

Toronto District School Board

—Operational Procedure PR699

Title: _____ **STUDENTS WITH SPECIAL EDUCATION NEEDS:
MANAGEMENT FOR RISK OF INJURY BEHAVIOURS**

Adopted: _____ May 24, 2006
 Effected: _____ May 24, 2006

Revised: September 2009₃, December 2010₃, February 2011,
 February 2017, **September 21, 2021**

Reviewed: February 2017, **September 21, 2021**

Authorization: _____ Executive Council

3.1. RATIONALE

The Management for

Note: This operational procedure revision (February 2017) replaces the documents formerly called Operational Risk of Injury Behaviours Procedure (the “Procedure”) supports PR.699 SCH, dated May 24, 2006.

Related documents and forms are available as separate files and hyperlinks and may also be obtained on the TDSB website under Policies, Procedures & Forms.

~~The earlier version of this document outlined the process for risk review implementation.~~ In response to current legislation, this procedure has evolved into an ongoing practice and is no longer a one-time event.

It is a principal-led process that is initiated and continues on an ongoing basis when there is a risk of the Student Health Support Policy (P092), injury of a student with Special Education Needs to self, or others that exists, or is highly probable. This is discussed in more detail throughout the document.

In the vast majority of cases, the TDSB Caring and Safe Schools Policy (P051) and the Workplace Violence Prevention Policy (P072); and is Operational Processes and Guidelines provide principals with sufficient information with which

~~to make decisions regarding standards of behaviour for students receiving Special Education support. The majority of students with Special Education Needs accept responsibility for a safe learning environment and take accountability for their actions.~~

~~The Education Act and related regulations and PPMs (Policy and Program Memoranda) emphasize the use of discretion in discipline; mitigating and other factors must always be considered for all students. PR 699 acknowledges and integrates the new legislation on Caring and Safe Schools and includes new legislation, regulations, and PPMs and related TDSB Policies and Procedures (PR) (see Section 9.0 Reference Documents).~~

~~The TDSB Caring and Safe Schools Policies and Procedures apply to all students, including those with Special Education Needs. There is a small number of students with Special Education Needs who have a history of aggressive and violent behaviour and who present a very real risk of injury to themselves and/others. For most of these students, well-planned prevention and safety-intervention strategies, as well as an ongoing review of programs will significantly reduce or eliminate the risk of injury. Principals are expected to ensure a caring and safe school environment for all staff and students while responding to each student's right to an appropriate education.~~

~~PR699 provides guidelines and procedures designed to assist principals with meeting the safety and behavioural requirements of all needs pupils, including students with special education needs with Special Education Needs, while ensuring the safety of staff and students. Meeting these needs involves awareness, consultation, and planning in collaboration with parents/guardians/caregivers, school staff, school services staff, and professional agencies.~~

2. OBJECTIVE

1.0 OBJECTIVES

To outline the process~~provide guidelines and procedures~~ for managing the safety concerns or issues of students with Special Education Needs when safety issues arise

- ~~To meet and respond to the extreme behavioural needs of students~~
including students with special education needs. who are identified as

~~having Special Education Needs.~~

- To provide equitable access to learning opportunities for all students. This includes the Board's ongoing commitment to human rights, equity, anti-racism, anti-oppression, and our commitment to combatting anti-Indigeneity and anti-Black racism, and all other forms of racism and discrimination.
- To address the safety requirements and expectations~~needs~~ of staff members who support ~~these~~ students.

6.3. DEFINITIONS

~~Students with Special Education Needs~~ ABC Data Recording Chart refers to a direct observation tool that can be used to collect information about the events that are occurring within a student's environment. "A" refers to the antecedent, or the event or activity that immediately precedes a challenging behaviour. "B" refers to observed behaviour, and "C" refers to the consequence, or the event that immediately follows a behaviour. An ABC Data Recording Chart is used to organize information over several observations by recording the target behaviour(s) observed and the events that precede and follow the behaviour. Observing and recording ABC data assists the team in identifying trends or patterns around a specific behaviour and forming a hypothesis statement. It is critical to understand the function of the behaviour (or why a behaviour occurs) to offer strategies tailored to individual needs. ABC Data Recording Charts are an integral part of this process.

1.1. — Board is

~~In~~ the Toronto District School Board, which is also referred to as "TDSB".

~~(TDSB), Students with Special Education Needs include both students formally identified as exceptional pupils under the *Education Act* and any other non-identified pupils receiving Special Education program and/or services. All TDSB students receiving Special Education programming or service must have an Individual Education Plan (IEP).~~

1.2. — Exceptional Pupil

~~Under the *Education Act*, subsection 1(1),~~

~~An Exceptional Pupil is defined as:~~

- ~~➤ A pupil whose behavioural, communicational, intellectual, physical, or multiple exceptionalities are such that he or she is considered to need placement in a special education program by committee established under subparagraph iii of paragraph 5 of subsection 11(1), of the board...[that is, by an Identification, Placement, and Review Committee].~~

~~1.3. Special Education Program) refers to~~

~~A Special Education program is an educational program that is based on the results of continuous assessment and evaluation. That program includes an Individual Education Plan (IEP) containing specific goals and an outline of services that meets the needs of the student.~~

~~1.4. Special Education Services~~

~~Special Education Services refers to the facilities and resources, including support personnel and equipment, necessary for developing and implementing a program for a student with Special Education Needs.~~

~~1.5. Professional Support Services~~

~~Professional Support Services refer to the following regulated professions: Speech-Language Pathology Services, Occupational Therapy and Physiotherapy Services, Psychological Services, Social Work and Attendance Services. The professional support personnel provide a broad range of services. The services could include: assessment, consultation, direct service with students, in services, training, programming recommendations, and strategies for staff working with specific students. Professional Support Service staffs are required to be registered members of the following Professional Colleges or Association, respectively:~~

- ~~• The College of Audiologists and Speech-Language Pathologists of Ontario~~
- ~~• The College of Occupational Therapists of Ontario~~
- ~~• The College of Physiotherapists of Ontario~~
- ~~•~~
- ~~• The College of Psychologists of Ontario~~
 - ~~• The Ontario College of Social Workers and Social Service Workers~~
- ~~• The Ontario Association of Child and Youth Councillors~~

1.6. Individual Education Plan (IEP)

An Individual Education Plan (IEP) is defined in *Individual Education Plans: Standards for Development, Program Planning, and Implementation*, Ministry of Education, 2000, as: a written plan describing the special education ~~Special Education~~ program and/or services required by a particular student, including a record of the particular accommodations needed to help the student achieve his or her learning expectations. An IEP must be developed for a student who has been identified as exceptional by an Identification, Placement, and Review Committee (IPRC), and may also be developed for a student who has special education needs but has not been identified as exceptional. An IEP is a working document that ~~it~~ identifies learning expectations that may be ~~are~~ modified from; or alternative to; the expectations given in the curriculum policy document for the appropriate grade and subject or course. It outlines the specific knowledge and skills to be assessed and evaluated for the purpose of reporting student achievement, ~~and/or any accommodations and Special Education services needed to assist the student in achieving his, or her, learning expectations.~~ (Section 6.3.3)

Individual Learning Profile (ILP) refers to a tool developed to support an evidence-based program delivery model to assist a school in establishing processes to collect, maintain, and use this information to guide programming decisions. The Ministry of Education states the following: "Progress and growth, or the lack of it, must be noted in the ILP and strategies that are reconsidered, if adjustments are needed. In the case of students who have persistent learning challenges, the need for more intensive instructional support or for special intervention by an IST or SST should also be noted". All recommendations, follow-up/outcomes, persons responsible and timelines are documented on the ILP.

1.7. Functional Behaviour Assessment (FBA) refers to the systematic method of assessment for obtaining information about the purposes (functions) a challenging behaviour serves for a student. Results are used to guide the design of an intervention for decreasing challenging behaviour and increasing appropriate behaviour. If a formal Functional Behaviour Assessment is required, teachers should consult with Professional Support Services **Safety Plan**

A Safety Plan is the emergency response plan implemented when there is risk of injury to a student and/or others. A Safety Plan must be written for students whose behaviour poses a safety concern.

Students who have a Safety Plan must have an IEP with program pages addressing the behaviour and/or safety concerns. In order to prevent or

~~minimize injury to student(s) and/or staff, the Safety Plan includes non-physical prevention and intervention, physical intervention, and emergency strategies as required. (See Section 6.3.4 and Safety Plan Form 699J(i)).~~

~~1.8. Risk of Injury Behaviours~~

~~The behaviour of students with Special Education Needs presents a significant risk of injury to self and/or others when:~~

- ~~• the behaviour is current (as documented in the Behaviour Log, anecdotal record)~~
- ~~• the behaviour (as documented in the Behaviour Log, Violent Incident Form, and Accident/Injury Reports – Treatment of Injury) is of such intensity that self-injury or injury to others has occurred, or is likely to occur~~

~~the behaviour is of such intensity that intervention is required to prevent or minimize injury~~ personnel. Based on the Functional Behaviour Assessment, a Behavioural Support Plan (BSP) is developed to identify effective alternative behaviours and strategies for reducing, or replacing, challenging behaviours.

Learning for All refers to...

~~1.9. Management Process for Risk of Injury Behaviours~~

~~The management process for risk of injury~~ is first and foremost an ongoing process rather than a single event. It is a principal-led process that is initiated ~~and continues on an ongoing basis~~ when a risk of injury to self and/ or others exists or is highly probable. The level of risk must be reviewed ~~regularly on an ongoing basis~~ to determine appropriate prevention and intervention strategies. The management process for risk of injury involves gathering, reviewing, and evaluating information.

~~—Occupational Health and Safety Act (OHSA):~~

Subsection 1 (1) of the Occupational Health and Safety Act includes the following definitions:

Subsection 1 (1) of the Occupational Health and Safety Act as amended by Bill 168 June 2010 includes the following definitions. (Refer to TDSB Respectful

~~Learning & Working Environment Policy # P073 and Workplace Violence Prevention Policy # P072).~~

~~-3.13~~ 1.1 “Workplace harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; (“harcèlement au travail”).

~~-3.10.2~~ “Workplace violence” means:

- a. the exercise of physical force by a person against an employee ~~a worker~~ in a workplace that causes or could cause physical injury to the employee; ~~worker~~
- ~~e.b.~~ b. an attempt to exercise physical force against an employee ~~a worker~~ in a workplace that could cause physical injury to the employee (~~worker~~ (“violence au travail”); ~~travail~~)
- ~~(e)~~ a statement or behaviour that it is reasonable for an employee ~~a worker~~ to interpret as a threat to exercise physical force against an employee ~~a worker~~, in a workplace, that could cause physical injury to the employee
- ~~f.c.~~ c. ~~worker~~ (“violence au travail”).)

~~1.10.~~ Manifestation Behaviours of Specific Diagnosed Medical/ Neurological/ _____
_____ Developmental Disorders, refers to individuals

~~A relatively small number of students~~ with special education needs ~~who Special Education Needs~~ may also have medical/neurological/ developmental disorders, or not fully identified/undiagnosed conditions that can have manifestation behaviour(s) that is/are a direct result of a diagnosed and existing medical, neuropsychological, neurological, or developmental condition. The specific manifestation behaviour must be identified in a professional assessment. Such behaviours may create safety concerns within the school environment. Without an understanding of the diagnosed/undiagnosed disorder and its possible manifestation behaviours, staff, students, and parents/guardians/caregivers may will often interpret the behaviour as deliberate acting out rather than as a manifestation of the medical disorder.

Responding to the behaviour as a purposeful violation of a code of conduct and applying discipline without considering where ~~in isolation from~~ the manifestation of

behaviours are sourced (e.g. a diagnosed medical/neurological/development disorder) and incorporating these considerations into behaviour support plan in the student's Individual Education Plan and /or Safety Plan may be considered a violation of the student's legal right to an appropriate educational program.

The Board has a duty to make reasonable inquiries about student special education needs, accommodations, and supports, in order to assess whether the risk of injury behaviour may be more appropriately addressed through alternative mechanisms to discipline.

The list of medical/neurological/developmental disorders that follows is a non-exhaustive ~~only a~~ sample listing of some of the more common disorders that may have manifestation behaviours that can present serious safety concerns in the school environment. The description of possible behaviours is a very general description of behaviours that may present safety concerns. It is in no way intended to be comprehensive or diagnostic of the specific condition. Each of the disorders listed has numerous complex characteristics and symptoms that are not listed here.

~~If a diagnosis exists for a student, it is critical that the principal obtain (with parental permission) all relevant information, including details of any manifestation behaviours. Principals must ensure that an appropriate IEP and as required, a Safety Plan is/are developed in consultation with parents/guardians/caregivers and professionals.~~

A. Attention Deficit Hyperactivity Disorder

- Attention Deficit Hyperactivity Disorder may include impulsivity, hyperactivity, and inability to stay organized and/or on task; the student may act or react without considering the consequences to self and/or others.

B. Autism Spectrum Disorder

- Autism Spectrum Disorder may include tantrums and/or aggressive and/or self-injurious actions, which can be unprovoked, or which may occur in response to changes in routines, environmental conditions, or sensory conditions.
- Students with Autism Spectrum Disorder may exhibit repeated body movements and unusual responses to people, which can be quite disruptive in a classroom setting.

C. _____—*Tourette's Syndrome*

- ~~Tourette's Syndrome~~~~Tourette's syndrome~~ may include complex motor and vocal tics, jumping, touching/grabbing, hitting or biting oneself, and/or vocalizing socially unacceptable words/phrases.
- It should be noted that these tics are involuntary. The student with Tourette's ~~Syndromes~~~~syndrome~~ may be able to exert some control for a few minutes, but the symptom (tic) must eventually be expressed.

D. *Acquired Brain Injury*

- Acquired Brain Injury may result in noticeable changes in behaviour/personality compared with the individual's state prior to the acquired brain injury. These changes may be permanent or may decrease or increase.
- The student may display significant negative changes or deterioration in judgment, anger, aggression, and disinhibition.

E. *Fetal Alcohol Spectrum* ~~Disorders~~~~Disorder~~

- Fetal Alcohol Spectrum ~~Disorders~~~~Disorder~~ may result in physical, mental, behavioural, and/or learning disabilities, with possible lifelong implications.
- Some children with Fetal Alcohol Spectrum ~~Disorders~~~~Disorder~~ have physical disabilities, but many of the effects of Fetal Alcohol Spectrum ~~Disorders~~~~Disorder~~ are not visible and may include problems with learning, memory, attention, problem solving, behaviour, vision, and hearing.
- Students with Fetal Alcohol Spectrum ~~Disorders~~~~Disorder~~ may not understand social situations and the student's behaviour is often interpreted as problematic, rather than as a symptom of an underlying condition.

Manifestations of these conditions must not be responded to as intentional

or purposeful violations of the Board's Code of Conduct (PR585). ~~however they would not preclude suspension.~~ These manifestations must be taken into consideration as mitigating factors. These behaviours must be documented and school interventions must be incorporated into the student's Individual Learning Profile (ILP)~~Education Plan~~ and /or IEP-Safety Plan.

Personal Information refers to recorded information about an identifiable individual. As defined by the *MFIPPA* this may include, but is not limited to:

- Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- Any identifying number, symbol or other particular assigned to the individual;
- The address, telephone number, fingerprints or blood type of the individual
- The personal opinions or views of the individual except if they relate to another individual;
- Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- The views or opinions of another individual about the individual; and individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

1.11. ~~Physical Restraint/~~ *Contain and Release*

~~Physical restraint /contain and release~~ refers to a range of Non-Violent Crisis Intervention Program (CPI) holding techniques used only as to restrict the student's ability to move freely, either by holding the student in place, or by escorting him or her to a safe place. ~~Physical containment in relation to a last resort when all other attempts to calm escalating behavior have been tried and have been unsuccessful. student is generally synonymous with physical restraint.~~ The purpose of Contain and Release ~~“physical restraint” or “contain and release”~~ is not to discipline the student but rather, to prevent the student from injuring

~~themselves~~himself/herself or others.- Such techniques are used only until the risk of injury to self or others is no longer imminent, rather than until the student is calm- (See Section 6.13). Non-Violent Crisis Intervention training is available on Key-to-Learn. 14.3}

Professional Support Services refer to the following regulated professions: Speech-Language Pathology/Audiology Services, Occupational Therapy and Physiotherapy Services, Psychological Services, Social Work and Attendance Services. The professional support personnel provide a broad range of services. The services could include: assessment, consultation, direct service with students, in-services, training, programming recommendations, and strategies for staff working with specific students. Professional Support Service staffs are required to be registered members of the following Professional Colleges or Association, respectively:

- The College of Audiologists and Speech-Language Pathologists of Ontario
- The College of Occupational Therapists of Ontario
- The ~~College~~ of Physiotherapists of Ontario
- The College of Psychologists of Ontario
- The Ontario College of Social Workers and Social Service Workers
- The Ontario Association of Child and Youth Counsellors

Risk of Injury Behaviours refers to the behaviour of a student who may or may not have special education needs presents a significant risk of injury to self and/or others when:

- the behaviour is current (as documented in the ABC Data Recording Chart anecdotal record);
- the behaviour is of such intensity that self-injury or injury to others has occurred, or is likely to occur (as documented in the ABC Data Recording Chart, Violent Incident Form, and Incident - Insurance Reporting Form);

~~1.12. Time Out~~

~~Time out, as a behavioural intervention in schools has been widely defined and practised. Educators should consult with staff from Special Education regarding the use and type of time out with students.~~

~~-~~the behaviour is of such intensity that intervention is required to prevent or

minimize injury.

Safety Plan refers to guidelines and procedures for managing the safety or behaviour concerns of a student who may or may not have special education needs when safety issues arise. It is developed for students whose safety or behaviour is known to pose an ongoing risk to themselves and/or others. It can serve as a crisis-response plan that outlines the roles and responsibilities of the staff in dealing with the safety issue. The development of a safety plan involves all staff members who work on an ongoing basis with a student, as well as parents and representatives from any community agencies working with the student and/or family.

1.13.—Separate Spaces in TDSB Schools refers to spaces that must be intentionally used as part of the academic program developed for students.

All staff should be familiar with the intended uses and function of the various ~~types~~definitions of separate spaces including:

- Sensory Rooms;
- Snoezelen Rooms;
- ~~Calming Spaces/Rooms~~
- Gross Motor Rooms. Learning Network
- ~~Exclusion Timeout Spaces/Rooms~~

Superintendents ~~of Education~~ must be aware of these spaces, their intent and usage. Schools must communicate to Learning Network Superintendents ~~of Education~~ their intent to develop a separate space beyond the immediate classroom that will be used in a proactive and positive manner. No separate spaces will be developed without the consent of the Learning Network Superintendent and its purpose clearly defined and aligned with ongoing TDSB commitment to human rights, equity, anti-racism, anti-oppression, and TDSB commitment to combatting anti-Indigeneity and anti-Black racism, and all other forms of racism and discrimination. Superintendent of Education.

Students with Special Education Needs at the TDSB, refers to students with special education needs include students formally identified as exceptional pupils under the *Education Act* and any other non-identified pupils receiving special education programs and/or services. TDSB students receiving special education programming or service may have an Individual Education Plan (IEP). Exceptional Pupil under the Education Act, is defined as: A pupil whose behavioural, communicational, intellectual, physical, or multiple exceptionalities are such that he

or she is considered to need placement in a special education program by committee established under subparagraph iii of paragraph 5 of subsection 11(1), of the board...[that is, by an Identification, Placement, and Review Committee].
~~Appropriate documentation will be developed and maintained as required. Documentation may include Individual Education Plans including Behaviour Support Plans, Safety Plans, recording/tracking sheets. (Form 699W).~~

Special Education Program is an educational program that is based on and modified by the results of continuous assessment and evaluation. That program may include an Individual Learning Profile (ILP) and an Individual Education Plan (IEP) containing specific goals and an outline of educational services that meet the needs of the students with special education needs.

7.4. TDSB IS THE TORONTO DISTRICT SCHOOL BOARD, WHICH IS ALSO REFERRED TO AS THE “BOARD”. RESPONSIBILITY

Associate Director, Leadership, Learning and School Improvement.~~Equity and Achievement and Executive Superintendent, Special Education & Section Programs~~

8.5. APPLICATION AND SCOPE—

This ~~Procedure~~procedure applies to ~~all staff who work directly with that provide~~ all staff who work directly with that provide ~~guidelines and procedures for managing the safety issues of students, including with Special Education Needs when safety issues arise.~~

~~That meet and respond to the extreme behavioural needs of students~~ That meet and respond to the extreme behavioural needs of students with special education needs..who are identified as having Special Education Needs.

~~Address the safety needs of staff members who support these students.~~

9.6. PROCEDURES

This is a principal-led process that is initiated and continues on an ongoing basis when there is a risk of injury to self and or others, that exists, or is highly probable of a student who may or may not have special education needs. . Meeting these needs involves awareness, consultation, and planning in collaboration with parents/guardians/caregivers, school staff, school services staff, and professional agencies. The earlier version of this document outlined the process for risk review. In response to current legislation, this Procedure has evolved into an ongoing practice and is no longer a one-time event.

6.1. ~~6.1~~—Confidentiality in Special Education

Principals are reminded that confidentiality must be adhered to in all discussions, correspondence, case conferences, and program planning for any student, when engaging in this process including these exceptional students whose manifestation behaviours present a risk of injury. Sensitivity and care must be taken to obtain the required informed consent with respect to the sharing of pertinent medical, psychological, educational, employment, immigration and family information. If staff or other agencies are agency is involved in meetings or correspondence, the following student locator should be used to allow differentiation without identification: school name, room number, letter designation (e.g., Happy Valley PS 101A (Rm. 101, Student A)). Where the contents of the OSR are required to be released to a third party not otherwise authorized to view the OSR, Where any person who is not specifically authorized to do so, views the OSR documentation (see OSR Guidelines), the student's name shall be concealed and replaced with the locator (see OSR Guidelines). If Professional Support Services staff are involved in a meeting or correspondence, and have not been provided given informed consent to discuss the student, the same locator recommended for informed consent should be used. These confidentiality procedures include remote meetings and sharing of information in virtual environments.

Below is a brief summary of relevant legislation with which principals must follow.
~~should be familiar.~~

- 6.1.1. Principals are reminded to consult with TDSB MFIPA people legal counsel regarding any questions that may arise about confidentiality.

1.1.—Municipal

~~1.2. Freedom of Information and Protection of Privacy Act, R. (FOI/PP)~~

~~S.O. 1990, c M.56 (MFIPPA):~~

~~1.2.1. 21 Personal Information is recorded Privacy~~

~~● S.21 (3) Presumed Invasion of Privacy~~

~~A disclosure of personal information about is presumed to constitute an identifiable individual. As defined by the MFIPPA this may include, but is not limited to: unjustified invasion of personal privacy where the personal information~~

- ~~● Information relating (a) relates to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;~~
- ~~● Information relating to the education or the a medical, psychiatric, or psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; history, diagnosis, condition, treatment, or evaluation~~

~~Any identifying number, symbol or other particular assigned to the individual; — (d) relates to employment or educational history~~

~~● OHSA .Section 32.05 (3),(4) as amended by Bill 168, June 2010 (See Form 699A)~~

- ~~● However, in~~
- ~~● The address, telephone number, fingerprints or blood type of the individual;~~
- ~~● The personal opinions or views of the individual except if they relate to another individual;~~
- ~~● Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;~~
- ~~● The views or opinions of another individual about the individual, and;~~
- ~~● The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal personal information about the individual.~~

- In most cases, disclosure of relevant safety information to specified school staff is allowed, as follows:

~~*Freedom of Information and Protection of Privacy Act*~~

- ~~S.42 (h): ...in compelling circumstances affecting the health or safety of an individual if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates.~~

~~*Personal Health Information Protection Act*~~

- ~~S.40 (1): A health information custodian may disclose personal health information about an individual if the custodian believes on reasonable grounds that the disclosure is necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm to a person or group of persons.~~

Youth Criminal Justice Act

- S.125(6) The provincial director, a youth worker, peace officer, or any other person engaged in the provision of services to young persons may disclose to any professional or other person engaged in the supervision or care of a young person—including a representative of any school board or school or any other educational or training institution—any information contained in the record... if the disclosure is necessary.
- ~~(b) to ensure the safety of staff, students, or other persons~~
- (b) to ensure the safety of staff, students, or other persons

Note: A person to whom information is disclosed under ss. 6 above s. (7) (a) (b) (c) shall keep the information separate from any other record of the young person to whom the information relates... ensure that no other person has access to the information except if necessary for the purposes of sss. (6) above [and]... shall destroy their copy of the record when the information is no longer required for the purpose for which it was disclosed.

Privacy Breach is an incident in which personal information is collected, used, retained or disclosed without authorization or in error.

The TDSB can disclose personal information under certain circumstances such as:

6.2 —

- With parent/guardian consent
- For a consistent purpose
- To comply with legislation (e.g., Education Act)
- For law enforcement
- For health and safety reasons
- Compassionate reasons
- Necessary for the operation of the institution

Violence, Racism and Hate Incidents Involving or Impacting Students in Schools (PR. 728)

It is important to note, that this operational procedure in conjunction with PR728 and related TDSB policies and procedures, provides support to the management for risk of injury behaviours while recognizing the intersections of social identities of students. Therefore, we must ensure that we are cognizant of the role implicit bias plays and how it can impact students in negative and discriminatory ways in classrooms and schools.

6.2.

6.2.1. TDSB has a duty to provide risk of injury information to a worker if they can be expected to encounter a person with a history of unsafe behaviour or a history of hatred or bias based on race, national or ethnic origin, language, colour, creed, religion, sex, age, mental or physical disability, sexual orientation, gender identity, or gender expression. TDSB shall not disclose more personal information than is reasonably necessary to protect the worker from physical injury. Principals are reminded to adhere to PR728 - Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools should the concern be violence involving racism and hate impacting students in schools.

6.2.6.3. Parental/Guardian/Caregiver Involvement and Consultation

~~Parental~~ When engaging in the PR699 process, parental/guardian/caregiver involvement must be included. Early consultation is essential and critical in program planning for students, with special education needs, whose behaviour may present serious safety issues. If an is always important when developing appropriate programming for students with Special Education Needs. When developing the IEP is being considered, as it is not necessary for a Safety Plan to be developed,
consultation with parents/guardians/caregivers is mandatory under

Regulation 181/98. ~~Early consultation is essential and absolutely critical in program planning for students whose Special Education Needs include behaviours that may present serious safety issues.~~

~~6.2.4.6.3.1.~~ Consultation means providing ample opportunity for parents/guardians/caregivers and the student, if appropriate, to provide information, ask questions, and present their views prior to decisions being made. It is advisable to consult with parents/guardians/caregivers before the first draft of any plan is written as well as after the drafts are completed to ensure that all appropriate personnel are aware of the steps that will be taken if serious behaviours that threaten the safety of students and/or staff occur. –However, final decisions on ~~an~~the Individual Education Plan, Safety Plan, and school procedures remain the responsibility of the school principal.

~~Preplanning and consultation with parents/guardians/caregivers will help the principal, teachers, and other relevant staff members ensure that the classroom is a safe learning environment. It will help reassure parents/guardians/caregivers that the child's needs are recognized and understood and that the interventions and resources available to the school are in place. Finally, preplanning and consultation between school staff and parents/guardians/caregivers will ensure that all appropriate personnel are aware of the steps that will be taken if serious behaviours that threaten the safety of students and/or staff occur.~~

6.3.6.4.6.3—Staff and Student Safety: Positive Behaviour Supports

Progressive discipline

Progressive discipline requires that positive behaviour supports be used as an approach to working with challenging behaviours. ~~Positive behaviour supports~~ require:

- ~~● understanding and supporting individuals in their behaviour change process as opposed to controlling or coercing them~~
- ~~● applying a scientific approach of observation and data collection (e.g., Functional Behavioural Assessment)~~
- ~~● analyzing the context in which the behaviour occurs~~
- ~~● identifying a relationship between the behaviour and the context to determine the motivation behind the behaviour~~
- ~~● designing a behaviour support plan that is evidence-based and accommodates the motivation of the individual~~
- ~~● reducing potential triggers for the individual in the environment in certain settings and during certain events~~

- ~~providing and training the individual in the use of alternative behaviours that are more socially acceptable~~

The following items are integral components of a positive behaviour support approach:

Antecedent

6.3.1.6.4.1. 6.3.1—Functional Behaviour Consequences (ABC) Data Recording Chart: **Assessment (FBA)**

The ABC data recording chart can help to determine why a behaviour occurs. The goals include understanding the precise circumstances that lead to inappropriate student behaviour, identifying the triggers or setting for that behaviour and looking for patterns to explain what the behaviour is communicating. It is critical to understand the function of the

- Effective behaviour or why a behaviour occurs. ABC Data Recording Charts are an integral part of this system. management is an ongoing
- The ABC Data Recording Chart should include the date, time and location of the behaviour. Descriptions of the behaviour should be specific, detailed and objective. The chart will also include the antecedent (what occurred immediately before the behaviour), a brief description of the behaviour, the duration of the behaviour, the intervention(s) used, and whether the intervention(s) were successful in re-directing the student. Regularly reviewing the ABC Data Recording Charts will enable the teacher to detect patterns in student behaviour. When looking at the consequences of the behaviour, the teacher should analyze the responses to the behaviour, the reactions of others in the area where the behaviour occurred, and the environment in which the behaviour occurred.
- After an analysis of the ABC Data recording chart determination and implementation of intervention strategies used by the teacher to support the student must be recorded on the ILP. Through the IST/SST process the ILP should be reviewed and updated as needed to ensure the efficacy of the intervention strategies aligned with the Tiered Approach detailed in Learning For All. The principal must ensure that accurate and up-to-date ABC Data Recording Charts and with definable steps. Functional Behaviour Analysis (Form 699Ki), are used as part of a

~~positive~~Assessment is an approach that looks at the student's behaviour support system in context and focuses on identifying its function, or purpose. Teachers are encouraged to use functional behaviour approaches, but if a formal Functional Behaviour Assessment is required, teachers should consult with Professional Support Services personnel. Based on the findings of the above analysisFunctional Behaviour Assessment, a behavioural support plan may be developed or documentation on the ILP, may be added to identify effective alternative behaviours and strategies for reducing, or replacing, ineffective behaviours. Finally, ongoing monitoring should be is used to review progress and identify any changes that need to be made -(see Effective Educational Practices for Students with Autism Spectrum Disorders, 2007). -For a brief overview on Functional Behaviour Assessment, please refer to form 699Ki.Functional Behaviour Assessment, please refer to Form 699K.

6.3.2 Behaviour Log

The Behaviour Log Form 699H is an ongoing daily tracking form and an integral part of the Functional Behaviour Assessment process. It is an important tool in identifying patterns in the student's behaviour, modifying or adjusting intervention strategies, and evaluating the success of the IEP. Since it details ongoing behaviour, it is also an important tool when communicating with parents/guardians/caregivers, community agency support services, school administration, and TDSB services involved in the Management of Risk of Injury Process. (See Section 6.5: Management Process for Risk of Injury.) An effective Behaviour Log is one in which entries can be made quickly, yet one that provides enough information for evaluation and improvement of the student's program. Logs should contain basic information, such as the date and time of the incident, the antecedent (what occurred immediately before the behaviour), a brief description of the behaviour, the duration of the behaviour, the intervention used, and the consequence(s) of the behaviour (what occurred immediately after the behaviour). The principal must ensure that an accurate and up-to-date Behaviour Log is kept.

6.4.2. ~~The~~ Individual Learning Profile (ILP):

- If a student is demonstrating risk of injury to self and/or

others, and an ABC Chart is being used to track patterns of behaviours, the ILP should identify intervention strategies aligned with the Tiered Approach detailed in Learning For All. The ILP will track instructional levels, interventions, recommendations, outcomes and follow-up strategies to address the needs of the student. Based on this information, the teacher(s) can provide instruction that is personalized, targeting the critical skills that the student requires to address the behaviour concerns.

- The ILP should be revisited on a regular basis to evaluate the success of the teaching strategies and if necessary, adjusted to meet the students' ongoing needs.

~~Behaviour Log must be included in the documentation required for a Special Incidence Portion (SIP) claim application. It is even more critical where targeted behaviours include those that present safety concerns or risk-of-injury behaviours.~~

6.4.3. 6.3.3 — Individual Education Plan (IEP):

If a student is demonstrating risk of injury to self and/or others, and has an IEP)

~~For a student with behaviour needs,~~ the IEP should identify prevention and intervention strategies~~alternative curriculum expectations~~ in the areas of behaviour management, social skills, and communication, along with appropriate teaching strategies and evaluation methods. The IEP must include:

- articulated areas of growth~~needs~~ on page 1 of the IEP in the areas of behaviour management, social skills, or social communication.
- accommodations on page 2 of the IEP -appropriate to the needs identified on page 1of the IEP.
- the student's current level of functioning on page 3 of the IEP, including recurring behaviours that interfere with school achievement or success.
- alternative curriculum goals and expectations on page 3 to address the areas of need identified on page 1 of the IEP. There is no curriculum guide for behaviour, so these are "alternative" goals.
- behavioural intervention strategies, including progressive

discipline approaches on page 3 of the IEP geared to meeting the alternative goals and expectations.

- assessment tools, appropriate for measuring improvement on page 3 of the IEP (-e.g., tracking sheets, ABC Data Recording Chart, Behaviour Analysis Tool, Functional Behaviour Assessment, Behaviour Log, Functional Behaviour Assessment, Behaviour Analysis Tool IST/SST Manual Appendix N, etc.)

~~6.3.2.6.4.4.~~ **6.3.4** Safety Plan Process:

~~A~~The Safety Plan ~~is the individual crisis-Form 699J(i) is a component in the ongoing Management Process for Risk of Injury. This is an emergency response plan that is implemented by staff in situations where prevention and non-physical strategies/methods have been unsuccessful in preventing developed for students with Special Education Needs whose behaviour that presents an immediate~~ a risk of injury to self staff and/or others. The intention is to write this plan for situations where the behaviour is current, intense and documented in incident reports and not for “one-time” occurrences.

~~In order to move forward students. All students with Special Education Needs with a Safety Plan, the principal will ensure must have an IEP that identifies the ongoing risk of injury behaviours and daily intervention strategies. While Safety Plans are unique for each student, they generally include the following steps are taken:~~

Safety Plan Consultation

~~The development of the Safety Plan involves all staff (teachers and support staff) that work on an ongoing basis with the student as well as parents and representatives from community agencies currently working with the student and/or family. Parents must be invited to provide information to support the development of the Safety Plan through the Safety Plan Consultation Letter. Students who are 16 years of age or older are included in the consultation process.:-~~

1. Crisis Prevention Intervention Staff Training

Reach out to Occupational Health and Safety to arrange for staff

training for Non-Violence Crisis Prevention Intervention (CPI) for staff who will be named as part of the TDSB safety plan development team.

2. Collaboration with other Interested Parties

Reach out to Board services (e.g., Special Education, Caring and Safe Schools, Professional Support Services, and Health and Safety), Parents/Guardians and/or Agencies, if required.

3. Collaboration with the Safety Plan development team

Ensure the safety plan team comes prepared with data to discuss the following components:

- A description of the observable behaviour concern(s)
- Triggers or antecedents
- Prevention and intervention strategies to support staff and student safety
- Emergency communication procedures
- Consequences (progressive discipline actions)
- Documentation

4. On-going Review of Safety Plan

Principals and the Safety Plan team are to revisit the Safety Plan regularly to ensure required updates and/or change in intervention strategies are implemented. The Safety Plan should be re-evaluated yearly and removed when no longer necessary.

5. Safety Plan Accessibility

Staff who are in contact with the student must have access to the Safety Plans; this includes occasional staff. The dignity of the student and confidentiality must be maintained. Administrators are to have a system in place to ensure accessibility for staff (e.g., a confidential School Safety Plan Binder made accessible to staff and stored in a secured location).

- Follow-up/re-evaluation

~~All staff members who work on an ongoing basis with a student whose behaviour presents a serious risk of injury shall be involved in the development of the Safety Plan. Board services (such as Special Education, Caring and Safe Schools,~~

~~Professional Support Services, and Occupational Health and Safety) will provide significant support in the development of the Safety Plan as well as the IEP. Input and advice should be sought from parents/guardians/caregivers and any community agency professionals currently working with the student and/or the student's family.~~

~~6.4.6.5.6.4~~ — Reporting, Record Keeping, and Data Analysis

~~Several reporting and record-keeping procedures related to student behaviour currently exist within TDSB Operational and Administrative Procedures:~~

- ~~• health and safety forms and procedures~~
- ~~• accident and injury reports~~
- ~~• Ministry Of Education Violent Incident Forms for IPRC'd Students (Form 699B)~~
- ~~• Safety Plan Data Summary (Form 699M)~~
- ~~• Management of Risk of Injury Summary (Form 699I)~~

~~Gathering statistical information regarding students with Special Education Needs, and violent incidents and related injuries to staff and students helps a school system monitor and assess how well it is doing, and helps determine areas for improvement. This information is vital with respect to improving support for students with manifestation behaviours and reducing the risk of staff or student injury.~~

~~6.5.1. With Principals respect to students with special needs, principals will collect data from the following ~~completed~~ documents:~~

~~Protection of privacy, legal obligations as well as the safety and well-being of students and community must be considered when sharing information at all times.~~

~~Employee's Report of Workplace Violent Incident Form 699C (Occupational Health and Safety online submission)~~

- ~~• Employee's Report of Accident/Injury (Form 699D)~~
- ~~• Health and Safety Concern / Near Miss Incident Form 699F~~
- ~~• Management, regardless of Risk of Injury Summary (Form 699I) the student's suspension/expulsion status:~~
- ~~• Supervisor's Workplace Violent Incident Investigation Report (Form 699V) Report of a Health and Safety Concern Near Miss Form (Form 699F)~~

- ~~Employee's Report of Workplace Violent Incident Form OHS (Form 699D)~~
 - Supervisor's Workplace Violent Incident Investigation Report *Mandatory online submission - completed completion by school principals/supervisors only if there is lost time
 - Use of Unplanned Physical Restraint (Form 699O)
 - Post Incident/ Contain and Release Protocol Guideline (Form 699N)
- ~~Ministry Of Education Violent Incident Forms for IPRC'd Students (Form 699B)~~
- ~~Use of Unplanned Physical Restraint (Form 699O)~~
- ~~Management of Risk of Injury Summary (Form 699I)~~
- ~~Safety Plan Data Summary (Form 699M)~~

6.5.6.6.5 — Management Process for Risk of Injury

6.5.4.6.6.1. Where risk of injury to self ~~injury~~ or ~~injury to~~ others exists or is highly probable, the level of risk must be reviewed on an ongoing basis by appropriate staff to determine prevention and intervention strategies. An ongoing and comprehensive Management Process for Risk of Injury will consider, but is not limited to, the following:

- A review of existing, or updated new information regarding medical/ neurological/ developmental professional assessment by appropriate professional staff (e.g., psychology, social work, speech-language pathology, occupational therapy, ~~and~~ physiotherapy).
- Whether the risk of injury behaviour(s) is/are a manifestation of the identified exceptionality or diagnosed medical condition.
- Whether the risk of injury behaviour(s) is/are a manifestation of a medical condition that has not yet been formally diagnosed but is a presenting pattern of behaviour that may be linked to a medical condition.
- A referral to appropriate support services for a current Functional Behavioural Assessment. For an overview on

Functional Behavioural Assessment see Form 699Ki. ~~(Form 699K(i))~~

- A review of community agency support for the student and family, or the need for parental/guardian referral assistance in obtaining support.
- A review of the current IEP ,if applicable, with respect to appropriate programming and accommodations.
- A review of the Safety Plan ~~(as part of the IEP)~~ with respect to appropriate intervention and emergency response procedures.
- A detailed history of the student's strengths and needs (e.g., previous ILP, IEP and/or Safety Plan), along with successful prevention and intervention strategies.
- A review of staffing needs and training needs to ensure a safe school environment for students and staff. ~~-(See Section 6.13.4.)~~
- A safety audit of the classroom and school environment.
- A review of the protective and/or safety equipment required.

6.7. Sharing of Information

~~6.5.2.6.7.1.~~ Prior to a student starting a school or program, and if there is a high probability of injury to self or others, it is important to identify risk factors. It is essential that information is responsibly shared, maintaining the student's dignity, between administrators of sending and receiving schools/programs (Form 699Q). ~~(Form 699Q).~~ This involves collaboration between school and Board professionals, parents/guardians/caregivers, and community professionals. Observation of the student in the school setting is a critical component of this ongoing process.

~~School and Board staff involved in the review and management process may include:~~

- **~~School:~~** ~~administrator, teacher, classroom support staff, and others, as appropriate~~

- ~~Board:~~ Learning Centre Special Education Consultant/Coordinator, Professional Support Services, Safe and Caring Schools Adviser, Supervising Principal, Superintendent of Education, and others, as appropriate

~~It is important to identify risk factors before the student with Special Education Needs starts a particular school or program however, observation of the student in the school setting is a critical component of this ongoing process.~~

6.5.3-6.7.2. The presentingschool principal ensures:

- Decisions regarding information sharing and implementation of recommendations are recorded on the Management of Risk of Injury Summary (Form 699I).~~Management of Risk of Injury Summary (Form 699I).~~
- Recommendations regarding behaviour needs, prevention and intervention strategies, staffing and training requirements, and protective and safety equipment are to be shared with all relevant, ~~affected~~ personnel.
- All changes or additions to strategies will be documented in the ILP, IEP and Safety Plan and shared, ~~as appropriate.~~

6.8. Admission, Transfer/Promotion and Re-entry of Students Where Risk of Self-Injury or Injury to Others Exists or is Highly Probable

6.8.1. The following procedures apply when admitting, transferring, promoting or accommodating re-entry to the TDSB for a student with a high probability of injury to self or others. This may include a student new to TDSB or a student re-entering from an Education and Community Partnership Programs (ECPP). Refer to the following:

- ~~1. _____ Decisions made regarding the shortening the length of the school day are made in consultation with the Learning Network Superintendent.~~

6.6 Admission of Students with a Current History of Aggressive and Violent Behaviour

~~Where a student with Special Education Needs is registering to attend a TDSB school (whether from another board, a section program, or beginning school for the~~

first time), and the Board is made aware that the student has behaviours that pose a significant safety concern and/or risk of injury, ~~entry and re-entry procedures include, but are not limited to, the following:~~

The principal or designate shall register the student and make every effort to request the OSR and obtain any professional related reports.

2. The principal or Board designate shall initiate the Management Process for Risk of Injury to develop the school entry plan involving the following people as appropriate (Please also refer to Transition Plan - PPM 156):

- a. Parents/guardians/caregivers/student (where appropriate)
- ~~a) School/Parent/guardian/caregiver~~
 - ~~a.b. Previous principal, program administrators (sending and receiving) administrator, or representative from previous board/setting~~
 - c. Classroom teachers and classroom support staff (sending and receiving)
 - d. Community agency personnel where appropriate
- ~~b) Community agency personnel~~
- ~~c) Superintendent of Education~~
- ~~d) School principal~~
- ~~e) Classroom teacher~~
- ~~f) Central staff: Special Education, Professional Support Services, Caring and Safe~~
- ~~b.e. Schools, the Learning Network Superintendent, staff, Occupational Health and Safety personnel etc.~~

3. Information gathered may~~shall~~ include:

- ~~a. IPRC decision information~~
- a. Current Individual Learning Profile (ILP), Individual Education Plan (IEP), Safety Plan, and ABC Data Recording Chart
- ~~b) Current Violent Incident Reports, Report of a Health and Safety Concern Near Miss Form, etc.~~
- a.b. Current Special Incidence Portion (SIP) claim information

and staffing

c. IPRC decision information

b.d. Current Incident Reports, Report of a Health and Individual Education Plan (IEP), Safety Concern / Near Miss Incidents Plan, and Behaviour Logs

~~4.)~~ Information gathered can include:

- a. current/existing medical information, including diagnoses and medications
- b. current/existing assessment information from professional staff (e.g., psychology, social work, speech/language, attendance, physiotherapy, occupational therapy)
- c. current/existing assessment information from community agencies/services
- d. a Functional Behaviour Assessment
- e. parental/guardian/caregiver interventions and prevention strategies
- f. a current safety audit of the new ~~Board~~ classroom and school environment
- g. Well-planned prevention and safety-intervention strategies, as well as an ongoing review of programs will significantly reduce or eliminate the risk of injury for students who may present such need. Principals are expected to ensure a caring and safe school environment for all staff and students while responding to each student's right to an appropriate education). ~~Information~~ regarding involvement with Caring and Safe Schools and/or probation/police, as appropriate

~~5.)~~ Actions will include, but are not limited to:

- a. developing a responsible and safe entry plan based on information gathered and an appropriate Transition Plan in accordance with PPM 156.
- b. communicating the entry timeline to staff and parent(s)/guardian(s)/caregiver(s)

- c. ~~immediately~~ preparing a Safety Plan based on all available information
- d. identifying any ~~-new~~ or updated professional assessments required
- a) ~~must inform~~ informing all relevant staff of the level of risk through the Notification of Risk of Injury and Safety Plan, Form 699A, Notification to Staff of Risk of Injury (Form 699A)
- e. identifying staffing needs (qualifications, training, and equipment _ requirements) to ensure a safe school environment
- f. providing all staff members access to Safety Plans.
- ~~f.g.~~ g. identifying alternative measures in case of staff absence
- ~~g.h.~~ h. designating staff to be involved in revising/preparing the ILP, IEP and Safety Plan, if deemed necessary and preparing /revising and resubmitting the SIP Claim if requested
- b) ~~preparing/revising and resubmitting the SIP Claim as appropriate~~
- ~~h.i.~~ i. involving community agencies/services during the entry process (pre-_ observation, consultation, transition supports, and follow-up)
- ~~i.j.~~ j. identifying additional Board services to be recommended to the family
- ~~j.k.~~ k. recommending community agency/service supports to the student/family

Sending

6.6.1 Admission Checklist for Receiving Principals

~~6.5.4.6.8.2.~~ 6.8.2. Principal Considerations for Safe Transfer of ~~is aware that the student where has behaviours that present a risk of self-injury or injury to others exists or is highly probable -~~

When transferring a student where risk of self-injury or injury to others exists or is highly probable, the **Process: Transfer of Student within TDSB**

- ~~Receive notification from sending principal/ Learning Network Special Education staff~~
- ~~Consult with school-based Special Education staff~~
- ~~Collaborate with sending Principal regarding entry plan~~
- ~~Review PR 699, Section 6.2, 6.6~~

	Process	(b) Date Completed	
	Register student		
	Receive and Review OSR and Behavior Logs from previous program/school		
		Collect related documentation from the parent/guardian/caregiver	
	Prepare Safety Plan Immediately based on all available information		
	Initiate Management Process for Risk of Injury		
	Inform staff re Notification of Risk of Injury		
	Complete staffing review (training, equipment, SIP claim)		
	Identify additional Board services		
	Develop entry plan with timelines and responsibilities		
	Recommend community agency support for family		
	Review and update the Individual Education Plan (IEP)		
	Identify plan(s) for staff absence		
		Conduct school/classroom safety audits	

~~Process-Transfer of Student from outside the TDSB~~

~~In addition to the above process, the following is to be included:~~

- ~~• should ensure the following is provided~~ Register student at home school and follow SEPRC process if seeking an ISP placement
- ~~• Assist in developing a transfer team to the receiving~~ facilitate student transition

Include the following staff in the process: student, parent, principal, teacher, school support staff, Special Education staff, Professional Support Staff, Caring and Safe Schools staff, Guidance, etc.

- Refer to Form 699T

6.6.2 Re-Admission Protocol

When a student with Special Education Needs has behaviour that continues to pose a significant safety concern and/or risk of injury **is returning to a TDSB school** from a refusal to admit (refer to Ed. Act, Section 265(1)(m), a suspension, a suspension program, an expulsion from all school of the board, an expulsion from the school only or a section program, or has been assigned to another school in the Board following expulsion from his or her school, **re-entry procedures must** be followed by the principal.

~~For~~ students returning from a long-term suspension (more than five school days) back into a school program:

A. Students who have not attended a suspension program.

- Current IEP and Safety Plan (including updated intervention and prevention strategies)
- Current behaviours that continue to present a risk of injury
 - ~~Academic progress during suspension (work done at home)~~
- ~~Additional relevant assessment information~~
 - ~~Parental/guardian/caregiver intervention and prevention strategies~~
 - ~~Current safety audit of the classroom and school environment~~
 - ~~Staff training/in-service and possible protective equipment needs~~
 - ~~Measures and contingency plans in case of staff absence~~
- Re-entry plan and timelines

B. Students who have attended a suspension program

- The Student Action Plan and outcomes of the suspension program (**Please note:** This continues the services and supports identified in the IEP.)

- Any additional academic and non-academic supports identified by the suspension program; staff that the student may require upon returning to school
- Updated information from the suspension program regarding the student's behaviour

C. Students returning from a section program: (in addition to Parts A and B)

- a transition plan developed collaboratively by Board and section staff

•

~~Discussions/meetings will include, but are not limited to, the following stakeholders:~~

- a) ~~Parents/guardians/caregivers/ student (where appropriate)~~
- b) ~~School/program administrators (sending and receiving)~~

~~c.a. Classroom teachers and classroom support staff (sending and receiving)~~

~~d.a. Community agency personnel where appropriate~~

- c) ~~Central staff: Special Education, Support Services, Caring and Safe Schools, Occupational Health and Safety personnel~~
- d) ~~The Superintendent of Education~~

Note: See Section 6.6.1 Admission Checklist for Principals can also be used for re-admission

6.6.3 Readmission from Expulsion

~~A.~~

~~Please refer to Section 4.8 PR 586 -Programs For Students On Long-Term Suspensions And Expulsions.~~

6.7 Refusal to Admit

~~A student with Special Education Needs may continue to have manifestation behaviours that pose a significant and certain risk of injury to self, or other students in spite of extensive intervention. Some of the interventions may include:~~

- ~~safety/protective equipment~~
- ~~modified school day~~
- ~~modified Safety Plan~~
- ~~professional intervention~~
- ~~additional staffing~~

If Safety Plan strategies which have been put into place, result in little or no reduction in risk, it may become necessary for the principal and school superintendent to consider a Refusal to Admit under Education Act Section.265(1)(m). ***Consultation with Learning Network Superintendent, Supervising Principal of Special Education, TDSB Legal Counsel and Caring and Safe Schools (if necessary) is required as this may be appealed to the Board.***

Considerations for Refusal to Admit:

- Consult with Learning Network Superintendent, Supervising Principal of Special Education, TDSB Legal Counsel, and Caring and Safe Schools (if necessary)
- Hold discussions with parents/guardians/caregivers
- Involve Professional Support staff for support if appropriate
- Recommend support for involvement of community agencies/health services
- ~~Offering of alternative learning settings~~
- Identify management process of risk of injury

If, after taking the above information, consultations and discussion into consideration, the principal decides to issue a Refusal to Admit, the Principal shall develop a Notice of Refusal to Admit along with re-entry requirements/options and timelines (i.e., a review meeting after the initial notice is issued – possibly 2-4 weeks).

6.8 Transfer/Promotion/Placement of a Student with Special Education needs Whose Violent or Aggressive Behaviour Poses a Threat to the Self and/or Others Form 699Q

1. It is crucial that the principal of the sending school alert the principal of the receiving school **before** the student arrives at the new school. The OSR, along with Behaviour Logs, should be couriered to the receiving school's principal **prior** to the student's arrival.
2. The principal of the receiving school shall ensure that staff members who are involved with the student are appropriately informed of the risk of injury and are involved in the revision of the Safety Plan.
3. The parents/guardians/caregivers of the student shall be advised of the protocol.

6.8.1 Sending Principal Checklist for Safe Transfer of Students with Special Education Needs That Include Risk-of-Injury Behaviours

A. Student Profile

Information that includes:

- Strengths, reinforcers, and successful strategies

~~A student who is identified as a Student with Special Education Needs and demonstrates some of the following behaviours:~~

- Established pattern of risk of injury~~aggression~~ toward self, peers and staff
- Established persistent attempts to damage property
- Persistent verbal and/or physical outbursts
- Unpredicted aggression with no established triggers

Note: Please refer to PR699 (Section 4) for more information on recognizing risk of injury behaviours.

B. Transfer of Documentation/OSR Student to Receiving School

- ~~Refer to PR699 (Sections 6.6 and 6.8)~~

- Review the OSR and ensure documents such as, ILP, that there is an updated IEP, Safety Plan and Transition plans are updated plan (see PR699, Section 6.3).
- Review and update Transition Plan and identify roles and responsibilities including parents (PR699, Section 6.2).
- Contact the receiving principal to establish a transfer process.
- Develop a timeline and establish a transfer team within the receiving school.
- Work with the student to establish their~~his or her~~ interim needs during the process.
- Develop a student entry plan with the receiving school .
- Review transportation and make changes .

C. Establish Roles and Responsibilities:

Ensure the following parties are clear on their roles and

responsibilities to support a safe and successful transition:

- student
- parent/guardian/caregiver
- Principal/Vice-principal (sending/receiving)
- Teacher (sending/receiving)
- School Support staff (sending/receiving)
- Special Education school staff
- Professional Support Staff -(e.g., -social worker, psychology, with parent/_guardian/caregiver permission)
- Guidance Department (at secondary level)

6.8.3. Receiving Principal Considerations for Safe Transfer of student where risk of self-injury or injury to others exists or is highly probable

When admitting a student where risk of self-injury or injury to others exists or is highly probable, the receiving principal should collaborate with the sending principal to ensure the following is received:

A. Transfer of Student within TDSB

- Collaborate with sending principal regarding entry plan
- Review student profile
- Review documentation/OSR from sending school
- Review established roles and responsibilities

Note: Please refer to the Contact Checklist (Form 699T)

6.9 Notification to Staff of Risk of Injury and Safety Plan

- Consult with school based Special Education staff

	<u>Entry Plan Considerations</u>	<u>Date Completed</u>
	<u>Register student</u>	

	<u>Review and follow procedures outlined in PR699</u>	
	<u>Receive and Review OSR, ILP and ABC charts from previous program/school</u>	
	<u>Collect related documentation from the parent/guardian/caregiver</u>	
	<u>Prepare Safety Plan, if needed, based on all available information</u>	
	<u>Initiate Management Process for Risk of Injury</u>	
	<u>Inform staff regarding Notification of Risk of Injury and Safety Plan</u>	
	<u>Ensure staff is provided with appropriate training (e.g., CPI)</u>	
	<u>Collaborate with Special Education staff</u>	
	<u>Develop student entry and transition plan with timelines and responsibilities</u>	
	<u>Consult with the student, family and any community agency they are connected with</u>	
	<u>Review and update the Individual Learning Profile (ILP)</u>	
	<u>If student has an Individual Education Plan (IEP), review and update</u>	
	<u>Identify plan(s) for staff absence</u>	
	<u>Conduct school/classroom safety audits</u>	

B. Transfer of Student from outside the TDSB

In addition to the above process, the following is to be included:

- Register students at home school, consult with the Special

Education team as appropriate for students with medical and/or complex special education experiences.

- Assist in developing a transfer team to facilitate student transition and include the following staff in the process: student, parent, principal, teacher, school support staff, Special Education staff, Professional Support Staff, Caring and Safe Schools staff, Guidance, and community agency.

C. Re-Admission Protocol within the TDSB

When admission of a student, where risk of injury to self or others exists or is highly probable, and the student is returning to a TDSB school from a refusal to admit, (refer to Ed. Act, Section 265(1) (m)), a suspension, a suspension program, an expulsion from all schools of the board, an expulsion from the school only or a section program, or has been assigned to another school in the Board following expulsion from their school, **re-entry-procedures** must be followed by the principal

A. Students Returning From a Long-term Suspension (more than five school days) who have not attended a suspension program.

- Review strengths, reinforcers, and successful strategies
- Review the OSR and ensure documents such as, ILP, IEP, Safety Plan and Transition plans are updated.
- Review and update Transition Plan and identify roles and responsibilities including parents.
- Work with the student and family to establish their interim needs during the process.
- Develop a student entry plan
- Review transportation and make changes, if needed.
- Academic progress during suspension (work done at home)
- Additional relevant assessment information
- Parental/guardian/caregiver behaviour intervention and prevention strategies
- Current safety audit of the classroom and school

environment

- Staff training/in-service and possible protective equipment needs
- Measures and contingency plans in case of staff absence

B. Students returning from a long-term suspension who have attended a suspension program

In addition to the information above, review:

- Any strengths, reinforcers and strategies within the Student Action Plan, and outcomes of the suspension program (Please note: This continues the services and supports identified in an ILP, IEP, Safety Plan).
- Any additional academic and non-academic supports and progress identified by the suspension program

C. Students returning from an Education and Community Partnership Program (ECCP):

In addition to parts A & B, review:

- a transition plan developed collaboratively by Board and ECCP staff
- Discussions/meetings will include, but are not limited to, the following parties:
 - a. Central staff: Special Education, Professional Support Services, Caring and Safe Schools staff, etc.
 - b. Parents/guardians/caregivers/ student (where appropriate)
 - c. School/program administrators (sending and receiving)
 - d. Classroom teachers and classroom support staff (sending and receiving)
 - e. Community agency personnel where appropriate
- f. Central staff: Special Education, Professional Support Services, Caring and Safe Schools, the Learning Network Superintendent

D. Student returning from an Expulsion

Please refer to Section 4.8 – PR 586 - Programs for

Students on Long-Term Suspensions And Expulsions.

6.9. Refusal to Admit

6.9.1. The Toronto District School Board is committed to ensuring each student is welcome and that an open and inclusive learning environment fosters success in student achievement, equity and well-being. The Refusal to Admit Operational Procedure is in accordance with section 265(1) (m) of the Education Act, which establishes the duty to refuse to admit to the school or classroom a person whose presence in the school or classroom would be detrimental to the physical or mental well-being of the pupils.

6.9.2. Pursuant to these rights and as a last resort, the issuance of a refusal to admit should only be used to support student safety and physical and mental well-being when all other interventions and strategies have been exhausted with the expressed intent to return the student to school as quickly as possible. Principals must involve their Learning Network Superintendent in the process.

- A student where risk of self-injury or injury to others exists or is highly probable, may continue to manifest the behaviour in spite of extensive intervention. Further interventions may then be considered: Hold discussions with all parties
- Management of Risk of Injury Meeting
- Safety/protective equipment
- Modified Safety Plan
- Offering of alternative learning settings
- Recommendation of support for involvement of community agencies/health services
- Further consultation with Professional Support Services and Special Education
- PR724 Refusal to Admit see section 6.5 Modified School Day

6.9.3. Before making any decision to move towards a Refusal to Admit, you are required to consult with the Learning Network Superintendent, Centrally Assigned Principal of Special Education, TDSB Legal Counsel, Human Rights Office and Caring and Safe Schools Centrally Assigned Principal.

6.9.4. Once consultation has occurred and the principal, with the support of the Learning Network Superintendent, has determined it is appropriate to Refuse to Admit a student, a letter outlining the principal's decision as well as requirements for the student's return must be sent to the parent/guardian/caregiver or adult student as set out in Operational Procedure PR724.

6.6.6.10. Notification to Staff of Risk of Injury and Safety Plan

~~6.6.1.6.10.1.~~ The *Occupational Health and Safety Act* requires that under Subsection 32.05 (3) it is an employer's duty to provide information to a worker under clause 23(2)(a) and a supervisor's duty to advise a worker under clause 27 (2)(a) includes the 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 ~~their~~~~his or her~~ work -and

b. ~~the~~ risk of workplace violence is likely to expose the worker to physical injury.

~~6.6.2.6.10.2.~~ Accordingly, school principals must ensure that all employees who have regular contact with **special education** students ~~where risk~~~~with a history~~ of self-injury or injury to others exists or is highly probable~~violent aggressive behaviour in school~~ are informed of the risk of injury_ when interacting with these students and are involved in the development of the Safety Plan as per Section 6.3.4.

~~6.6.3.6.10.3.~~ The School Principal must ensure:

- All employees, who have regular contact with a ~~student~~~~Student~~ with the student where risk~~Special Education Needs that have a history~~ of self-injury or injury to others exists or is highly probable~~violent and aggressive behaviour~~ are to be informed ~~of Risk of Injury~~
- Appropriate, ILP, Safety Plans, and if necessary, IEP are developed and implemented
- All employees involved with the student are included in the development of the Safety Plan ~~(see 6.3.4)~~

- ~~Appropriate IEP and Safety Plans are developed and implemented~~
 - All employees involved with the student are informed of all strategies/_interventions outlined in the Safety Plan and have access to the Safety Plan.~~IEP~~
 - Staff report concerns of unsafe student behavior to the Principal
 - Staff ~~are have the opportunity~~ to sign the Notification of Risk of Injury~~Notification of Risk of Injury Form 699A~~ and Safety Plan, Form 699A and ~~are indicating they~~ are aware of the Safety Plan ~~and indicating~~ that they have been notified of a risk and the intervention procedures to follow.
 - If staff refuse to sign the Notification of Risk of Injury and Safety Plan, Form 699A, the principal will note the reason and sign and date the form indicating that the staff was provided with the information.
- Any decisions made regarding a modified school day are made in consultation with the Learning Network Superintendent and is a short-term intervention

~~6.6.4.6.10.4.~~ **6.10** — Reporting of Injury or Violent Incident against Staff~~Incidents~~

The *Occupational Health Safety Act* defines workplace violence as the attempted or actual exercise of any intentional physical force that causes or may cause physical injury to a worker and also includes a statement or behaviour that it is reasonable for worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to a worker. (Refer to PR699 3.0 Definitions - Section 3.10.2)

~~When working with students with Special Education Needs who present with previously identified behaviours that meet the definition of violence, the incidents are tracked on the Behaviour Log. If a violent incident occurs the Ministry of Education Violent Incident Form For Special Education Students (IPRC'd) Form 699B must be completed filed in the OSR. For further information, see page 22 of the Planned Physical Restraint Protocol.)~~

~~The Ministry of Education Violent Incident Form For Special Education Students (IPRC'd) Form 699B contains the three sections of the Ministry Violent Incident Form, plus an additional fourth section on Prevention/Protection Action Recommendations.~~

~~The completion of the Ministry of Education Violent Incident Form For Special Education Students (IPRC'd) Form 699B is mandatory, regardless of whether or not the incident resulted in a suspension; this form is to be placed in the student's OSR. Please refer to the document entitled *OSR Guidelines* for direction regarding removal of this form.~~

~~6.11 Reporting of Injury or Violent Incident against staff.~~

~~The following forms are to be completed, as appropriate, if a staff member has experienced a violent incident as defined by the OHSA, by any student, including a student with special education needs. The forms may be found on the Occupational Health and Safety site on TDSB Special Education Needs.~~

~~The Employee's Report of Workplace Violent Incident Form (Form 699C)~~
~~The Employee's Report of Workplace Violent Incident Form 699C~~

- This electronic submission is to be completed on-line by the staff member if an act of violence has occurred as per the definition.
- Superintendents will also receive a copy of the report.

~~The Employee's Report of Accident/Injury (Form 699D)~~

~~The Employee's Report of Accident/Injury Form 699D~~

- This form is to be completed by the staff member or the principal if the staff member is not able to complete it if the accident~~injury~~ has resulted in injury.
- Superintendents will also receive a copy of the report.

~~Health and Safety Concern/Near Miss Form and Instructions (Form 699F)~~

- This form is to be completed by the staff member and submitted to their supervisor, for an event or condition, which, under slightly different circumstances could have resulted in harm to people.
- Occupational Health & Safety will also receive a copy of the form.

~~6.6.5-6.10.5.~~ **6.12**—Report Health & Safety Concern to Principal of a Student with a risk of injury to self and others~~Special Education Needs~~ (Submitted by Staff)

The Board expects that principals will have notified staff of any safety concerns with respect to risk of injury by a student with special education needs~~Special Education Needs~~. However, situations may arise during the year where students whose behaviours had not previously presented a risk of injury, now present such a risk. Classroom staff must notify the principal of such a risk immediately so that the principal can begin the ongoing Management Process for Risk of Injury Behaviour.

6.13—Staffing, Training, and Safety Auditing

~~6.6.6-6.10.6.~~

- The principal must ensure that all staff members assigned to work with students who present an ongoing risk of injury to staff, students, or themselves are adequately prepared for the assignment. Adequate preparation includes awareness of the unique behavioural needs of specific exceptionalities, training in prevention and intervention, and professional knowledge regarding ~~the preparation of~~ IEPs, ILPs and Safety Plans and information and instruction ~~on~~in ~~this~~ procedure PR699.

TDSB

- ~~Beard~~ Special Education Consultants and Coordinators and Professional Support Services staff are available to provide additional support and training for classroom staff. This support includes the preparation of IEPs and Safety Plans. The TDSB also works in partnership with various community agencies to provide ongoing in-service training regarding specific exceptionalities.

~~6.7.6.11.~~ ~~6.13.1~~ Additional Qualifications and Mandatory Training

~~6.7.1.6.11.1.~~ Staff who work on a regular basis with exceptional students whose behaviours present a risk of injury to themselves or others are required by the TDSB to have up-to-date training in managing behaviours that present the risk of injury. Staff members who do not have qualifications in current Board-approved safety training should register for training on Key-to-Learn.

~~Staff members who do not have qualifications in the current Board-approved safety should register for training on Key to Learn as indicated in Direct Line updates.~~ Annual mandatory safety training is provided to ~~identified~~ identify staff members during school hours and funding for occasional release is available. The Safe Interventions Trainer should be contacted if ongoing risk of injury management strategies identify that further student-specific training is required at 416-396-3210 or email OccupationalHealth&Safety@tdsb.on.ca. ~~Refer to Occupational Health Safety Form 699G.~~

Regardless of the level of staff training and experience, principals and staff must consider calling 9-1-1 for police and/or medical assistance when safe intervention is not possible. ~~(See Section B.5 of the Police-School Board Protocol.~~ The TDSB Safe and Caring Schools Procedures Manual).

~~6.7.2.6.11.2.~~ ~~6.13.2~~ Staff Absence

It is important that principals notify all relevant personnel (e.g., occasional teachers, support ~~services~~ staff, replacement staff, Professional Support Services staff, Educational Assistants, Special Needs Assistants, Child and Youth Workers, Child and Youth Counsellors, School-Based Safety Monitors/, EAs, SNAs, CYWs, CYGs, safe schools monitors, Lunchroom Supervisors, Noon Hour Assistants, and Bus Drivers ~~lunchroom assistants, bus drivers~~) of any “risk -of -injury” situations and the procedures outlined in Employee Notification of Risk of Injury, Form 699A. Principals should ensure they have access to the Safety Plan. ~~Form 699A.~~

Principals must also ensure that when an occasional/casual/temporary employee is brought in, either the occasional/casual/ temporary employee has the qualifications, skills, and/or experience to meet the physical demands of the assignment, or the remaining staff members in the classroom can safely supervise the student who presents a “risk of injury.” With respect to staff absences, prior planning with Employee Services and/or school staff is essential.

Principals must develop contingency plans with staff and parents/guardians/ caregivers for those situations in which occasional/casual/temporary employees are not available, or the occasional/casual/ temporary employee available does not have the qualifications, skills, and/or experience to meet the physical demands of the assignment. This planning should be done before the student begins a program and will include alternative safety measures to be implemented in case of staff absence. Options could include temporary reassignment of existing site staff, or temporarily placing the student in another classroom or safe location in the school. Alternative plans developed with the parents/guardians/caregivers are part of the ongoing Management Process for Risk of Injury.

The principal must ensure that the ~~IEP~~/Safety Plan details staff support for the student at all times of the day, instructional~~including lunch, recess, and non-instructional times~~so on.

~~6.7.3-6.11.3.~~ 6.13.3 — Safety/Protective Equipment

The Safety Plan may identify safety and/or personal protective equipment (PPE) that may need to be worn to protect staff from injury or the student from self-injury. Determinations about the purchase and implementation of PPE may be part of the ongoing Management of Risk of Injury

~~-~~Process. The principal shall consult with ~~and~~ the Safe Interventions Trainer and/or Special Education and Professional Support Services staff to determine whether protective safety equipment is necessary when working with a student and to obtain proper training for the use of the equipment Personal Protective Equipment (PPE).

~~6.7.4.6.11.4.~~ ~~6.13.4~~ Training/Physical Demands Analysis

Where teachers and support staff are working with students whose behaviours present a current risk of injury to staff, students, and themselves, the principal should review the experience and training of the staff to ensure that staff members have the appropriate experience/training to safely intervene in a situation. If staff members do not have sufficient training, the principal should arrange for such training as soon as possible by contacting the Safe Interventions Trainer. In some cases, revisions to ~~an~~the IEP and Safety Plan will be sufficient to ensure safety. If alternative arrangements need to be implemented due to concerns about a particular staff member's ability to intervene safely, or if there are changes in an employee's health that impact the employee's ability to safely intervene with the student, principals should contact the Health and ~~Safety department~~Welfare office.

The following factors may be considered in a physical demands analysis.

a. Physical and Behavioural Profile of the Student:

- i. Age
- ii. Size (height and weight)
- iii. Relative strength/stamina
- iv. Medical/health conditions
- v. Behaviour(s), e.g., hitting, kicking, scratching, biting, head - banging
- vi. Preferred target(s) for behaviour
- vii. Frequency, duration, and intensity of behaviour
- viii. ~~.)~~ Likelihood of escalation due to physical intervention/restraint

Physical characteristics/abilities of the staff member:

- i. Training and experience
- ii. Size (height and weight)
- iii. Relative strength/stamina
- iv. Medical/health conditions
- v. Pregnancy
- vi. Other relevant factors

~~6.7.5.6.11.5.~~ ~~6.13.5~~ School and Classroom Safety Audit

As part of the ongoing Management of Risk of Injury Process, the

principal should conduct a classroom and school safety audit specific to the student's needs. Potential ~~risks~~threats to the student's own safety or to others in the general school environment and playground need to be identified and precautionary procedures established.

In addition to the items included on Guideline for Classroom Audits, Form 699P, ~~Guideline for Classroom Audits Form 699P~~, an initial safety checklist specific to special education students with high behaviour needs should be used to ensure that:

- ~~Emergency IEP /Safety Plan and emergency~~ procedures have been established in accordance with ILP, IEP, and Safety Plan
- ~~Access~~access to the school emergency communication system is available
- ~~Aa~~ two-way communication system (for staff in direct contact/-sight line with the student) ~~is in place~~
- ~~Emergency~~emergency procedures for moving the class away from student/situation of risk (or when possible escort removal of the student from class, ~~when possible~~) have been established
- ~~Transition~~transitions to and from the classroom have been established and practised
- ~~In~~in-class movement procedures have been established
- ~~Movement~~movement between staff and student (furniture placement) has been established
- ~~Aa~~ quiet area has been established
- clear routines for material/equipment use have been established
- ~~Equipment~~equipment has been secured (e.g., computer hardware)
- ~~Safe~~safe learning materials are available (e.g., safety compass, safety scissors) ~~are being used~~
- ~~Washroom~~washroom access and supervision has been established

- ~~A~~a safety audit of the playground has been done and supervision has been arranged
- ~~Schoolschool~~ arrival and departure procedures (e.g., busing) have been established

~~6.8.6.12.~~ **6.14—Physical Intervention Protocol**

It is the position of the Board that physical intervention must be used only in those situations where a student's behaviour presents a clear and imminent risk of injury to the student and/or others (See PR.560 E.2: When Physical Force Becomes Physical Mistreatment.)~~(See PR.560 E.2: When Physical Force Becomes Physical Mistreatment.)~~

~~The~~For a detailed review of the use of physical restraint and recommendations regarding restraint procedures, educators are referred to CCBD's Position Summary on The Use of Physical Restraint Procedures in School Settings by The Council for Children with Behavioral Disorders, A Division of the Council for Exceptional Children (www.cec.sped.org).

~~The use of physical intervention/restraint/containment may be the result of lack of information about a student (e.g., inadequate identification of his or her needs, risk and protective factors, or inappropriate programming to meet these needs).~~

~~Furthermore, the~~ Board recognizes that if a student is,~~when~~ physically restrained, the~~a~~ student will usually struggle more forcefully to escape. Any use of physical restraint/containment presents a potential risk of injury to both the student and staff, and to continue to physically restrain/contain the student until they calm~~he or she calms~~ only increases the potential for injury. Therefore, it:

~~It~~ is the position of the Board that physical intervention/restraint/containment must not be used until the student becomes calm. Rather, the student should be contained and released as quickly as possible (~~i.e.,~~ contained only until the risk of injury is no longer imminent, rather than restrained/contained until the student becomes calm).

~~The~~Thus, the Board uses the term Contain~~“contain~~ and Release~~“release,”~~ rather than “restrain,” in the Physical Intervention Protocol for the Board (except where the term “restraint” is used in the legislation or statutes).

~~6.8.1.6.12.1.~~ **6.14.1** — Important Information Regarding

Legislation and the Use of Physical Intervention ~~Force~~ with Students

The *Education Act* does not directly address the issue of physical intervention. However, Section ~~265~~(1) (a) of the *Education Act* gives principals the mandate to maintain proper order and discipline in the school. Section 264(1) (e) mandates teachers to maintain, under the direction of the principal, proper order and discipline in the teacher's classroom, while on duty in the school, and on the school grounds. If the security of the school or the safety of its students requires physical intervention with a student, Board employees have the authority and responsibility to take reasonable steps.

Two other pieces of legislation speak directly to the use of physical intervention:

- — **Section 43 of the Criminal Code states:** "Every school teacher, parent, or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances."

On January 30, 2004, the Supreme Court of Canada upheld Section 43 of the *Criminal Code*, but placed specific limits on the use of force. Included among the specific limits was that the use of corporal punishment by teachers is not acceptable. However, the Court did explain that Section ~~43~~ would continue to protect a teacher who uses reasonable force to restrain a student in appropriate circumstances (i.e., threat of self-injury or injury to others). The reasonable force should be such that its intent is neither to harm nor degrade the student/child. The person restraining the student/child by means of force must seek to avoid pain and harm and must never include cruel, inhumane, or degrading treatment, nor use force in anger or to punish the student/child.

Regulation 70, General, under the Child and Family Services Act outlines the responsibilities and requirements of youth

residences regarding the use of physical restraint. While Regulation 70 does not apply directly to school boards, it does create a standard against which boards may be measured.

-Relevant articles in Regulation 70 include the following:

- Restraints may be applied only to prevent imminent physical injury to the child or others:
 - never as a punishment
 - only where less intrusive means have been considered
- Those applying (planned) restraints must be trained, and:
 - may use only those holds for which they have been trained
 - must use the least amount of force necessary to restrict the child's ability to move
 - must monitor the child's condition while the child is being restrained
- [Those applying restraints] must stop the restraint when:
 - there is no clear and imminent risk of injury to self or others
 - the restraint could cause injury to the child
- [Those applying restraints] must debrief after a restraint has been applied and as part of the ongoing Management of Risk of Injury Process.
- [Those applying restraints] must document and report each occasion of restraint to the parent/guardian/caregiver and administrator.

Ontario College of Teachers

Professional standards of the Ontario College of Teachers indicate that there are clear limits on the use of force by teachers with respect to the discipline of students. Regulation 437/97: Professional Misconduct, includes "abusing a student physically, sexually, verbally, psychologically, or emotionally" as professional

misconduct. (See Reg. 437/97 S.1 (7).)

6.1214.2 Making the –Decision to Physically Intervene

The Board expects staff to use positive, non-physical intervention strategies to prevent a student's behaviour from escalating to the point where the ~~behaviour is unsafe. student becomes aggressive and/or violent.~~ For exceptional students, these strategies ~~may~~will be part of the student's IEP and Safety Plan. The IEP describes the objectives and strategies to be used to help the student increase positive and appropriate behaviours, and decrease behaviours that interfere with learning, self-control, and social interaction.

In situations where positive and non-physical intervention strategies have been unsuccessful in helping the student to maintain self-control and the student's behaviour has become a risk of injury~~aggressive and/or violent to the point where the student:~~

- ~~• attempts to injure another person~~
- ~~• attempts self or others. -injury~~
- ~~• attempts to leave a supervised area, such that his or her personal safety is at imminent risk~~

Staff will need to make a decision as to whether or not to physically intervene and/or obtain assistance ~~as soon as possible.~~ In making a decision regarding physical intervention, the following factors must be considered:

- ~~the~~The level of immediate risk
- ~~the~~The safety of the other students (e.g., Can staff move the other students to safety without physically intervening?)
- ~~the~~The safety of the staff member (e.g., Can the staff member move away from the student, rather than physically intervening with ~~them~~him or her?)
- ~~the~~The student's previous history
- ~~the~~The staff/student relationship
- ~~staff~~Staff training and experience
- ~~the~~The physical characteristics and/or abilities of the staff member/student (e.g., age, size, health factors)
- ~~the~~The availability of support
- ~~the~~The nature of the physical environment

- ~~whether~~Whether the use of physical intervention techniques will elevate the level of risk

Note: ~~Contain and Release~~Physical restraint may be used in the event of property damage **only** when the behaviours are likely to result in injury to the student or others.

If the decision is made to physically intervene, staff must be aware of the following:

- “Contain and ~~Release~~release” techniques must be used, ~~and not rather than~~ techniques where the student is restrained until calm.
- Contain ~~-~~and ~~Release~~release holding techniques are never to be used as a form of punishment for non-compliance.
- Contain ~~-~~and ~~Release~~release holding techniques are never to be threatened, nor used as a means of discipline.

Calling ~~9119-1-1~~ for professional assistance ~~may be by police and/or emergency medical services is always~~ a ~~necessary viable option~~ in an emergency situation, and must be given first consideration where the behaviour(s) and physical attributes of the exceptional student present a significant risk of serious injury to self and/or others, such that contain-and-release techniques cannot be safely used. Physical intervention is the last resort within a hierarchy of intervention strategies outlined in the Safety Plan, in consultation with parent/guardians. As part of the ongoing Management of Risk of Injury Process, the principal may have already discussed with local police the potential for these situations to arise and under what circumstances the police will be called (see B.5.22 Police–School Board Protocol).~~B.5.22 Police–School Board Protocol~~.

~~6.9.6.13.~~ ~~6.14.3~~ **Use of Physical Intervention**

~~6.9.1-6.13.1.~~ **Planned Physical Intervention Protocol**

Physical intervention may be a necessary component of a Safety Plan for a student where known behaviours present a safety risk to the student or others. Physical intervention is the last resort within a hierarchy of intervention strategies outlined in the Safety Plan. The Safety Plan must clearly state the purpose of physical

intervention and the conditions of its use. The plan is developed by school staff in consultation with, but not limited to, the following:

- The student (if appropriate)
- Parents/guardians/caregivers (signature indicates awareness, not necessarily permission)
- Special Education personnel
- Safe Interventions Trainer
- Caring and Safe Schools Personnel (as required)
- Professional Support Services staff (as required)
- Joint Health and Safety Committee Member (as required)
- Community agency personnel (as required)

Only trained staff should participate in a planned intervention.

The details involved in the use of planned physical intervention with a student are identified in the student's Safety Plan. The Post Incident Contain and Release Protocol Guideline (Form 699N) should be completed.

6.9.2.6.13.2. A Safety Plan that includes planned physical intervention will outline the following details/procedures:

- Indicators that the student's behaviour presents an imminent safety risk and that physical intervention is required
- Who will assist in containing the student
- A contingency plan for staff absences
- Contain -and Release-release holding techniques to be used
- Safety/protective equipment needed
- How the student's condition will be monitored
- Monitoring of person(s) doing the Contain and Releasecontainment
- How it will be determined when to discontinue the physical

intervention

- Assessment of any injuries and appropriate action
- Designation of who will follow up and support the student
- Reassurance and follow-up support procedures for the student
- Communication with school administration
- Communication with parents/guardians
- The debrief and follow-up support process for staff involved
- The follow-up support process for staff and students who witnessed the incident
- ~~Completion of the Ministry of Education Violent Incident Form for Special Education Students IPRC'd~~
- ~~Determination of Board Response to the incident (see Section C of the Ministry of Education Violent Incident Form for Special Education Students IPRC'd)~~
 - If the incident results in staff injury the Employee's Report of a Workplace Violent Incident ~~(Form 699C)~~ ~~(Form 699C)~~ as well as the Employee's Report of Accident/Injury Form ~~(Form 699D)~~ ~~OHS Form 699D~~ must be completed
 - If the incident results in student injury the ~~Insurance and Risk Management Department~~ ~~Risk Management Department~~ should be contacted.
 - ~~Completion of an entry in the student's ABC Data Recording Chart~~ ~~Behaviour Log~~ and Violent Incident forms, as appropriate.
 - Evaluation/review procedures for:
 - staff response to the situation
 - effectiveness of the Safety Plan
 - further planning ~~with ILP,~~ IEP modification, as appropriate and necessary

~~After a Safety Plan has been developed, a Safety Plan Data Summary Form 699M, must be completed and sent to the appropriate Supervising Principal of Special Education (The student's name is not required.)~~

Note: If the intervention strategies detailed in an ILP, the IEP or Safety Plan do not result in a decrease of the behaviours requiring physical intervention, re-evaluate the strategies to ensure they are personalized and culturally relevant~~the entire IEP must be re-evaluated. The use of physical intervention as a component of the IEP is not appropriate if there is no reasonable expectation that the need for physical intervention will decrease and eventually not be needed.~~

6.9.3-6.13.3. Unplanned Physical Intervention Protocol

Occasionally, an exceptional student who does not have a current history of behaviour that presents a risk of self-injury or injury to others may lose control and attempt to injure others or themselves, himself or herself. Physical intervention with the student for safety purposes may become necessary. If at all possible, staff members who have been formally trained in physical intervention methods should be called upon. Trained staff will follow the applicable procedures noted above in the Safety Plan details.

Where trained staff members are not available, staff judgment will govern responses. The critical factors in determining staff action will be:

- a. the level of immediate risk of injury
- b. the physical characteristics/abilities of the staff and student

In the event of an unplanned physical intervention, some of the same steps used in the Planned Intervention Protocol may be followed.

Calling 9-1-1 for professional assistance by police and/or emergency medical services is always an option in an emergency situation. (Refer to the Police–School Board Protocol)..)

Following the incident, the principal must take the following steps:

1. Call the student's parents/guardians/caregivers.
2. Determine whether the behaviour is a one-time event or is likely to occur again.

~~1. 3. Determine Board response Section C of the Violent Incident Form 699B.~~

If there is a reasonable possibility that the previously unexpected behaviour will occur again, ~~review Section D of the Violent Incident Form 699B and, as necessary,~~ consider the following:

- A review of ~~any ILP or~~ the IEP for the student.
- ~~Consultation~~A review with Board Special Education, Support Service, and Caring and Safe Schools personnel.
- Development of an ongoing Management of Risk of Injury Process.
- ~~Community~~A community agency support referral or consultation.
- Staff training and equipment needs.
- ~~Consider a safety plan~~Development of an SP for the student.
- ~~Complete the Employee's Notification of Risk of Injury and Safety Plan (Form 699A).~~

~~4. Complete the Use of Unplanned Physical Intervention Report (Form 699O) to document the incident and to discuss at a School Support Team meeting for follow-up as needed. Completing the Employee's Notification of Risk of Injury and Safety Plan Form 699A~~

~~5. Submit a Use of Unplanned Physical Restraint Report Form 699O to the appropriate Supervising Principal of Special Education.~~

6.9.4.6.13.4. Student Injury during Physical Intervention

In all physical intervention situations, planned or unplanned, where the student has sustained an injury (including scratches, marks, contusions, bruises) or the child complains of an injury, notify:

- emergency medical services, if required
- the school administration
- the parents/guardian/caregivers

Details of the physical intervention techniques used and of the

injury to the student, in addition to the specific details of the ~~violent~~ incident, will be included in the Violent Incident Form for Special Education Students.

Should a student allege physical mistreatment by a Board employee or volunteer, refer to PR.560, Abuse and Neglect of Students.~~PR.560, Abuse and Neglect of Students~~. The Toronto District School Board is committed to ensuring the safety of all staff and students

10.7.EVALUATION

This ~~Procedureoperational procedure~~ will be reviewed as required, but at a minimum every four (4) years after the effective date.

11.8.APPENDICES

- Not applicable

12.9.REFERENCE DOCUMENTS

Legislation:

- Criminal Code of Canada
- Education Act
- Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)
- O. Regulation 474/00: Access to School Premises
- Occupational Health and Safety Act as amended by Bill 168 (Violence and Harassment in the Workplace)
- Youth Criminal Justice Act

Policies and

- ~~Respectful Learning and Working Environment Policy (P073)~~
- ~~Workplace Violence Prevention Policy (P072)~~

Procedures:

- Caring and Safe Schools Policy (P051)
- Workplace Violence Prevention Policy (P072)
- Student Health Support Policy (P092)

- Abuse and Neglect of Students (PR560)
- Police–School Board Protocol (PR698)
- Programs for Students on Long-term Suspensions and Expulsions (PR586)
- Refusal to Admit Procedure (PR724)
- Reporting and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools (PR728)

Forms

- Form 699A - Employee Notification of Risk of Injury and Safety Plan
 - Form 699H - Antecedent Behaviour Consequence (ABC) DATA RECORDING CHART
 - Form 699I - Management of Risk of Injury Meeting Summary
 - Form 699J(ii) – Sample Safety Plan – missing will send in separate email
 - Form 699J(iii) –Safety Plan Consultation Letter
 - Form 699K(i) – Overview of Functional Behavioural Assessment
 - Form 699K(ii) – Behaviour Analysis Tool
 - Form 699L – Management for Risk of Injury Principal’s Checklist
 - Form 699N – Post-Incident Contain and Release Protocol Guideline
 - Form 699O - Use of Unplanned Physical Intervention Summary
 - Form 699P – Guideline for Classroom Audits
 - Form 699Q - Transfer/Promotion/Placement of a Student with Risk of Injury Behaviours to Self and/or Others
 - Form 699W – Separate Spaces in TDSB Schools
- ~~Police–School Board Protocol (PR698)~~
 - ~~Programs for Students on Long-term Suspensions and Expulsions (PR586)~~
 - ~~Abuse and Neglect of Students (PR560)~~

Other Documents:

- PPM 140: Incorporating Methods of Applied Behaviour Analysis (ABA) into Programs for Students with Autism Spectrum Disorders (ASD), May, 2007
- PPM 141: School Board Programs For Students on Long-Term Suspension
- PPM 142: School Board Programs for Expelled Students
- PPM 144: Bullying Prevention and Intervention
- PPM 145: Progressive Discipline and Promoting Positive Behaviour (October 2007).
- PPM 128: Code of Conduct,
- PPM 120 Reporting Violent Incident to Ministry of Education (May 2011)
- PPM 156 Supporting Transitions for Students with Special Education Needs, (Issued 2013 effective Sept. 2014)

- PPM 8 Identification of and Program Planning for Students with Learning Disabilities, August 26, 2014
- O. Regulation 474/00: Access to School Premises
- Occupational Health and Safety Act as amended by Bill 168 (Violence and Harassment in the Workplace)
- PPM 140: Incorporating Methods of Applied Behaviour Analysis (ABA) into Programs for Students with Autism Spectrum Disorders (ASD), May, 2007
- PPM 141: School Board Programs For Students on Long-Term Suspension PR586
- PPM 142: School Board Programs for Expelled Students, PR586
- PPM 144: Bullying Prevention and Intervention, PR703
- PPM 145: Progressive Discipline and Promoting Positive Behaviour (October 2007), PR.702
- PPM 128: Code of Conduct, PR585
- PPM 120 Reporting Violent Incident to Ministry of Education (May 2011)
- PPM 156 Supporting Transitions for Students with Special Education Needs, (Issued 2013 effective Sept. 2014)
- PPM 8 Identification of and Program Planning for Students with Learning Disabilities, August 26, 2014

Forms

<u>Form</u>	<u>Name</u>	<u>Click Here to Access</u>
699 A	Employee Notification of Risk of Injury and Safety Plan—Memo to Principals	<u>Notification of Risk of Injury</u>
699 B	Ministry of Education Violent Incident Form Special Education Student IPRC'd	<u>Ministry of Education Violent Incident Form Special Education Student (IPRC'd)</u>
699 C	Employee Report of Workplace Violent Incidence—online submission	<u>Special Education Student Violent Incident—Form</u>

699 D	TDSB Employee's Report of Accident/Injury	<u>Employee's Report Of Accident or Injury</u>
699 F	Health and Safety Concern/Near Miss Form and Instructions	<u>Health and Safety Concern Form</u>
699 G	Mandatory Training Memo to Principals	<u>CPI Non Violent Crises Intervention</u>
699 H	ABC Data Recording Chart	<u>ABC Data Recording Chart</u>
699I	Management of Risk of Injury Summary	<u>Management Of Risk of Injury Summary</u>
699 J(i)	Safety Plan	<u>-Safety Plan</u>
699 J(ii)	Sample Safety Plan	<u>-Sample Safety Plan</u>
699 K(i)	Overview of Functional Behavioural Assessment	<u>-Functional Behaviour Assessment Overview</u>
699 K(ii)	Behaviour Analysis Tool	<u>Behaviour Analysis Tool</u>
699 L	Principals' Plan of Action	<u>Principal's Plan of Action</u>
699 M	Safety Plan Data Summary	<u>Safety Plan Data Summary</u>
699 N	Post-Incident/Physical Restraint Protocol Guideline	<u>Post Physical Restraint Protocol Guideline</u>
699 O	Use of Unplanned Physical Restraint Summary	<u>Use Of Unplanned Restraint</u>
699 P	Guideline for Classroom Audits	<u>Guideline for Classroom Audits</u>

699 Q	Special Education — Section Transfer Protocol	<u>Special Education Section Transfer Protocol</u>
699 R	Safe Transfer Checklist — Receiving Principal	<u>Safe Transfer Checklist- Receiving Principal</u>
699 S	Safe Transfer Checklist — Sending Principal	<u>Safe Transfer Checklist-Sending Principal</u>
699T	Contact Checklist	<u>Contact Checklist</u>
699U	TDSB Supervisor's Accident / Incident Investigation Report (SAIR) online form	<u>Supervisors' Accident/Incident Investigation Report (SAIR) On line Reporting Form</u>
699V	Supervisor's Workplace Violent Incident Investigation Report (SWVIIR) online form	<u>Supervisors' Workplace Violent Incident Investigation Report (SWVIIR) On Line Reporting Form</u>
699W	Separate Spaces in TDSB Schools	<u>Separate Spaces in TDSB Schools</u>