family status, marital status, sex, gender,

gender identity, gender expression, race, colour, language, mental or physical disability or the receipt of special education.

Cyber-bullying—This is a form of bullying that occurs through the use of technology, including the use of a computer, cellular phone or other electronic devices, using instant/text messaging, social networks, e-mail, websites or any other electronic activities, and includes:

- (a) creating a web page or blog in which the creator assumes the identity of another person;
- (b) impersonating another person as the author of content or messages posted on the internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Cannabis Legislation - The legalization of cannabis in Canada comes with restrictions. Students under 19 years of age must not be in possession of or be under the influence of cannabis at school. In addition, it is a serious activity to give cannabis to a minor which may result in possible expulsion. If the student is a medical cannabis user, specific documentation will be required including, but not limited to, use/dosage/frequency/and location of administration. It is unlawful to smoke or hold lit cannabis within 20 metres of the perimeter of school property.

Explosive Substance – includes anything used to create an explosive device or is capable or causing an explosion.

Extortion – using threats, accusations or violence or threats of violence to induce any person to do anything or cause anything to be done.

Firearm – any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable to causing serious bodily injury or death to a person.

Harassment – harassment is ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group which might reasonably be known to be unwelcome. A single act or expression can constitute harassment, for example, if it is a serious violation. Harassment may be either subtle or blunt.

This may include harassment based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, family status, or marital status.

Hate Material – includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or hatred against a member of an identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, family status, marital status, or other similar factor.

Inappropriate Use of Electronic Communications/Media – the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well-being of another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

Non Consensual Sharing of Intimate Images – Knowingly publishing, distributing, transmitting, selling, making available, or advertising an intimate image of another person while knowing that the person depicted in the image did not give their consent, or being reckless as to whether the person gave their consent. The term “intimate image” refers to a visual recording such as a photograph, film, or video recording of a person in which the person is nude or engaged in explicit sexual activity and which was created in circumstances that gave rise to a reasonable expectation of privacy.

Physical Assault – the intentional application of force directly or indirectly in any degree at all, to a person without the person’s consent.

Physical Assault Causing Bodily Harm – physical assault is the intentional application of force in any degree at all to a person without that person’s consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature which interferes with the health or comfort of the person, and includes but is not limited to injuries that receive medial attention. Any cut that requires stitches

or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

Possession of a Weapon – means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. A weapon includes a firearm and any device that is designed or intended to resemble a weapon.

Racial Harassment – means engaging in a course of vexatious comment or conduct pertaining to a person's race which is known, or reasonably ought to be known, to be offensive, inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used to designate social categories into which societies divide people according to such characteristics.

Refractory Conduct – means resisting control or discipline, unmanageable, rebellious refusal to comply with or flagrant disregard of Board policy. A single act itself can constitute refractory conduct.

Replica Firearm – is any device that is designed or intended to resemble a firearm.

Robbery – a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

Sexual Assault – a sexual assault occurs where a person, without consent, intentionally applies force to another person in circumstances of a sexual nature such as to violate the sexual integrity of the victim.

Sexual Harassment – sexual harassment occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct are known or should reasonably be known to be offensive, inappropriate, intimidating, hostile and unwelcome. It also includes sexist, homophobic, transphobic, or gender identity-based jokes or materials.

Threat to Inflict Serious Bodily Harm – a threat to cause death or serious bodily harm to a person.

Trafficking in Drugs and/or Harmful Substances – means to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the Controlled Drugs and Substance Act.

SECTION B

Guidelines to Long-Term Suspension Program (TIPSS)

SECTION B

Guidelines to Long-Term Suspension Program (TIPSS)

Our Gospel Values ground us in the belief that every individual has God-given talents and abilities, and the potential for redemption and reconciliation when we err.

In accordance with *the Act* and Program Policy Memorandum 141, the Board will offer the Transitional Intervention Program for Suspended Students (TIPSS).

Parents of students under the age of 18, students over 18, students 16/17 years of age who have withdrawn from parental control who receive a suspension greater than 5 days or a suspension pending possible expulsion must indicate by written signature their desire to participate in the program knowing that it has the following obligations:

- i) For students on longer than a 5 day suspension a teacher will be assigned by the St. Martin Principal/Vice Principal to work with the student for a two hour session 3 or 4 days a week. This schedule may alter due to PD days, conferences or other Safe Schools events.
- ii) A Student Action Plan (SAP) will be developed by the home school principal in collaboration with appropriate staff to delineate the academic and non-academic program needs/goals of the student.
- iii) The TIPSS teacher will meet the suspended student in a Toronto Public Library (TPL) site.
- iv) The student will identify himself/herself to the TPL staff.
- v) The student will wear appropriate attire for the TIPSS session including the school uniform if it is part of the home school's expectation.
- vi) The student will conduct himself/herself in a manner that is congruent with the expectations of the Board's Code of Conduct, as well as the expectations of the Public Library. If the TIPSS teacher or library staff feel that their safety or ability to carry on with their work is compromised by the student's behavior, then the student will forfeit the right to the program. The St. Martin Principal/Vice Principal will be informed when such a situation occurs and will inform the school principal who will note this on the Student Action Plan (SAP).

vii) For students on greater than 10 day suspension or suspension pending possible expulsion a social worker will be assigned to meet with the student to address nonacademic needs. This is a mandatory expectation of the program. The TIPSS social worker will follow up with the home school social worker to support the student's transition back to community once the suspension has been served.

The TIPSS Program will be reviewed every three years.

SECTION C

Guidelines to Expulsion Program (St. Martin Catholic School)

SECTION C

Operational Procedures: Guidelines to Expulsion Program St. Martin Catholic School

Our Gospel Values ground us in the belief of the fundamental goodness of each person. It is our intent through our Expulsion Programs to support students in their journey back to community schools and the fulfilment of our Catholic Graduate School Expectations. Our goal is to nurture their personal development and growth, based on redemption, reconciliation, and a teaching of positive pro-social behaviours rooted in our Catholic Social Teachings.

In accordance with *the Act* and Program Policy Memorandum 142, the Toronto Catholic District School Board will offer the Program for Students on Expulsion.

Parents of a student, ~~or~~ students over 18, students 16/17 years of age who have withdrawn from parental control who receive expulsions from all schools of the Board must indicate by written signature their desire to participate in the TCDSB Expulsion Program knowing that it has the following obligations:

- a) Secondary and elementary students will attend the expulsion program and follow the structure of the program as determined by the principal and staff of St. Martin Catholic School.
- b) A Student Action Plan (SAP) will be developed to delineate the academic and non-academic program needs of the student. It must indicate goals, objectives and learning expectations; measures of success; strategies and types of support. When a student has successfully met the objectives of the program for expelled students and is considered ready to be readmitted to another school of the board, a re-entry plan must be developed as part of the SAP to assist with the student's transition and successful integration.
- c) Students attending the program are expected to follow the T.C.D.S.B. Code of Conduct and are subject to progressive disciplinary measures. In the event that an expelled student's conduct at the program is so detrimental to the program staff or other students that there is a safety risk or complete inability to teach and learn, the student forfeits the right to attend the program. This will be noted on the student's

SAP. Ongoing social work assistance will be provided the youth with his/her social/emotional needs. Alternative academic programming will be provided.

d) A student who has been expelled from all schools of a board and/or the student's parents may apply in writing to The Associate Director of Academic Affairs to request that the student be readmitted to a school of the board. For Students subject to a school expulsion, where the student and/or the student's parent(s) wish that the student return to the original school, the student and/or parent may also apply in writing to the Associate Director of Academic Affairs and must provide a specific rationale.

e) The decision as to whether a student has successfully met the objectives of the program as outlined in the SAP rests with the principal and staff of St. Martin Catholic School.

f) In keeping with our faith based belief that we are all members of one community in Christ, the re-entry plan must include a meeting that includes the principal of the receiving school, expulsion program staff, the student, and staff at the receiving school. Where possible the student's parents or other significant family members should be present. Community agency staff relevant to the situation should be included.

~~The program for students on expulsion will be reviewed every three years.~~

The *Education Act* provides that a student has the right to attend a school, but not the right to attend a particular school. When deciding on the new school location for a student who has successfully met the demission requirements of the Expulsion Program, the following criteria will be considered:

- a. Distance from student's home to the new school;**
- b. Availability of academic and social-emotional supports at the new school;**
- c. Compliance with a court order or undertaking or conditions agreed to by the student and/or student's parent/legal guardian;**
- d. Fair and equitable distribution of students subject to Safe Schools transitions amongst the schools of the Board;**
- e. Previous Safe Schools transitions of the student;**
- f. Presence of student(s) or staff at school(s) under consideration who were previously the victim of, or in conflict with, the student;**
- g. Presence of student(s) at school(s) under consideration who may have been involved in previous serious incidents with the student;**

- h. **Other Factors:** Additional factors that may compromise the student's safety and well-being, such as but not limited to, geographical/demographic considerations (e.g. concerns related to gangs, family circumstances, etc.).

The Expulsion Program will be reviewed every three years.

SECTION D

Protocol for Suspension Appeals and Expulsion Hearings

SECTION D

Operational Procedures: Protocol for Suspension Appeals and Expulsion Hearings Safe Schools Legislation

The Act determines the way in which schools respond to objectionable behaviour of Ontario students while on school property, engaged in school activities or behaviour that impacts on school climate. All students, teachers, school staff and parents are subject to the Provincial Code of Conduct mandated by the Ministry of Education and defined by each School Board. *The Act* and the Board's Code of Conduct Policy require that a student be considered for suspension or expulsion for certain activities that, by definition, are unacceptable.

Purpose of this Guide

The purpose of this guide is to assist students and their parents/guardians to understand their rights and obligations if a suspension is issued or an expulsion is recommended due to an infraction listed in *the Act*.

Cautionary Note

This guide is a simplified summary of the law, Board Policy, and the Board's Rules of Procedure. For accurate reference, further information, and more detail, please contact the principal or superintendent of your school. You may also obtain further information from the Board's Web Site "www.tcdsb.org", by clicking on "Safe Schools".

Suspensions (Section 306. of *the Act*)

It is the responsibility of the school Principal to uphold the Code of Conduct. It is at the discretion of the Principal that a pupil may be suspended for those activities listed in "Guidelines to Suspension".

Mitigating Factors

In recognizing the uniqueness of each child and applying a trauma-informed lens of pastoral care, a Principal must consider all mitigating factors before a suspension is issued including the following:

The pupil does not have the ability to control the pupil's behaviour.

- (i) The pupil does not have the ability to understand the foreseeable consequences of the pupil's behaviour.

(ii) The pupil's continuing presence in the school does not create an unacceptable risk to the well-being or safety of any other person.

- Other factors that must be taken into account are: the pupil's history; the use of a progressive discipline approach; whether the activity for which the pupil may be suspended is related to any harassment of the pupil because of the pupil's race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, family status, marital status, or to any other form of harassment; how the suspension would affect the pupil's ongoing education; the age of the pupil; whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan (IEP); whether appropriate individualized accommodation has been provided (IEP); or whether the suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct (IEP); or whether the pupil has a history of marginalization or trauma.

A pupil may still be suspended for any such behaviour, or for other behaviour prohibited by the Board.

Length of Suspensions

Principal may suspend a pupil for a minimum of one (1) school day and a maximum of twenty (20) school days. All suspensions may be appealed.

Appeal of Suspensions

If a pupil is suspended, the parents/guardians may request an appeal in writing to the area superintendent within ten (10) school days from the start of the suspension. A pupil, if an adult or 16 or 17 years old and has withdrawn from parental control may also exercise this right to appeal. The area superintendent may contact the parties to the appeal and the principal to discuss the details of the possible appeal hearing. The request to appeal must state the rationale for consideration.

Appeal Hearing

A board must hold a hearing to consider the appeal of the suspension and make a decision within fifteen (15) school days from receipt of the appeal. The board may: confirm the suspension; confirm the suspension, but shorten its duration; or quash and expunge the record. The decision of the board is final.

Suspensions Pending Possible Expulsion (Section 310. of *the Act*)

A Principal shall issue a suspension pending possible expulsion if this pupil engages in an activity listed in “Guidelines to Expulsion”.

A Principal must consider all mitigating factors before a recommendation for expulsion is made to the Safe Schools Hearing Committee.

A Principal must consider all mitigating factors before an expulsion is recommended including the following:

- (i) The pupil does not have the ability to control the pupil’s behaviour.
- (ii) The pupil does not have the ability to understand the foreseeable consequences of the pupil’s behaviour.
- (iii) The pupil’s continuing presence in the school does not create an unacceptable risk to the well-being or safety of any other person.

Other factors that must be taken into account are: the pupil’s history; the use of a progressive discipline approach; whether the activity for which the pupil may be expelled is related to any harassment of the pupil because of the pupil’s race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression family status, marital status, or to any other form of harassment; how the expulsion would affect the pupil’s ongoing education; the age of the pupil; whether the behaviour was a manifestation of a disability identified in the pupil’s Individual Education Plan (IEP); whether appropriate individualized accommodation has been provided (IEP); whether the expulsion is likely to result in an aggravation or worsening of the pupil’s behaviour or conduct (IEP); or whether the pupil has a history of marginalization or trauma.

A pupil may still be expelled for any such behaviour, or for persistent violation of Board standards of behaviour, or for other refractory conduct.

Suspension Pending Possible Expulsion

If the principal believes that an infraction listed under section 310 of *the Act* has occurred, the pupil is immediately suspended pending possible expulsion. The principal notifies the parents/guardians, and then conducts an investigation. At the end of the investigation, the Principal completes a report with a decision to confirm the suspension; confirm the suspension, but shorten its duration; quash and expunge the record; or recommend to the Discipline Committee that a school expulsion or a board expulsion be imposed.

The Board may not impose an expulsion if more than twenty (20) school days have lapsed since the suspension pending possible expulsion was issued unless all parties agree to extend the date beyond the 20th day.

Expulsion Hearing

If a school or board expulsion is recommended by the principal, an expulsion hearing must be held by the board within twenty (20) days after the issuing date of the Suspension Pending Possible Expulsion unless all parties agree to extend the date beyond the 20th day.

If there is a recommendation for expulsion, the Discipline Committee will decide to impose an expulsion; or confirm the suspension; or confirm but shorten its duration; or quash and expunge the record at the expulsion hearing.

The decision of the board is final.

An expulsion hearing can be waived by the parent/guardian if the parent/guardian and the principal agree to Minutes of Settlement.

Appeal of Decision to Expel

If the Safe Schools Hearing Committee imposes a school or board expulsion, the parents, guardians, adult pupil, or a pupil who is 16 or 17 year old and who has withdrawn from parental control can appeal the decision to the Child and Family Services Review Board. The Child and Family Services Review Board decision is final and binding.

Appeal of a Suspension When Expulsion is not Recommended (section 310. of the Act)

This type of suspension may not be appealed until the Principal delivers a final decision in a report following an investigation.

Written notice of appeal of the suspension must be received by the area Superintendent within five (5) days of receipt of report decision. The notice must include a written statement setting out all the reasons for the appeal, and a copy of the Notice of Suspension Pending Expulsion. The Board will hear the appeal of the suspension within fifteen (15) days after receipt of the written notice to appeal the suspension.

Procedure for the Appeal of an Expulsion

Written notice must be given to the Child and Family Services Review Board within thirty (30) days after the expulsion hearing. The Appeal Notice must include a

written statement setting out all the reasons for the appeal, and a copy of the expulsion decision by the Committee. The Child and Family Services Review Board will hear the expulsion appeal within thirty (30) days of receiving the notice to appeal the expulsion. The decision of the Child and Family Services Review Board is final.



Safe Schools Department SUSPENSION APPEAL PROCESS



SUSPENSION NOTICE §. 306

Issued to parent/guardian/adult student (+16 years)

T

DECISION TO APPEAL THE SUSPENSION

Complete **Notice of Intention to Appeal Form** - sent to Field Supervisor by parent/guardian/adult student. This Form must be sent within 10 days of receipt of **Notice of Suspension**.

Note: This form must be sent within 5 days of receipt of the **Parental Report Package** (cases involving a Suspension Pending Possible Exclusion, 310)

T

Suspension Appeal Hearing is held within 15 days of receipt of **Notice of Intention to Appeal Form** unless an agreement is reached during a **Pre-Suspension Appeal Hearing Meeting**.

T

PRE-SUSPENSION APPEAL HEARING MEETING

Supervisor Office conducts the "Pre-Suspension Appeal Hearing" Meeting with parent/guardian/adult student and principal to review suspension as soon as possible.

Possible outcomes of the meeting:

1. RESCIND the Request for an Appeal,
2. EXTEND the Hearing timelines for further consideration
3. PROCEED to a Suspension Appeal Hearing

Field Supervisor Office completes the "Pre-Suspension Appeal Hearing" Meeting Form outlining the meeting's result and provides parent/guardian/adult student with a copy.

!

RESOLUTION OF APPEAL

Parties agree to:
Confirm Suspension
or
Reduce Suspension
or
Expunge Suspension
or
Modify language
or
Withdrawal of the
Appeal

PROCEED TO APPEAL

No Agreement to Rescind or Extend
Proceed to Suspension Appeal Hearing

EXTENSION

Parties agree to extend
the Appeal Hearing date
beyond 15 days

T

EXECUTIVE OFFICE

Arrange Suspension Appeal Hearing Date
"
Suspension Appeal Hearing Notice sent
to Parent/Guardian/Adult Student

*If parent/guardian/adult student retains
a lawyer, a lawyer is also retained for
the principal.*

PROCEED TO APPEAL	RESOLUTION OF APPEAL
See Proceed to Appeal process	See Resolution of Appeal process

T

SUSPENSION APPEAL HEARING

Decision of Suspension Appeal Hearing is FINAL



Safe Schools Department EXPULSION HEARING PROCESS



SUSPENSION PENDING POSSIBLE EXPULSION NOTICE §. 310

Issued to parent/guardian/adult student +18 years

T

PRINCIPAL INVESTIGATION

Principal conducts a school investigation and reaches a determination by the 6th day of suspension.

PRINCIPAL DETERMINATION

In reaching a determination, the principal will consider one of the following outcomes after reviewing mitigating and other factors:

1. Recommendation for Board Expulsion
2. Recommendation for School Expulsion
3. Confirmed Suspension
4. Reduced Suspension
5. Expungement

Recommendation for Expulsion (Board or School)

A pre-expulsion hearing meeting is scheduled. During this meeting the parent/guardian/adult student is provided with the Parental Report Package. An expulsion hearing is scheduled unless the parent/guardian/adult student agrees to sign Minutes of Settlement or to sign an Extension Form.



Confirmed or- Reduced Suspension

Principal can confirm a suspension of 20 days or reduce the suspension to 1 - 19 days.

Principal provides parent/guardian/adult student with a copy of the Parental Report Package.

Expungement

Notice of Suspension Pending Expulsion and Principal Investigation documents expunged from OSR and electronically.

Suspension Appeal

Parent may request to appeal the confirmed or reduced suspension. If a suspension appeal is requested, refer to *Suspension Appeal Process Flowchart*.

Minutes of Settlement

Agreement that is final and binding signed by the principal, and the parent/guardian/adult student

Expulsion Hearing

Scheduled by the 20th day of suspension unless an Extension Form has been signed.

Executive Office arranges a hearing date and sends Hearing Notice to Parent/Guardian/Adult Student.

If parent/guardian/adult student retains a lawyer, a lawyer is also retained for the principal.

SECTION E

Statutory Powers Procedure Act

SECTION E:

Operational Procedures: Statutory Powers Procedure Act

The Board affords the parent (or student if an adult) a hearing following:

- a) a principal's recommendation for the expulsion (School Expulsion or Board Expulsion) of a pupil,
- b) an appeal of the suspension of a pupil

Suspension Appeal Hearings, Expulsion Hearings, and Appeals of Decisions of the Board shall be in accordance with the Rules of Procedures outlined below:

[References are to sections of Statutory Powers Procedure Act ("SPPA") or Education Act ("ACT")]

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GENERAL

1.1 Proceeding Chair

The Proceeding Chair will be appointed by the Chair of the Board. In the absence of the Chair of the Board, the Safe Schools Hearing Committee members will appoint the Proceeding Chair.

This process for appointing the Proceeding Chair will be followed for each hearing.

1.2 Liberal Construction Of Rules

These Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of every PROCEEDING on its merits. [SPPA §2]

1.3 Different Kinds Of Hearings In One PROCEEDING

Except as otherwise provided in these Rules, the BOARD may, in a PROCEEDING, hold any combination of written, electronic and oral hearings. [SPPA § 5.2.1]

1.4 Waiver Of Procedural Requirement

Any provision of these Rules, including the time for doing any act or thing, may be waived in the discretion of the BOARD, upon its own motion or upon the application of any party. [SPPA § 4(2)]

1.5 Disposition Without Hearing

If the parties consent, a PROCEEDING may be disposed of by a decision of the BOARD without a hearing provided that both parties agree to Minutes of Settlement. [SPPA § 4.1]

2. PROVISIONS RESPECTING TRUSTEES

2.1 The Safe Schools Hearing Committee for Procedural or Interlocutory Matters

A procedural or interlocutory matter in a PROCEEDING may be heard and determined by a discipline committee consisting of at least three members of the board, as assigned by the CHAIR. [SPPA §4.2(1)]

2.2 Decision Of Discipline Committee

The decision of a majority of the members of the Safe Schools Hearing Committee is the BOARD'S decision. [SPPA §4.2(3)]

2.3 Expiry Of Term

If the term of office of a member of the BOARD who has participated in a hearing expires before a decision is given, the term shall be deemed to continue, but only for the purpose of participating in the decision and for no other purpose.

[SPPA§4.3]

2.4 Incapacity Of Member

If the term of office of a member of the BOARD who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining Trustee or Trustees may complete the hearing and give a decision. [SPPA §4.4(1)]

3. PROCEEDINGS GENERALLY

3.1 Classes of PROCEEDINGS

There shall be two classes of PROCEEDINGS that come before the BOARD:

3.1.1 an appeal against a decision by a principal to impose a suspension; and

3.1.2 a referral by the principal of a matter of expulsion of a pupil. [SPPA§4.7]

3.2 Parties to All Classes of PROCEEDINGS The parties to any class of PROCEEDING shall be:

3.2.1 the pupil if:

i.) the pupil is at least 18 years old, or

ii.) The pupil is 16 or 17 years old and has withdrawn form parental control

3.2.2 the pupil's parent or guardian, unless:

i.) the pupil is at least 18 years old, or

ii.) The pupil is 16 or 17 years old and has withdrawn form parental control, and

3.2.3 the principal of the school in which the pupil is or was enrolled. [ACT 309(8), 311.3(3)]

3.3 Adding Pupil as a Party

Where the PARENT is a party to any class of PROCEEDING, a pupil who is not a party to the suspension appeal or expulsion hearing has the right to be present at the hearing and to make a statement on their behalf. [ACT 309(9), 311.3(4)]

3.4 Hearings To Be Private

Since intimate personal matters may be disclosed, the public will be excluded from oral, written and electronic hearings, so that undue embarrassment to any of the parties may be avoided. [SPPA §9(1)]

3.5 Presence of BOARD Solicitor

In PROCEEDINGS (including deliberations) where the Board Solicitor is not representing the principal, the BOARD Solicitor shall be present to advise the PROCEEDING CHAIR as to any legal and procedural matter that may arise, and to assist the BOARD in the preparation of formal Orders and reasons (if requested). In PROCEEDINGS where the Board Solicitor is representing the principal, an outside solicitor will be retained to be present to advise the PROCEEDING CHAIR as to any legal and procedural matter that may arise, and to assist the BOARD in the preparation of formal Orders and reasons (if requested).

3.6 Maintenance Of Order At Hearings

The BOARD may make such orders or give such directions at an oral or electronic hearing as it considers necessary for the maintenance of order at the hearing.

[SPPA §9(2)]

3.7 Assistance of Peace Officer

If any person disobeys or fails to comply with any order or direction given at a hearing, the person presiding or any Trustee may call for the assistance of any peace officer to enforce the order or direction. [SPPA §9(2)]

4. WITHOLDING COMMENCEMENT OF PROCEEDINGS

4.1 Decision Not To Process Commencement Of PROCEEDING

Subject to section 4.3, upon receiving documents relating to the commencement of a PROCEEDING, the DIRECTOR may decide not to process the documents relating to the commencement of the PROCEEDING if,

4.1.1 the documents are incomplete;

4.1.2 the documents are received after the time required for commencing the PROCEEDING has elapsed. [SPPA §4.5(1)]

4.2 Notice of Decision Not to Process

The DIRECTOR shall give the party who commences a PROCEEDING notice of the decision under section 4.1 and shall set out in the notice the reasons for the decision and the requirements for resuming the processing of the documents.

[SPPA §4.5(2)]

4.3 When Documents Incomplete or Received Late For the purposes section 4.1:

4.3.1 the documents are incomplete if they do not conform to the requirements of

sections 11.2, 12.2, as the case requires;

4.3.2 the documents must be received within the time limits set out in sections 11.3, 12.1, as the case requires. [SPPA §4.5(3)]

4.4 Resumption of Processing

The processing of the documents may be resumed:

4.4.1 when the documents are complete, or

4.4.2 after the CHAIR in the Chair's discretion extends the time for commencing the PROCEEDING, as the case requires.

4.5 Dismissal Of PROCEEDING Without A Hearing

Subject to section 4.9, the BOARD may dismiss a PROCEEDING without a hearing if,

4.5.1 the PROCEEDING is frivolous, vexatious or is commenced in bad faith;

4.5.2 the PROCEEDING relates to matters that are outside the jurisdiction of the BOARD; or

4.5.3 some aspect of the statutory requirements for bringing the PROCEEDING has not been met. [SPPA §4.6(1)]

4.6 Notice Of Intended Dismissal

Before dismissing a PROCEEDING under section 4.5, the BOARD shall give not less than five (5) days notice of its intention to dismiss the PROCEEDING to,

4.6.1 all parties to the PROCEEDING if the PROCEEDING is being dismissed for reasons referred to in subsection 4.5.2; or

4.6.2 the party who commences the PROCEEDING if the PROCEEDING is being dismissed for any other reason. [SPPA §4.6(2)]

4.7 Reasons For Intended Dismissal To Be Set Out

The notice of intention to dismiss a PROCEEDING shall set out the reasons for the dismissal and inform the parties of their right to make written submissions to the BOARD with respect to the dismissal within the time specified in the notice. [SPPA §4.6(3)]

4.8 Right To Make Submissions

A party who receives a notice under section 4.6 may make written submissions to the BOARD with respect to the dismissal before the close of business on the fifth (5th) business day after the date of the notice, which date and time shall be specified in the notice. [SPPA §4.6(4)]

4.9 Dismissal

The BOARD shall not dismiss a PROCEEDING under this section until it has given notice under section 4.6 and considered any submissions made under section 4.8. [SPPA §4.6(5)]

5. DISCLOSURE

5.1 Required Disclosure

Unless otherwise ordered by the BOARD, each party to a PROCEEDING shall provide to the other party (or parties if more than one) and to the BOARD not less than two (2) clear days prior to the commencement of the PROCEEDING:

5.1.1 a list of the witnesses that the party intends to call to give evidence in the PROCEEDING;

5.1.2 a summary of the evidence that each such witness will give in sufficient detail to permit the other party (or parties if more than one) and the BOARD to know the nature of the evidence intended to be presented; and

5.1.3 if a witness, other than the principal and any teacher in the school in which the pupil is (or was) enrolled, is to be called to give a professional or expert opinion, full details of the credentials of any such witness as well as the reasons why such professional or expert opinion is required for the appropriate determination of the issues in the PROCEEDING.

5.2 BOARD May Order Disclosure

Subject to the provisions of applicable legislation respecting disclosure of personal information, the BOARD, at the request of a party or on its own motion, and at any stage of the PROCEEDING before a hearing is complete, may make orders for,

5.2.1 the exchange of documents;

5.2.2 the exchange of witness statements and reports of expert witnesses;

5.2.3 the provision of particulars;

5.2.4 any other form of disclosure. [SPPA §5.4(1)]

5.3 Exception to Disclosure of Privileged Information Nothing in section 5.1 authorizes:

5.3.1 the production of an Ontario Student Record for any pupil other than the pupil who is the subject of the PROCEEDING;

5.3.2 the making of an order requiring any disclosure that is contrary to law; and

5.3.3 the making of an order requiring any disclosure of privileged information.
[SPPA §5.4(2)]

5.4 Where Character, Conduct Or Competence Of A Party Is In Issue
Where the good character, propriety of conduct or competence of a party is an issue in a PROCEEDING:

5.4.1 the party is entitled to be furnished with reasonable information of any allegations with respect thereto not less than 2 clear days prior to the hearing, failing which, the BOARD shall not consider any evidence of character, propriety of conduct or competence of a party; and [SPPA §8]

5.4.2 in the case of a pupil, the disclosure of the Principal's Investigation shall be deemed to be compliance with the requirements of this section.

6. PRE-HEARING CONFERENCES

6.1 Pre-Hearing Conferences

The BOARD, at the request of a party or on its own motion, may direct the parties to participate in a pre-hearing conference to consider: [ACT 309(5)] and [ACT 311.1(9) 5]

6.1.1 the settlement of any or all of the issues;

6.1.2 the simplification of the issues;

6.1.3 facts or evidence that may be agreed upon;

6.1.4 the dates by which any steps in the PROCEEDING are to be taken or begun;

6.1.5 the estimated duration of the hearing; and

6.1.6 any other matter that may assist in the just and most expeditious disposition of the PROCEEDING. [SPPA §5.3(1)]

6.2 Who Presides At Pre-Hearing Conferences

The DIRECTOR or designate, including a designated superintendent and/or Safe Schools coordinator to preside at any pre-hearing conference. [SPPA §5.3(2)]

6.3 Pre-Hearing Conference Without Prejudice Except as reflected in an order under section 6.4:

6.3.1 PROCEEDINGS at a pre-hearing conference are conducted on a "without prejudice" basis, and

6.3.2 Nothing acknowledged or asserted by one party at a pre-hearing conference may be repeated by any other party in any subsequent hearing on the matter.

6.4 Orders At Pre-Hearing Conference

The DIRECTOR or designate, including the designated superintendent and/or Safe Schools coordinator, who presides at a pre-hearing conference, may make such orders as the Director or designate considers necessary or advisable with respect to the conduct of the PROCEEDING, including adding parties. [SPPA §5.3(3)]

6.5 Disqualification

If a Trustee acquires information related to issues that parties are attempting to settle, such Trustee shall not preside at the hearing of the PROCEEDING on its merits unless the parties consent. [SPPA §5.3(4)]

6.6 Application To Electronic Hearings

Where a PROCEEDING is conducted electronically, the provisions of Article 9 apply to a pre-hearing conference, with necessary modifications. [SPPA §5.3(5)]

7. NOTICES, AND EFFECT OF NON-ATTENDANCE

7.1 Notice Of Written Hearing

The BOARD shall give to the parties to a written PROCEEDING five (5) days prior notice of hearing and such Notice shall include:

7.1.1 a reference to § 309, 310 and/or 311 of the ACT as the statutory authority under which the hearing will be held

7.1.2 a statement of the date and purpose of the hearing, and details about the manner in which the hearing will be held;

7.1.3 a statement that the hearing shall not be held as a written hearing if a party satisfies the BOARD that there is good reason for not holding a written hearing (in which case the BOARD is required to hold it as an electronic or oral hearing) and an indication of the procedure to be followed for that purpose;

7.1.4 a statement to the effect of section 7.2, that if the party notified neither acts under subsection 7.1.3 nor participates in the hearing in accordance with the notice, the Discipline Committee may proceed without the party's participation and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(4)]

7.2 Effect Of Non-Attendance At Written Hearing After Due Notice

Where notice of a written hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party neither acts under subsection 7.1.3 nor participates in the hearing in accordance with the notice, the BOARD may proceed without the party's participation and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(2)]

7.3 Notice of Electronic Hearing

The BOARD shall give to the parties to an electronic PROCEEDING five (5) days prior notice of hearing and such Notice shall include:

7.3.1 reference to § 309, 310 and or 311 of *the* ACT as the statutory authority under which the hearing will be held

7.3.2 a statement of the time and purpose of the hearing, and details about the manner in which the hearing will be held;

7.3.3 a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;

7.3.4 if subsection 7.3.3 does not apply, a statement that the party notified may, by satisfying the BOARD that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the BOARD to hold the hearing as an oral hearing, and an indication of the procedure to be followed for

that purpose; and

7.3.5 a statement that if the party notified neither acts under subsection 7.3.4, if applicable, nor participates in the hearing in accordance with the notice, the Discipline Committee may proceed without the party's participation and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(5)]

7.4 Effect Of Non-Attendance At Electronic Hearings After Due Notice
Where notice of an electronic hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party neither satisfies the BOARD that holding the hearing as an electronic hearing is likely to cause the party significant prejudice if applicable, nor participates in the hearing in accordance with the notice, the BOARD may proceed without the party's participation and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(3)]

7.5 Notice Of Oral Hearing

The parties to an oral PROCEEDING shall be given five (5) days prior written notice of hearing, and such Notice shall include:

7.5.1 reference to Sections 309, 310 and or 311 as the statutory authority under which the hearing will be held

7.5.2 a statement of the time, place and purpose of the hearing; and

7.5.3 a statement that if the party notified does not attend at the hearing, the Discipline Committee may proceed in the party's absence and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(3)(b)]

7.6 Effect Of Non-Attendance At Oral Hearing After Due Notice

Where notice of an oral hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party does not attend at the hearing, the BOARD may proceed in the absence of the party, and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(1)]

8. WRITTEN HEARINGS GENERALLY

8.1 When Written Hearing Not Permitted

Notwithstanding anything contained in these Rules, the BOARD shall not hold a hearing in writing if a party satisfies the BOARD that there is good reason for not doing so. [SPPA §5.1(2)]

8.2 Time Limit For Seeking Electronic Or Oral Hearing

A party who wishes to satisfy the BOARD that there is good reason for not holding a hearing in writing shall provide such reason to the BOARD:

8.2.1 in the case of an appeal against a suspension, at the time of delivering the appeal to the BOARD; and

8.2.2 in all other cases, within five (5) days after a determination by the BOARD to hear the appeal in writing.

8.3 Exception

Section 8.1 does not apply if the only purpose of the hearing is to deal with procedural matters. [SPPA §5.1(2.1)]

8.4 Determination by the BOARD

The BOARD shall determine whether a party has satisfied the BOARD that there is a good reason not to hold the hearing in writing.

9. ELECTRONIC HEARINGS GENERALLY

9.1 When Hearing Electronically Not Permitted

Subject to section 9.2, where the BOARD has determined to hold a hearing electronically, the BOARD shall not do so if a party satisfies the BOARD that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice. [SPPA §5.2(2)]

9.2 Exception Not Apply Where Procedural Only

Section 9.1 does not apply if the only purpose of the hearing is to deal with procedural matters. [SPPA §5.2(3)]

9.3 Determination by the BOARD

The BOARD shall determine whether a party has satisfied the BOARD that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

9.4 Participants To Be Able To Hear One Another

In an electronic hearing, all the parties and the members of the BOARD participating in the hearing must be able to hear one another and any witnesses throughout the hearing. [SPPA § 5.2(4)]

9.5 Procedure At Electronic Hearing

At the commencement of the hearing and so often thereafter as may seem just in

the circumstances:

9.5.1 the PROCEEDING CHAIR shall ascertain who is present electronically;

9.5.2 other than the clerk of the PROCEEDINGS, and except with the prior consent of the presiding chair (which consent may be arbitrarily refused), no participant or other person shall be permitted to make a recording of or broadcast any part of the PROCEEDINGS

9.5.3 the PROCEEDING CHAIR shall require each participant to prohibit any person other than:

- (a) a party,
- (b) such party's counsel or agent as recorded present by the PROCEEDING CHAIR, and

- (c) witnesses while giving evidence, from listening to anything disclosed at the hearing without the express prior approval of the PROCEEDING CHAIR;

9.5.4 the PROCEEDING CHAIR shall require all participants to notify the PROCEEDING CHAIR before any person present electronically leaves the electronic hearing, and in default of any such notification, such person shall be deemed for all purposes to have been present throughout the whole of the electronic hearing; and

9.5.5 the procedure followed in an electronic hearing shall comply with the requirements of Article 10, and, as far as is feasible and practical, otherwise follow the same process as would be followed in the case of an oral hearing.

10. PROVISIONS AFFECTING BOTH ORAL AND ELECTRONIC HEARINGS

10.1 PROCEEDINGS Recorded by the BOARD

Except as otherwise ordered by the PROCEEDING CHAIR:

10.1.1 the PROCEEDINGS shall be recorded by the clerk of the PROCEEDING; and

10.1.2 no other recording of the PROCEEDINGS shall be permitted.

10.2 Rights of Party at Oral and Electronic Hearings

A party may call and, subject to subsection 10.5, examine witnesses and present

evidence, and present submissions. [SPPA §10.1]

10.3 Cross-examination of Witnesses

Subject to section 10.5, all witnesses in an appeal of the suspension of a pupil shall be subject to cross-examination by the party other than the party calling them as may be reasonably required for a full and fair disclosure of all matters relevant to the issues. [SPPA §10.1]

10.4 Questions In Reply And From The BOARD

Subject to subsection 10.5, all witnesses in an appeal of the suspension of a pupil shall be subject to questions in reply, and questions by the BOARD.

10.5 Limitation on Examination and Cross-examination

The BOARD may reasonably limit the number of witnesses, and further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding. [SPPA §23(2)]

11. APPEAL OF A DECISION TO SUSPEND A PUPIL

11.1 Who May Appeal a Suspension

The following persons may appeal the decision of a principal to suspend a pupil:

11.1.1 the pupil if:

- i.) the pupil is at least 18 years old, or
- ii.) The pupil is 16 or 17 years old and has withdrawn from parental control

11.1.2 the pupil's parent or guardian, unless:

- i.) the pupil is at least 18 years old, or
- ii.) The pupil is 16 or 17 years old and has withdrawn from parental control [ACT 309(1)]

11.2 Appeal Required In Writing, and Minimum Content

An appeal of the decision of a principal to suspend a pupil shall be in writing, and the notice thereof shall contain at least the following:

11.2.1 a copy of the Notice of the Suspension that is the subject of the appeal;

11.2.2 a written statement identifying, with appropriate detail, every reason that the person appealing wishes the BOARD to consider as to why the suspension should not have been imposed, or why the length of the suspension should be altered.

11.3 Time For Bringing Appeal

An appeal of the decision of a principal to suspend a pupil shall be delivered to the designated supervisory officer, with a complete copy to the principal who imposed the suspension, not later than the 5th day following the delivery of a Principal's Investigation Report after a suspension pending expulsion imposed under ACT 310 or not later than the 10th day following the delivery of a Suspension Notice imposed under ACT 306.

11.4 Response Of Board

The board shall hear and determine the appeal within 15 days of receiving notice unless the parties agree on a later deadline, and shall not refuse to deal with appeal on the ground that there is a deficiency in the notice to appeal.[ACT 309(6)] The board may initiate a pre-hearing conference as stated herein. [6.1]

11.5 Hearing In Writing

Subject to Article 8, the hearing of an appeal of the decision of a principal to suspend a pupil shall be held in writing. [SPPA §5.1(1)]

11.6 Appellant To Satisfy BOARD That Principal Was Wrong

In an appeal of the decision of a principal to suspend a pupil, the appellant shall satisfy the BOARD that the decision of the principal is wrong.

11.7 Appellant Presents First, Principal Second

Where the BOARD hears an appeal of the decision of a principal to suspend a pupil either electronically or orally, the appellant shall proceed first in the calling and examination of witnesses and presentation of evidence and submissions, and the principal shall be the second to do so.

11.8 Decision Of The BOARD

The BOARD shall deliver its decision on an appeal of a decision by a principal to suspend a pupil:

11.8.1 in the case of an appeal heard in writing where a party has applied but failed to satisfy the BOARD that there is good reason for not doing so, within ten (10) days after the latest of

- (a) the determination described in section 8.4;
- (b) the delivery or time for delivery of the response of the board described in 11.4

11.8.2 in the case of all other appeals heard in writing, within ten (10) days after receipt of the appeal; and

11.8.3 in the case of an appeal heard orally or electronically, within a reasonable

time after the conclusion of the hearing.

12. REFERRAL OF AN EXPULSION MATTER TO THE BOARD

12.1 Time For Referral

A principal who refers a matter under 311.3 of the ACT shall do so as soon practicable after the Principal's Investigation Report following the suspension of a pupil pending possible expulsion under § 310 of *the Act*.

12.2 Content Of Referral

A principal who refers a matter under §311.3 of the ACT shall prepare a report that contains the following [ACT 311.1(7)]:

12.2.1 A summary of the principal's findings;

12.2.2 The principal's recommendation as to whether the pupil should be expelled from the pupil's school only or from all schools of the board

12.2.3 The principal's recommendation as to,

- i.) the type of school that might benefit the pupil, if the pupil is expelled from all schools only, or
- ii.) the type of program for expelled pupils that might benefit the pupil , if the pupil is expelled from all schools of the board

The principal shall promptly provide a copy of the report to the board and to every person whom the principal was required to give notice of the suspension under section 311.

12.3 Hearing Electronically

Subject to Section 9.1, the BOARD may determine to hear electronically the referral of a matter under §309 or §310 of *the Act*. [SPPA §5.2(1)]

12.4 Scheduling Of Hearing

Subject to section 12.5, the BOARD shall appoint a day and time for the hearing that is not later than the twentieth (20th) school day following the date when the pupil was suspended pending expulsion under §310 of *the Act*.

12.5 Extension Of Deadline

Subject to section 12.6, the BOARD may appoint a day and time for the hearing

that is later than the date prescribed in section 12.4 if the parties consent to such later date. [ACT 311.3(8)]

12.6 PARENT or Pupil Application For Adjournment

Any order of the BOARD upon the application by the PARENT or the pupil for an adjournment of the date and time appointed by the BOARD under section 12.4 or section 12.5

12.6.1 shall be subject to the express condition that the parties consent to the adjourned date as the deadline within which the BOARD may impose an expulsion, and to a continuance of the suspension pending expulsion until the end of the hearing and decision of the BOARD, and

12.6.2 may be subject to such other conditions as the BOARD in its discretion may prescribe.

12.7 Decision Of The BOARD

The BOARD shall deliver its decision on referral of a matter under §310 and §311 of the ACT by a principal not later than:

12.7.1 the twentieth (20th) school day following the date when the pupil was suspended pending expulsion if such deadline has not been extended by agreement of the parties, or

12.7.2 the extended date, as provided in either of section 12.4 or section 12.5 as the deadline within which the BOARD may impose an expulsion, as the case requires. or

12.7.3 time needed to complete the Decision in Order following signing of Minutes of Settlement presented at the pre-hearing conference.

12.8 Appeal of Decision of the Board

The parent/guardian/adult student/student 16/17 years of age and withdrawn from parental control may appeal the board's decision to expel a pupil, whether the pupil is expelled from the pupil's school only or from all schools of the board, to the designated tribunal. The appellant has 30 days from the hearing date and decision to inform the designated tribunal of the intent. The designated tribunal has 30 days to hear the appeal. [ACT 311.7]

The "designated tribunal" means the Child and Family Review Board under section 207 of the Child and Family Services Act. O Reg. 472/07, s.1.

13. DEFINITIONS

13.1 Except as required by the context, in these Rules, in addition to the plain meaning of the words in each case:

13.2 "ACT" means *The Act*, R.S.O. 1990, c.E.2, as amended;

13.3 "BOARD" includes the Board of Trustees, a Committee of Trustees (Discipline Committee) to which the holding of a hearing is delegated, a Trustee designated by the CHAIR of the BOARD, or the DIRECTOR of Education or designate, as the context requires;

13.4 "CHAIR" means the CHAIR of the BOARD and includes the CHAIR's delegate;

13.5 "DIRECTOR" means the Director of Education and includes the Director's delegate;

13.6 "PARENT" includes one or both parents, and one or more guardians, of a pupil, as the case requires;

13.7 "PROCEEDING" includes

- (a) an appeal against a decision by a principal to impose a suspension;
- (b) a referral by the principal of a matter of a school or board expulsion of a pupil, and
- (c) a procedural or interlocutory matter as part of any one of the foregoing;

13.8 "PROCEEDING CHAIR" means the chair of the Discipline Committee assigned to hear the PROCEEDING;

SECTION F

Frequently Asked Questions for Suspension Appeal Hearings

SECTION F

Frequently Asked Questions for Suspension Appeal Hearings

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard - to tell the student's side of the story; and
- the right to know the case against the student.

Suspension Appeal Hearings will be conducted in accordance with the *Statutory Powers Procedure Act* (R.S.O. 1990, c. S.22). The following is a guideline regarding the rules of procedure for a suspension appeal.

1. If you decide to appeal the suspension, what types of decisions can the Committee make?

Following the suspension appeal hearing, the Committee can make only one of the following decisions:

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or
- quash the suspension and order that the record of suspension be expunged.

2. Does the appeal of a suspension delay the suspension?

No. Even if there is an appeal, the suspension must still be served by the student.

3. Who are the parties to the hearing?

The parties to the hearing are:

- the parent/guardian of a student under the age of 18;
- an adult student;
- a student who is 16 or 17 years old and has withdrawn from parental control;

and/or

- the school principal.

4. Can the student who has been suspended attend the hearing even if the student is not a party?

Yes. The student named in the suspension has the right to be present at the hearing and to make a statement on their behalf.

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.

6. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine an appeal. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the hearing will disqualify themselves and will not take part in the hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the hearing will not take part in the deliberations, the decision or the reasons.

7. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the Hearing, each party will provide to the other party and to the Board the following information:

- a copy of documents and summary of evidence that each party intends to rely on at the hearing.

Parties will exchange this information no later than 48 (forty-eight) hours in advance of the Hearing, unless there are extenuating circumstances preventing the exchange. Any documents or evidence not disclosed 48 (forty-eight) hours in advance will be presented to the Committee of the Board for review to determine whether they can be referenced at the Hearing.

8. Will the hearing be held in private?

Yes. The Committee will order that the hearing will be held in private session.

9. When will a suspension appeal hearing take place?

The Committee of the Board will hear and determine a suspension appeal within 15 school days of receiving the notice of appeal, unless the parties agree otherwise.

10. What is the order of presentation at the hearing?

When the Committee hears an appeal of the decision to suspend a student, the parent or adult student will proceed first in the presentation of evidence and submissions, and the principal will proceed second, unless the parties agree otherwise.

11. How will the suspension appeal hearing be organized?

Subject to the discretion of the Committee hearing a suspension appeal, the following guidelines will apply:

- (a) Five minute introduction of the parties and the Committee of the Board;
- (b)
 - i. Ten (10) minute presentation by the parent or adult student in presenting evidence and submissions on behalf of the student;
 - ii. Ten (10) minute cross-examination by the Principal (and/or Legal Counsel, if applicable) of the parent and the student [and their witnesses];
- (c)
 - i. Ten (10) minute presentation by the principal in presenting evidence and submissions on behalf of the School;
 - ii. Ten (10) minute cross-examination by the Parent or adult student (and/or their Legal Counsel, if applicable) of the Principal [and the Principal's witnesses];

- (d) Five (5) minute closing arguments by parent or adult student (or their Legal Counsel, if applicable);
- (e) Five (5) minute closing arguments by the Principal (or their Legal Counsel, if applicable);
- (f) Five (5) minute questions and answer session by the Committee. Caucus, deliberations and decision by the Committee. The Committee has the power to reserve its decision.

12. What if translation or interpretation services are required?

If translation or interpretation services are required, the time limit in each step may be altered.

13. What will the Committee of the Board consider in making a decision?

The Committee will assess the evidence as provided by the parties, and determine whether on a balance of probabilities, it is more probable than not that the student committed the infraction. Where the Committee determines that the student committed the infraction, the Committee will determine whether the principal considered the mitigating factors or other factors prescribed by the regulations. If the principal failed to consider the mitigating factors or other factors, then the Committee will do so.

Mitigating factors to be considered are as follows:

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

Other factors to be considered are as follows:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- Whether the activity for which the pupil may be suspended was related to any harassment of the pupil because of the pupil's race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, family status, marital status, or to any other form of harassment.
- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- In the case of a pupil for whom an individual education plan has been developed,
 - whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan.
 - whether appropriate individualized accommodation has been provided, and

- whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.
- whether the pupil has a history of marginalization or trauma.

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision; that is, require further time for its deliberations and conclusions.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.

SECTION G

Frequently Asked Questions for Expulsion Hearings

SECTION G

Frequently Asked Questions for Expulsion Hearings

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard - to tell the student's side of the story; and
- the right to know the case against the student.

Expulsion Hearings are to be conducted in accordance with the *Statutory Powers Procedure Act* (R.S.O. 1990, c. S.22). The following is a guideline regarding the rules of procedure for an Expulsion Hearing:

1. If you decide to have an Expulsion Hearing, what types of decisions can the Committee make?

Following the Expulsion Hearing, the Committee can make only one of the following decisions:

- whether to expel the pupil; and
- if the pupil is to be expelled, whether the pupil is expelled from the pupil's school only or from all schools of the Board.

If the Board does not expel the pupil, the Board shall, with respect to the suspension originally imposed under Section 310 of the *Education Act*:

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or
- quash the suspension and order that the record of suspension be expunged.

2. Does the Expulsion Hearing delay the 20-day suspension?

No. Even if there is a Hearing, the suspension must still be served by the student.

3. Who are the parties to the hearing?

The parties to the hearing are:

- the school principal;
- the pupil, if:
 - the pupil is at least 18 years old (an adult student); or
 - the pupil is 16 or 17 years old and has withdrawn from parental control;
- the pupil's parent/guardian, unless:
 - the pupil is at least 18 years old; or
 - the pupil 16 or 17 years old and has withdrawn from parental control.

4. Can the student who has been recommended for expulsion attend the hearing even if the student is not a party?

Yes. The student named in the suspension pending expulsion has the right to be present at the hearing and to make a statement on their behalf.

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by legal counsel or an agent. Legal counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case. If a pupil, or parent/guardian (in accordance with #3 above), intends to bring legal counsel to the Hearing, they must inform the Board's legal counsel of this intention at least 10 (ten) days in advance of the Hearing date.

6. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine the recommendation for expulsion. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the Hearing will disqualify themselves and will not take part in the Hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the Hearing will not take part in the deliberations, the decision or the reasons.

7. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the Hearing, each party will provide to the other party and to the Board the following information:

- a copy of documents and summary of evidence that each party intends to rely on at the hearing.

Parties will exchange this information no later than 48 (forty-eight) hours in advance of the Hearing, unless there are extenuating circumstances preventing the exchange. Any documents or evidence not disclosed 48 (forty-eight) hours in advance will be presented to the Committee of the Board for review to determine whether they can be referenced at the Hearing.

8. Will the hearing be held in private?

Yes. The Committee will order that the Hearing will be held in private session.

9. When will an Expulsion Hearing take place?

The Committee of the Board will hear and determine a recommendation for expulsion within 20 school days of the pupil's suspension pending expulsion under section 310 of the *Education Act*, unless the parties to the Expulsion Hearing have signed an Extension Form and/or the parties to the Expulsion Hearing agree on a later deadline.

10. What is the order of presentation at the hearing?

When the Committee hears an Expulsion Hearing, the principal will proceed first in the presentation of evidence and submissions, and the parent or adult student will proceed second.

11. How will the Expulsion Hearing be organized?

In an Expulsion Hearing, the following guidelines will apply:

- (a) Five (5) minute introduction of the parties and the Committee of the Board, with discussion on the issues to be addressed by the Committee;
- (b) (i) Twenty (20) minute presentation by the principal/legal counsel in presenting evidence and submissions on behalf of the School, including any witness evidence*;
 - (ii) Ten (10) minutes total for parent or adult student (and/or legal counsel, if applicable) to ask questions of clarification of the principal (and/or legal counsel, if applicable);
- (c) (i) Twenty (20) minute presentation by the parent or adult student (and/or legal counsel, if applicable) in presenting evidence and submissions on behalf of the student, including any witness evidence*;
 - (ii) Ten (10) minutes total for principal (and/or legal counsel, if applicable) to

ask questions of clarification of the parent or adult student (and/or legal counsel, if applicable); and

(d) Five (5) minute closing arguments by the Principal (or their Legal Counsel, if applicable);

(e) Five (5) minute closing arguments by parent or adult student (or their Legal Counsel, if applicable);

(f) Ten (10) minute question-and-answer session by the Committee.

*Note: video evidence, if shown, does not count toward the 20-minute time limit

(g) Caucus, deliberations and decision by the Committee. The Committee has the power to reserve its decision.

12. What if translation or interpretation services are required?

If translation or interpretation services are required, the time limit in each step may be altered.

13. What will the Committee of the Board consider in making a decision?

The Committee will consider:

- all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from ~~his or her~~ **the pupil's** school only or from all schools of the board;
- (b) any mitigating or other factors prescribed by the regulations and as outlined in TCDSB Policy S.S.01; and
- (c) any written response to the principal's report recommending expulsion that a person gave to the board under subsection 311.1 (10) of the *Education Act* before the completion of the hearing.

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision; that is, require further time for its deliberations and conclusions and give its decision at a later date/time.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.

SECTION H

Principal Investigation Guideline

SECTION H

Operational Procedures: Principal Investigation Guideline

We believe that those entrusted with leadership positions in the Catholic Schools must be conspicuous for their goodness, sincerity and attachment to the faith. In other words, they are persons who demonstrate in practice the very reason for the Catholic school's existence: an integrated Christian maturity inspired by the Gospel and lived in authentic freedom and commitment. (Fulfilling the Promise: The Challenge of Leadership, 1993).

As outlined in the TCDSB Suspension and Expulsion Policy S.S.01, it is the policy of the Board that, whenever the principal suspends a student pending possible expulsion, the principal will conduct an investigation under the Board's Suspension and Expulsion Policy S.S. 01 to determine whether to recommend to the Board that the pupil be expelled. The student, and any other person who may reasonably be regarded as having been affected by such activity, shall be given a fair opportunity to promptly furnish information relevant to the principal's investigation, unless it is impractical to do so, eg. the student is in custody.

Guidelines:

1. In circumstances where there is police involvement regarding a school related incident and the principal has been given direction by police not to proceed with a school investigation, the principal may exclude the student for the duration of the police investigation according to *Education Act* Section 265 (1) (m). During this time, the principal shall continue to provide academic programming to the student. The principal will also maintain ongoing contact with police to determine when it is permissible for the principal to continue with the school investigation. Once the principal has been granted permission by police to proceed with the school investigation, the principal will conduct an investigation to determine appropriate next steps.

2. Where the principal believes that a student has engaged in activity for which expulsion must be considered, the principal shall suspend the student from school and from all school-related activities. The principal shall discuss with the student and parent/guardian (if minor) the TCDSB long-term suspension program (TIPSS) and will encourage the student's participation in this program. The principal shall conduct an investigation to determine whether to recommend to the Board that the student be expelled.
 - a. The investigation shall be considered as a matter of high priority and shall be conducted and completed as soon as reasonably possible. The principal shall endeavor to complete the school investigation within 5 school days from the start of the suspension.
 - b. The investigation shall be conducted by the principal who may request the assistance of a designate(s). It is recommended that interviews be conducted in the presence of another staff person designated by the principal.
 - c. The principal shall remain neutral in attitude and non-judgmental as to the matters disclosed to the principal during the investigation, and shall gather information from students, staff and other persons about the activity that has given rise to the investigation.
 - d. The principal shall inform a student what the allegations are, and shall give the accused student an opportunity to respond to those allegations prior to reaching a final determination unless it is impractical to do so, e.g. the student is in custody.
 - e. During the investigation stage and before being interviewed further by the principal the subject student, and the subject student's parents if the student is a minor, shall be advised of the student's right to have one other adult present with the student ("accompanying person") during the interview. The principal, however, in the principal's sole discretion may permit more than one accompanying person.
 - f. The Principal will document information gathered from the school investigation in the Safe Schools Progressive Discipline Application,

specifically the online Principal Investigation.

- g. Before making a final determination, the principal shall consider mitigating factors and other factors in accordance with the requirements of the Ministry of Education.
- h. Upon reviewing the school investigation and relevant mitigating and other factors, the principal shall make a final determination which will include one of the following:
 - i. Board Expulsion
 - ii. School Expulsion
 - iii. Confirmed Suspension
 - iv. Shortened or Reduced Suspension
 - v. Withdrawal of Suspension and Expungement of the Record
- i. The principal shall provide a written notice outlining details related to the principal's final determination to every person to whom the principal was required to give notice of suspension under Section 311 of *Education Act*. This written notice is entitled "Parent Report Package".

SECTION I

Search and Seizure Guideline

SECTION I:

Operational Procedures: Search and Seizure Guideline

1. From time to time, proper investigation of an incident in a school may require a search of a student or his/ her property.

For example,

- a. a principal or a teacher may have reason to suspect that a student is carrying a concealed weapon, or
 - b. a student questioned with regard to a fight may blurt out that one of the antagonists sells drugs and keeps some in the antagonist's locker, or
 - c. a student reports that the student's personal property has been stolen and indicates that the student believes it was taken by another student and may be found in that student's knapsack.
2. The Toronto Catholic District School Board prohibits the possession, on school property or at school functions, of substances or objects which may threaten good order, discipline, decorum, and public safety. Such substances or objects may include, but are not limited to:
 - a) alcoholic beverages;
 - b) cannabis/cannabis products, unless the student is a medical cannabis user;
 - c) illegal or restricted drugs;
 - d) stolen property;
 - e) weapons, either restricted or prohibited by law;
 - f) any object which may be used as a weapon and which may cause serious injury; and
 - g) hate literature, racist material, pornography, etc.

What is the proper procedure to follow in circumstances such as these?

3. Section 8 of the *Canadian Charter of Rights and Freedom* provides that: "Everyone has the right to be secure against unreasonable search and seizure". However, a student's reasonable expectation of privacy is diminished at school because the student knows that principals and teachers are responsible for

providing a safe environment and maintaining order and discipline in the school.

4. Principals and teachers may conduct a search if there are reasonable grounds to believe that a school rule has been violated and that evidence will be found in school property, in student property, or on the person searched. Staff must, where possible, consult with the principal or designate prior to conducting a search of school property, student property, or a person. School property includes, but is not limited to, student lockers, student desks, student cubbies, or any other place on school property. Student property includes, but is not limited to, knapsacks, purses, and personal electronic devices.
5. The following may constitute reasonable grounds:
 - a. information received from one student considered to be credible;
 - b. information received from more than one student;
 - c. a teacher's or principal's own observations; and
 - d. any combination of these pieces of information which the school authority considers to be credible.

Random or arbitrary searches or searches on groundless suspicion are not reasonable and will likely be in contravention of the Charter.

6. All searches of property and persons may only be conducted in the presence of the principal or teacher and one other adult witness.
7. Where need for a personal search is indicated, and where it is safe to do so, all personal searches of a student should be conducted in the privacy of the principal's office or another suitable room.
8. The student involved should be given the opportunity to produce the substance or object which the student is suspected of possessing before a search of the student is conducted. If the student is not cooperative in producing the substance or object, the principal or designate will immediately contact the police.
9. The principal or designate will make all reasonable efforts to contact the parent/guardian of the student (unless the student is 18 years of age and older or the student is 16/17 years of age and has withdrawn from parental control) once the

search has been conducted, unless otherwise directed by Police. The principal will contact the parent/guardian when cleared by Police to do so. In all cases, the principal or designate will document all efforts/attempts to contact the parent/guardian and any instructions received from Police.

10. When a search is conducted, a record of all pertinent information, including action taken, witnesses present, the date, time and place of the search, and results of the search, will be documented as soon as possible. Documents will be filed appropriately and the Area Superintendent will be promptly advised. This information is subject to the provisions of Freedom of Information legislation. Confiscated property will be appropriately secured until removed from school premises by police or by other arrangement as determined by Principal and Area Superintendent.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEECOVID-19 IMMUNIZATION DISCLOSURE
POLICY H.M.03 (NEW)

"Obey the government, for God is the One who has put it there. There is no government anywhere that God has not placed in power. So those who refuse to obey the law of the land are refusing to obey God, and punishment will follow." Romans 13:1-2

Created, Draft	First Tabling	Review
September 1, 2021	September 7, 2021	

Paul Matthews, General Legal Counsel

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Brendan Browne, PhD
Director of Education

A. Della Mora
Associate Director, Academic
Services and Chief Operating
Officer

D. Boyce
Associate Director of Facilities,
Business and Community
Development

R. Putnam
Chief Financial Officer &
Treasurer

A. EXECUTIVE SUMMARY

This report recommends that the Governance Committee adopt the COVID-19 Immunization Disclosure policy attached at Appendix A. The proposed policy conforms with current legal requirements and Ministry of Education directives. The highlights of the policy are described below.

The cumulative staff time required to prepare this report was 2 hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends a new policy on COVID-19 Vaccination Disclosure Protocols.

C. BACKGROUND

1. On August 17, 2021 the Ministry of Education announced that it intends to introduce, by Ontario regulation, a COVID-19 immunization disclosure policy. As of the writing of this report, the Ministry has not introduced the policy but has issued a memorandum prescribing the contents of the COVID-19 immunization disclosure policy all school boards are required to implement.
2. The key requirements of the policy must include:
 - i) That all employees, frequent visitors and other professionals must provide proof of full vaccination against COVID-19 before entering a school
 - ii) If any person covered by the policy is not vaccinated they must participate in a COVID-19 education program approved by the Ministry and ,
 - (iii) will be required to complete regular COVID-19 testing as directed by provincial guidance.
3. There are exemptions from the requirements of the policy for authorized medical and Human Rights Code reasons.
4. The policy provides that all persons to whom the policy applies must provide the Board with a signed statement attesting to being fully vaccinated and documented proof of full vaccination.
5. Any person to whom the policy applies who is not fully vaccinated and who is not otherwise exempt and has not provided the Board with a

negative Rapid COVID-19 Antigen test directed by the Ontario Ministry of Health will not be permitted to enter any TCDSB school or facility.

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from the Facilities and Communications Departments, Field Superintendents and Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the Policy on mandatory COVID-19 Immunization Disclosure H.M.03 attached at Appendix A, be adopted.



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

Date Approved:	Date of Next Review:	Dates of Amendments:
<p>Cross References: <i>Ontario Regulation xxx/21</i> <i>Education Act, R.S.O. 1990, c. E.2</i> <i>Occupational Health and Safety Act, R.S.O. 1990, c. O.1</i> <i>Health Protection and Promotion Act, R.S.O. 1990, c. H. 7</i> <i>Human Rights Code R.S.O. 1990, c. H. 19</i> <i>Nursing Act, 1991, S. O. 1991, c. 32</i> <i>Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990, c. M. 56</i></p>		

Purpose:

The COVID-19 Immunization Disclosure Policy (“the Policy”) applies to all school board employees, trustees, frequent school visitors and other professionals who deliver services in schools or in any Board facility, who interact with students, staff or trustees, including third-party providers. The Policy requires that, in accordance with the terms set forth below, all persons subject to this Policy (as defined in Application and Scope, below) provide proof of full vaccination against COVID-19 or obtain an approved accommodation or exemption.

The Board has established this Policy considering the requirements of *Ontario Regulation xxx/21*, reliable scientific evidence, government guidance and protocols, its obligations under the *Education Act* the *Occupational Health and Safety Act*



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

("OHSA"), Health Protection and Promotion Act ("HPPA") and relevant human rights legislation including the *Human Rights Code*.

- To protect all persons who enter Board premises and in particular, those who are ineligible to be vaccinated at this time and vulnerable populations who are at highest risk of developing complications from COVID-19; and
- To ensure all schools under the Board's jurisdiction and Board offices and premises remain as safe as possible in the context of the ongoing COVID-19 pandemic.

Scope and Responsibility:

The Director of Education holds primary responsibility for implementation of this Policy. The responsibility for the day-to-day management and coordination of the policy is assigned to the Executive Superintendent of Human Resources and Employee Relations.

Alignment with Multi-Year Strategic Plan (MYSP):

Living Our Catholic Values

Enhancing Public Confidence

Fostering Student Achievement and Well-Being

Achieving Excellence in Governance



POLICY SECTION:	HUMAN RESOURCES
SUB-SECTION:	MISCELLANEOUS
POLICY NAME:	COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO:	H.M.03

Providing Stewardship of Resources

Inspiring and Motivating Employees

Policy:

The Policy applies to all school board employees, trustees, frequent school visitors and other professionals, including third-party providers, who enter any Toronto Catholic District School Board (TCDSB) property, deliver services in schools or in any Board facility, who interact with students, staff or trustees. The Policy also applies to volunteers, permit holders, contractors, customers of the Board and other members of organizations not related to the Board but who nevertheless work on or are invited onto Board premises or deliver services.

It is the policy of the TCDSB that all persons to whom this policy applies must provide the Board with a signed statement attesting to being fully vaccinated against COVID-19 and documented proof of being fully vaccinated, subject to the regulations prescribed below.

Any person to whom this policy applies who is not fully vaccinated against COVID-19, and who is not otherwise exempt under this policy, and has not provided the Board with a negative Rapid COVID-19 Antigen test as directed by the Ontario Ministry of Health, will not be permitted to enter any TCDSB school or any Board facility.



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

Regulations:

1. Timing

- i. All persons to whom this policy applies must comply with this policy by a date to be determined by the Ontario Ministry of Education (“the Ministry”). It is the responsibility of such persons to ensure there is sufficient time to comply with this policy by the date specified by the Ministry.
- ii. TCDSB employees who fail to comply with the terms set out in this Policy may be subject to disciplinary action, up to and including termination from their employment.

2. Proof of Vaccination or Other Evidence

2.1 All persons covered by this policy are required to provide the following, where applicable, to the Board by a date specified by the Ministry:

- i. A written statement on a form to be provided by the Board attesting to being fully vaccinated against COVID-19.
- ii. If the individual has received the total required number of doses of a COVID-19 vaccine approved by the World Health Organization (WHO), proof of having received all required doses, or



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

iii. Written proof of medical reason, provided by either a physician or a nurse practitioner (a nurse who holds an extended certificate of registration under the Nursing Act, 1991) that sets out:

- a) That the person cannot be vaccinated against COVID-19;
and
- b) The effective time period for the medical reason; or

iv. Proof that the individual has completed an educational program approved by the Ministry that addresses, at a minimum, all of the following:

- a) How COVID-19 vaccines work;
- b) Vaccine safety related to the development of COVID-19 vaccines;
- c) The benefits of vaccination against COVID-19;
- d) Risks of not being vaccinated against COVID-19; and
- e) Possible side effects of COVID-19 vaccination.

2.2 The proof of vaccination or other evidence defined in subsection 2.1 must be provided to the Board by a date to be determined by the Ministry.

2.3 Individuals who, in lieu of the proof of vaccination have provided proof of a medical reason pursuant to subsection 2.1(iii) or of the completion of an



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

educational program pursuant to subsection 2.1(iv) must undergo Rapid COVID-19 Antigen testing as directed by the Ontario Ministry of Health and provide proof of a negative result to gain access to Board premises.

2.4 If the effective time period of a medical reason provided pursuant to subsection 2.1(iii)(b) has expired, the individual must, within 30 days of the medical reason expiring, provide proof of vaccination in accordance with subsection 2.1(ii) or proof that the individual completed an educational program in accordance with subsection 2.1(iv).

2.5 The Board will only collect, use and disclose information regarding an individual's vaccination status in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") and all applicable privacy laws. The proof of vaccination or other evidence collected pursuant to subsection 2.1 will be kept in a confidential file, stored in a secure location.

3. Exemptions

3.1 The Board recognizes its responsibilities and duties under provincial human rights legislation, such as the *Human Rights Code* (the "Code"). If an individual is unable to be vaccinated, due to a protected ground, as defined by the Code, the Board has a duty to accommodate to a point of undue hardship.



POLICY SECTION:	HUMAN RESOURCES
SUB-SECTION:	MISCELLANEOUS
POLICY NAME:	COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO:	H.M.03

However, this duty to accommodate must be balanced against the Board's obligations to protect the health and safety of staff and students. Due to the serious health threat COVID-19 presents to the public, if an individual will not be vaccinated because of a protected ground under the Code, they must request an accommodation or exemption, which falls under one of the following two categories: (i) Medical Condition; or (ii) Religious/Creed.

i. *Medical Condition Exemption*

An individual who is requesting an exemption from this Policy on the basis of a medical condition must provide the Board with a letter from a physician or nurse practitioner, clearly stating the reason why the individual should be exempted from receiving the vaccine. This letter must be provided to the Board by a date specified by the Ministry.

ii. *Religious/Creed Exemption*

An individual may apply for an exemption, due to religious belief or creed. The Board reserves the right to ask for materials in support of the individual's religious belief or creed, including a letter of support from a religious leader or community.

3.2 Accommodation Process

The accommodation process is a shared responsibility. All parties should co-operatively engage in the process, share information and consider potential



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

accommodation solutions. Employees who are requesting an accommodation are required to:

- a. Make the accommodation needs known to the best of their ability, preferably in writing, in a timely manner;
- b. Answer reasonable questions or provide information about relevant restrictions or limitations, including information from health care professionals;
- c. Take part in discussions about possible accommodations solutions;
- d. Co-operate with any experts whose assistance is required to manage the accommodation process;
- e. Meet agreed-upon performance standards and requirements, once accommodation is provided; and
- f. Work with Board and/or school administration on an ongoing basis to manage the accommodation process

Depending on workplace circumstances and learning and teaching considerations, possible accommodations may include but not limited to masking, physical distancing, regular testing, remote learning arrangements, work-from-home arrangements, job-protected leave of absence and/or restricted duties and responsibilities.



POLICY SECTION: HUMAN RESOURCES
SUB-SECTION: MISCELLANEOUS
POLICY NAME: COVID-19 IMMUNIZATION DISCLOSURE POLICY
POLICY NO: H.M.03

Definitions:

Fully vaccinated against COVID-19 means having received all of the doses required for a COVID-19 vaccine(s) approved by the World Health Organization (e.g., two doses of a two-dose vaccine, or one dose of a single-dose vaccine); and having received the final vaccine dose at least 14 days ago.

Vaccine means a COVID-19 vaccine approved by the World Health Organization (e.g., two doses of a two-dose vaccine, or one dose of a single-dose vaccine).

Evaluation and Metrics:

The effectiveness of the policy will be determined by metrics collected by the Board's ICT Services, Human Resources/Employee Relations Department, Occupational Health and Safety Department and the Sick Leave and Disability Department.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEE

LEGAL COUNSEL POLICY A.12

“Do not think that I have come to abolish the law or the prophets: I have come not to abolish but to fulfill”—
Matthew 5:17

Created, Draft

August 31, 2021

First Tabling

September 7, 2021

Review

[Click here to enter a date.](#)

P. Matthews, General Legal Counsel

RECOMMENDATION REPORT

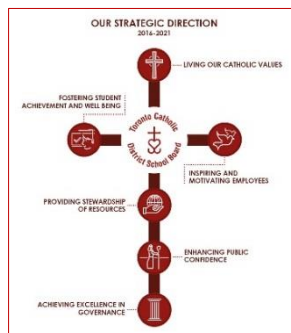
Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Brendan Browne, PhD
Director of Education

A. Della Mora
Associate Director of Academic
Affairs and
Chief Operating Officer

D. Boyce
Associate Director of
Facilities, Business and
Community Development

R. Putnam
Chief Financial Officer and
Treasurer

A. EXECUTIVE SUMMARY

This report recommends updating the current policy on Legal Counsel A.12.

The cumulative staff time required to prepare this report was 1 hours

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends policy revision.

C. BACKGROUND

1. The Policy on Policy was last approved on April 23, 2015 and has not been amended since.
2. Changes to this policy reflect current practice and alignment with related policies.

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from Legal Services.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by policy development staff
2. Further reports will be brought to Board in accordance with the policy review schedule.

F. IMPLEMENTATION

1. The updated policy as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

Staff recommends that the revised Legal Counsel Policy a.12 provided in Report Appendix A, be adopted.



POLICY SECTION: Administration
SUB-SECTION:
POLICY NAME: Legal Counsel
POLICY NO. A.12

Date Approved:	Date of Next Review:	Dates of Amendments: 1967; 1992, April 23 rd , 2015
Cross References		

Purpose

The purpose of this policy is to prescribe the relevant parameters for the acquisition of external legal services.

Scope and Responsibility

The Director of Education is responsible for this policy.

Alignment with Multi Year Strategic Plan (MYSP):

Stewardship of Resources

Achieving Excellence in Governance Strengthening

Public Confidence

Financial Impact

To minimize the financial impact of retaining the services of external legal counsel, the services of internal legal counsel shall be utilised wherever possible.



POLICY SECTION: Administration

SUB-SECTION:

POLICY NAME: Legal Counsel

POLICY NO. A.12

Policy

The TCDSB shall employ the services of its in-house legal counsel wherever possible and retain the services of external legal counsel as required.

Regulations

1. The Chair of the Board of Trustees may retain the services of external legal counsel on behalf of the Board of Trustees as requested by motion.
2. The Director of Education, or his/her delegate, may retain the services of external legal counsel as required.
3. At the invitation of the Chair of the Board, or of the Chair of a Standing Committee in consultation with the Director of Education, or of the Director of Education, internal and/or external legal counsel will attend Board and Standing or other Committee Meetings of the Board, as required.
4. Board staff and individual Trustees are not authorized to directly retain the services of external legal counsel.
5. The Board will **acquire legal services through the appropriate procurement process as prescribed by the Broader Public Sector (BPS) Procurement Directive**, ~~in an effort~~ to ensure that external legal counsel are providing the highest quality professional services at a competitive price. ~~The Board will issue a request for proposal (an "RFP") for external legal counsel at least every five (5) years.~~



POLICY SECTION: **Administration**

SUB-SECTION:

POLICY NAME: **Legal Counsel**

POLICY NO. **A.12**

6. The Director of Education shall present a report to the Board of Trustees ~~prior to issuing an RFP~~, advising the Board of Trustees ~~about~~ **as to the legal services procurement process(es) utilized in maintaining the roster of law firms retained by the Board.**
7. The Director of Education shall ensure that firms retained by the TCDSB ~~as a result of the procurement process described above~~ have expertise, collectively, in the following areas:
 - a. Labour and Employment Law;
 - b. Education and Administrative Law;
 - c. Civil Litigation; and
 - d. Business **and Real Estate** Law.
8. The Director of Education will consult with the Board's General Legal Counsel to determine whether staff lawyers are available to handle the matter prior to retaining external counsel.
9. In assessing whether external legal counsel ought to be retained, the Director of Education will consider:
 - a. The availability and expertise of internal legal counsel to handle a matter;
 - b. The cost of retaining external legal counsel; and
 - c. The availability and expertise of external legal counsel to handle the matter.
10. Invoices for external legal counsel shall be approved by the Director of Education or his/her delegate.



POLICY SECTION: Administration
SUB-SECTION:
POLICY NAME: Legal Counsel
POLICY NO. A.12

11.A report on external legal services received and fees incurred will be made semi-annually to the Corporate Affairs, Strategic Planning and Property Committee of the Board.

Metrics:

The report on external legal services will be created based on records and accounts kept of the number of times and the subject matter when external legal counsel was retained and the cost of retaining those services.

GOVERNANCE AND POLICY COMMITTEE

PENDING LIST TO SEPTEMBER 7, 2021

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	Mar-2017 Governance and Policy	TBC	Governance and Policy	Report regarding consultations with CLSIT and conversations with the Archdiocese in regards to the content of the policy (Update to Chaplaincy Program Policy)	Superintendent Fernandes
2	June-2017 GAP	TBC	Governance and Policy	Staff to bring back after the Ministry of Education's Transportation report is considered (Update to Transportation Policies S.T.01, 03, 04 and 05)	Superintendent Fernandes
3	Mar-2018 Regular Board	TBC	Governance and Policy	That the matter be referred to the Governance and Policy Committee (Photographing and Filming of Individuals at Board and Committee Meetings)	Superintendent Fernandes
4	May-2018 Governance and Policy	TBC	Governance and Policy	Staff was requested to add the policy to the Governance and Policy Committee work plan for the development of an Omnibus policy (Update to School Events Communications and Invitee Protocols Policy (S.02).)	Superintendent Fernandes
5	Jun-2018 Corporate Services	TBC	Governance and Policy	That the Pupil Accommodation Review Policy and Operating Procedures be referred to the Governance and Policy Committee to be updated to reflect changes to the Pupil Accommodation	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				Review Guidelines with extensive community and Section E Implementation, Strategic Communications and Stakeholder Engagement Plan (Ministry Memo 2018: B10 – Final Pupil Accommodation Review Guidelines and Updated on Integrated Planning and Supports for Urban Education)	
6	Jan-2019 Governance and Policy	TBC	Governance and Policy	<p>That all existing and new policies be reviewed to reflect the Ontario Human Rights Commission (OHRC) Accessible Education for Students with Disabilities Policy Document and that once completed, that they be brought back to GAP Committee; and</p> <p>That staff develop a policy reflective of the OHRC Accessible Education for Students with Disabilities Policy Document (SEAC Minutes, 2018-09-19, Item 9g) Ontario Human Rights Commission (OHRC) Policy Document Article on Special Education Inclusion)</p>	Superintendent Fernandes
7	Mar-2019 Special Board	TBC <i>Subject to NEW Ministry policy/regulation dealing with</i>	Governance and Policy	That the TCDSB establish a comprehensive policy regarding the refusal to admit special education students and those with special needs and disabilities to school; and	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
		<i>student exclusions</i>		<p>That a refusal to admit policy should depend on the TCDSB ensuring that students excluded from attending school are provided an equivalent educational program; and</p> <p>That students should not be excused unless it can be demonstrated that the student presents an imminent risk to health or safety; and</p> <p>That the policy include:</p> <p>Circumstances when a refusal to admit is permitted, and when it is not permitted;</p> <p>Procedures that must be followed when refusing to admit a student;</p> <p>Timelines dictating the maximum number of consecutive days a student can be excused from school;</p> <p>An appeal process; and</p> <p>Data documentation and process for reporting to SEAC and Board.</p> <p>That the policy should include where the</p>	

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
8				TCDSB refuses to accommodate students with special education disabilities in regular classrooms without needed supports or services, the principal be required to provide written notice and rationale of this to the family and that the Superintendent be copied; and That a refusal to admit policy be referred to the Governance and Policy Committee; and that staff prepare a comprehensive report on the implementation of a refusal to report policy (Accountability Framework for Special Education 2018-19)	
	July 2020 Special Board	TBC	Governance and Policy	That the Strategic Reserves Policy be directed to the Governance and Policy Committee to consider a revision to this policy to allow for increased funding of the playground Reserve (2020-21 Budget Estimates Overall and Instructional)	Superintendent Fernandes
	August 2020 Regular Board	TBC	Governance and Policy	That the draft documents in Appendix A and Appendix B of the report be referred to the Governance Committee and Policy Committee and the By-Law Committee for their consideration (Revision of Toronto Catholic District School Board (TCDSB) By-Law #175 to Include the Authority of the Integrity Commissioner in the Governance Model)	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
10	October 2020 By-Law Review	TBC	Governance and Policy	<p>That the By-law Ad Hoc Committee recommend that Proposal 22 as follows be referred to the Governance and Policy Committee.</p> <p>The Board will provide the means to participate electronically in Board and Committee meetings in accordance with the provisions of the Act and <i>Ontario Regulation</i> 463/97 – Electronic Meetings.</p> <p>The Board will adopt a process to ensure the security and confidentiality of proceedings held during closed (private) meetings and review the procedures annually.</p> <p>Members will make every effort to provide notice to Board Services if they intend to participate electronically by 5 p.m. on the day prior to the Board or Committee meeting.</p> <p>No more than half of Board or Committee meetings in a twelve (12) month period can be chaired electronically in accordance with <i>Ontario Regulation</i> 463/97 – Electronic Meetings.</p> <p>All members participating via teleconference who</p>	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				are not speaking must use the mute function on their device. Student Trustees may not participate electronically in meetings that are closed to the public in accordance with the Act (Proposal: Add/Change Electronic Participation)	
11	February 2021 Corporate Services	TBC	Governance and Policy	That the policy on playground reserves be referred to the Governance and Policy Committee in order to change the criteria based on surplus budgets (Playground Reserve Update)	Superintendent Fernandes
12	February 2021 Regular Board	TBC	Governance and Policy	Therefore be it resolved that: A report be provided to consider and include: - setting up a real property subsidiary; and - develop an acquisition policy that incorporates a comprehensive set of criteria That this item be referred to the Governance and Policy Committee. (Rental of Surplus School Space Policy B.R.01 Annual Policy Metric)	Superintendent Fernandes
13	June 2021 Corporate Services	TBC	Governance and Policy	WHEREAS: Notices of motions/motions and amendments are used to bring proposals for consideration by Trustees;	Superintendent Fernandes

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				<p>WHEREAS: Notices of motions/motions and amendments are submitted in writing;</p> <p>WHEREAS: Preamble clauses are whereas explanatory notes that precede the be it resolved clauses;</p> <p>WHEREAS: Using a preamble or whereas explanatory notes gives the mover to list the reasons for the resolution;</p> <p>WHEREAS: Preamble clauses (whereas) should support the resolved statement(s);</p> <p>WHEREAS: Comments made in the preamble should be factual and verifiable;</p> <p>WHEREAS: Preambles must be as specific as possible about the issue and demonstrate the relevance of the resolution;</p> <p>WHEREAS: Commentary in the whereas paragraphs exemplify why action should be taken;</p> <p>WHEREAS: The TCDSB recently adopted a revised Trustee Code of Conduct that states in part:</p> <p>Trustees have a duty to treat members of the</p>	

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				<p>public, one another and staff appropriately and without abuse, bullying or intimidation;</p> <p>WHEREAS: Trustees should be committed to performing their functions with integrity, impartiality and transparency;</p> <p>WHEREAS: Trustees shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Trustee or faction of the Board;</p> <p>WHEREAS: Trustees as leaders of the community, are held to a higher standard of behaviour and conduct;</p> <p>WHEREAS: Trustees shall not maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Trustees shall show respect for the professional capacities of the staff of the Board;</p> <p>WHEREAS: Trustees share a common basis and understanding for acceptable conduct of Trustees, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework;</p>	

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				<p>WHEREAS: Negative preambles should be avoided;</p> <p>WHEREAS: Members are not endorsing whereas comments when voting for a resolution; and</p> <p>WHEREAS: Negative motions or resolutions should not be considered.</p> <p>THEREFORE BE IT RESOLVED THAT: Trustees in presenting notices of motions, motions and amendments adopt the following principles effective immediately:</p> <p>a) preambles will be factual and verifiable;</p> <p>b) preambles will be as issue specific as possible;</p> <p>c) negative preambles to notices of motions, amendments and resolutions will be avoided;</p> <p>d) resolutions and preambles to notices of motions/motions or amendments will not maliciously or falsely impugn the professional or ethical reputation of staff or trustees; and</p> <p>e) resolutions and preambles to notices of motions/motions or amendments will respect the professional Board staff and trustees</p>	

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
14				FURTHER BE IT RESOLVED THAT: The aforementioned be referred to the Governance and Policy Committee and to staff for necessary amendments to the present policies (Consideration of Motion from Trustee Rizzo regarding Notice of Motions)	
	June 2021 Regular Board	TBC	Governance and Policy	That the revised Terms of Reference for the 2SLGBTQ+ Advisory Committee (Appendix A of the report) be approved. Staff was directed to refer the matter of having consistency with respect of determining Terms of Reference before approval of Committee membership and meetings to the Governance and Policy Committee (Approval of 2SLGBTQ+ Advisory Committee Terms of Reference)	Superintendent Fernandes

Governance and Policy Committee 2021 Policy Priority Schedule

GAP Date	Policy	Policy #	Key Contact (s)
January 11	Trustees Code of Conduct	T.04	P. Matthews/Jeff Abrams
February 2	Suspensions and Expulsions	S.S.01	M. Caccamo
	Delegation Registration Form	T.14	C. Onyia
	Signing Officers(Rescindment)	F.M.02	P. De Cock
	Trustee Code of Conduct	T.04	P. Matthews/Jeff Abrams
March 2	Acceleration and Retention of Students (NEW)	S.P.03	M. Meehan
	Delegation and Public Participation Policy	T.14	C. Onyia/P.Matthews
	Permits	B.R.05	M. Loberto
April 6	Plaques for New Schools	B.P.02	D. Friesen
	Delegation and Public Participation Policy	T.14	P. Matthews
	Vandalism (RESCIND)	B.M.01	M. Farrell
May 4	Signage - New Sites and Building Projects	B.P.03	D. Friesen
	Fair Practice in Hiring and Promotion	H.M.40	M. Moffett/A. Della Mora
	Research Conducted in the TCDSB	S.19	M.Vanayan/L.DiMarco

June 1	Selection of Learning Materials	S.M.06	L.DiMarco
	Facilities Management	B.B.01	M. Farrell
	Trustee Pregnancy and Parental Leave of Absence (NEW)	T.21	P. Matthews
September 7	Legal Counsel	A.12	C. Onyia/P. Matthews
	Early Learning and Childcare Policy	B.R.02	S. Campbell
	Flag Flying Policy (NEW)	A. 04	P. Matthews
	Electronic Participation in Meetings of the Board	T. 19	P. Matthews
	Parent Selection for Board Committees Procedure		P. Matthews
	Covid 19 Mandatory Vaccination Policy	H.M.03	P. Matthews
	Update to Fresh Start S.S.12 and Suspensions and Expulsions S.S.02 Policies	S.S.12 and S.S.02	M. Caccamo
October 5	Access Control	B.B.05	M. Farrell
	Credit and Purchase Cards	A.24	P. De Cock
	Parking - Church Use	B.G.05	M. Farrell
	Offering of Hospitality and Gifts	F.M.07	P. De Cock
	Information and Communication Technology - Hardware and Software Standards	A.34	O. Malik
	Art Collection	A.22	M. Loberto
	Trustee Pregnancy and Parental Leave of Absence	T.21	P. Matthews
November 2	Outdoor Play Environment	B.G.01	M. Farrell
	Advocacy	A.06	C. Onyia
	Sweatshop-Free Purchasing	F.P.04	P. De Cock

December 7	Non-Union Employee Handbook	H.M.02	A. Della Mora
	Disposal of Surplus or Obsolete Furniture, Fixtures and Equipment	F.P.07	M. Farrell/D.Friesen
	Art Collection	A.22	D. Friesen