



COMMITTEE OF THE WHOLE REPORT 22-044

07 June 2022

APPROVAL OF NEW POLICY P.144.SCO PAUSE FOR SAFETY (STUDENT EXCLUSION)

Key Contact: Mary Jane Farrish, Superintendent of Instruction, ext. 8821

PURPOSE:

1. To seek approval of the revised Policy P.144.SCO Pause for Safety (Student Exclusion) following public consultations.

STRATEGIC LINKS:

2. Informed by stakeholders' feedback, Policy P.144.SCO Pause for Safety (Student Exclusion) introduces clarity and a number of accountability mechanisms to a long-standing practice of student exclusions. This practice is only employed when necessary to meet the legal obligation of the Board to mitigate safety risks for students that cannot otherwise be mitigated. The revised version of the policy (Appendix B) used an inclusive language (e.g. avoiding the word "Exclusion", where possible) in alignment with the Cultures of Caring and Social Responsibility of the 2019-2023 OCDSB Strategic Plan.

CONTEXT:

3. During the safe schools policy review, it became evident that more clarity is needed regarding a long-standing practice of employing student exclusions in OCDSB schools. Staff from safe schools and the District leads for Mental Health as well as the supervisor of psychological services collaborated in drafting this policy. On 29 March 2022, the Board approved a consultation plan accompanying a new draft policy (Appendix A). Early April 2022, staff started engaging with interested stakeholders in focused discussions to inform the revisions to the draft policy and by mid-May, 2022 the revisions were communicated again to stakeholders to review how staff proceeded with the feedback.

This report seeks the Board's approval for the revised policy P.144.SCO Pause for Safety (Student Exclusion) (Appendix B) following two rounds of consultations with interested stakeholders.

KEY CONSIDERATIONS:

4. A New Policy Template

The revised policy has been drafted using the new format proposed in [Report 22-040 OCDSB Policy Renewal Process](#). The major changes the new policy template introduces are:

- A “Last Reviewed” date replacing the “Authorization” date;
- A new section entitled “Commitment to Indigenous Rights, Human Rights, and Equity”;
- A “Rationale” replacing the “Objective”;
- Removing the “Definitions” section from the body of the policy and adding it as an appendix to the policy.

5. A Name Change

During consultations, some school administrators, Multicultural Liaison Officers, Special Education Advisory Committee (SEAC), the Indigenous Education Council (IEC), and Advisory Committee on Equity (ACE) members expressed concern about the term “Exclusion”. They suggested using different language such as “Pause for safety” to counteract the feelings of rejection and isolation associated with the term “Exclusion”. As a result, staff replaced “Exclusion” throughout the revised policy (Appendix B) with the term “Pause for Safety” and defined it in alignment with the definition of student exclusions in *the Education Act*, as suggested by some stakeholders. The District, however, continues to use the term “Exclusion” where required by the Ministry of Education in [The Ontario School Information System \(OnSIS\)](#) where the code for absence is entered as “Exclusion”.

6. Pause for Safety vs. Progressive Discipline

School staff are required to address safety concerns impacting the classroom or school community in compliance with the *Education Act* and OCDSB P.125.SCO School District Code of Conduct. In some cases, after consideration of mitigating and other factors, a disciplinary response along the progressive discipline continuum would be inappropriate. A Pause for Safety is distinct and apart from responses to safety that employ progressive discipline interventions such as suspension.

The employment of a Pause for Safety necessitates the design of a plan to promote the student’s return while supporting the safety of students in school. School principals communicate with the parent/guardian or adult student about the decision and then follow up with the formal letter confirming the Pause for Safety, outlining the steps or conditions for re-entry, and informing of the right to appeal the decision to the Board.

For most Pauses for Safety, developing a plan and facilitating re-entry takes 2-3 days. For a Pause for Safety that extends beyond 3 days, re-entry plans are developed in consultation with the parents/guardians/caregivers, the student (if appropriate), and an advocate (where applicable) who are encouraged to include

input from community partners and supports, or the school may offer to do so on their behalf.

During an exclusion, staff continually work toward meeting the conditions for re-entry. Schools continue to communicate with the student, their parents/guardians, and advocate (where applicable) while providing access to academic support for the duration of the exclusion period. When the steps for re-entry are met, a re-entry meeting is convened to discuss returning to school.

7. Pause for Safety vs. Modified Days

The use of Modified Days or a shortening of a student's school day is an intervention used to support students where participation in a full day of learning may not be achievable. This intervention is not included in the scope of this policy. A Pause for Safety and the intervention strategy of modifying the length of a student's day are employed for different reasons. A student who is on a Pause for Safety cannot attend school until strategies and plans have been put in place to mitigate the safety issues that necessitated the Pause for Safety, while a student whose day has been modified can (and does) attend school daily for as long as they are able to actively engage in learning.

8. The Scope - Legislation vs. Practice

Section 265(1 m) of *the Education Act (the Act)* stipulates the principal's duty to refuse to admit to the school or a classroom an individual whose presence in the school or classroom would, in the principal's judgment, be detrimental to the physical or mental well-being of the pupils. The Application and Scope section of the policy has been modified to clarify the following,

- In our practice, and the intention of this policy, student exclusions refer to exclusions from the school for safety concerns. Assigning programming time outside of a student's classroom has not been officially dealt with as an exclusion but rather as an intervention such as those that are outlined in the Special Education Programs and Services policy.
- Cases related to staff safety are addressed within the Occupational Health and Safety policies of the Board. This Pause for Safety policy addresses risks to student physical and mental safety including risks that may occur from witnessing significant aggression against staff members as well as students.
- While *the Act* does not limit exclusions to students, the duty practice in this policy to issue a Pause for Safety has been confined to students. Excluding community members from Board property will continue to be dealt with in accordance with the *Trespass to Property Act*.

9. Intervention Supports

Section 3.1 b of the proposed revised policy (Appendix B) requires ensuring that no available supports can possibly mitigate the existing risk to student safety prior to considering and issuing a student exclusion. This requirement reinforces the notion that risky behaviours are triggered by the environment to shift the

focus away from the student as being the 'issue' or 'challenge'. Where a Pause for Safety is used, the main goal is to review the available intervention supports and make necessary revisions in order to support a safe return to school.

Some feedback heard through the consultation supported the use of tiered interventions such as specialized programs and classes. The District offers a spectrum of programming through specialized classes and partners with external agencies to support some programming as well. Some examples of these programs that were shared in the feedback as successful and effective include: Steps to Success, Robert Smart – McHugh, and Crossroads. Parents encouraged the expansion of these programs throughout the District and recommended simplifying the application and referral process as preventive measures to having to resort to a Pause for Safety. These are interventions that support a student's success in school and are not exclusionary in nature.

10. Other emerging Themes

Staff intends to consider for procedure development and practice the following additional themes which emerged during the course of consultations:

- Parents and guardians raised concerns regarding their expertise to address the safety concerns caused by their child's behaviour while on a Pause for Safety at home. Arguments were presented against sending their student home as it might reinforce the behaviour.
- Some of the email feedback by the parent and guardian community assumed that this policy was developed as a tool to enforce mask-wearing and exclude students who did not wear a mask and did not request or require an accommodation. A clarification of the District position was made through the proposed Question and Answer sheet (Appendix C). Staff intends on posting these questions to the website and using it in all parent/guardian communications.
- Parents and guardians urged building collaborative and transparent relationships with the administrators at their school in order to understand and help contribute to the plan and the steps to mitigate the safety concerns presented by their student's behaviours.
- A suggestion to entitle the re-entry plans as Student Success Re-entry Plans to reinforce the positive nature of the work.
- Multicultural Liaison Officers and school administrators recommended reviewing this policy with families during meetings early on in the school year. So, if a Pause for Safety needs to be issued, the family would have a prior idea instead of needing to understand the whole process during the stress of a Pause for Safety being implemented.

11. Summary of Proposed Changes

The consultation on the original draft policy (Appendix A) has resulted in the following proposed changes, which have been integrated in Appendix B to this report:

Section	Original Policy (Appendix A)	Proposed Policy (Appendix B)	Rationale of Revisions
Throughout the Policy	Student Exclusions	Pause for Safety	In response to the feedback from the policy consultations, the term “Exclusion” was replaced with a “Pause for Safety” in support of inclusive education.
Header of the Policy	Authorization Date	Last Reviewed	The Authorization Date and the Date Issued are identical in most of our policies. A “Last Reviewed Date” is needed where a review does not necessitate a revision to the policy.
Commitment to Indigenous Rights, Human Rights, and Equity	N/A	New Section	Although equity and Human Rights language has recently been added throughout recently approved policies, adding this section to the policy template positions it at the forefront of the Board’s commitments and guarantees its inclusion in all future policies.
Rationale	Objective	New Section	This section indicates the authority behind a policy. Although this authority has been clear in the original policy, during consultations, several parents questioned the Board’s authority to exclude students from school.
Guiding Principles	<ul style="list-style-type: none"> ● Legal authority to exclude students (3.1) ● Timely return to school (3.2) ● Accommodating student with a disability (3.3) ● Child rights (3.4) 	<ul style="list-style-type: none"> ● Legal authority to exclude students (2.1) ● The right to education and timely return to school (2.2) ● The child right to share their opinion and be given due 	To limit the Guiding Principles to the acknowledgement of the legal rights and responsibilities. Accommodating students with disabilities is part of an inclusive education and therefore was moved to the Policy section (3.10).

		weight (2.3)	
Throughout the policy	Student safety and well-being	Student physical and/or mental safety	Well-being is a broad term and a state that is challenging to define. This term was narrowed to physical and mental safety as a reflection of our commitment to inclusive education.
Application and Scope	Reference to <i>Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act, and Ontario's Anti-Racism Act.</i>	New 3.1-3.5 to clarify when and where to employ a Pause for Safety, and what does not fall in the scope of this policy.	The new section Indigenous, Equity, and Human Rights already addresses the scope statement in the original policy. The proposed changes are suggested to answer questions raised during consultations around the timing and context of the application of this policy, exclusion from OCVs, safety risks to staff, and exclusion of individuals other than students.
Legal Requirements	Implementation (4.2 - 4.8)	Legal Requirements	<ul style="list-style-type: none"> • A shift in the language to move away from procedural content (e.g. 4.2 in the original policy). • 4.3 and 4.4 in the original policy are redundant with the Rationale and Scope and Application sections in the proposed policy. • The requirement to consult the SOI was moved down to the Accountability section and reworded in policy language (3.13) • The new section now requires schools to offer the opportunity for engaging an advocate for the student throughout the discussions with the administration in alignment with the Rights of the Child.
Student Exclusion Appeals	<ul style="list-style-type: none"> • Who has the right to appeal to the Board (4.9,4.10) 	<ul style="list-style-type: none"> • Confining this section to the right to appeal and the right of 	To accommodate a request from a trustee to either expand this section to resemble other appeal policies, merge this

	<ul style="list-style-type: none"> • Possible decisions by the Board (4.11) • Decisions are final and have to be in writing (4.12) 	the student to be represented by an advocate during appeal hearings.	section with standing appeal policies, or delegate the authority of developing the process to the District and addressing this responsibility in the procedure. Staff chose to leave the details of the appeal process to the procedure as the <i>Education Act</i> does not include these details nor does it require the Board to hold this authority, unlike suspension appeals.
Accountability	Sections 4.13 and 4.14	Sections 3.13 to 3.15	Added the responsibility to establish internal accountability mechanisms in lieu of the procedural requirement of a principal to consult with the SOI prior to deciding on an exclusion (4.5 in the original policy).
Communication	Application (4.15)	Communication (3.16 and 3.17)	A shift away from procedural language and adding a requirement to inform students and parents of this policy at the beginning of each school year, in response to some feedback from the consultations.
Policy Definitions	Definitions	Appendix A to Policy	In response to many queries regarding the qualifier for considering student exclusions, the definition of “Detrimental to the Physical and/or Mental Safety of Students” was added to the list giving some specific examples. Also, the definitions of Mitigating and Other Factors, and, Discrimination were added for clarity. The term “Pause for Safety” was defined in alignment with <i>the Education Act</i> definition of student exclusions.

RESOURCE IMPLICATIONS:

- 12. All costs associated with communicating the new policy and training staff on the new direction will be covered through existing departmental budgets.

COMMUNICATION/CONSULTATION ISSUES:

- 13. The draft policy (Appendix A) was posted to the OCDSB Policy Consultations Webpage, District News Item, and Social Media, and was sent through a school council newsletter and Keeping you Connected publication. A dedicated email address was created to receive feedback on the proposed policy. Direct opportunities for discussions were offered to stakeholders who have had direct experiences with student exclusions. This included members of Special Education and Equity Advisory committees as well the Indigenous Education Council, trustees, Multi-liaison Cultural Officers (MLOs), principals, and federations. Revisions to the policy as a result of consultation feedback were shared during a follow-up session offered to the stakeholders engaged previously in the facilitated discussions.

The following is the flow of the critical path inclusive of relevant events to this policy development:

November 2019 - December 2021	Consultation activities for safe schools policies
December 2020 - June 2021	Police Involvement in Schools review and report
January 2022	Approval of Human Rights policy
March - June 2022	Revision of Safe Schools procedures
29 March 2022	Draft Safe Schools policies for approval at Board Draft Consultation Plan for Draft Student Exclusion Policy discussion and approval at Board
March 30 - May 2022	<p>Draft Exclusion Policy consultation activities:</p> <ul style="list-style-type: none"> • Draft policy posted to the OCDSB Policy Consultations Webpage, District News Item, Social Media and sent through school council newsletter and Keeping you Connected • Dedicated email address to receive feedback on the draft policy until May 27, 2022. • Direct sharing of draft policy with federation representatives • Met with MLOs to get input on policy and enhance their support of families to provide feedback

	<ul style="list-style-type: none"> ● Focused discussion session with interested trustees and members of the Special Education Advisory Committee (SEAC), Advisory Committee for Equity (ACE), and Indigenous Education Council (IEC) ● Focused discussion session with P/VPs and Multi-D team staff (central and school based) ● Focused feedback session with SEAC, IEC and ACE to review revised policy from consultation activities.
07 June 2022	Draft Policy for discussion at COW
20 June 2022	Draft Policy for approval at Board
July - September 2022	Procedure development

The revised policy ensures efforts are made at the beginning of each school year to raise awareness of students and parents/guardians of what a Pause for Safety is and the process used when one is necessary. To facilitate this, a list of Questions and Answers (Appendix C) was compiled from the questions raised during consultations, which will be posted to the website and be part of the District’s communications with parents/guardians.

School administrators will be trained on this policy and the related procedure as part of the School Operations meetings and awareness will be raised through system memos and an annual review of the policy and associated procedures at the start of the school year.

RECOMMENDATION:

THAT the revised Policy P.144.SCO Pause for Safety (Student Exclusion), attached as Appendix B to Report 22-044, be approved.

Mary Jane Farrish
 Superintendent of Instruction
 (ext. 8821)

Camille Williams-Taylor
 Director of Education
 Secretary of the Board

APPENDICES

- Appendix A: Pre-consultation Draft
- Appendix B: Post-consultation Proposed
- Appendix C: Pause for Safety (Student Exclusion)-Question and Answers

