

# SPECIAL EDUCATION ADVISORY COMMITTEE REGULAR MEETING

## AGENDA September 15, 2021

**George Wedge, Chair**  
Easter Seals

**Melanie Battaglia, Vice Chair**  
Autism Ontario

**Geoffrey Feldman**  
Ontario Disability Coalition

**Lori Mastrogiuseppe**  
Fetal Alcohol Spectrum Disorder (FASD)

**Tyler Munro**  
Inclusion Action in Ontario  
Representative

**Lisa McMahon**  
Community Representative

**Deborah Nightingale**  
Association for Bright Children

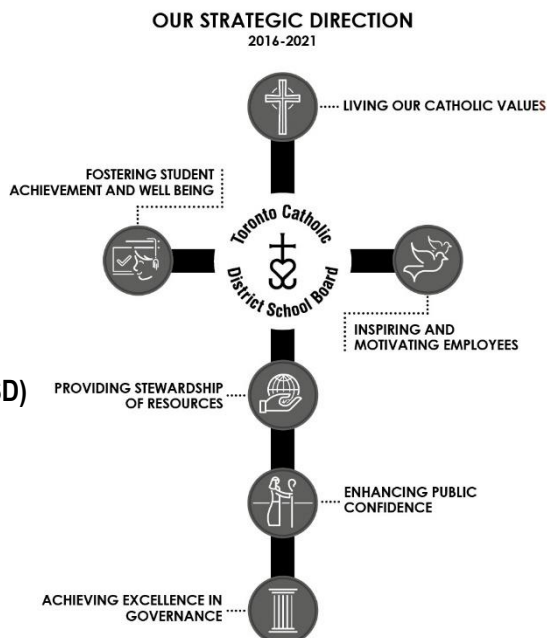
**Mary Pugh**  
VOICE for Hearing Impaired

**Michelle Da Costa**  
Ontario Parents Advocating  
for children with Cancer (OPACC)

**Wendy Layton**  
Community Representative

### TRUSTEE MEMBERS

**Angela Kennedy**  
**Daniel Di Giorgio**  
**Nancy Crawford**



### 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 the Special Education Advisory Committee (SEAC)**

**The Special Education Advisory Committee (SEAC) shall have responsibility for advising on matters pertaining to the following:**

- (a) Annual SEAC planning calendar;**
- (b) Annual SEAC goals and committee evaluation;**
- (c) Development and delivery of TCDSB Special Education programs and services;**
- (d) TCDSB Special Education Plan;**
- (e) Board Learning and Improvement Plan (BLIP) as it relates to Special Education programs, Services, and student achievement;**
- (f) TCDSB budget process as it relates to Special Education; and**
- (g) Public access and consultation regarding matters related to Special Education programs and services.**

**SEAC shall also make recommendations to Board pertaining to these matters, in order to improve the lives of students with Special Education Needs and their families.**

### ***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 people 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 SPECIAL EDUCATION ADVISORY COMMITTEE

## PUBLIC SESSION

George Wedge, Chair

Melanie Battaglia, Vice Chair

Wednesday, September 15, 2021

7:00 P.M.

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	Pages
1. Opening Prayer	
2. Land Acknowledgement	
3. Roll Call and Apologies	
4. Approval of the Agenda	
5. Declarations of Interest	
6. Approval and Signing of the Minutes of the Meeting held June 9, 2021	1 - 9
7. Delegations	
8. Presentations	
9. Notices of Motion	
9.a. From Melanie Battaglia, representative of Autism Ontario regarding Exclusion Tracking and Reporting	10 - 12
9.b. From Tyler Munro, representative of Inclusion Action in Ontario (IAO) regarding Promotion of Inclusive Practices in the Multi-Year Strategic Plan	13 - 18

**Reference document:**

<https://www.tdsb.on.ca/Portals/research/docs/reports/A%20Case%20for%20Inclusive%20Education13Aug13.pdf>

- 9.c. From Geoffrey Feldman, representative of Ontario Disability Coalition regarding Recommendation that Multiple Exceptionalities (ME) Staff use Clear Mouth Shields 19

**10. Consent and Review**

**11. Annual Calendar Items**

- 11.a. Special Education Advisory Committee (SEAC) Annual Calendar (Draft) as of September 15, 2021 20 - 22
- 11.b. Develop/Review Special Education Advisory Committee Annual Agenda/Goals for 2021-2022
- 11.c. Special Education Plan Review - Action Plan for 2021-2022

**12. Nominations**

**13. Reports of Officials for Information by the Board/Other Committees**

- 13.a. Safe Schools Annual Report 2020-2021 23 - 141
- 13.b. Response to Motion Regarding Individual Education Plan (IEP) Completion 142 - 145
- 13.c. Special Education Superintendent Update - September 2021 146 - 148

**14. Consideration of Motions for Which Previous Notice has been Given**

**15. Unfinished Business**

**16. Matters Referred/Deferred to the Committee by the Board and Other Committees**

**17. List of Communications**

**18. Association Reports**

**19. Inquiries and Miscellaneous**

- 19.a. From Geoffrey Feldman, representative of Ontario Coalition Disability regarding "Thank you" to the Angel Foundation for Learning for their support to TCDSB families through their Food for Kids Student Home Nutrition Grocery Card Program
- 19.b. Otis-Lennon School Ability Test (OSLAT) Testing Update (Verbal)  
- Maria Meehan, Superintendent of Special Services

**20. Pending List**

- 20.a. Pending List as at September 15, 2021

149 - 152

**21. Adjournment**

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# **MINUTES OF THE REGULAR VIRTUAL MEETING OF THE SPECIAL EDUCATION ADVISORY COMMITTEE PUBLIC SESSION**

**HELD WEDNESDAY JUNE 9, 2021**

## **PRESENT:**

### **Trustees:**

N. Crawford  
D. Di Giorgio  
A. Kennedy

### **External Members:**

George Wedge, Chair – In Person  
Melanie Battaglia, Vice Chair  
Geoffrey Feldman  
Lori Mastrogiuseppe  
Lisa McMahon  
Deborah Nightingale  
Wendy Layton

### **Staff:**

D. Koenig  
V. Cocco  
A. Coke  
M. Gendron  
R. Macchia  
M. Meehan  
J. Mirabella  
D. Reid  
P. Stachiw

S. Hinds-Barnett, Acting Recording Secretary

### **3. Roll Call & Apologies**

Apologies were extended on behalf of Tyler Munro.

### **4. Approval of the Agenda**

MOVED by Trustee Crawford, seconded by Trustee Kennedy, that the Agenda be approved.

MOVED in AMENDMENT by Deborah Nightingale, seconded by Trustee Crawford, that Item 17b) Communication from Glenn Webster, SEAC representative for Ontario Association of Families with Communication Disorders, regarding Notice of Resignation be added to the Agenda, and reordered after Item 4) Approval of the Agenda.

On the Vote being taken on the Agenda, as amended, the Motion was declared

CARRIED

### **17. Listing of Communications**

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

- 17b) Communication from Glenn Webster, SEAC representative for Ontario Association of Families with Communication Disorders, regarding Notice of Resignation received.**



On the Vote being taken, the Motion was declared

CARRIED

Geoffrey Feldman joined the meeting at 7:13 p.m.

**6. Declarations of Interest**

Trustee Kennedy declared an interest in Item 11b) Budget Update (Verbal) – Maria Meehan, Superintendent of Special Services, as she has family members who are employees of the Board.

Trustee Kennedy indicated that she would not vote nor participate in discussions regarding that Item.

**7. Approval and Signing of the Minutes**

MOVED by Lori Mastrogiuseppe, seconded by Deborah Nightingale, that the Minutes of the Meeting held May 19, 2021 be approved.

On the Vote being taken, the Motion was declared

CARRIED

**10. Consent and Review**

The Chair reviewed the Order page and the following Items were held:

- 11a) Special Education Advisory Committee (SEAC) Annual Calendar (Draft) as of June 9, 2021 - Trustee Crawford;
- 11b) Budget Update (Verbal) - Maria Meehan, Superintendent of Special Services - Deborah Nightingale;
- 13a) Special Education Superintendent Update – June 2021- Trustee Crawford;
- 14a) From Deborah Nightingale regarding Grade 4 Assessments, Identification Placement and Review Committees (IPRCs) and Placements - Deborah Nightingale; and
- 17a) From Brant Haldimand Norfolk Catholic District School Board (BHNCDSD) to Minister Stephen Lecce in Support for Bill 172, Education Statute Law Amendment Act regarding Fetal Alcohol Spectrum Disorder (FASD) - Lori Mastrogiuseppe.

MOVED by Trustee Crawford, seconded by Trustee Kennedy, that the Item not held be received.

On the Vote being taken, the Motion was declared

CARRIED

**ITEM NOT HELD AS CAPTURED IN ABOVE MOTION**

- 20a) Pending List as at June 9, 2021

**11. Annual Calendar**

MOVED by Trustee Crawford, seconded by Trustee Kennedy, that Item 11a) be adopted as follows:

- 11a) Special Education Advisory Committee (SEAC) Annual Calendar (Draft) as of June 9, 2021** received.

On the Vote being taken, the Motion was declared

CARRIED

Trustee Kennedy recused herself from the meeting at 7:23 p.m. due to a Declaration of Interest in Item 11b), as earlier indicated.

MOVED by Deborah Nightingale, seconded by Wendy Layton, that Item 11b) be adopted as follows:

- 11b) Budget Update (Verbal) - Maria Meehan, Superintendent of Special Services** received.

On the Vote being taken, the Motion was declared

CARRIED

Trustee Kennedy returned to the virtual meeting room at 7:46 p.m.

- 13) Reports of Officials for Information by the Board/Other Committees**

MOVED by Trustee Crawford, seconded by Deborah Nightingale, that Item 13a) be adopted as follows:

**13a) Special Education Superintendent Update – June 2021** received.

On the Vote being taken, the Motion was declared

CARRIED

**14. Consideration of Motions for Which Previous Notice Has Been Given**

MOVED by Deborah Nightingale, seconded by Geoffrey Feldman, that Item 14a) be adopted as follows:

**14a) From Deborah Nightingale regarding Grade 4 Assessments, Identification Placement and Review Committees (IPRCs) and Placements**

WHEREAS: The Toronto Catholic District School Board (TCDSB) has committed to creating school communities focused on the success, mental health and well-being of all students, including special education students;

WHEREAS: 2020-2021 has been a difficult school year for many students. We agree that we all want to move as quickly as possible to support the recovery and well-being of special education students;

WHEREAS: We want all students to be able to start school in the right program and with the necessary supports at the start of 2021-2022; and

WHEREAS: TCDSB has not completed some assessments and IPRCs, including those given annually to all Grade 4 students.

BE IT RESOLVED THAT: SEAC recommend to Board that the Board of Trustees encourage Staff to move as quickly as possible to:

- (1) complete all outstanding OLSAT-8 assessments for all Grade 4 students;
- (2) complete IPRCs for all identified students as soon as they are assessed;

- (3) issue offers of placement for all identified students; and
- (4) allow parents to reply to placement offers at their earliest opportunity.

Trustee Di Giorgio joined the meeting at 8:35 p.m.

The Chair declared a 10 -minute recess.

The meeting resumed with George Wedge in the Chair and no change to the Attendance list.

Geoffrey Feldman requested that the Question be split.

On the Vote being taken, Resolution #1 was declared

CARRIED

On the Vote being taken, Resolution #2 was declared

LOST ON A TIE

On the Vote being taken, Resolution #3 was declared

CARRIED

On the Vote being taken, Resolution #4 was declared

CARRIED

Melanie Battaglia joined the meeting at 9:04 p.m.

**17. List of Communications**

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

- 17a) From Brant Haldimand Norfolk Catholic District School Board (BHNCDSD) to Minister Stephen Lecce in Support for Bill 172, Education Statute Law Amendment Act regarding Fetal Alcohol Spectrum Disorder (FASD) received.**

MOVED in AMENDMENT by Lori Mastrogiuseppe, seconded by Deborah Nightingale, that SEAC recommend to Board that the Board of Trustees send a similar letter to Minister Lecce in support of Bill 172.

On the Vote being taken, the AMENDMENT was declared

CARRIED

On the Vote being taken, the Motion, as amended, was declared

CARRIED

## **21. Adjournment**

MOVED by Geoffrey Feldman, seconded by Trustee Crawford, that the meeting be adjourned.

On the Vote being taken, the Motion was declared

CARRIED

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SECRETARY

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CHAIR

## **Notice of Motion: Exclusion Tracking and Reporting**

To: SEAC  
September 15, 2021

Moved by: Melanie Battaglia, SEAC representative for Autism Ontario  
Seconded by: Tyler Munro, SEAC representative for Inclusion Action Ontario

Whereas: The mission of the Toronto Catholic District School Board (TCDSB) is to be an inclusive learning community uniting home, parish and school and rooted in the love of Christ;

Whereas: Autism Ontario, AODA association, Inclusion Action Ontario, ARCH disability Law and many other organizations and associations in Ontario supporting students with special education needs and/or disabilities (“special needs students”) and their families have repeatedly raised concerns about the frequency of special needs students being excluded under section 265(1)(m) of the Education Act (a “formal exclusion”) and/or what are frequently referred to as soft exclusions where student hours of attendance are restricted or are requested to stay home for a number of days, including without limitation for off school premises field trips (“soft exclusions”);

Whereas: The Ministry of Education’s “Enrolment Register Instructions for Elementary and Secondary Schools” has since the 2018/19 school year required school boards to maintain Exclusion records for “audit purposes” (pages 23 and 24), including the following information:

- Documentation that shows the reason for the exclusion.
- Documentation of successful notification of the exclusion and the response between the school board and the pupil (if the pupil is an adult) or the pupil’s parent or guardian.
- Documentation of the plan (signed by the principal) to re-integrate the pupil into the education system.



- Documentation of communication with other parties involved with re-engaging the pupil (e.g. social agencies).
- Data on the number of students who have been excluded during the school year (including the name of student, OEN, length of exclusion, and reason for exclusion)

Whereas: SEAC recommended to the Board and the Board affirmed the request for a report that would include summary information of Exclusions on March 27, 2019 and to date no report has been presented to SEAC, over 2.5 years later (“reporting delay”);

Whereas: The Ministry of Education has placed new limits on the suspension and expulsion of students in grade 3 and below effective this school year (2021/2022) and Exclusions may be used as a method to circumvent these Ministry limits on administrator authority;

Whereas: It is clear from the extensive reporting delay that the TCDSB does not have the ability to systematically monitor Exclusions to ensure appropriate use, meet the Ministry’s audit expectation as outlined in the “Enrolment Register Instructions for Elementary and Secondary Schools” document or collect data to compile any reliable reports surrounding the use of Exclusions for SEAC or the board in a timely manner.

Be it resolved that:

- SEAC recommend to the Board that the attendance system be updated to track all Exclusions, including formal and soft exclusions as previously defined.
- SEAC further recommend to the Board that the Progressive Discipline Application be updated to keep records associated with both types of Exclusions as required for a Ministry audit and those records should also be kept in a Student’s OSR.
- SEAC further recommend to the Board that a policy be created that will instruct staff on the appropriate use of Exclusions, record keeping and appeal provisions.



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- SEAC further recommend reporting of both types of Exclusions in the Annual Safe Schools report and it indicate the numbers of special needs students affected along with total students.

**Notice of Motion: Promotion of Inclusive practices in the Multi-Year Strategic plan.**

To: SEAC

Sep 1, 2021

Moved By: Tyler Munro, SEAC Representative for Inclusion Action in Ontario Education and Community (IAO)

Seconded by:

Whereas: The mission of the TCDSB is to be an Inclusive learning community uniting home, parish and school and rooted in the love of Christ;

Whereas: An “Inclusive” school board is one that focuses educating all students in regular classrooms and delivering necessary services and accommodations to special needs students in a regular classroom at their student’s local school and in their local community. Those boards operate few or no special segregated classrooms (ISP classes);

Whereas: Pope Francis and Catholic Social Teachings strongly supports the establishment and operations of Catholic Schools following the “Inclusive” model:

- ‘An inclusive education finds a place for all and does not select in an elitist way the beneficiaries of its efforts.’ – Pope Francis
- “An education in the fullness of humanity should be the defining feature of Catholic schools” – Pope Francis
- “Putting the entire person at the centre of education” - Pope Francis
- “Orienting educational work towards the margins, social margins and existential margins through service, encounter and welcome.” – Pope Francis
- "Education is an inclusive movement. An inclusion that goes towards all the excluded: those for poverty, for vulnerability due to wars, famines and natural

disasters, for social selectivity, for family and existential difficulties," – Pope Francis

- Vatican City, Feb 20, 2020 / 10:08 am (CNA)- Pope Francis called for an educational revolution Thursday, telling the Congregation for Catholic Education that more effort needs to be made to accelerate the inclusiveness of education.
- FRATELLI TUTTI Encyclical Letter Pope Francis writes: <sup>[98]</sup>I would like to mention some of those “hidden exiles” who are treated as foreign bodies in society. Many persons with disabilities “feel that they exist without belonging and without participating”. Much still prevents them from being fully enfranchised. Our concern should be not only to care for them but to ensure their “active participation in the civil and ecclesial community. That is a demanding and even tiring process, yet one that will gradually contribute to the formation of consciences capable of acknowledging each individual as a unique and unrepeatable person”. I think, too, of “the elderly who, also due to their disability, are sometimes considered a burden”. Yet each of them is able to offer “a unique contribution to the common good through their remarkable life stories”. Let me repeat: we need to have “the courage to give a voice to those who are discriminated against due to their disability, because sadly, in some countries even today, people find it hard to acknowledge them as persons of equal dignity”.
- “Defense of the right to life implies the defense of all other rights that enable the individual with the disability to achieve the fullest measure of personal development of which he or she is capable. These include the right to equal opportunity in education, in employment, in housing, and in health care, as well as the right to free access to public accommodations, facilities, and services.” US Catholic Bishops Statement on Disability (2016)

Whereas: Thirty (30) years of extensive research supporting accommodating special needs student within regular classrooms has shown, with an Inclusive approach:

- The special needs student does the same or better academically in an Inclusive classroom
- Academically all students do better in Inclusive classrooms.
- Teachers become more effective educators by broadening they teaching skills which benefit all students in Inclusive settings.
- Students learn to interact socially and accept those who are not like them, those who are different.

- Special needs students learn to interact with their peers in a typical accommodated, class setting and this eases the transition into adult life, making them more productive members of society. An artificial segregated setting can never achieve this and discourage accommodation in accordance with the Ontario Human Rights Code.
- Monies can be diverted from expensive segregated programs, bussing and underutilized assets to training staff, hiring frontline staff supporting students in regular classrooms and hiring support staff.

Whereas: Nineteen (19) of the sixty (60) English language school boards (32%) in Ontario promote the use Inclusive classrooms and operate no or only a few ISP classes for a limited number of Identifications;

Whereas: Twelve (12) of the twenty-nine (29) English Language Catholic School Boards (41%) in Ontario promote the Inclusive classroom and operate no or only a few ISP classes for a limited number of Identifications;

Whereas: New Brunswick, which has similar student enrollment levels as TCDSB, prohibits by law the segregation of any student due to a disability. New Brunswick has been a global leader in Inclusive education for 35 years;

Whereas: Most school boards that promote Inclusive classrooms achieve similar or superior results on standardized testing when compared to geographically overlapping boards that segregate special needs students, some by significant amounts. Renfrew Catholic DSB EQAO scores are 19% higher than Renfrew DSB. Hamilton-Wentworth Catholic DSB EQAO scores are 16% higher than Hamilton-Wentworth DSB. Of note Hamilton-Wentworth Catholic DSB has been operating without ISP classes as we know them for over 50 years;

Whereas: There is a presumption by TCDSB staff at all levels that the current ineffective and expensive parallel model of special education is best suited for a

special needs student. This presumption is made without benefit of reviewing research or having experience in Inclusive school boards. Parents and advocates who request an Inclusive placement for a student are dismissed without serious consideration of the request and they are often subject to significant pressure from staff to consent to a segregated placement recommendation;

Whereas: There are few if any accommodations provided to students in ISP classes that could not be provided in a regular class if staff were trained and supported to provide those accommodations; and

Whereas: Promoting Inclusive Education is consistent with our Catholic values, modern pedagogy research and practices, is consistent the Canadian Charter of Rights and Freedoms, The Ontario Human Rights Code, the laws and court rulings of Canada and Ontario. It is more cost effective than a segregated approach and helps all students reach their potential.

Therefore be it resolved: That SEAC recommend to the board that a senior team be put together to develop a pilot project or plan that identifies key deliverable and goals for each year in order to promote Inclusive placements for special needs students that are currently or likely to be placed in ISP classes to be included in the MYSP being prepared. As part of the MYSP SEAC suggests the senior team:

- provide a modern definition of Inclusion in an education setting that will be posted prominently on the board's website, on related documents and shared with staff;
- Consult with experts in Inclusive Education, Inclusive school boards, SEAC, review research and review available plans for transitioning a board to an Inclusive model;
- Develop a general strategy for preparing staff, departments and the board to support a transition to an Inclusive model;
- Identify and prioritize policies and procedure documents than need to be updated to reflect a change to an Inclusive model of education, including the Special Education Plan; and

- Identify groups of students that will be transitioned to the Inclusive model each year, the staff groups that will educate and support them and the training they will need.

Additional information:

Websites:

<https://fullinclusionforcatholicschools.org/>

<https://inclusiveeducation.ca/>

<https://ace.nd.edu/> The Alliance for Catholic Education, University of Notre Dame

<https://inclusiveschools.org/>

<https://www.ncld.org/> National Center for Learning Disabilities.

<https://ollibean.com>

<https://iod.unh.edu/cie> University of New Hampshire, Center on Inclusive Education.

<https://www.mcie.org/> Maryland Coalition of Inclusive Education

References:

FRATELLI TUTTI Encyclical Letter

[https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20201003\\_enciclica-fratelli-tutti.html#\\_ftn76](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html#_ftn76)

Research:

The Case for Inclusive Education: TDSB research department.

<https://www.tdsb.on.ca/Portals/research/docs/reports/A%20Case%20for%20Inclusive%20Education13Aug13.pdf>

Negative effects of Educating Children in Self Contained Classrooms:

- ☐ No educational advantage of a self-contained, segregated classroom, only disadvantages. (Buckley, S.J., Bird, G., Sacks, B. & Archer, T., 2006)
- ☐ No academic advantage (Falvey, 2004)
- ☐ Inferior quality of IEP goals (Hunt & Farron-Davis, 1992)
- ☐ Poorer quality of instruction in academic skills (NCLB, Wheelock, 1992)
- ☐ Lack of generalization to regular environments (Stokes & Baer, 1977)
- ☐ Disruption of opportunities for sustained interactions and social relationships with typical students (Strully & Strully, 1992)
- ☐ Decrease in the confidence that general education teachers have for teaching diverse learners (Giangreco *et al.*, 1993)
- ☐ Absence of appropriate role and behavior models (Lovett, 1996)
- ☐ Negative impact on classroom climate and student attitudes about differences (Fisher, Sax, & Rodifer, 2000)
- ☐ Children with Down Syndrome who are educated in special classrooms are more than 2 years behind on expressive language than children with Down Syndrome who are fully included (Buckley, *DownsEd*)
- ☐ No gains were made in speech and language in the students that were in special classrooms (Buckley, *DownsEd*)
- ☐ No improvements in school achievements (Cuckle, 1998)
- ☐ There is no such thing as a self-contained world, educating students in a self-contained room does not allow the students to learn all of the other things they will need to survive in this very large world (Decatur & Bassett, 2007)
- ☐ Students who stay their whole career in a self-contained classroom, have a 5 percent shot at a diploma. And that is immoral,” said the DOE’s chief academic officer, Shael Polakow-Suransky. “We cannot allow thousands of kids to be confined to failure.”
- ☐ Disruption of sustained opportunities for social relationships (Strully & Strully, 1992)
- ☐ Disruption of Maslow’s Theory that “all human beings need to belong before they can achieve” (Kunc, 1992)



**Notice of Motion: Recommendation that ME Staff use Clear Mouth Shields**

**Moved By: Geoffrey Feldman, SEAC Representative for Ontario Disability Coalition**

**Seconded By:**

**Whereas:** The mission of the Toronto Catholic District School Board (TCDSB) is to be an Inclusive learning community uniting home, parish and school and rooted in the love of Christ;

**Whereas:** An “Inclusive” school board is one that focuses on educating Special Needs Students who have difficulty with hearing or communication unless they see the complete face and lips of the Staff Member;

**Whereas:** The TCDSB is expected to deliver the necessary services and accommodations to all students;

**Whereas:** The Holland Bloorview Kids Rehabilitation Staff have had approved the use of a Clear Mouth Shield made by: \_\_\_\_\_ Model: \_\_\_\_\_ (to Follow) for use by hospital teaching staff with multiple exceptionality children and youth who need to view the complete face for full communication and learning;

**Whereas:** Students who are Deaf or Hard of Hearing or lack communication ability will benefit and become more intently involved when being instructed etc. by ME Staff who communicate through facial expressions and mouth movement; and

**Whereas:** TCDSB should accommodate all students by using all supports needed to communicate and instruct students.

**Therefore be it resolved:** That SEAC recommend to the Board that the responsible staff member research the clear mask shield and make it available to all school staff who wish to use this mask shield to fully communicate, instruct, etc. students who rely upon the full facial expressions that includes lip movement to enable them to provide full and inclusive education.

# SEAC Annual Calendar

Month	Annual Activities/Topics	Board Events/Deadlines
September	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Review TCDSB Accessibility Plan (September 2022)</li> <li>- Develop or review SEAC annual Agenda/Goals</li> <li>- Annual Safe Schools Report</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- FASD Awareness Day – September 9</li> </ul>
October	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- Autism Awareness (Canada)</li> <li>- Child Abuse Prevention Awareness</li> <li>- Learning Disabilities Awareness</li> <li>- World Mental Health Day (October 10)</li> <li>- EQAO Preliminary Results for Gr. 3 and 6 and OSSLT</li> <li>- Reports on Student Numbers of Elementary and Secondary School Students to be submitted to the Ministry of Education</li> <li>- Engagement and Governance Supports Discussion Guide</li> </ul>
November	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- AFSS Report: Exceptionality Frameworks-Goals &amp; Outcomes, EQAO Student Achievement Data (for various exceptionalities as appropriate)</li> <li>- Engagement and Governance Supports Discussion</li> <li>- Professional Learning Plan</li> <li>- Special Education Fair</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- Down Syndrome Awareness (first week)</li> <li>- EQAO Results for Gr. 3, 6, 9 (math), and Gr. 10 (OSSLT)</li> <li>- Engagement and Governance Supports Discussion Guide</li> <li>- ONSIS report on identified students</li> <li>- Year End for School Board Financial Statements</li> <li>- Multi-Year Strategic Plan (MYSP)</li> </ul>
December	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- SEAC Elections (Inaugural)</li> <li>- SEAC Elections: Chair &amp; vice-Chair (Annual)</li> <li>- SEAC Mass and Social</li> </ul>	<ul style="list-style-type: none"> <li>- International Day of Persons with Disabilities (December 3)</li> <li>- Human Rights Day (December 10)</li> <li>- Independent review of assessment and reporting</li> </ul>

## SEAC Annual Calendar

January	<ul style="list-style-type: none"> <li>- Review of Draft SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Annual Accessibility Report 2020</li> <li>- Multi-year Accessibility Plan/AODA-Updates</li> <li>- Review of Policy: Special Education Programs (S.P.01)- next review is January 2023</li> <li>- Mental Health Annual Report 2019-20</li> <li>- Priority Budget Setting Discussion (effective January 2020)</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- Bell Let's Talk Day (late January)</li> <li>- Grade 9 EQAO Testing takes place in Secondary Schools</li> <li>- Long Term Accommodation Program Plan (ongoing)</li> </ul>
February	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- Psychology Awareness Month</li> <li>- New term begins in Secondary semestered Schools</li> <li>- Report Cards are distributed (Elementary and Secondary)</li> <li>- Parent-Teacher Conferences</li> </ul>
March	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Safe Schools Committee Update</li> <li>- Mental Health Advisory Council Update</li> <li>- Budget Approval Updates</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- Easter Seals Awareness Month</li> <li>- World Down Syndrome Day – March 21</li> <li>- National Social Work Week (1<sup>st</sup> week)</li> <li>- CYW &amp; EA Appreciation Day (first Monday)</li> <li>- Ontario Secondary School Literacy Test (OSSLT)</li> </ul>
April	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Financial Report as at January, 2021 (GSNs)</li> <li>- Graduation Statistics for Students with Special Education Needs Update</li> <li>- March 31<sup>st</sup> Special Education student count</li> <li>- Update to Special Education Programs for 2021-2022</li> <li>- Budget Approval Updates</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- Autism Awareness Day – April 2</li> <li>- ONSIS report on identified students</li> </ul>

## SEAC Annual Calendar

May	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Student Grants 2021-2022</li> <li>- PRO Grants Application Update</li> <li>- Budget Approval Updates</li> <li>- Special Education Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>- Children's Mental Health Week (first week)</li> <li>- Speech, Language &amp; Hearing Awareness</li> <li>- Megan's Walk</li> <li>- Budget Consultation</li> <li>- EQAO Assessment</li> </ul>
June	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Association Reports (if any)</li> <li>- Budget approval update</li> <li>- Status of PRO Grant application</li> </ul>	<ul style="list-style-type: none"> <li>- World Sickle Cell Day – June 19</li> <li>- National Deaf Blind Awareness</li> <li>- EQAO Grade 3 and 6 Testing (<b>not administered for June 2020</b>)</li> </ul>
July		<ul style="list-style-type: none"> <li>- School Board Submits to the Ministry a balanced Budget for the following year</li> <li>- Special Education Report Checklist submitted to the Ministry of Education</li> </ul>
August		



REPORT TO

**STUDENT ACHIEVEMENT AND  
WELL BEING, CATHOLIC  
EDUCATION AND HUMAN  
RESOURCES COMMITTEE**

**SAFE SCHOOLS ANNUAL REPORT 2020-2021**

*Then the land will yield its fruit, and you will eat your fill and live there in safety.*  
~Leviticus 25:19

Created, Draft	First Tabling	Review
August 23, 2021	September 2, 2021	<a href="#">Click here to enter a date.</a>

Michael Caccamo, Superintendent of Nurturing our Catholic Community, Safe Schools, Continuing Education, and St. Anne Catholic Academy, School of Virtual Learning  
Nadia Adragna, Principal of St. Martin School and Safe Schools Department  
Todd Visinski, Vice Principal of St. Martin School and Safe Schools Department  
Jennifer Corbett, Vice Principal of St. Martin School and Safe Schools Department

**INFORMATION 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

While the 2020–2021 school year was another year impacted by COVID-19, safe and caring learning environments, supported by positive Catholic school climates, continues to be a key goal for the Toronto Catholic District School Board. In our annual Safe Schools Report, we examine metrics which monitor continued growth in safe, caring and accepting school practices; we acknowledge the impact that COVID-19 has had on the metrics examined.

Both qualitative and quantitative perceptual data for 2020-2021 indicate continued positive results toward safe and welcoming school climates in the TCDSB. During the 2020-2021 school year, 96% of elementary and secondary students (in- person or online) indicate that they feel very safe or safe.

Elementary school behavioural data indicate favourable results in almost all areas, including a very low number of suspensions issued. In addition, there were no school or board expulsions approved in elementary. Equally positive results were noted in the secondary panel behavioural data, including a very low number of suspensions issued. There were no school expulsions approved and only one board expulsion in secondary.

All schools will review both their local 2020-2021 Safe Schools metrics (behavioural data), as well as the perceptual data learned from the annual *Safe Schools Survey* (secondary) and this year's *Student Voice – Grade 6 and Grade 8 Surveys*. This data will be reviewed by local Safe and Accepting Schools Teams and will inform each school's 2021-2022 Safe Schools Plan. The components of each plan will include action items for: Bullying Awareness, Prevention and Intervention, Progressive Discipline, and Positive School Climate.

*The Safe Schools Department has identified a number of action items for 2021-22 to address the behavioural and perceptual data collected for both elementary and secondary schools.*

***The cumulative staff time required to prepare this report was 110 hours.***

## **B. PURPOSE**

1. The Safe Schools Report for 2020-2021 includes quantitative and qualitative data related to Safe Schools metrics, procedures, programs and other activities designed to create safe, accepting learning environments, and strengthen public confidence in the TCDSB. To gain further insights into the data, the 2020-2021 Report also includes identity-based analyses.
2. The following areas will be addressed in this report, along with actions undertaken to address evidence-informed needs:
  - 1) Suspension and Expulsion Data
  - 2) Safe Schools Climate Surveys
  - 3) Alternative Safe Schools Programs for Students
  - 4) Professional Learning to Build Capacity within the System
  - 5) Student Voice on How to Increase Safety in Schools
  - 6) Proposed Actionable Items for 2021-2022
3. The evidence will highlight those areas of strength and success, as well as areas for growth, resulting in prioritized actions for the 2021-2022 school year.

## **C. BACKGROUND**

The Annual Safe Schools Report to board has evolved from focusing on suspension and expulsion data to a comprehensive review and analysis of established metrics, including perceptual data, as well as subsequent action plans for the next school year.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

Data sources for this report include, but are not limited to:

1. Suspension and Expulsion data;
2. Safe Schools Climate Surveys;
3. Safe Schools alternative programs to support student achievement and well-being;

4. Participation rates of TCDSB staff in professional learning opportunities, workshops and in-services;
5. Student Voice: Secondary Safe Schools Survey and Student Voice Survey: Grades 6 and 8.

## **SECTION 1: Suspension and Expulsion Data (Appendix A)**

During the 2020-2021 school year, Safe Schools data was collected from both students working in person and online. Positive results were noted in both panels as outlined below. Historically, students and parents working through a suspension and/or suspension pending possible expulsion have consulted with outside agency groups, such as TAIBU, Justice for Children and Youth, and Catholic Children's Aid Society, for support.

### **ELEMENTARY SCHOOLS DATA**

At the Elementary level, the data indicate favourable results in all but one area.\* Favourable results include a very low number of suspensions issued relative to previous years. In addition, reductions were identified in the number of days lost to suspension, the number of students with an IEP suspended and the number of school expulsions and board expulsions approved. In fact, no school expulsions or board expulsions were approved in the elementary panel.

\*Although this year saw an overall reduction in the number of suspensions pending possible expulsion, the number of males suspended pending possible expulsion under S 310 of the Act increased by 2 related to inappropriate on-line behaviour.

Although the **Fresh Start** process is not disciplinary in nature, 9 students were transitioned at the elementary level for concerns related to safety. (This is a decrease of 6 students from the previous year.)

### **SECONDARY SCHOOLS DATA**

At the secondary level, the data also indicate favourable results in all areas including a very low number of suspensions issued relative to previous years. In addition, reductions were identified in the number of days lost to suspension, the number of students with an IEP suspended, the number of suspensions pending possible expulsion and the number of school expulsions and board expulsions approved. In fact, there were no school expulsions and only 1 board expulsion approved in the secondary panel.



Although the **Fresh Start** process is not disciplinary in nature, relative to previous years, less students were transitioned in secondary for concerns related to safety (4 students transitioned). (This is a decrease of 32 students from the previous year.)

## **SECTION 2: Student Perceptual Data**

The 2020-2021 school year continued to be exceptional because of the COVID-19 pandemic. Students worked both online (at home) and in person at school.

During the 2020-2021 school year, secondary students in Grades 9-12 participated in the annual *Secondary Safe Schools Survey* held in the fall.

In the spring of 2021, a new survey, the *Student Voice Survey* was completed by elementary students in Grades 6 and 8. The focus of the survey was to learn about students' well-being and online learning experience during the 2020-2021 school year. The survey included questions on safety.

Each year, data gathered from all these surveys are reported for individual schools and for the Board. At the Board level, general trends can be identified and serve as a focus for collective inquiry and action. At the school level, the data are reviewed by the Safe and Accepting Schools Team to gain greater insights into students' perceptions of school safety and school climate, to advise the principal about enhanced safety procedures and programs, and to review and update the local Safe Schools Plan.

Because of the exceptional school year, results for only the 2020-2021 school year are included in the Appendices and cannot be compared to previous years. This year, once again, we conducted an analysis of perceptions by racial identification to examine any changes. The analysis by gender was not conducted, as patterns have been stable for many years and are consistent with the literature.

***N.B. It is recommended that data be interpreted with caution when considering small sample sizes.***

## **OVERALL BOARD LEVEL RESULTS**

### **(i) Safe Schools Survey (Secondary)**

In November 2020, 4,591 students in Grades 9 through 12 from all TCDSB secondary schools participated in the *Safe Schools Survey*. Overall, secondary students' perceptions of school safety were very positive, with 96% of all students (in person and online) reporting feeling *very safe* or *safe* in school.

#### **Some highlights on safety (See Appendix B1):**

Results for students learning in person (at Bricks and Mortar schools) are positive in all areas of feeling safe in and around school.

Secondary students' feelings of safety include:

- over 90% of secondary respondents felt *safe* or *very safe* in school, in the classroom, in the hallways, and on the stairs/in stairwells.
- over 85% felt *safe* or *very safe* in the cafeteria/at lunch time, walking/travelling to and from school, in the washrooms, at dismissal time, and in the parking lot.

Secondary students' reports about bullying include:

- 95% of secondary respondents indicated that they have *never* been bullied;
- 6% have witnessed another student being bullied during the first quadmester;
- 79% of secondary respondents indicated that bullying is *a small problem* or *not a problem* in their school.

#### **Areas for continued dialogue:**

- Of the secondary respondents who *experienced* bullying at school (3%), only 28% told another person about being bullied.
- Of the secondary respondents who *witnessed* bullying at school (6%), 27% indicated they told someone about the bullying they witnessed.
- For those who had been bullied (3%) or had witnessed bullying (6%), the most common forms of bullying were verbal or social. For those witnessing bullying (6%), cyberbullying was also common.
- For the 136 respondents who experienced being bullied at school during the first quadmester, the top reasons given most often for being bullied were:

their physical appearance (29%); interests (28%); race (21%) and weight (20%).

## **(ii) Student Voice (Elementary)**

In May 2021, 6,247 students in Grades 6 and 8 in all TCDSB elementary schools participated in the *Student Voice – Grade 6 and Grade 8 Surveys*.

Overall, elementary students' perceptions of online safety are very positive, with the large majority (96%) of all students indicating they feel *very safe* or *safe* while working on distance learning activities.

Some further highlights on safety (See Appendix B2):

Results for students learning in person (at Bricks and Mortar schools) are positive in all areas of feeling safe in and around school.

Elementary students' feelings of safety include:

- over 90% felt *safe* or *very safe* in school, in the classroom, and at dismissal time
- over 80% felt *safe* or *very safe* in the hallways, walking/travelling to and from school, on the stairs/in stairwells, in the parking lot, at lunch time, and in the washrooms.

Areas for continued dialogue:

- 22% of elementary respondents indicated that they have been bullied.
- 36% have witnessed another student being bullied.
- 65% of elementary respondents indicated that bullying is *a small problem* or *not a problem* in their school.
- Of the elementary respondents who *experienced* bullying at school (22%), more than half or 53% told another person about being bullied.
- Of the elementary respondents who *witnessed* bullying at school (36%), 55% indicated they told someone about the bullying they witnessed.
- For those who had been bullied (22%) or had witnessed bullying (36%), the most common forms of bullying were verbal or social.
- Of the 1,392 respondents who experienced being bullied at school during this school year, the top reasons given most often for being bullied were: their physical appearance (41%); interests (29%); and weight (29%).

## **PERCEPTIONS BY RACIAL IDENTIFICATION**

In the fall of 2020, 4,591 secondary students (in Grades 9 to 12) completed the *Safe School Survey*; in the Spring of 2021, 6,247 elementary students in Grades 6 and 8 completed the *Student Voice Survey*. Both surveys included questions pertaining to safety and on both surveys students were asked to indicate with which racial group(s) they identified. Ministry of Education recommended racial categories were used.

An analysis (see Appendix C) was conducted to examine the perceptions of safety among students in the various racial categories. Feelings of safety are highly positive in all groups. Regarding experiences and perceptions of bullying, while overall they are positive for all groups, the experiences and perceptions of students who identify as Indigenous and Middle Eastern (elementary) and students who identify Indigenous and Latino/Latina/Latinx (secondary) appear to be slightly less favourable. These results will inform dialogue between the departments of Safe Schools, Equity, and Educational Research in planning for continuous improvement in the areas of safety and well-being for all students.

### **SECTION 3: Student Voice: How to Increase the Level of Safety in Schools**

On both the annual *Secondary Safe Schools Survey* collected in the fall and this year's *Elementary Student Voice Survey* collected in the spring, students were asked: *How do you think we can make our schools safer?* Responses of students were collated and results are summarized below.

#### ***Student Voice: Secondary Schools***

Many secondary students indicated the schools are already safe and did not offer additional input. Top responses by students on how to increase school safety were:

- increased police or security guard presence
- the promotion of anti-bullying initiatives
- more individual conversations with students about their safety
- adding more security cameras
- more supervision outside the classroom (monitors or teachers in the hall)
- go back to online learning and stay at home.

### ***Student Voice: Elementary Schools***

Many elementary students also indicated the schools are already safe and did not offer additional input. Top responses by students on how to increase school safety were:

- adding staff to monitor recess and hallways
- the promotion of anti-bullying initiatives
- adding more security cameras
- increased protocols for COVID-19 virus protection
- teaching students to be kind, love and care for each other, and create a caring school community
- stricter rules and punishment

### **SECTION 4: Principal and Vice Principal Focus Groups**

In the spring of 2021, focus groups were held with administrators to learn about their awareness regarding any differences in the perceptions of bullying and safety among students of various racial groups, specifically Indigenous, Middle Eastern and Black. Participants were asked to share promising practices in their school communities to promote feelings of safety and belonging, challenges, and recommendations. The focus group sessions incorporated professional learning and resources to address safety and belonging of marginalized groups.

There were six focus groups held (3 elementary and 3 secondary centred on each of the three racial groups). Administrators (principal or vice principal) participated in the focus groups that were supported with staff from Safe Schools, Equity and Community Relations and Research. Schools were representative of the various areas of the school district and were among those that were known to have fair representation of the three racial groups.

The following themes emerged from the focus group sessions:

*Awareness that Indigenous, Middle Eastern or Black students' perceptions of safety and bullying were slightly less favorable*

- Overall, the majority of administrators from all schools indicated that overall results show students were feeling safe and not bullied, and they were not aware of less favourable perceptions among the specific groups of students (Indigenous, Middle Eastern, Black).

*Promising Practices to respond to marginalized student perceptions of safety and bullying:*

- Administrators shared the following promising practices:
  - Establishing an Equity Team within the school to address student concerns and work on making students feel welcomed and included
  - Ensuring the availability of culturally relevant books, literature and resources
  - Bullying Awareness and Prevention initiatives like the Student Ambassador Symposiums and local school initiatives
  - Listening to student voice and learning about students' lived experience
  - Working with support staff (e.g., settlement worker, ESL teacher, social worker, guidance) to connect with Middle Eastern community
  - Hiring staff more reflective of student diversity so they see themselves represented and would feel more comfortable coming forward with concerns about safety and/or bullying
  - Establishing a whole school campaign focused on kindness which reinforces the notion that acting kindly decreases incidents of bullying

*Challenges or barriers that your school community has experienced when responding to marginalized students' perceptions of safety and bullying:*

- Administrators reported the following as challenges or barriers:
  - Indigenous students do not feel comfortable sharing their identity. *(Historically, students who identify as Indigenous have reported that they have been disadvantaged or have been subject to discrimination as a result of their identity.)*
  - Varied perspectives when having open and honest conversations with staff about equity and racism
  - Language barrier (with Middle Eastern community)
  - Obstacles to parental engagement
  - Understanding different cultural views (differences in norms at school versus norms at home); lack of understanding of the students' culture and not having lived the same experience
  - Lack of racial diversity in school staff for students to see themselves and relate

*Practices in place related to belonging and school climate; how the school environment reflects the communities represented:*

- Administrators indicated the following practices related to belonging and school climate:

- Ensuring the availability of culturally relevant books and resources; murals, posters on school walls that are reflective of the school population
- Staff PD on equity and anti-racism; understanding the culture and background of students; having open and honest conversations
- Inviting guest speakers and visitors of various cultural backgrounds representing the various cultures of students
- Building awareness of racial groups' history and culture: for example, celebrating Indigenous Heritage Month, participating in Orange Shirt Day; highlighting Middle Eastern and Black culture
- Hiring staff more reflective of student diversity; staff can share stories with other staff members; build an understanding of the customs and practices of their cultural origins.
- Increasing parental involvement

*Recommendations moving forward to create a more inclusive school climate (and therefore increased feelings of safety):*

- Administrators offered the following recommendations to create a more inclusive school climate:
  - Ensure a better representation of staff that reflects the student population within the school, by intentionally hiring staff with the same cultural make-up as the student population; it is important for students to see themselves
  - To show students that they belong, include representation of all cultures on the walls, library stocked with diverse collection of culturally relevant books
  - Have open and honest conversations with staff regarding racism, implicit bias and equity issues
  - Listen to student voice, hold a student forum or student focus group to dig deeper into students' perceptions of safety and bullying; involve students in decision making on how to deal with bullying and set clear expectations
  - Engage the community; share stories
  - Invite staff (e.g., TCDSB community relations officer) or a guest speaker who is Black or from other racialized communities, to visit the school



## **SECTION 5: Safe Schools Alternative Programs**

The TCDSB operates programs through the Safe Schools Department. These alternative programs offered at St Martin Catholic School support students who have been approved for board expulsion.

### **1. The Expulsion Program**

The Expulsion Program is a short-term support program for students who have been expelled from all schools of the TCDSB. The program serves elementary students in grades 6-8 and secondary school students in grades 9-12. Program staff work as a multidisciplinary team to address student strengths, needs and triggers, with an aim to provide individualized academic programming and individual support at school. Once students have transitioned to the program from their home school, the goal for all students is to successfully complete the demission requirements and return to a different TCDSB school. While in the program, some students are able to meet graduation requirements and proceed to post-secondary education, while others look to access community programs or the world of work upon program completion.

In 2020-2021, there was 1 elementary student who participated in the Elementary Voluntary Intervention Program (VIP).

In the secondary program, 19 students (11 Board Expulsion and 8 Voluntary Intervention Program) were served at different points during the school year. Program staff work diligently to develop community partnerships across the GTA so that students and their families can access local community support and resources.

### **2. TIPSS (Transitional Intervention Program for Suspended Students)**

The long-term suspension program offers programming to students serving a suspension of 6-20 days in length. For students receiving a suspension between 6-10 days, academic programming is provided. For students serving a suspension of 11-20 days, social work assistance is provided in addition to the academic programming. Parents are not obligated to accept TIPSS support although participation is strongly encouraged.

In 2020-2021, 7 suspended students were served by TIPSS teachers at sessions in Toronto Public Library sites and/or virtually. In situations where adult



students/parents have chosen not to attend TIPSS, the school provided the student/family with work packages. In all cases, students were afforded the opportunity to continue with their learning while on long-term suspension.

## **SECTION 6: Professional Learning for TCDSB Stakeholders**

In 2020-2021, the Safe Schools Department offered a diverse menu of professional learning on Safe Schools topics to students, parents, TCDSB staff members and community partners.

2020-2021 Activities are listed in Action Items found in section E.

## **E. METRICS AND ACCOUNTABILITY**

2020-2021 Metrics	Evidence/Deliverables (2020-21 Metrics)
<p>1. Expand the <i>Safe Schools Professional Learning Modules Series</i> to include new modules:</p> <ul style="list-style-type: none"> <li>• “Introduction to Autism and Applied Behaviour Analysis Strategies in Secondary Schools”</li> <li>• “Informal Restorative Processes”</li> <li>• “What You Need to Know about Cannabis and Vaping for Students from Grades 6 – 12”</li> </ul>	<p><i>Due to COVID-19, the modules offered were delivered as professional learning videos or webinars.</i></p> <ul style="list-style-type: none"> <li>• 19 different topics delivered in 2020-2021 Professional Learning Modules Series: <ul style="list-style-type: none"> <li>○ 1415 participants (social workers, CYW, educational assistants, teachers, psychologists, administrators, support staff, Toronto Public Library staff)</li> </ul> </li> <li>• Interdisciplinary professional learning opportunities with various TCDSB stakeholders: <ul style="list-style-type: none"> <li>○ Administrative Professional Development – 573 principals/vice principals/superintendents <ul style="list-style-type: none"> <li>▪ Strategies to Promote ProSocial Student Behaviours - Secondary Principals and Vice Principals</li> <li>▪ K-12 Meetings</li> <li>▪ Threat Assessment Training</li> <li>▪ K-3 Suspensions and Alternative Measures to Address Student Behaviour</li> </ul> </li> <li>○ Safe Schools Student Ambassador Symposiums including Bullying Awareness and Prevention</li> </ul> </li> </ul>

	<p>Month Launch – 2811 elementary/secondary students, staff, parents, trustees, community partners</p> <ul style="list-style-type: none"> <li>○ Threat Assessment Training and Related Workshops: 180 participants (social workers, teachers, psychologists, administrators, mental health support staff)</li> <li>○ Training to Toronto Police Service – 40 police officers</li> <li>○ SEAC Presentation – 20 members</li> <li>○ I-Lite Presentation – 200 elementary students</li> <li>○ Listening with the Heart – 120 staff</li> <li>○ Voices that Challenge – 100 participants (staff and students)</li> <li>○ In addition TCDSB staff accessed the various Safe Schools professional learning videos throughout the school year.</li> </ul>
<p>2. Safe Schools/St. Martin School staff will continue to produce training videos on various topics related to Safe Schools and Promoting Positive Catholic School Climate. School communities will be able to access these videos to share with staff, students and parents.</p>	<p>During the 2020-2021 school year, the Safe Schools Department developed 14 professional learning videos on the following topics:</p> <ul style="list-style-type: none"> <li>● Creating Safety, Security and Sense of Self: Building a Trauma Informed Classroom Environment</li> <li>● Introduction to Autism and Applied Behaviour Analysis: Strategies in Secondary Schools Parts 1 &amp; 2</li> <li>● Threatening, Worrisome Behaviours</li> <li>● LearnKey (previously Shadowbox/OnlineExpert): Character Building and Social/Emotional Modules</li> <li>● The Traumatic Impact of the COVID-19 Pandemic on Students</li> <li>● Cyber Bullying and Internet Safety</li> <li>● Tools to Support Students' Self-Regulation</li> <li>● Effective Classroom Management – Elementary</li> <li>● Informal Restorative Processes</li> </ul>

	<ul style="list-style-type: none"> <li>• Connecting with Parents and Caregivers</li> <li>• What You Need to Know About Cannabis for Students from Grades 6-12</li> <li>• Formal Restorative Practice – Resolution Conference and Mediation Circles (RCMC)</li> <li>• Addressing Challenging Behaviour in Adolescents</li> <li>• Listening With the Heart: Building Safe and Inclusive Classrooms Through Mindfulness and Meditation</li> <li>• Fostering Self-Compassion and Kindness</li> </ul> <p>These videos are available on the Safe Schools Portal Page.</p>
<p>3. The Safe Schools Department will provide further training on the topic Mitigating and Other Factors with principals to ensure that these factors continue to be considered in determining decisions and plans that support student achievement and well being. The Safe Schools Department with the Equity Action Team to review with principals the application of Mitigating and Other Factors through an approach that considers varying sociological factors, including factors that may impact students from various racial groups.</p>	<p>The Safe Schools Department met with the Mental Health Department, Equity, Diversity, Indigenous Education and Community Relations Department, the Human Rights and Equity Advisor Office, and Special Services Department throughout the school year to develop a tool, <i>Mitigating and Other Factors: Widening the Lens</i>. Training will be provided to all principals and vice principals in the Fall 2021 to share the tool and provide training on its use.</p>

<p>4. The Safe Schools Department will meet with secondary school principals to facilitate the sharing of effective strategies that promote students engaging in positive and pro-social behaviours, and to further support nurturing a positive rapport between staff and students within an overall positive school climate.</p>	<p>On January 27, 2021, the Safe Schools Department delivered a presentation to secondary school principals and vice principals on the topic <i>Strategies to Promote Pro-Social Student Behaviours</i>. Each administrator was also provided with a copy of the book, <i>Non Violent Communication: A Language of Life</i> to support them in their efforts to promote a positive school climate.</p>
<p>5. The Safe Schools Department will review data included in this report with the Equity, Diversity, Indigenous Education and Community Relations Department, and with the Research Department, to explore appropriate recommendations; specifically, perceptual data related to bullying in various racial groups will be a focus of discussion and action.</p>	<p>See Section 4 of the Annual Report for information related to principal and vice principal focus groups held during the 2020–2021 school year.</p>
<p>6. The Safe Schools Department will meet with elementary principals to address the Ministry of Education’s recent mandate to eliminate suspensions issued to K-3 students and to explore alternative measures to address student</p>	<p>On February 16, 2021, the Safe Schools Department, Mental Health Department and Early Years Department met with elementary principals and vice principals to deliver a presentation on K-3 Suspensions and Alternative Measures to Address Student Behaviour. This session led to a book talk series focused on the book <i>Culturally Responsive Teaching and the Brain</i> which included the participation of both administrators and teaching staff.</p>

behaviour in this student group.	
<p>7. Based on the feedback from the 2019-2020 <i>Safe Schools Survey</i>, the Safe Schools Department will continue to support Safe Schools Student Ambassador Teams and offer symposiums during the 2020-2021 school year. The theme of kindness and compassion will continue to be an area of focus.</p>	<p>During the 2020-2021 school year, the Safe Schools Department hosted 2 elementary and secondary Student Ambassador Symposiums attended by students, staff mentors, parents, senior staff and trustees. Themes addressed during the symposiums included: bullying prevention, healthy relationships, and generosity. Speakers provided presentations that were also rooted in the theme of equity.</p> <p>The role of the Safe Schools Student Ambassador Team is to collaborate with school stakeholders to develop and implement initiatives that promote a safe, caring and accepting Catholic school climate.</p> <p>Elementary and Secondary:</p> <ul style="list-style-type: none"> <li>• Virtual Sessions Bullying Awareness and Prevention Week – November 16-20, 2020</li> <li>• Live Sessions December 1, 2020</li> </ul> <p>Elementary and Secondary:</p> <ul style="list-style-type: none"> <li>• Live Sessions - April 8, 2021</li> </ul>

## F. ACTION ITEMS FOR 2021-2022

1. Expand the Safe Schools Professional Learning Series to include the following new topics:
  - *How to Create a Trauma Informed Classroom*
  - *How to Create an Anti-Racist and Anti-Oppressive Classroom*
  - *De-Escalating Worrisome Behaviours*
  - *Supporting Successful Transitions to High School*
  - *Building Empathy in the Classroom*
2. The Safe Schools Department will collaborate with the Equity, Diversity, Indigenous Education and Community Relations Department, the Human

Rights and Equity Advisor Office, and the Special Services Department to provide professional development to principals and vice principals on the tool *Mitigating and Other Factors: Widening the Lens* and its application when responding to student activities for which suspension and/or expulsion must be considered. The focus of this professional development is to ensure that these factors continue to be considered in determining decisions and plans that support student achievement and well-being. This approach considers varying sociological factors, including factors that may impact students from various racialized groups and/or those who may have experienced marginalization or trauma.

3. The Safe Schools Department will collaborate with various departments including Special Services, Mental Health, Nurturing Our Catholic Community and Curriculum to implement the *Safe Schools Return to School Plan* to support students, staff and parents as students return to school in September 2021. Some initiatives include:
  - a. *Risk Review Training (Earl B/G and Start-AV)* for all Psychology and Social Worker Staff
  - b. *Cannabis Professional Learning Sessions and Presentations* for Teachers, Administrators, Support Staff and Parents
  - c. *How to Establish Effective Safe Schools Student Ambassador Teams Guideline* launched during Bullying Awareness and Prevention Week
4. The Safe Schools Department will continue to review data included in this report with the Equity, Diversity, Indigenous Education and Community Relations Department, the Human Rights and Equity Advisor Office, and with the Research Department, to explore appropriate recommendations. In addition, in consultation with various TCDSB community advisory committees, we will review recently collected student identity-based data as well as data received from focus groups with Black stakeholders.
5. In response to the elementary perceptual data, the Safe Schools Department will develop a professional learning video related to effective strategies to address bullying behaviour in elementary school: *Practical Strategies to Promote Healthy Relationships in Elementary School*. The Safe Schools Department will present this resource to elementary school principals during a K- 8 Principal Meeting.

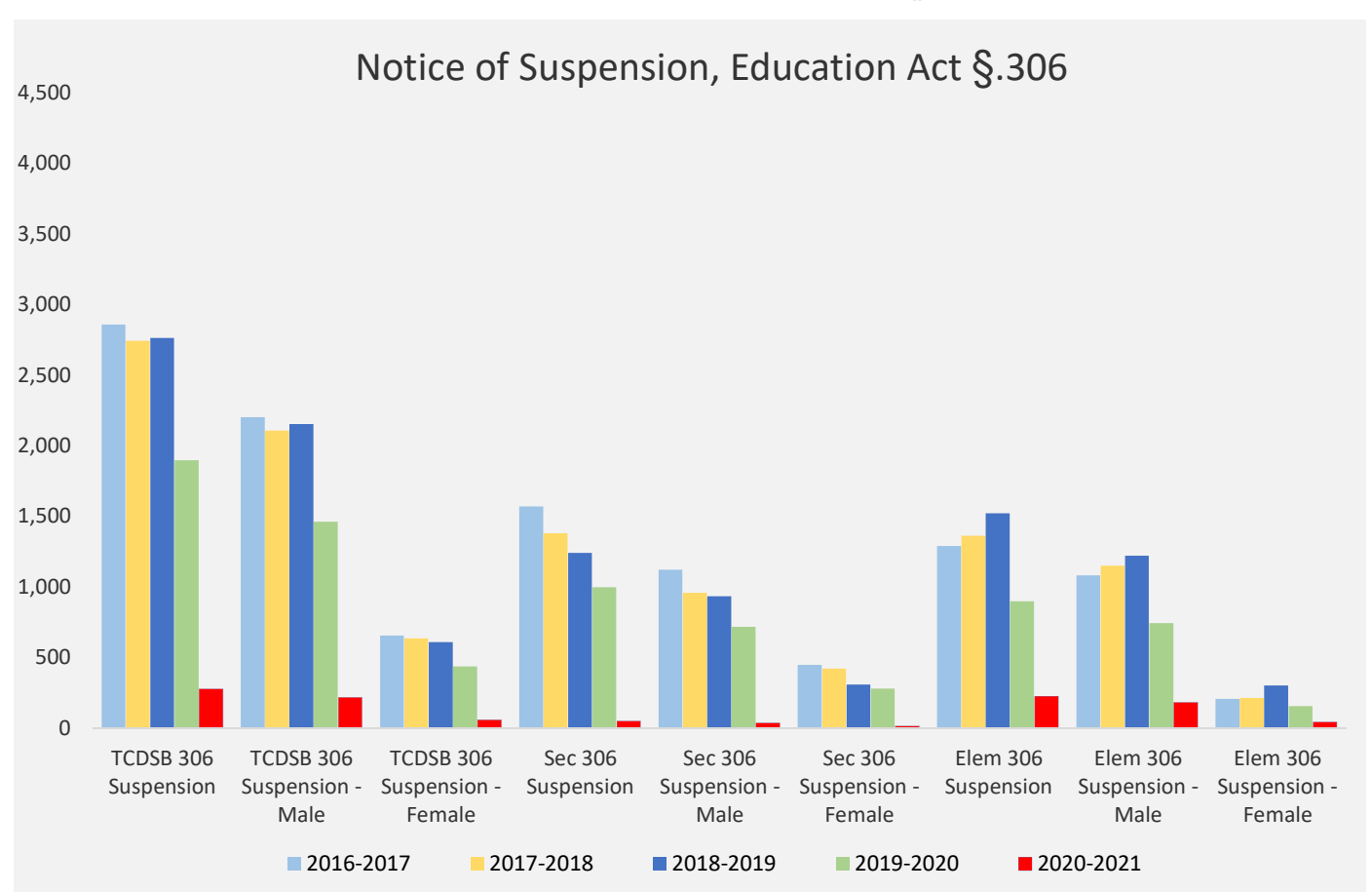
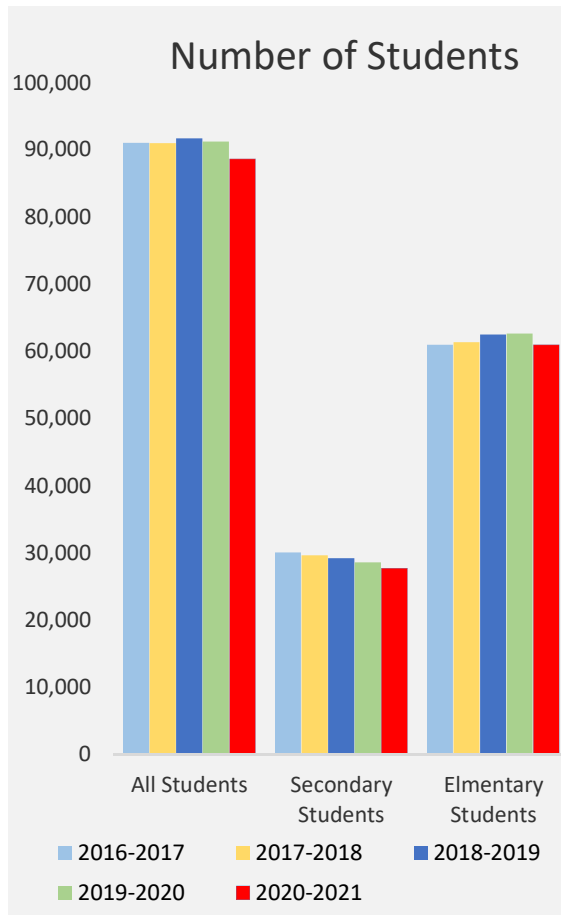
6. In response to the Ministry of Education's *Policy/Program Memorandum (PPM) no. 166: Keeping Students Safe: Policy Framework for School Board Anti-Sex Trafficking Protocols*, the Safe Schools Department will develop a local anti-sex trafficking protocol in collaboration with the Special Services Department. The Safe Schools Department currently offers professional learning in this area in conjunction with outside agencies such as Strides Toronto and will align this training with the requirements of PPM 166.
7. The Safe Schools Department will continue to support Safe Schools Student Ambassador Teams and offer symposiums during the 2021-2022 school year. The themes of Hope and Positive School Climate will continue to be areas of focus.

## **G. CONCLUDING STATEMENT**

This report is for the information of the Board.

**Notice of Suspension, Education Act §.306**

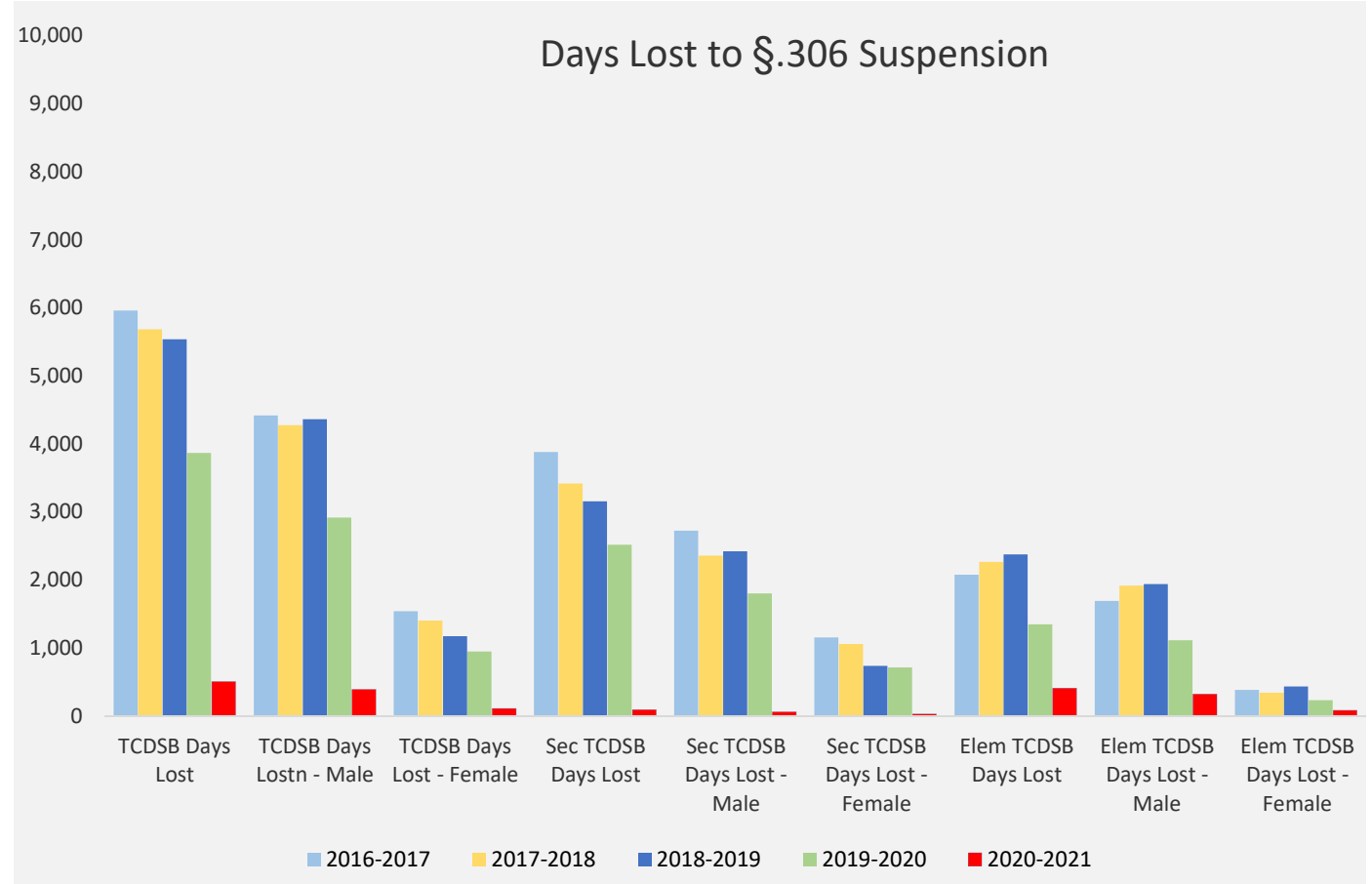
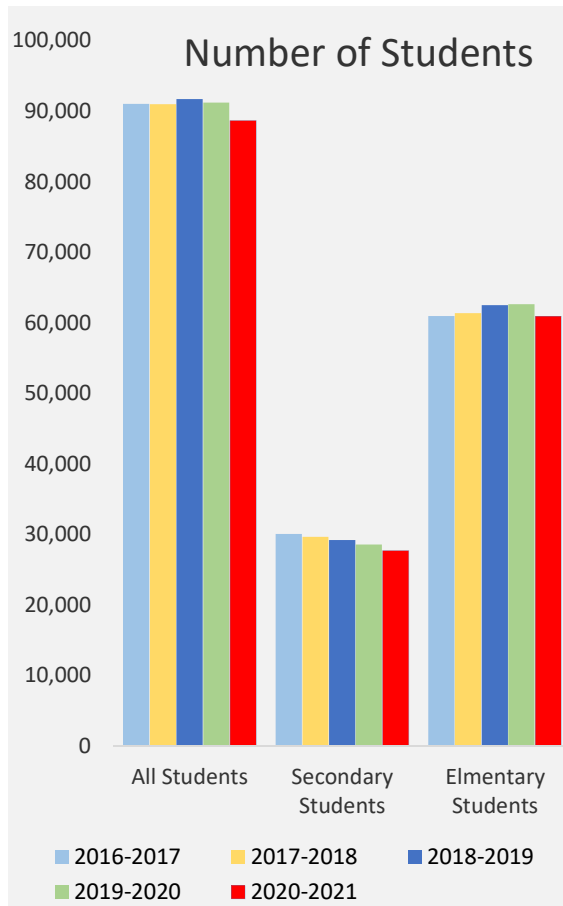
TCDSB	All Students	Secondary Students	Elementary Students	TCDSB 306 Suspension	TCDSB 306 Suspension - Male	TCDSB 306 Suspension - Female	Sec 306 Suspension	Sec 306 Suspension - Male	Sec 306 Suspension - Female	Elem 306 Suspension	Elem 306 Suspension - Male	Elem 306 Suspension - Female
2016-2017	91,144	30,109	61,035	2,861	2,204	657	1,571	1,122	449	1,290	1,082	208
2017-2018	91,107	29,673	61,434	2,746	2,110	636	1,381	959	422	1,365	1,151	214
2018-2019	91,818	29,225	62,593	2,767	2,157	610	1,243	935	308	1,524	1,222	302
2019-2020	91,324	28,612	62,712	1,899	1,463	436	999	719	280	900	744	156
2020-2021	88,786	27,749	61,037	277	218	59	51	36	15	226	182	44





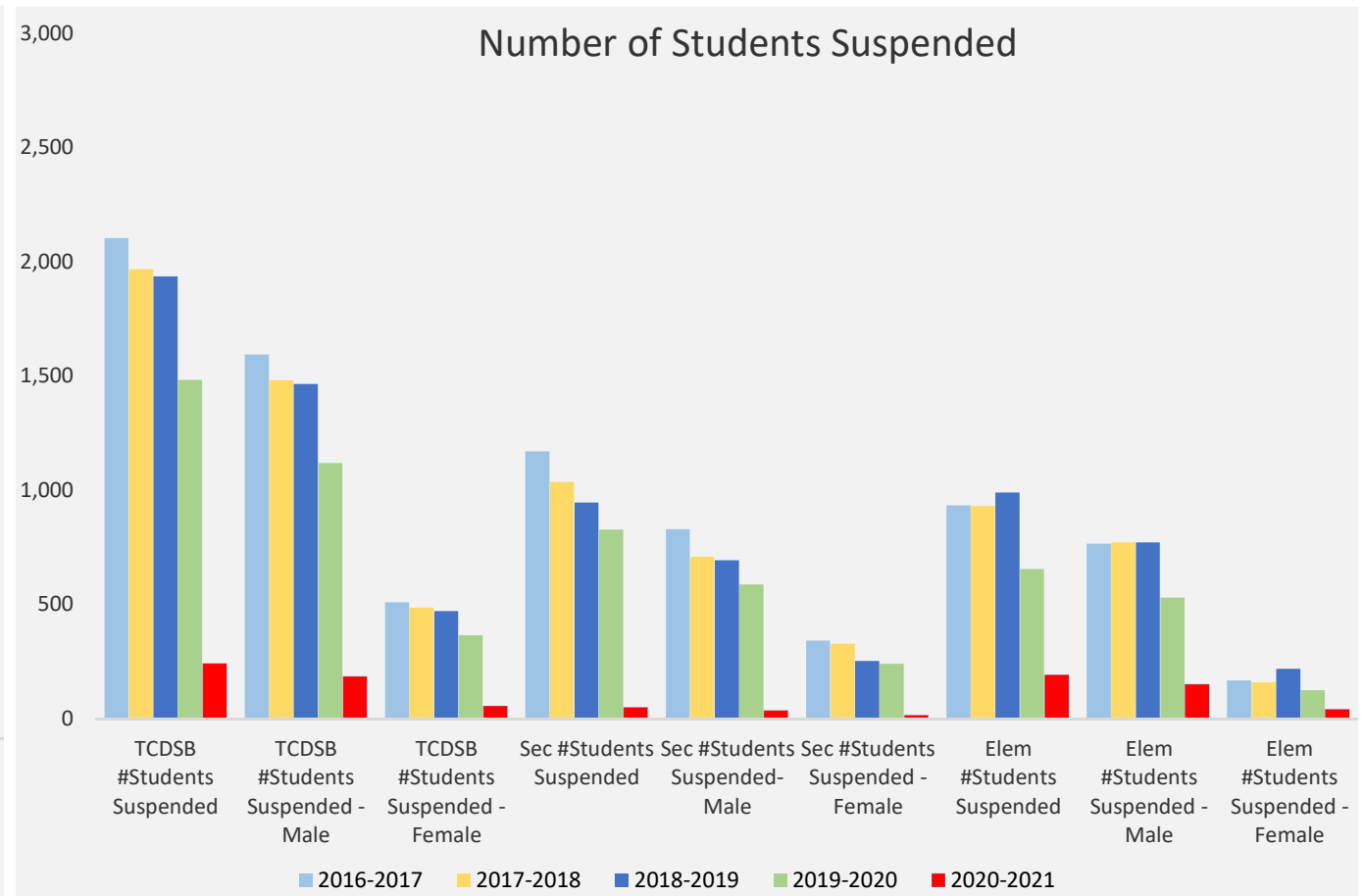
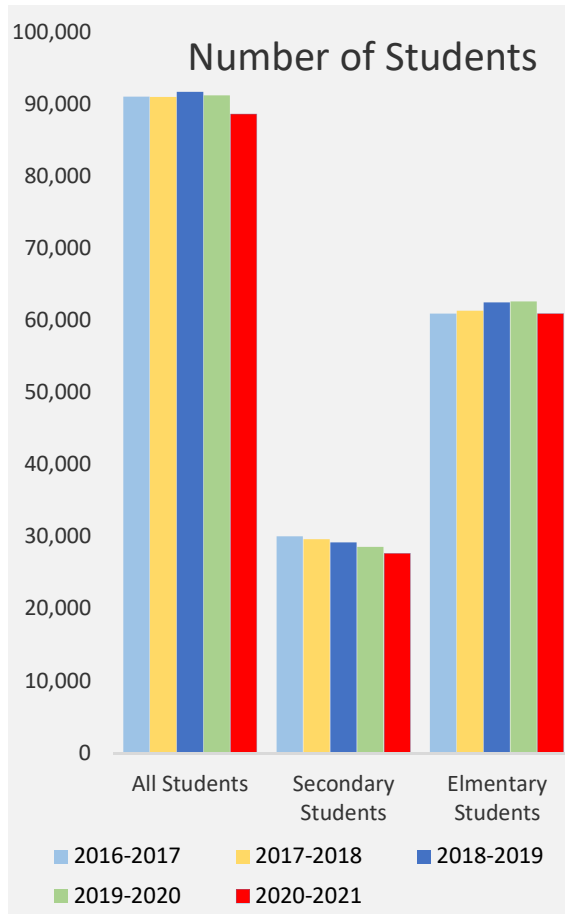
## Days Lost to §.306 Suspension

TCDSB	All Students	Secondary Students	Elementary Students	TCDSB Days Lost	TCDSB Days Lostn - Male	TCDSB Days Lost - Female	Sec TCDSB Days Lost	Sec TCDSB Days Lost - Male	Sec TCDSB Days Lost - Female	Elem TCDSB Days Lost	Elem TCDSB Days Lost - Male	Elem TCDSB Days Lost - Female
2016-2017	91,144	30,109	61,035	5,970	4,425	1,545	3,889	2,729	1,160	2,081	1,696	385
2017-2018	91,107	29,673	61,434	5,694	4,285	1,409	3,424	2,362	1,062	2,270	1,923	347
2018-2019	91,818	29,225	62,593	5,547	4,369	1,178	3,164	2,425	739	2,383	1,944	439
2019-2020	91,324	28,612	62,712	3,875	2,925	950	2,523	1,806	717	1,352	1,119	233
2020-2021	88,786	27,749	61,037	513	395	118	98	66	32	415	329	86



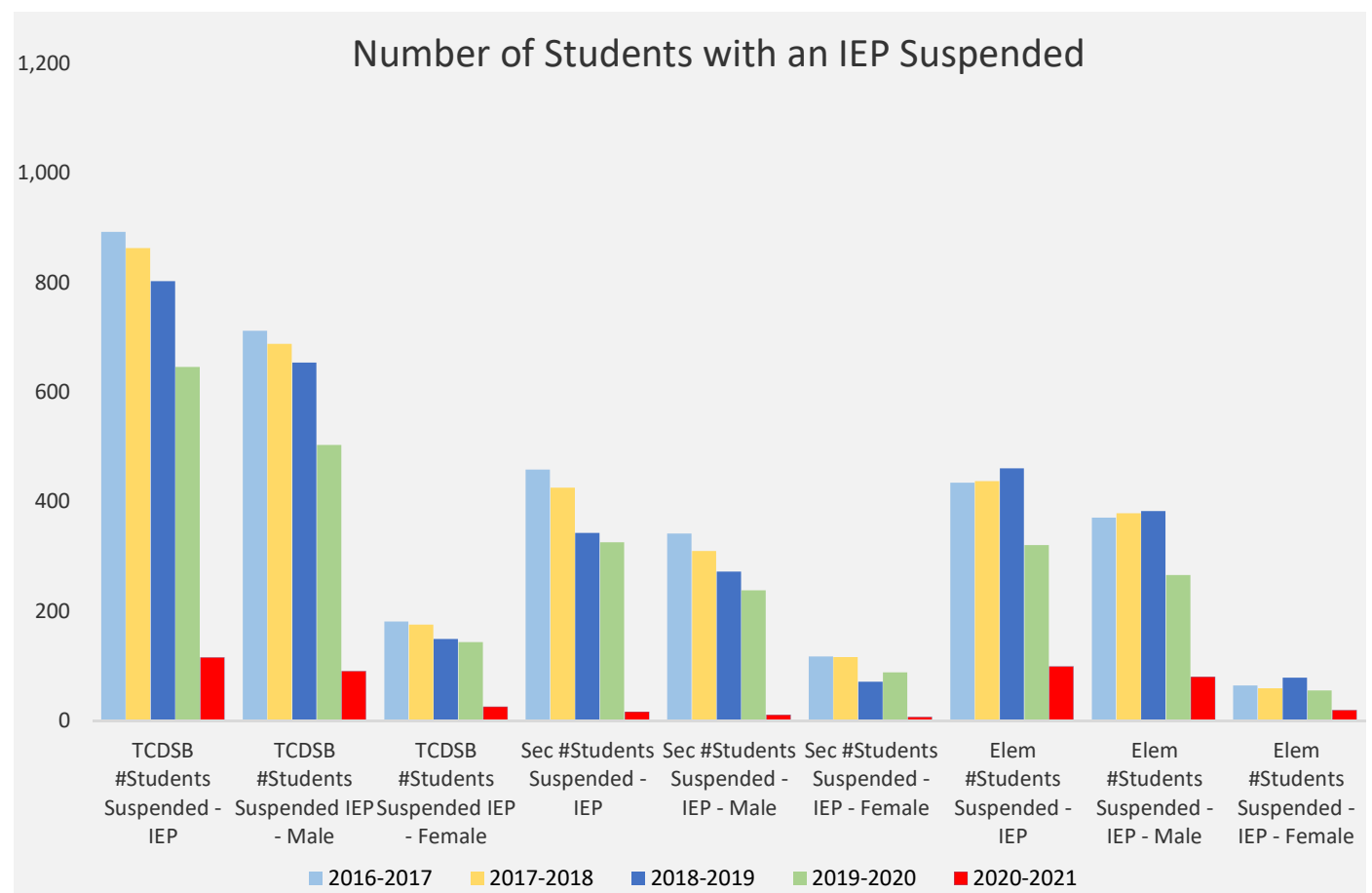
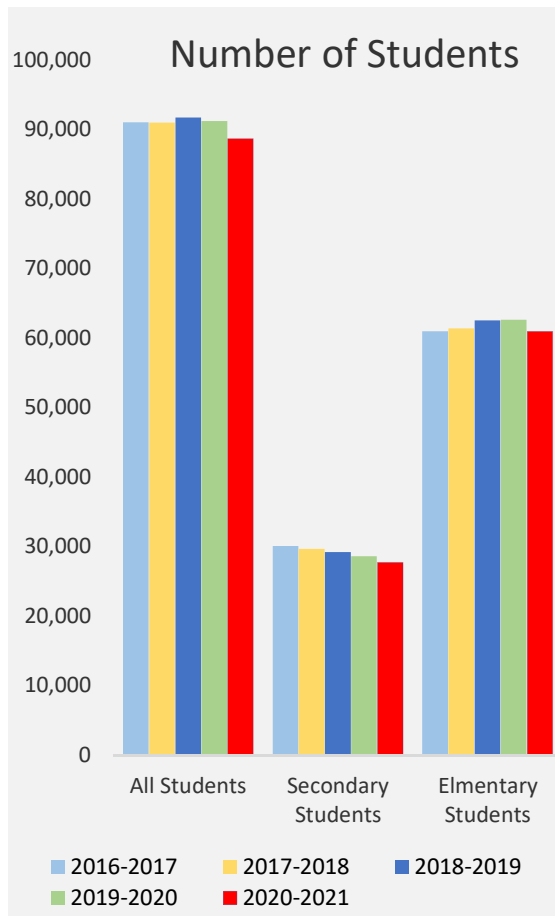
## Number of Students Suspended

TCDSB	All Students	Secondary Students	Elementary Students	TCDSB #Students Suspended	TCDSB #Students Suspended - Male	TCDSB #Students Suspended - Female	Sec #Students Suspended	Sec #Students Suspended - Male	Sec #Students Suspended - Female	Elem #Students Suspended	Elem #Students Suspended - Male	Elem #Students Suspended - Female
2016-2017	91,144	30,109	61,035	2,107	1,597	510	1,172	830	342	935	767	168
2017-2018	91,107	29,673	61,434	1,970	1,483	487	1,038	710	328	932	773	159
2018-2019	91,818	29,225	62,593	1,939	1,467	472	947	694	253	992	773	219
2019-2020	91,324	28,612	62,712	1,485	1,120	365	829	589	240	656	531	125
2020-2021	88,786	27,749	61,037	242	186	56	50	35	15	192	151	41



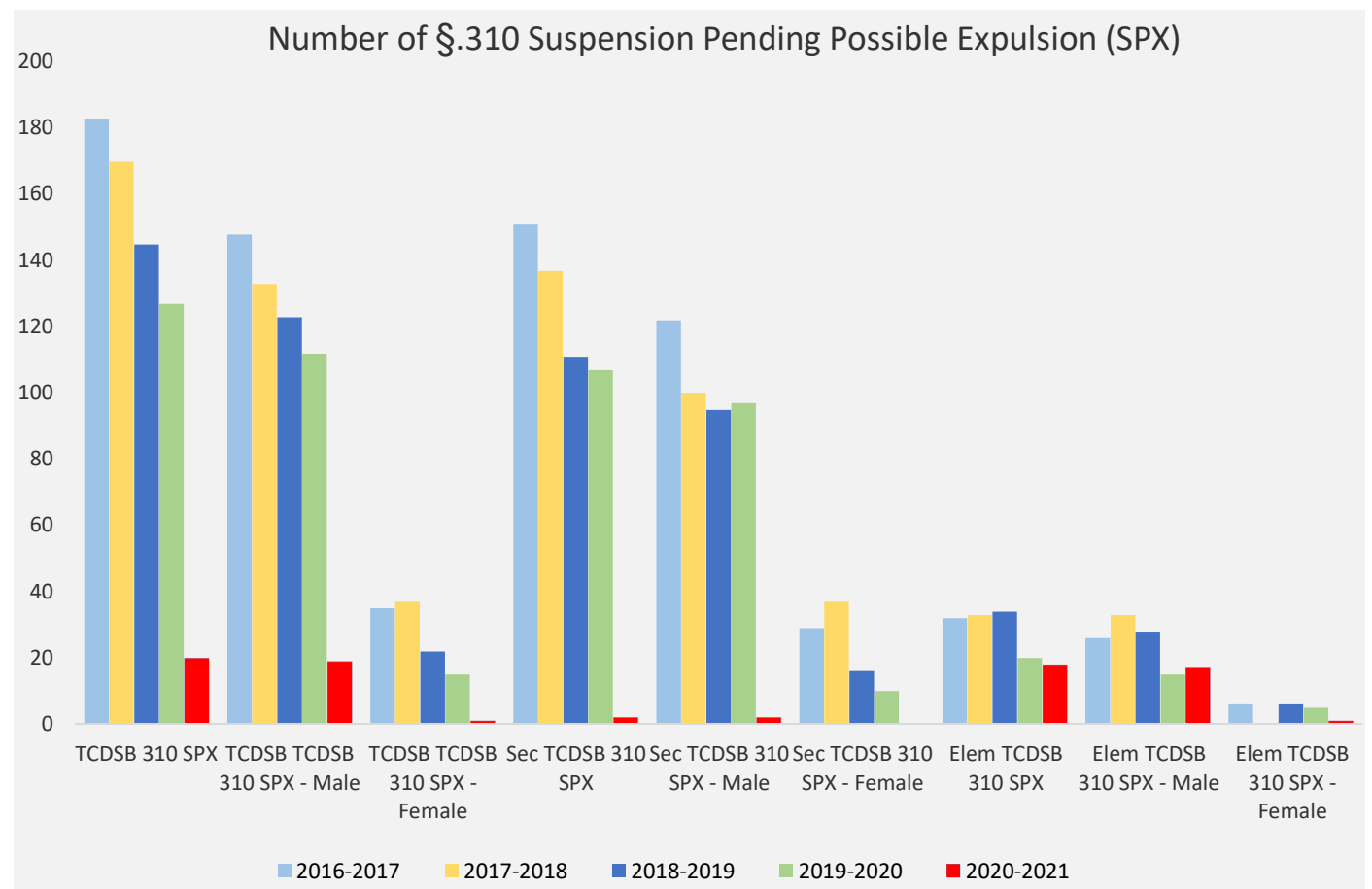
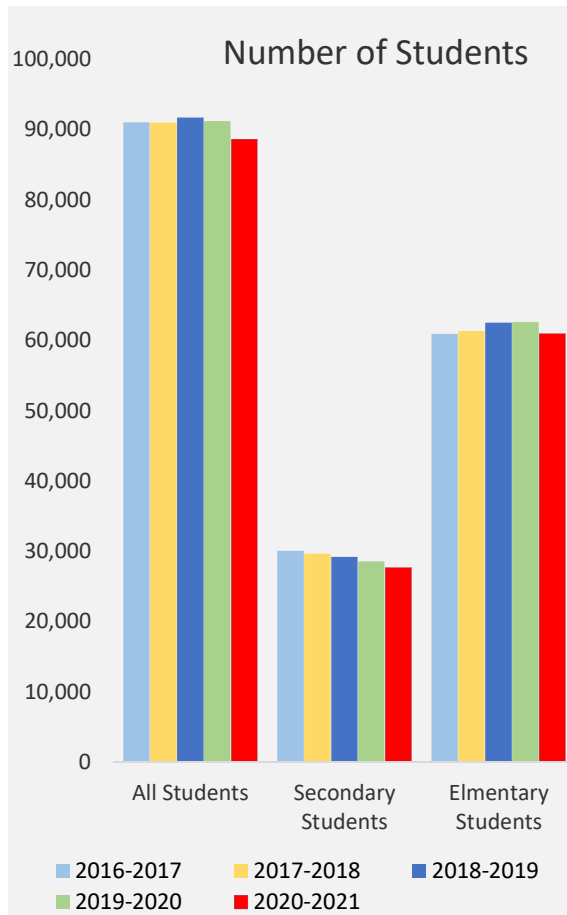
### Number of Students with an IEP Suspended

TCDSB	All Students	Secondary Students	Elementary Students	TCDSB #Students Suspended - IEP	TCDSB #Students Suspended - IEP - Male	TCDSB #Students Suspended - IEP - Female	Sec #Students Suspended - IEP	Sec #Students Suspended - IEP - Male	Sec #Students Suspended - IEP - Female	Elem #Students Suspended - IEP	Elem #Students Suspended - IEP - Male	Elem #Students Suspended - IEP - Female
2016-2017	91,144	30,109	61,035	894	713	181	459	342	117	435	371	64
2017-2018	91,107	29,673	61,434	864	689	175	426	310	116	438	379	59
2018-2019	91,818	29,225	62,593	804	655	149	343	272	71	461	383	78
2019-2020	91,324	28,612	62,712	647	504	143	326	238	88	321	266	55
2020-2021	88,786	27,749	61,037	115	90	25	16	10	6	99	80	19



### Number of §.310 Suspension Pending Possible Expulsion (SPX) Issued

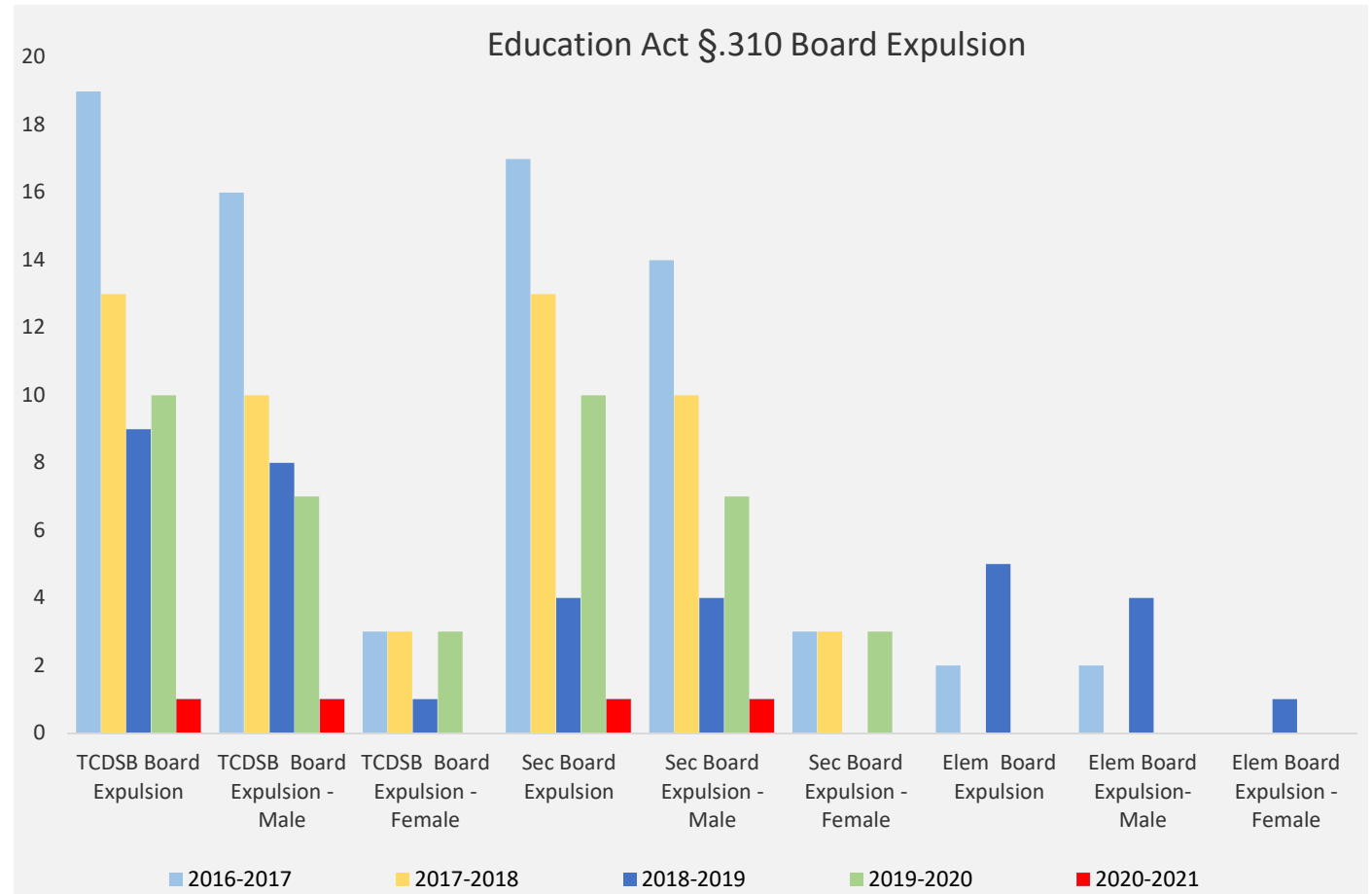
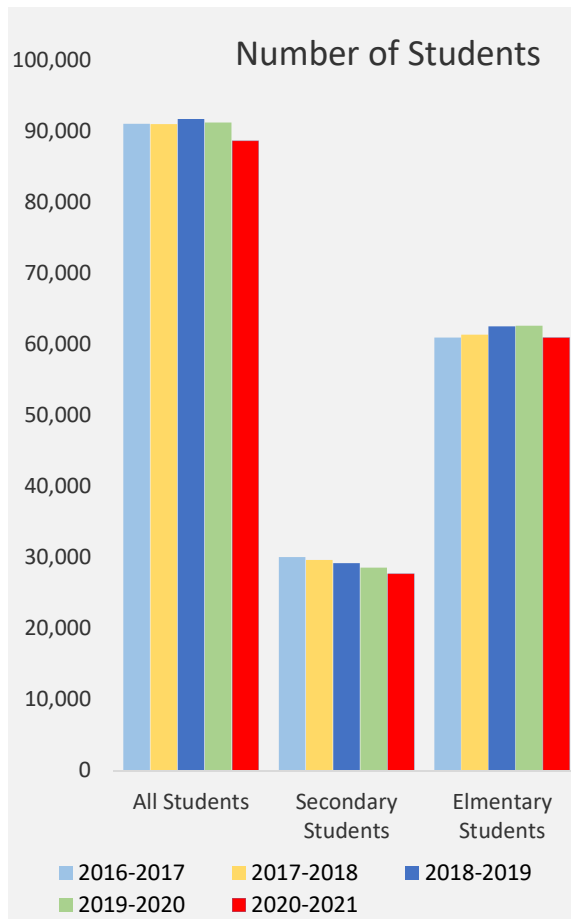
TCDSB	All Students	Secondary Students	Elementary Students	TCDSB 310 SPX	TCDSB 310 SPX - Male	TCDSB 310 SPX - Female	Sec TCDSB 310 SPX	Sec TCDSB 310 SPX - Male	Sec TCDSB 310 SPX - Female	Elem TCDSB 310 SPX	Elem TCDSB 310 SPX - Male	Elem TCDSB 310 SPX - Female
2016-2017	91,144	30,109	61,035	183	148	35	151	122	29	32	26	6
2017-2018	91,107	29,673	61,434	170	133	37	137	100	37	33	33	0
2018-2019	91,818	29,225	62,593	145	123	22	111	95	16	34	28	6
2019-2020	91,324	28,612	62,712	127	112	15	107	97	10	20	15	5
2020-2021	88,786	27,749	61,037	20	19	1	2	2	0	18	17	1



## Education Act §.310 Board Expulsions

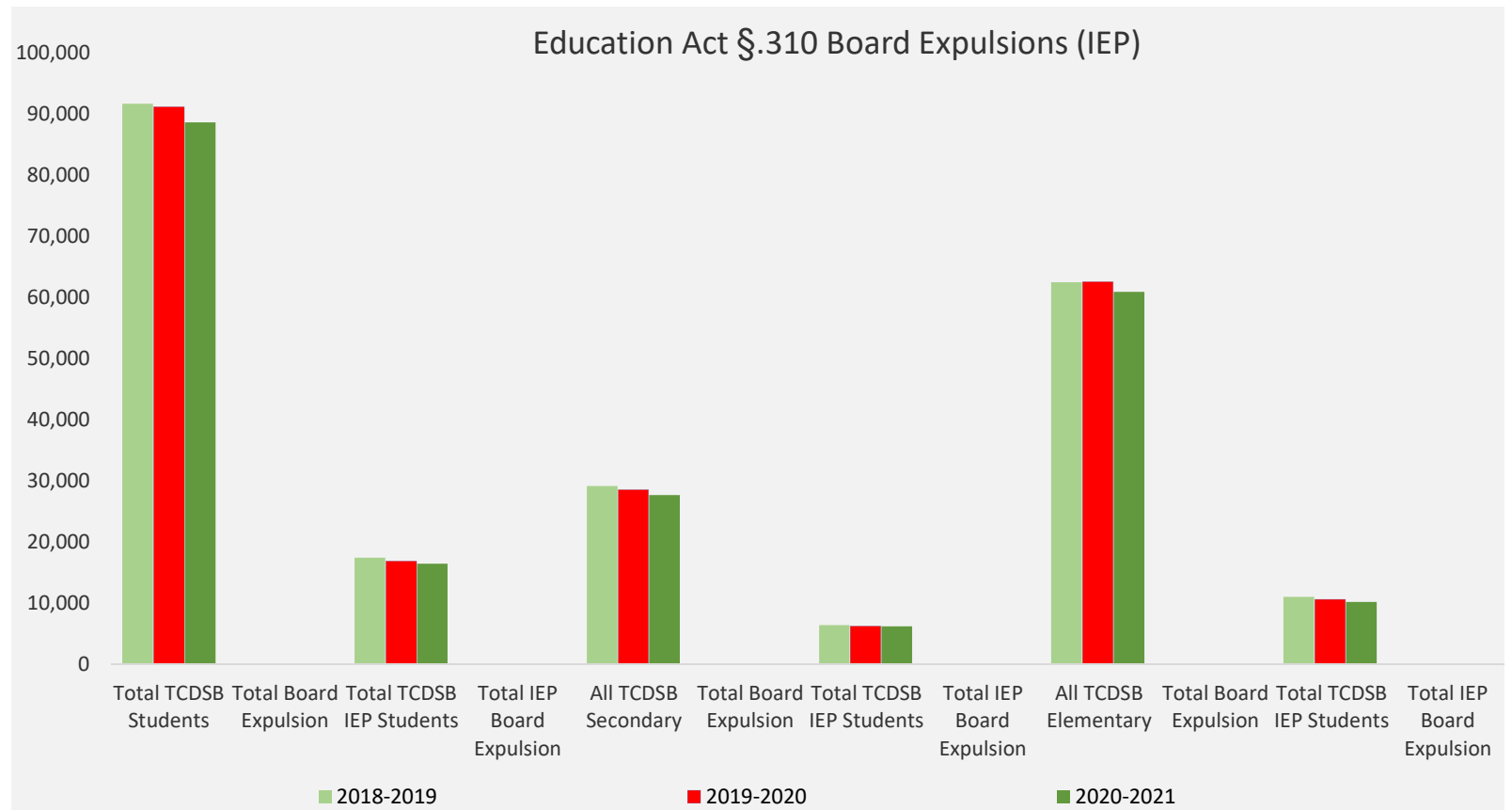
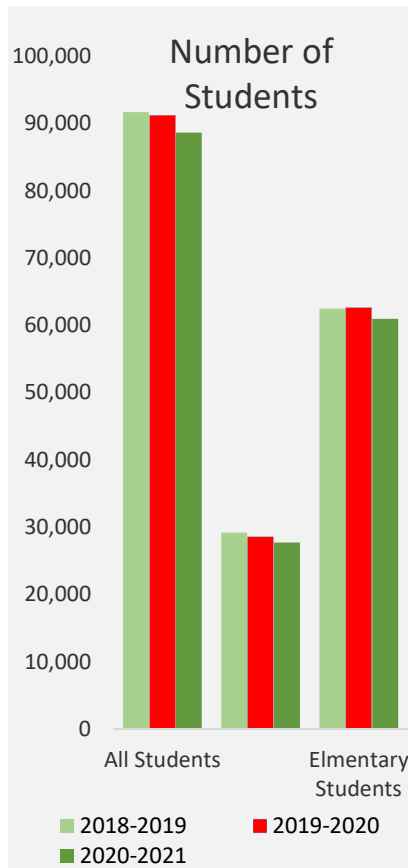
TCDSB	All Students	Secondary Students	Elementary Students
2016-2017	91,144	30,109	61,035
2017-2018	91,107	29,673	61,434
2018-2019	91,818	29,225	62,593
2019-2020	91,324	28,612	62,712
2020-2021	88,786	27,749	61,037

TCDSB Board Expulsion	TCDSB Board Expulsion - Male	TCDSB Board Expulsion - Female	Sec Board Expulsion	Sec Board Expulsion - Male	Sec Board Expulsion - Female	Elem Board Expulsion	Elem Board Expulsion - Male	Elem Board Expulsion - Female
19	16	3	17	14	3	2	2	0
13	10	3	13	10	3	0	0	0
9	8	1	4	4	0	5	4	1
10	7	3	10	7	3	0	0	0
1	1	0	1	1	0	0	0	0



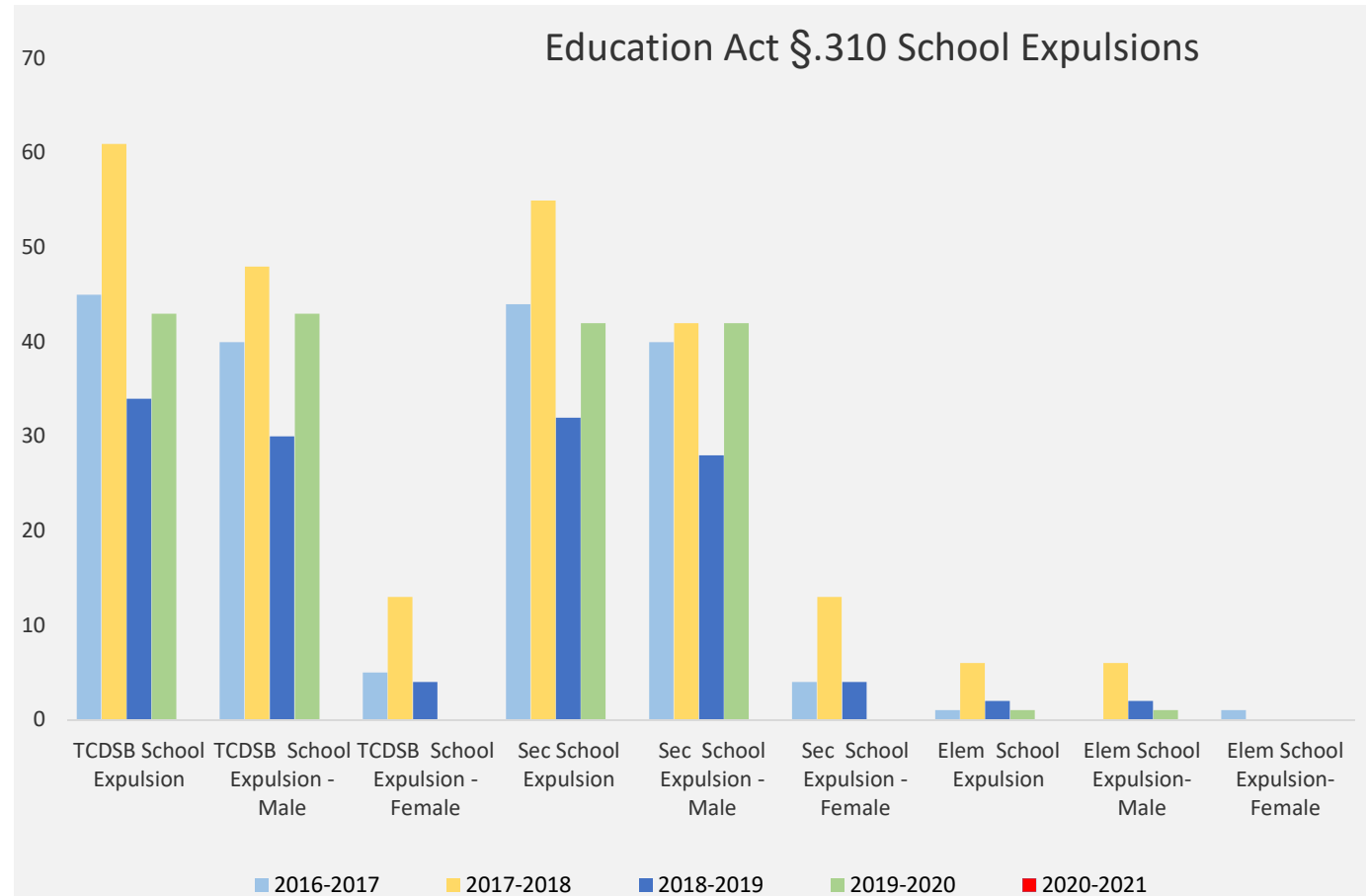
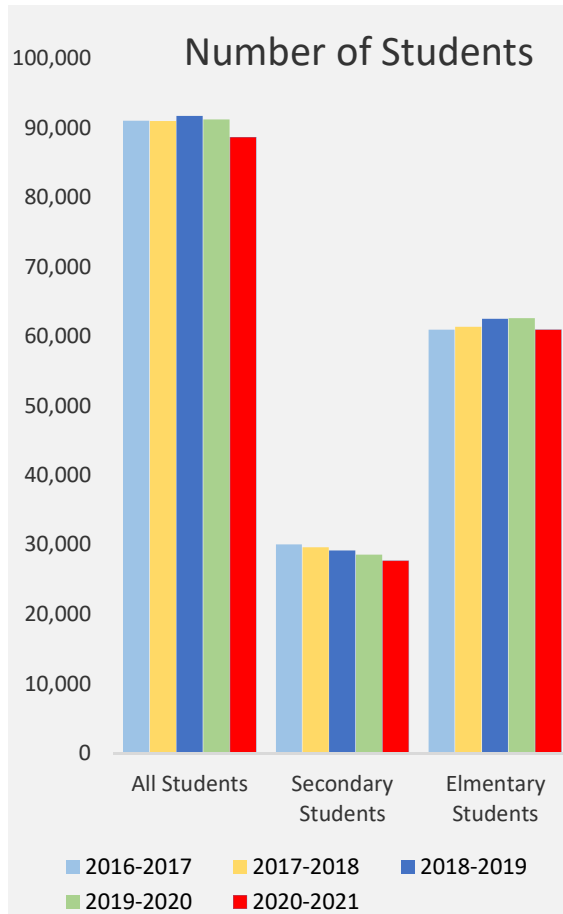
## Education Act §.310 Board Expulsions (IEP)

TCDSB	All Students	Secondary Students	Elementary Students	Total TCDSB Students	Total Board Expulsion	Total TCDSB IEP Students	Total IEP Board Expulsion	All TCDSB Secondary	Total Board Expulsion	Total TCDSB IEP Students	Total IEP Board Expulsion	All TCDSB Elementary	Total Board Expulsion	Total TCDSB IEP Students	Total IEP Board Expulsion
2018-2019	91,818	29,225	62,593	91,818	9	17,480	6	29,225	4	6,436	1	62,593	5	11,044	5
2019-2020	91,324	28,612	62,712	91,324	10	16,925	7	28,612	10	6,275	7	62,712	0	10,650	0
2020-2021	88,786	27,749	61,037	88,786	1	16,459	1	27,749	1	6,241	1	61,037	0	10,218	0



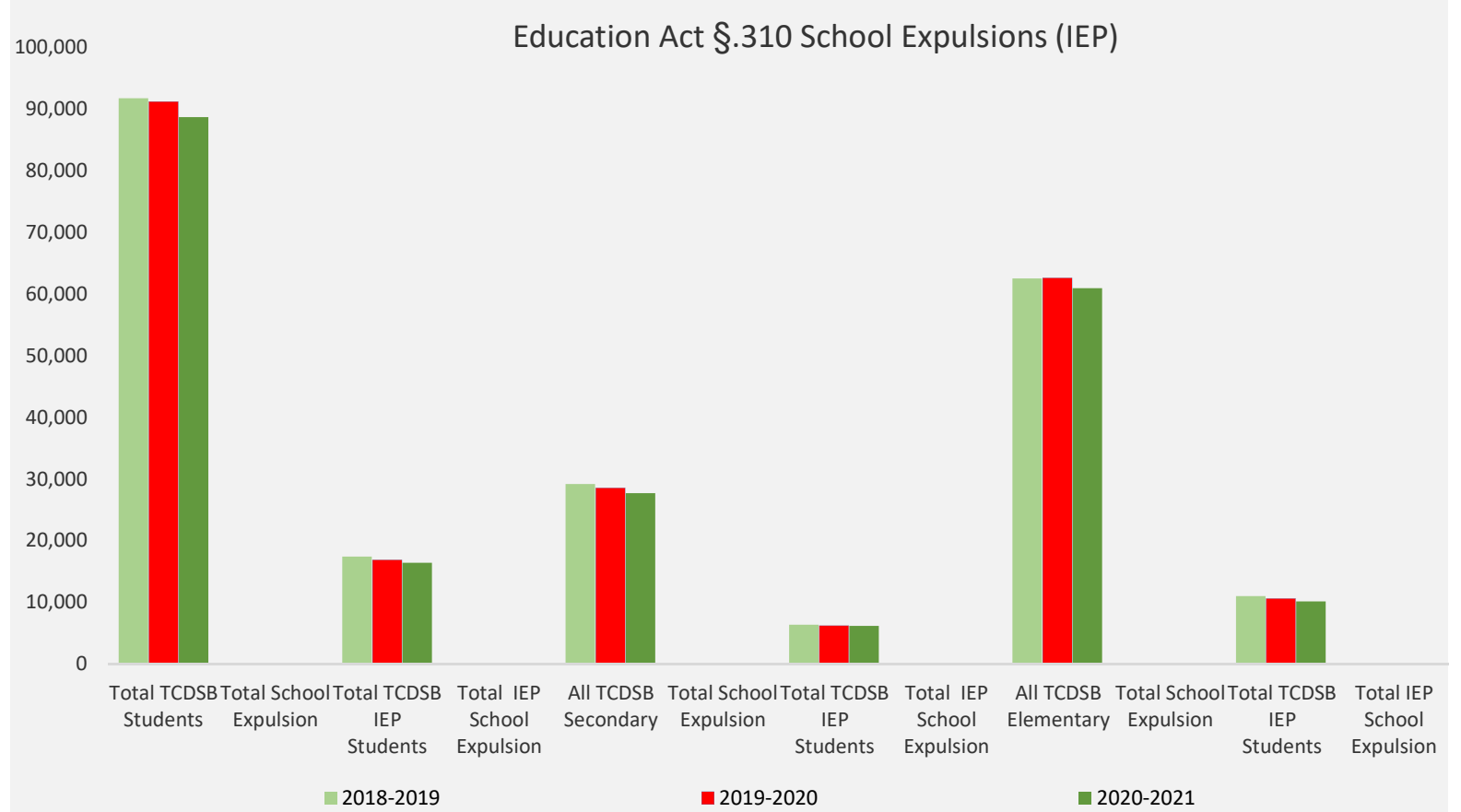
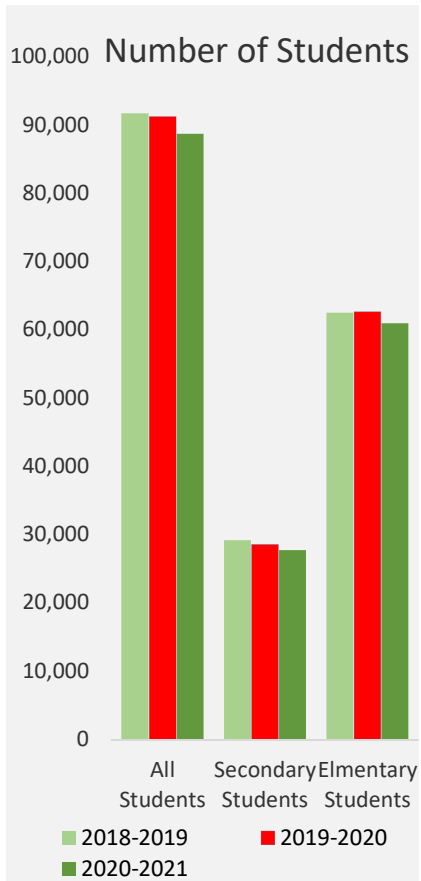
## Education Act §.310 School Expulsions

TCDSB	All Students	Secondary Students	Elementary Students	TCDSB School Expulsion	TCDSB School Expulsion - Male	TCDSB School Expulsion - Female	Sec School Expulsion	Sec School Expulsion - Male	Sec School Expulsion - Female	Elem School Expulsion	Elem School Expulsion - Male	Elem School Expulsion - Female
2016-2017	91,144	30,109	61,035	45	40	5	44	40	4	1	0	1
2017-2018	91,107	29,673	61,434	61	48	13	55	42	13	6	6	0
2018-2019	91,818	29,225	62,593	34	30	4	32	28	4	2	2	0
2019-2020	91,324	28,612	62,712	43	43	0	42	42	0	1	1	0
2020-2021	88,786	27,749	61,037	0	0	0	0	0	0	0	0	0



Education Act §.310 School Expulsions (IEP)

TCDSB	All Students	Secondary Students	Elementary Students	Total TCDSB Students	Total School Expulsion	Total TCDSB IEP Students	Total IEP School Expulsion	All TCDSB Secondary	Total School Expulsion	Total TCDSB IEP Students	Total IEP School Expulsion	All TCDSB Elementary	Total School Expulsion	Total TCDSB IEP Students	Total IEP School Expulsion
2018-2019	91,818	29,225	62,593	91,818	34	17,480	16	29,225	32	6,436	16	62,593	2	11,044	0
2019-2020	91,324	28,612	62,712	91,324	0	16,925	18	28,612	0	6,275	17	62,712	0	10,650	1
2020-2021	88,786	27,749	61,037	88,786	0	16,459	0	27,749	0	6,241	0	61,037	0	10,218	0







**Safe Schools and Educational Research Departments**  
**Fall 2020 Safe Schools Survey**  
**Secondary Review**

**Appendix B1**

	2020-2021
<i>Total number of secondary school respondents (in-person and online)</i>	4,591
Number of secondary respondents learning in-person (at Bricks and Mortar schools)	4,462
Number of secondary respondents learning online (at St. Anne Catholic Academy, School of Virtual Learning)	129

Distribution by Grade	Grade 9	Grade 10	Grade 11	Grade 12
	27%	24%	22%	27%

**A. SCHOOL SAFETY**

**All Students**

Feel <i>Very Safe</i> or <i>Safe</i>	2020-2021
in school (in-person or online)	96%

**Students learning online**

Feel <i>Very Safe</i> or <i>Safe</i>	2020-2021
in school	98%

**Students learning in-person**

Feel <i>Very Safe</i> or <i>Safe</i>	2020-2021
in school	96%
in the classroom	94%
in the cafeteria/lunch time	86%
in the hallways	91%
in the washrooms	89%
on the stairs/in stairwells	91%
walking/travelling to and from school	86%
at dismissal time	89%
in the parking lot	89%

**B. BULLYING**

During the first quadmester, how often have you been bullied?	Year	Never	1-3 times	4-6 times	Chose not to answer
	2020-21	95%	2%	<1%	2%

*The percentages reported in the next two questions are for a subset of students – **only those students who experienced being bullied at school (n= 136 or 3% in 2020-21).***

During the first quadmester, what form(s) of bullying have you <i>experienced</i> ? You may choose more than one.	2020-2021
Verbal (e.g., name calling, constant unwanted teasing/joking)	73%
Physical	15%
Social (e.g., being excluded, gossip)	46%
Cyber (e.g., social media)	27%
Sexual	15%

For the 136 students who experienced being bullied at school during the first quadmester, the top reasons given most often for being bullied were: their physical appearance (29%); interests (28%); race (21%) and weight (20%)

During the first quadmester, have you told another person about being bullied?	Year	Yes
	2020-21	28%

During the first quadmester, have you ever <i>witnessed</i> another student being bullied at school?	Year	Yes
	2020-21	6%

*The percentages reported in the next two questions are for a subset of students – **only those students who witnessed bullying at school (n=278 or 6% in 2020-2021).***

During the first quadmester, what form(s) of bullying have you <i>witnessed</i> ? You may choose more than one.	2020-2021
Verbal (e.g., name calling, constant unwanted teasing/joking)	77%
Physical	19%
Social (e.g., being excluded, gossip)	49%
Cyber (e.g., social media)	42%
Sexual	16%

During the first quadmester, did you tell anyone about the bullying you <i>witnessed</i> ?	Year	Yes
	2020-21	27%

How much of a problem do you think bullying is in your school?	Year	A Large Problem	A Medium Problem	A Small problem or Not a Problem
	2020-21	9%	12%	79%



**Safe Schools and Educational Research Departments  
2020-2021 Student Feedback  
Elementary Review**

**Appendix B2**

	2020-2021
<i>Total number of elementary school respondents (in-person and online)</i>	6,247
Number of elementary school respondents learning in-person (at Bricks and Mortar schools)	5,439
Number of elementary school respondents learning online (at St. Anne Catholic Academy, School of Virtual Learning)	808

Distribution by Grade	Grade 6	Grade 8
	51%	49%

**A. SCHOOL SAFETY**

**All Students**

Feel <i>Very Safe</i> or <i>Safe</i>	2020-2021
in school (in-person or online)	96%

**Students learning online**

Feel <i>Very Safe</i> or <i>Safe</i>	2020-2021
in school	98%

**Students learning in-person**

Feel <i>Very Safe</i> or <i>Safe</i>	2020-2021
in school	95%
in the classroom	93%
in the cafeteria/lunch time	82%
in the hallways	89%
in the washrooms	81%
on the stairs/in stairwells	87%
walking/travelling to and from school	88%
at dismissal time	90%
in the parking lot	83%

**B. BULLYING**

During this school year, how often have you been bullied?	Year	Never	1-3 times	4-6 times	Chose not to answer
	2020-21	70%	15%	4%	8%

The percentages reported in the next two questions are for a subset of students – **only those students who experienced being bullied at school** (n=1,392 or 22% in 2020-21).

During this school year, what form(s) of bullying have you experienced? <i>You may choose more than one.</i>	2020-2021
Verbal (e.g., name calling, constant unwanted teasing/joking)	84%
Physical	32%
Social (e.g., being excluded, gossip)	45%
Cyber (e.g., social media)	29%
Sexual (e.g., inappropriate sexual comments, jokes or unwanted attention) ( <b>NOTE: Grade 8 only</b> )	25%

During this school year, have you told another person about being bullied?	Year	Yes
	2020-21	53%

Of the 1,392 students who experienced being bullied at school during this school year, the top reasons given most often for being bullied were: their physical appearance (41%); interests (29%); weight (29%)

During this school year, have you seen another student being bullied at school?	Year	Yes
	2020-21	36%

The percentages reported in the next two questions are for a subset of students – **only those students who witnessed bullying at school** (n=2247 or 36% in 2020-2021)

During the first quadmester, what form(s) of bullying have you seen? <i>You may choose more than one.</i>	2020-2021
Verbal (e.g., name calling, constant unwanted teasing/joking)	91%
Physical	50%
Social (e.g., being excluded, gossip)	56%
Cyber (e.g., social media)	36%
Sexual (e.g., inappropriate sexual comments, jokes or unwanted attention) ( <b>NOTE: Grade 8 only</b> )	25%

During this school year, did you tell anyone about the bullying you saw?	Year	Yes
	2020-21	55%

How much of a problem do you think bullying is in your school?	Year	A Large Problem	A Medium Problem	A Small problem or Not a Problem
	2020-21	12%	22%	65%



**Safe Schools and Educational Research Departments**  
**Student Voice**  
**Perceptions of Safety for Identified Racial Groups**

**Appendix C**

**FALL 2020: Safe Schools Survey – Secondary Schools**

In our society, people are often described by their race or racial background. Which racial group(s) best describes you?

Number of respondents	N	Percent
All students	4,591	100%
Black (African, Afro-Caribbean, African-Canadian descent)	800	17%
East Asian (Chinese, Korean, Japanese, Taiwanese descent)	341	7%
Indigenous (First Nations, Métis, Inuit descent)	56	1%
Latino/Latina/Latinx (Latin American, Hispanic descent)	512	11%
Middle Eastern (Arab, Persian, West Asian descent, e.g. Afghan, Egyptian, Iranian, Lebanese, Turkish, Kurdish, etc.)	215	5%
South Asian (South Asian descent, e.g., East Indian, Pakistani, Bangladeshi, Sri Lankan, Indo-Caribbean, etc.)	341	7%
Southeast Asian (Filipino, Vietnamese, Cambodian, Thai, Indonesian, other Southeast Asian descent)	1,180	26%
White (European descent)	1,665	36%

**A. SCHOOL SAFETY**

Students Who Feel *Very Safe* or *Safe* in School (In-person or Online) During the First Quadmester

Black	East Asian	Indigenous	Latino/a/x
94%	94%	89%	94%

Middle Eastern	South Asian	Southeast Asian	White
96%	94%	96%	97%

**B. BULLYING**

1. During the first quadmester, how often have you been bullied at school?

	Never	1-3 times	4-6 times	Chose not to answer
Black	94%	3%	<1%	2%
East Asian	94%	3%	0%	2%
Indigenous	91%	0%	0%	4%
Latino/Latina/Latinx	92%	4%	1%	3%
Middle Eastern	94%	2%	0%	2%
South Asian	94%	2%	0%	3%
Southeast Asian	96%	2%	<1%	2%
White	95%	3%	<1%	1%

2. During the first quadmester, have you ever *witnessed* another student being bullied at school?

Yes	Black	East Asian	Indigenous	Latino/a/x
	7%	6%	16%	9%
Yes	Middle Eastern	South Asian	Southeast Asian	White
	7%	9%	5%	6%

3. How much of a problem do you think bullying is in your school?

	A Large Problem	A Medium Problem	A Small problem or Not a Problem
Black	11%	14%	75%
East Asian	15%	11%	74%
Indigenous	21%	16%	62%
Latino/Latina/Latinx	9%	14%	76%
Middle Eastern	11%	15%	73%
South Asian	9%	11%	80%
Southeast Asian	13%	14%	73%
White	3%	11%	86%

### **SPRING 2021: Student Voice Survey – Grades 6 and 8**

In our society, people are often described by their race or racial background. Which racial group(s) best describes you?

Number of respondents	N	Percent
All students	6,247	100%
Black (African, Afro-Caribbean, African-Canadian descent)	1,106	18%
East Asian (Chinese, Korean, Japanese, Taiwanese descent)	409	7%
Indigenous (First Nations, Métis, Inuit descent)	59	1%
Latino/Latina/Latinx (Latin American, Hispanic descent)	690	11%
Middle Eastern (Arab, Persian, West Asian descent, e.g. Afghan, Egyptian, Iranian, Lebanese, Turkish, Kurdish, etc.)	262	4%
South Asian (South Asian descent, e.g., East Indian, Pakistani, Bangladeshi, Sri Lankan, Indo-Caribbean, etc.)	286	5%
Southeast Asian (Filipino, Vietnamese, Cambodian, Thai, Indonesian, other Southeast Asian descent)	1,328	21%
White (European descent)	2,316	37%

## A. SCHOOL SAFETY

Students Who Feel *Very Safe* or *Safe* in School (In-person or Online) During This School Year

Black	East Asian	Indigenous	Latino/a/x
94%	96%	97%	95%

Middle Eastern	South Asian	Southeast Asian	White
93%	94%	97%	96%

## B. BULLYING

1. During this school year, how often have you been bullied?

	Never	1-3 times	4-6 times	Chose not to answer
Black	71%	13%	4%	8%
East Asian	73%	13%	3%	9%
Indigenous	59%	25%	2%	10%
Latino/Latina/Latinx	69%	15%	4%	8%
Middle Eastern	60%	19%	5%	11%
South Asian	74%	13%	2%	7%
Southeast Asian	73%	13%	3%	9%
White	68%	16%	4%	7%

2. During this school year, have you seen another student being bullied at school?

Yes	Black	East Asian	Indigenous	Latino/a/x
	37%	31%	42%	33%

Yes	Middle Eastern	South Asian	Southeast Asian	White
	44%	32%	33%	40%

3. How much of a problem do you think bullying is in your school?

	A Large Problem	A Medium Problem	A Small problem or Not a Problem
Black	15%	22%	61%
East Asian	13%	20%	66%
Indigenous	19%	27%	53%
Latino/Latina/Latinx	13%	23%	63%
Middle Eastern	18%	28%	54%
South Asian	12%	20%	67%
Southeast Asian	14%	24%	61%
White	8%	20%	71%



## 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  
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 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

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

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- (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,

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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 medical 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](http://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

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**  
Withdraw 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 <b>Proceed to Appeal</b> process	See <b>Resolution of Appeal</b> 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 6<sup>th</sup> 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 20<sup>th</sup> 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 from 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 from 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. WITHHOLDING 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 on

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

**STUDENT ACHIEVEMENT AND  
WELL BEING, CATHOLIC  
EDUCATION AND HUMAN  
RESOURCES COMMITTEE**

**RESPONSE TO MOTION REGARDING IEP  
COMPLETION**

*For the word of the Lord is upright, and all his work is done in faithfulness. He loves righteousness and justice; the earth is full of the steadfast love of the Lord. Psalm 33:4-5*

**Created, Draft**

May 17, 2021

**First Tabling**

May 27, 2021

**Review**

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

Maria Meehan, Superintendent, Special Services

Dr. Marina Vanayan, Senior Coordinator, Educational Research

**INFORMATION 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

**D. Koenig**  
Associate Director  
of Academic Affairs

**S. Camacho**  
Acting Associate Director  
Facilities, Business and  
Community Development

## **A. EXECUTIVE SUMMARY**

This report provides information regarding the number of 2020 – 2021 Individual Education Plans (IEP) noted as complete as of May 3, 2021.

*The cumulative staff time required to prepare this report was 32 hours.*

## **B. PURPOSE**

1. This Recommendation Report is on the Order Paper of the November 12, 2020 Corporate Services, Strategic Planning and Property Committee Regular Meeting, in response to the September 16, 2020 Special Education Advisory Committee (SEAC) motion. The motion requests information regarding the IEP completion rate in the first 30 school-days and the following 30 calendar days. *“That the report be prepared for counting the number of Individual Education Plans (IEP) due at the beginning of a school year or term/semester and the number and percent of completed IEPs that were sent to parents on or before the 30-school day period has passed. The report to include IEPs due no earlier than the beginning of the 2020/21 school year. The report to accumulate new reporting periods as the 30 school-day period expires. The report should not include more than the previous 5 school years of reporting.”*
2. This report is based on data gathered from the Individual Education Plan platform.

## **C. BACKGROUND**

1. The Ministry of Education requires that school boards develop an IEP for every identified student. School boards also have the discretion to develop an IEP for students who have not been formally identified as exceptional but who are receiving special education supports and services.
2. Ontario Regulation 181/98, subsection 8, indicates that an IEP should be developed “within 30 school days after placement of the pupil in the program and a copy sent home to a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.”

3. This data in this report was gathered from the TCDSB IEP platform. The data was gathered based on staff input of completion dates through the platform.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. The table below shows the number of students and the percentage of IEPs completed for the 2020-2021 school year as of May 3, 2021.

<b>IEP Completion 2020 -2021 as of May 3, 2021</b>		
Total Number of Students with IEP	Total Number of IEP Complete	Percentage of IEP Complete
18 088	17 436	96.4%

### **2. Results:**

- a. There are 18 088 students with IEP.
- b. As of May 3, 2021, 17 426 IEP are noted through the IEP platform as complete.
- c. The percentage of completed IEP as of May 3, 2021 is 96.4%.
- d. Students who are placed in a special education program through a recent IPRC meeting, may have IEP that are being initiated or updated.
- e. If the date of completion has not been entered into the platform, the IEP may be noted as incomplete in spite of all of the contents being complete.

## **E. METRICS AND ACCOUNTABILITY**

1. As recommended by SEAC, this report will be prepared annually starting in 2020-2021.
2. This is the first annual report. Subsequent reports will include up to five years of data to allow tracking of change over time.
3. Professional development for administrators will review all data to be entered on the IEP platform.

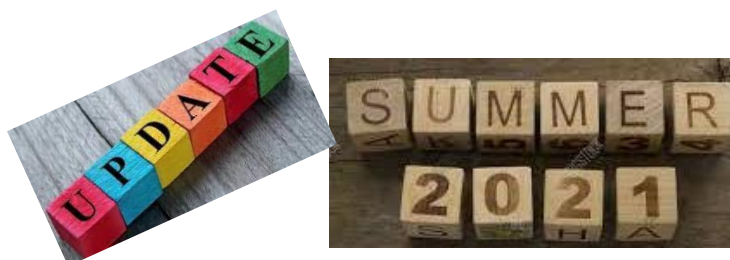
4. Special Services is providing input on the new Student Information System project, including the monitoring of IEP completion data.

## **F. CONCLUDING STATEMENT**

This report is for the consideration of the Board.

# Special Education Superintendent Update

## September 2021



The Special Services department continued to provide support and services to students throughout the summer months.



A credit course, *Dynamics of Healthy Relationships*, was offered during July for secondary students with Autism in grades 10, 11, 12 who are working towards the Ontario Secondary School Diploma. The course focused on understanding individual and group factors that contribute to healthy relationships, exploring self-concept and interpersonal relationships, practicing strategies for developing and maintaining relationships with friends, family, and community members. This course gave students an opportunity to connect with students who share similar experiences, participate in cooperative learning, and engage with learning specific to their needs.

Through consultation with the Autism Team, two Board Certified Behaviour Analysts supported students engaged in summer programs.



Our TCDSB Social Workers were privileged to be a part of the team delivering back-to-school gear to our students. Thank you to the Toronto Argonauts for their generous donation of 75 backpacks filled with school supplies.





The TCDSB clinical team of Social Workers and Psychology Service Providers offered **counselling services** to students and responded to situations of crisis over the summer months.

The clinical team also worked in collaboration with the *Focus on Youth* program to provide training to key youth leaders to facilitate **daily social-emotional wellness activities** with student campers during the *Focus on Youth* TCDSB summer camp program.

The Continuing Education **summer school programming** included emotional wellness activities prepared in collaboration with the mental health team.

The Mental Health Team prepared **professional development workshops** for the system for a mentally-healthy return to school. Resources included:

- A 90-minute webinar on mental health for staff with key messages for supporting the mental health of ALL students by focusing on the foundational building blocks of **creating a mentally-healthy classroom** and school through Welcoming, Including, Understanding students and Promoting wellness. A message of hope and gratitude was shared with all staff (<https://youtu.be/1j7Os5hupG4>). Included were also resources for teachers to implement brief and simple social-emotional strategies with students upon return to school, virtually or in person from School Mental Health Ontario (SMHO)).
- A 30-minute workshop on the **Student Re-Engagement Kit** for teachers to implement evidence-based, brief, social-emotional, wellness activities for the first 21 days of school.
- In collaboration with Safe Schools, the team helped develop a webinar on **Anti-Human Trafficking** shared with all school staff.
- St. Anne educators were provided with an opportunity to engage in a professional development workshop on **Social-Emotional Learning**, with a focus on the Student Re-Engagement Kit for implementation in the classroom with remote learners during the first 21 days back to school.
- Here is a sample of a one-week calendar of activities:

September 13 - 17				
Our Catholic community is stronger when we are able to recognize and value the God-given talents and strengths of others, focusing on seeing the good in them.				
Monday Sept. 13th	Tuesday Sept. 14th	Wednesday Sept. 15th	Thursday Sept. 16th	Friday Sept. 17th
Virtual Field Trip: Breathing Strategies: Early Years Primary Junior Intermediate Senior	Daily Check-in (All)  That's Me (All)  Take Five Breathing (All)	Emotion Charades (P, J, I)  Two-minute Mindfulness (All)  Based on your students' learning needs, select an SMHO read aloud video. (Elem)	What Comforts You? (All)  Giving Thanks (All)  Finding Calm: Forest Visualization (2 min. Video) (Junior/Int/Senior)	Tense & Relax (All)  The Book of Gratitude (All)  Stretch In Your Chair (All)



**Infographic for parents and families** to support a mentally-healthy return to school for all is available on the TCDSB website: **Supporting Your Child/Teen With Return to School.**



SPECIAL SERVICES

Members of the Psychology team connected with families over the summer months to facilitate summer assessments.



Elementary Summer Camp and Secondary Summer School opportunities were offered at four sites for special education students with multiple exceptionalities and developmental disabilities. The programs provided fun and engaging opportunities for students during the month of July. The program was further supported by a generous donation from the *Angel Foundation for Learning*.



### Assistive Technology Team



The members of the Assistive Technology team have started the year offering full support to the staff and students of our virtual school, St. Anne Academy of Virtual Learning. Professional development opportunities supporting literacy and numeracy initiatives through *Google Read and Write* for language and *EQATIO* for mathematics have been offered in sessions prior to the start of the school year. Working in conjunction with the 21C and members of the curriculum team, the AT team have generated sessions to support students in asynchronous learning.

### SEA Technology Rollout

Students who access devices through Ministry SEA funding will be receiving devices throughout September. Delivery that was delayed due to the school closures will roll out to ensure access to curriculum as the school year commences for all eligible students. Additionally training for optimal use of the devices through Bridges Canada will rollout simultaneously.



### Professional Development – Instructional Equity

Members of the Special Services team created a 45-minute professional development resource session to support the system understanding of instructional equity and its relevance to special education teaching and learning. The strategy of differentiated instruction was highlighted. Monthly opportunities for staff to continue this learning will be offered.

**SPECIAL EDUCATION ADVISORY COMMITTEE  
PENDING LIST TO SEPTEMBER 15, 2021**

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	March 27, 2019 SEAC	TBC	Regular Board	<p>That the Board direct staff to provide a report with respect to the following Items and report back to Board:</p> <p>*Whether the exclusions listed were documented as "safety" exclusions or "disciplinary" exclusions, in light of page 5 of the Report, excerpted below:</p> <p><i>"The Annual Safe School Report is directly linked to Safe School Legislation. However, Safety Exclusions under 265 (1)m of the Education Act are not tracked by the Safe School department as they are not associated with Safe Schools legislation; nor is there any requirement for the Board to report those to the Ministry of Education. Safety exclusions are not considered disciplinary and also include Police exclusions which school Principals are mandated to adhere to until an active police investigation is complete. In any event, there is an expectation that the student will return to a school of the TCDSB. Exclusions are thus not a metric that is linked to the Safe</i></p>	Superintendent of Special Services

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				<p><i>Schools Annual Report. Instead, Safety Exclusions deal with programming alternatives that support a successful academic and social-emotional transition back to a school." (p. 5);</i></p> <p>*Whether the students with the listed exclusions had a history of discipline issues prior to the exclusion, including but not limited to warnings, suspensions and expulsions;</p> <p>*The subcategory of students listed as excluded from December 2013 to and including February 2016 as follows: (i) students not in receipt of Special Education services; (ii) students with an Individualized Education Program (IEP); (iii) by exceptionality (using the Ministry's 14 categories of exceptionalities); and (iv) whether the exclusion was due to police direction/court order or the principal's discretion;</p> <p>*Whether the parents/guardians of the students listed as excluded were provided with a Written Appeal Hearing Policy and/or procedure (the "Policy") regarding the Appeal Hearing Information identified</p>	
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				<p>in the chart, and if so (i) to provide a copy of the Policy to SEAC; and (ii) to advise whether the Policy is publicly available on the school Board's website and, if so, to provide a copy of the web page;</p> <p>*The number of students excluded from March 2016 up to and including December 2018, subcategorized as follows: (i) students not in receipt of Special Education services; (ii) students with an IEP; (iii) by exceptionality (using the Ministry's 14 categories of exceptionalities); (iv) whether the exclusion was due to police direction/court order or the principal's discretion; and (v) whether the excluded students had a history of discipline issues prior to the exclusion, including but not limited to warnings, suspensions and expulsions;</p> <p>*Whether the TCDSB has a written policy and/or procedure on when and for how long the Board and/or principal may exclude a student under Section 265(1)(m) of the Education Act, and, if so, (i) to provide a copy of the Policy to SEAC; and (ii) to advise whether the Policy is publicly available on the school Board's website</p>	
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				<p>and, if so, to provide a copy of the web page;</p> <p>*How a teacher marks a student absent for attendance when the student has been excluded from school for all or part of a school day; and</p> <p>*Where and with what service provider(s) an excluded student continues to receive access to their education and uninterrupted learning during the period of exclusion and for how long, i.e. how many hours of academic instruction per day.</p> <p><i>Motion recommended at March 27, 2019 SEAC meeting; carried at April 24, 2019 Board meeting.</i></p>	
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