

# Toronto District School Board

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Operational Procedure PR699

Title: **Students with Special Needs: Management Process for Risk-of-Injury Behaviours**

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Adopted: May 24, 2006

Revised: September 2009, December 2010, February 2011

Authorization:

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## 1.0 OBJECTIVES

To provide guidelines and procedures for managing the safety issues of students with special needs when safety issues arise

To meet and respond to the extreme behavioural needs of students who, through the IEP/IPRC processes, are identified as having special or exceptional needs

To address the safety needs of staff members who support these students

## 2.0 BACKGROUND

**Note:** This operational procedure revision (September 28, 2009) replaces the documents formerly called Operational Procedure PR.699 SCH, dated May 24, 2006.

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

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.

It is a principal-led process that is initiated (and continues on an ongoing basis) when “risk of injury” to self or others exists or is highly probable. This is discussed in more detail throughout the document.

In the vast majority of cases, the TDSB Safe and Caring Schools Operational Processes and Guidelines provide principals with sufficient information with which to make decisions regarding, and standards of behaviour for, students receiving special education support. The majority of students with special 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 Safe and Caring Schools. The following list includes new legislation, regulations, and PPMs and related TDSB Policies (P) and Procedures (PR):

- *Education Amendment Act* (Progressive Discipline and Safe and Caring Schools), June, 2007
- ONT. Regulation 474/00: Access to School Premises, under Section 305 of the *Act*
- PPM 140: Incorporating Methods of Applied Behaviour Analysis (ABA) into Programs for Students with Autism Spectrum Disorders (ASD), May, 2007
- PPM 141/142: Suspension and Expulsion Programs for Students (August, 2007), PR.698CUR
- PPM 144: Bullying Prevention and Intervention (October, 2007), P.065CUR
- PPM 145: Progressive Discipline and Promoting Positive Behaviour (October, 2007), P.064CUR
- PPM 128: Code of Conduct (October, 2007), P.044SCH
- Police–School Board Protocol, PR.698SCH
- Occupational Health and Safety Act as amended by Bill 168 (Violence and Harassment in the Workplace), June 2010.

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

PR.699 provides guidelines and procedures designed to assist principals with meeting the safety and behavioural needs of exceptional pupils, 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.

### **3.0 RESPONSIBILITY**

**Director of Education or Designate**

### **4.0 DEFINITIONS**

#### **4.1 Students with Special Needs**

In the Toronto District School Board (TDSB), *Students with Special Needs* include both students formally identified as exceptional pupils under the *Act* (IPRCd) and any other non-identified pupils receiving a special education program and/or services (special education support). All TDSB students receiving special education support must have an Individual Education Plan (IEP).

#### **4.2 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].*

#### **4.3 Special Education Program**

A Special Education Program is an educational program that is based on, and modified by, the results of continuous assessment and evaluation, and that includes a plan (IEP) containing specific objectives and an outline of educational services that meets the needs of the exceptional pupil.

#### **4.4 Special Education Services**

Special Education Services refers to the facilities and resources, including support personnel and equipment, necessary for developing and implementing a special education program.

#### **4.5 Professional Support Services**

The term “Professional Support Services” refers to the following regulated professions: Speech-Language Pathology Services, Occupational Therapy and Physiotherapy Services, Psychological Services, Social Work and Attendance Services. The staff in these groups provide a broad range of services, and depending on the Professional Support Service requested, the services could include: assessment, consultation, direct service with students, in-services, training, programming recommendations, and strategies for staff working with specific students. The staff are required to be registered members of the following Professional Colleges, 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

#### **4.6 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 follows:

- *A written plan describing the special education program and/or services required by a particular student. It identifies learning expectations that are modified from or alternative to the expectations given in the curriculum policy document for the appropriate grade and subject or course, and/or any accommodations and special education services needed to assist the student in achieving his or her learning expectations. (See Section 5.3.3.)*

#### **4.7 Safety Plan (SP)**

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

***Students who have a Safety Plan must have an IEP.***

In order to prevent or minimize injury to staff and/or student(s) the SP includes non-physical prevention and intervention, physical intervention and emergency strategies as required. (See Section 5.3.4 and Safety Plan Form 699J.).

#### **4.8 Risk-of-Injury Behaviours**

The behaviour of exceptional students 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

#### **4.9 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 or meeting. It is a principal-led process that is initiated (and that continues on an ongoing basis) when “risk of injury” to self or others exists or is highly probable. The level of risk must be reviewed on an ongoing basis to determine appropriate prevention and intervention strategies. The management process for risk of injury is similar to the IEP process; information is gathered, reviewed, and evaluated.

#### **4.10 Occupational Health and Safety Act (OHSA):**

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*).

##### **4.10.1 “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”)*

##### **4.10.2 “Workplace violence” means**

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

#### **4.11 Manifestation Behaviours of Specific Diagnosed Medical/Neurological/Developmental Disorders**

A relatively small number of students with special needs may also have medical/neurological/developmental disorders that can have manifestation behaviour(s) that is/are a direct result (manifestation) of a diagnosed and existing medical, neuropsychological, neurological, or developmental condition (i.e., a condition that is not learned and that cannot be “unlearned”). **The specific manifestation behaviour must be identified in a professional assessment.** Such behaviours *may* create safety concerns within the school environment. Without adequate information and an understanding of the diagnosed disorder and its possible manifestation behaviours, school staff, classmates, and parents/guardians/caregivers will often interpret the behaviour as deliberate acting out, rather than as a manifestation or symptom of the medical disorder.

Responding to the behaviour as a purposeful violation of a code of conduct and applying consequences in isolation from the behaviour support plan in the student’s IEP and SP may be considered a violation of the student’s legal right to an appropriate educational program.

The list of medical/neurological/developmental disorders that follows is 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. Also, the description of possible behaviours is a very general description of behaviours that may present safety concerns, and in no way is 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 (where appropriate) a Safety Plan is developed in consultation with parents/guardians/caregivers and professionals.

##### **A. Attention Deficit Hyperactivity Disorder (ADHD)**

- ADHD may include impulsivity, hyperactivity, and inability to stay organized and/or on task; the student may act or react without considering the consequences to himself/herself and/or others.

##### **B. Pervasive Developmental Disorder(s)/Autism Spectrum Disorder (PDD/ASD)**

- PDD/ASD 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 ASD may exhibit repeated body movements and unusual responses to people, which can be quite disruptive in a classroom setting.

##### **C. Tourette’s Syndrome (TS)**

- TS 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 TS may be able to exert some control for a few minutes, but the symptom (tic) must eventually be expressed.

#### **D. Acquired Brain Injury (ABI)**

- ABI may result in noticeable changes in behaviour/personality compared to pre-ABI; 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 Disorder (FASD)**

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

**These behaviours must not be responded to as intentional or purposeful violations of a code of conduct. Rather, these behaviours must be documented, and school interventions must be incorporated into the student's IEP and Safety Plan.**

### **4.12 Physical Restraint/Containment**

“Physical restraint” (or “restraint”) in relation to a student refers to a range of holding techniques used to restrict the student’s ability to move freely, either by holding the student in place or by escorting him or her. “Physically restrain” has a corresponding meaning. “Physical containment” (or “containment”) in relation to a student is generally synonymous with “physical restraint” (or “restraint”). **The purpose of “physical restraint” or “containment” is not to discipline the student, but rather, to prevent the student from injuring himself/herself or others.**

#### **4.12.1 Contain and Release**

“Contain and release” refers to the use of physical restraint holding techniques that restrict a student’s ability to move freely *only until the risk of injury to self or others is no longer imminent*, rather than until the student is calm. (See Section 5.14.3)

### **4.13 Time Out**

“Time out” as a behavioural intervention in schools has been widely defined and practised. Educators who are considering the use of any type of time out with students should contact the Special Education Department.

## **5.0 PROCEDURES**

### **5.1 Confidentiality in Special Education**

Principals are reminded that all legislation with respect to student, family, and staff confidentiality must be adhered to in all discussions, correspondence, case conferences, and program planning for any student,

including those exceptional students whose manifestation behaviours present a risk of injury. Care must be taken to obtain the required informed consent with respect to the sharing of pertinent medical, psychological, educational, employment, and family information. If the union or other 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 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 given informed consent to discuss the student, the same locator recommended for informed consent should be used.

Below is a brief summary of relevant legislation with which principals should be familiar. ***Principals are reminded to consult with TDSB legal counsel regarding any questions that may arise about confidentiality.***

## **Freedom of Information and Protection of Privacy Act (FOI/PP)**

### *S.21 Personal Privacy*

- S.21 (3) Presumed Invasion of Privacy  
A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information
  - (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment, or evaluation
  - (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 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)(b) 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

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

## 5.2 Parental/Guardian/Caregiver Involvement and Consultation

Parental/guardian/caregiver involvement is always important when developing appropriate programming for students with special needs. When developing the IEP, consultation with parents/guardians/caregivers is mandatory under Regulation 181/98. Early consultation is essential and absolutely critical in program planning for students whose exceptional needs include behaviours that present serious safety issues.

**Consultation means providing ample opportunity for parents/guardians/caregivers (and/or advocates) 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. However, final decisions on IEPs, SPs, 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.

## 5.3 Staff and Student Safety: Positive Behaviour Supports

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

- understand and support individuals in their behaviour change process, as opposed to controlling or coercing them
- apply a scientific approach of observation and data collection (e.g., Functional Behavioural Assessment)
- analyze the context in which the behaviour occurs
- identify a relationship between the behaviour and the context to determine the motivation behind the behaviour
- design a behaviour support plan that is evidence based and that accommodates the motivation of the individual
- reduce potential triggers for the individual in the environment in certain settings and during certain events
- provide and train the individual in the use of alternative behaviours that are more socially acceptable

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

### 5.3.1 Functional Behaviour Assessment (FBA)

Effective behaviour management is an ongoing process with definable steps. Functional Behaviour Assessment is an approach that looks at the student's behaviour in context and focuses on identifying its function or purpose. Teachers are encouraged to initiate the use of functional behaviour approaches, but if a formal FBA is required, teachers should consult with Professional Support Services personnel. Based on the FBA, a behavioural support plan is developed to identify effective alternative behaviours and strategies for reducing or replacing ineffective behaviours. Finally, ongoing monitoring 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 FBA, please refer to Appendix 699K.



### 5.3.2 Behaviour Log

The Behaviour Log (see 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 (see page 1). 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 5.5: 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.

The 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.

### 5.3.3 Individual Education Plan (IEP)

Principals are responsible for ensuring that IEPs, Behaviour Logs, and Safety Plans are developed collaboratively by school and Board staff members, and that consultation with parents/guardians/caregivers and outside agencies are included in the process where appropriate.

For a student with behaviour needs, the IEP should identify 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 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 1
- 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 (Discipline interventions must be consistent with the student's strengths, needs, goals, and expectations, as stated in the IEP.)
- assessment tools, appropriate for measuring improvement (on page 3 of the IEP), e.g., tracking sheets, Behaviour Log, Functional Behaviour Assessment

### 5.3.4 Safety Plan (SP)

The Safety Plan (Form 699J) is a component in the ongoing Management Process for Risk of Injury. This is an emergency response plan developed for students whose behaviour presents a risk of injury to staff and /or students. All students with a Safety Plan must have an IEP that identifies the ongoing risk-of-injury behaviours and daily intervention strategies. While SPs are unique for each student, they generally include the following information:

- 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
- 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, Safe and Caring Schools, 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 a parent/guardian/caregiver and any community agency professionals currently working with the student and/or the student's family.**

#### **5.4 Reporting, Record Keeping, and Data Analysis**

Several reporting and record-keeping procedures related to student behaviour currently exist within TDSB Operational and Administrative Procedures. Procedures and forms are located electronically, either on the Principals' website under "Forms" in the Student Support area ([tdsbweb/principal/pages\\_dir\\_forms/forms.html](http://tdsbweb/principal/pages_dir_forms/forms.html)); in Public Folders (School Services→Special Education); or within the TDSB Suspension/Expulsion Database. Procedures and forms include:

- health and safety forms and procedures
- accident and injury reports
- violent incident forms
- Safety Plan Data Summary
- Management of Risk of Injury Summary

Gathering statistical information regarding students with special 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.

With respect to students with special needs, principals will collect data from the following completed documents, regardless of the student's suspension/expulsion status:

- Report of a Health and Safety Concern (Health and Safety) (Form PR699F)
- Employee's Report of Workplace Violent Incident Form (OHS Form PR699C)
- Special Education Student Violent Incident Form (Form PR699B)
- Supervisor's Accident / Incident Investigation Report\* (OHS Form PR699U)
- \*Mandatory completion by school principals/supervisors
- Use of Unplanned Physical Restraint (Form PR699O)
- Management of Risk of Injury Summary (Form PR699I)
- Safety Plan Data Summary (Form PR699M)

#### **5.5 Management Process for Risk of Injury**

Where risk of 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 medical/neurological/developmental professional assessment information by appropriate Board 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
- An assessment by Board professionals or appropriate community health professionals where the above information is lacking, outdated, or incomplete
- A referral to appropriate support services for a current Functional Behavioural Assessment (Refer to 699K for Overview of FBA)
- 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 with respect to appropriate programming and accommodations
- A review of the SP (as part of the IEP) with respect to appropriate intervention and emergency response procedures
- A detailed history of strengths and needs (previous IEP and SPs), along with successful prevention and intervention strategies
- A review of staffing needs to ensure a safe school environment for students and staff (This includes the staff training required, along with an analysis of the physical demands on staff, to determine if available staff can safely carry out the necessary interventions. See Section 5.13.4.)
- Notification to appropriate Joint Health and Safety Committee members
- A safety audit of the classroom and school environment
- A review of the training and experience of classroom and/or other affected school staff
- A review of the protective and/or safety equipment required to ensure a safe working environment for the students and staff

It is essential that information about high-risk students be responsibly shared between administrators of sending and receiving schools/programs (see PR.699 Q). Ongoing, comprehensive risk-of-injury management is part of the transition process and involves collaboration among school and Board professionals, along with parents/guardians/caregivers and community professionals. **School and Board staff involved in the review and management process may include:**

**School:** administrator, teacher, classroom support staff, Health and Safety Site Contact, and others, as appropriate

**Board:** Family of Schools (FOS) Special Education Consultant/Coordinator, Professional Support Services, Safe and Caring Schools Adviser, Joint Health and Safety Committee worker member, Superintendent of Education (SOE), Supervising Principal, and others, as appropriate

It is important to identify risk factors before the student starts a particular school or program; however, observation of the student in the school setting is a critical component of this ongoing process. The information gathered through the various components of the Management of Risk of Injury Process above is to be shared at an in-school team meeting (IST). Should concerns continue or increase, it may be necessary to bring these concerns forward to a School Support Team meeting (SST). 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. Parents/guardians/caregivers need to be informed and may be invited to attend meetings, as deemed necessary and appropriate. Decisions regarding information sharing and implementation of recommendations rest with the principal and should be recorded on the Management of Risk of Injury

Summary (See Form 699I). All changes or additions to strategies will be documented in the IEP and SP, as appropriate.

The principal may request additional information, staff, equipment, further assessments, etc., or may make decisions with respect to the student's attendance at school (e.g., timelines, start date, timetable), IEP and SP components, and progressive discipline factors. However, any decision regarding the length of the school day must be made in conjunction with the Superintendent.

## **5.6 Admission of Students with a Current History of Aggressive and Violent Behaviour**

Where an exceptional student is registering to attend a Board 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:**

- 1) The principal or designate shall register the student.
- 2) The principal or Board designate shall initiate the Management Process for Risk of Injury to develop the school entry plan. (**Note: Every effort should be made by the principal to obtain the student's OSR (if from another board) and/or any other related records prior to the student's entry to school.**) Discussions with the following people will occur, as appropriate:
  - a) Parent/guardian/caregiver
  - b) Previous principal or program administrator
  - c) Community agency personnel
  - d) Superintendent of Education
  - e) School principal
  - f) Classroom teacher
  - g) Appropriate Joint Health and Safety Committee member
  - h) Representative of previous board/setting
  - i) Special Education, Professional Support Services, Safe and Caring Schools, and Health and Safety personnel
3. Information gathered **shall** include:
  - j) IPRC decision information, including a history of the student's strengths and needs
  - k) current Violent Incident Reports, Report of a Health and Safety Concern, etc.
  - l) current Special Incidence Portion (SIP) Claim information and staffing
  - m) current Individual Education Plan (IEP), Safety Plan, and Behaviour Log
  - n) current in-school interventions and prevention strategies (see current IEP and SP)
- 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 involved 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) information regarding involvement with Safe and Caring schools or probation/police, as appropriate

- 5) Actions will include, but are not limited to:
- a) determining whether there is enough information to develop a responsible and safe entry plan
  - b) communicating the entry timeline to staff and parent(s)/guardian(s)/caregiver(s)
  - c) developing an entry plan
  - d) immediately prepare a Safety Plan based on all information available at the time such as previous safety plan
  - e) identifying any additional information (including professional assessments) required by specific Board staff, including the classroom teacher
  - f) informing all relevant staff of the level of risk (see Notification to Staff of Risk of Injury, Form 699A)
  - g) identifying staffing needs (qualifications, training, and equipment requirements) to ensure a safe school environment
  - h) identifying alternative measures to be implemented in case of staff absence
  - i) designating staff to be involved in revising/preparing the IEP and SP (must include the classroom teacher)
  - j) preparing/revising and resubmitting the SIP Claim
  - k) involving community agencies/services during the entry process (pre-observation, consultation, transition supports, and follow-up)
  - l) identifying which additional Board services, if any, the Board could provide or recommend to the family
  - m) identifying needed community agency/service supports (if not already present) for the student/family during the referral process

### 5.6.1 Admission Checklist for Principals

(Principal is aware that the student has behaviours that present a risk of injury.)

X	Process	Date Completed
	Register student	
	Receive OSR	
	Receive related documentation from the parent/guardian/caregiver	
	Prepare Safety Plan <b>Immediately</b> 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 required	
	Develop entry plan with timelines and responsibilities	
	Arrange community agency support for family, if required	
	Review and Update the Individual Education Plan	
	Identify alternative measures in case of staff absence	

### 5.6.2 Readmission Protocol

Where an exceptional student whose behaviour continues to pose a significant safety concern and/or risk of injury is **returning to a TDSB school** from an exclusion (refer to Ed. Act, Section 265(1)(m), a suspension, a suspension program 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 who are returning from a long-term suspension and **who have not attended a suspension program, the following will be reviewed:**

- 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
- Alternative measures and contingency plans in case of staff absence
- Re-entry plan and timelines

For students returning from a long-term suspension **who have attended a suspension program, the following may also be reviewed (in addition to the above):**

- The Student Action Plan (SAP) and outcomes of the suspension program (**Please note:** The SAP 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

For students returning from a section program, all of the above will apply, including:

- 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
- b) School/program administrators (sending and receiving)
- c) Classroom teachers, classroom support staff (sending and receiving)

Discussions/meetings may also include:

- d) The student
- e) Appropriate Joint Health and Safety Committee member
- f) Community agency personnel
- g) The principal or a representative of the previous school/setting
- h) Special Education, Support Services, Safe and Caring Schools, and Health and Safety personnel
- i) The Superintendent of Education

**Note:** See Section 5.6.1 for Admission Checklist for Principals, which can also be used for readmission.

### **5.6.3 Readmission from Expulsion**

Please refer to Section 4.8 – PR 586 CUR – PROGRAMS FOR STUDENTS ON LONG-TERM SUSPENSIONS AND EXPULSIONS.

## **5.7 Exclusion**

As previously described, a student with special needs might have manifestation behaviours that pose or continue to pose a significant and certain risk of injury to himself or herself, other students, and/or staff, in spite of extensive intervention, including additional staffing, safety/protective equipment, a modified school day, and professional intervention. Where comprehensive Safety Plan strategies have been reviewed, modified, and put into place with little or no reduction in risk, it may become necessary for the principal and school superintendent to consider a recommendation for exclusion under Ed. Act

Section.265(1)(m). *Consultation with TDSB legal counsel, Safe and Caring Schools system inclusion support FOS Superintendents and quadrant Supervising Principals of Special Education or their designate(s) is required because this may be appealed to the Board.*

Discussions with parents/guardians/caregivers and formal notifications of exclusion must include support for involvement of community agencies/health services or discussion with current agencies involved; offering of alternative learning settings, if available; management process of risk of injury; and re-entry requirements/options and timelines.

Principals should note that, while principals have the duty to exclude under the circumstances noted above, school boards cannot change an exceptional student's IPRC placement in a special education program without following the regulations and procedures associated with the IPRC and appeal process.

#### **5.8 Transfer/Promotion/Placement of a Student with Special Needs Whose Violent or Aggressive Behaviour Poses a Threat to the Student and/or Others (Refer to PR 699 P)**

1. When transferring/promoting or placing a student with special needs whose violent or aggressive behaviour may pose a threat to the student and/or others in the school to which the student is being sent, 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. Additionally, the OSR, along with recent Behaviour Logs, Safety Plans, blue card (s), and IEPs, should also be couriered to the receiving school's principal ***prior*** to the student's arrival.
2. **When a parent/guardian/caregiver requests that a student be deregistered from a school with a program that meets the special-needs requirements of the pupil, and seeks to enroll the student in a school without such a program, the student shall not be permitted to attend the receiving school until that school has received all of the OSR material listed in paragraph 1.**
3. In all cases, the principal of the receiving school shall ensure that staff expected to encounter the student in the course of his or her work are appropriately informed of the risk of injury and involved in the revision/development of the Safety Plan of the transferred student.
4. In all cases, the parents/guardians/caregivers of the student shall be advised of the protocol.

##### **5.8.1 Sending Principal Checklist for Safe Transfer of Students with Special Education (Exceptional) Needs That Include Risk-of-Injury Behaviours**

###### Possible Student Profile

A student who is identified as exceptional and demonstrates some of the following behaviours:

- Persistent attempts at self-injury
- Established pattern of aggression toward staff
- Established pattern of aggression toward peers
- Persistent attempts to damage property
- Persistent verbal and/or physical outbursts that interfere with the safety and/or learning of others
- A lack of predictability (no established triggers) for aggressive and highly disruptive behaviours

**Note:** Please refer to PR.699 (Section 4) for more detailed information on recognizing risk-of-injury behaviours.

## **Checklist for School Administrators**

- Refer to PR. 699 (sections 5.6 and 5.8)
- Consult with SST, ensuring that all information that should be sent to the receiving school has been made available to send.
- Review the OSR and ensure that there is an updated IEP with a Safety Plan and/or transition plan (see PR.699, Section 5.3).
- Establish the parent/guardian/caregiver role in the transfer/transition process (PR.699, Section 5.2).
- Contact the receiving principal to establish a transfer process.
- Establish a transfer team with the receiving school.
- Develop a timeline of events.
- Work with the student to establish his or her interim needs during the process.
- Develop an entry plan based on the student's needs. The plan may include school visits; establishing a supportive relationship with the receiving school and specifically, key personnel; visits to the new setting; and a review of transportation.

### **The Special Education Safe Transfer Team may consist of, but is not limited to:**

- student
- parent/guardian/caregiver
- current teacher and special education staff
- principal or designate (sending and receiving)
- professional support staff e.g. social worker (with parent/guardian/caregiver permission)
- receiving program/classroom staff (teacher(s), support staff),
- Guidance Department (at secondary level)

**Note:** Please refer to the Contact Checklist PR.699T.

## **5.8.2 Receiving Principal Checklist for Safe Transfer of Students with Special Education (Exceptional) Needs That Include Risk-of-Injury Behaviours**

A principal who is to receive a special education student from within the TDSB who has a profile that could be described as “at risk” will be notified through the following process:

- Notification by the Special Education FOS consultant and/or coordinator
- Notification by the sending Principal

### **Receiving Principal Checklist: Student Transfer from within the Board**

- Refer to PR.699, Section 4 to access information on risk-of-injury behaviours.
- Consult with school-based special education staff.
- Collaborate with the sending principal and parent/guardian/caregiver to establish a transfer team and timelines.
- Review PR.699, Section 5.2 to review the role of parent/guardian/caregiver.
- Review the OSR and ensure that there is an updated IEP and/or transition plan (PR.699, Section 5.3).
- Immediately revise/prepare Safety Plan based on all available information.
- Work with the sending school to develop a supportive relationship with the parent/guardian/caregiver and student.

### **Receiving Principal Checklist: Student Transfer from outside the Board**

- Register the student at his or her home school in order to initiate the placement process.
- Develop a school entry plan prior to the student attending a school; to facilitate this, the principal shall inform the Special Education school-based staff and Special Education FOS Consultant.
- Contact the sending school board and begin the process of gathering essential information.



- Collaborate with the sending principal and parents/guardians/caregivers to establish a transfer team and timelines.
- Review PR.699, Section 5.2 to review the role of the parents/guardians/caregivers.
- Request the transfer of the OSR to the home school.
- Review PR.699, Section 5.6.
- Immediately prepare a Safety Plan based on all available information.

#### **For both internal and external transfers**

The receiving principal shall help establish a transfer team to ensure the safe placement of the student. The team should include school-based staff (teacher(s), support staff), central special education staff, staff from sending school/board, and parent/guardian/caregiver.

### **5.9 Notification to Staff of Risk of Injury and Safety Plan**

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 his or her work and
- b) the risk of workplace violence is likely to expose the worker to physical injury.

Accordingly, **school principals must ensure that all employees who have regular contact with special education students with a history of 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 5.3.4.

Accordingly, principals must ensure that appropriate IEPs and SPs are in place and implemented and that staff are involved in the development of the IEPs and SPs. The principal must also ensure that staff are informed of any student who presents a risk of injury to staff or other students, and that staff are informed of all strategies and interventions that are in place or to be used to protect staff and students. Staff must be informed that they must report concerns of unsafe student behaviour to the principal.

**Form 699A** includes a memo from the Board Superintendent for Special Education with respect to "Employee Notification of Risk of Injury and Safety Plan" and a form that principals should use to document that staff have been notified. The memo and the form detail the information that is to be shared. The staff member's signature is required to indicate that he or she has been notified of the risk and of the interventions/procedures to be followed as well as the necessary training. For a variety of reasons, some staff members may refuse to sign. In this case, the principal (and vice-principal or other person as a witness) should note the reason and sign and date the form, indicating that the staff member was provided with the necessary information.

### **5.10 Reporting of Violent Incidents**

The OHSA 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 Pr 699 .4.0 Definitions- Section 4.10.2 )

When working with special education students 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 Special Education Student Violent Incidence Form (Form 699B) must be completed and sent

to the Quadrant Supervising Principal of Special Education. (For further information, see page 19 of the Planned Physical Restraint Protocol.)

The Special Education Student Violent Incident Form contains the three sections of the Ministry Violent Incident Form, plus an additional fourth section on Prevention/Protection Action Recommendations.

The completion of the Special Education Student Violent Incident Form (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.

#### **5.11 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 special education student.

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

- This form is to be completed by the staff member (whether or not a staff injury has occurred) and sent by the staff member to the TDSB Occupational Health and Safety office. A copy of this form must also be provided to the principal.

The Employee's Report of Accident/Injury Form (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.

#### **5.12 Report to Principal of a Special Education Student Risk-of-Injury Concern (Submitted by Staff)**

The Board expects that principals will have notified staff of any safety concerns with respect to risk of injury from a special education student. 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. Classroom staff should follow the procedures described in the Board Occupational Health and Safety Concern Form Instructions (Form 699E) and report their concerns on the TDSB Report of a Health and Safety Concern Form (Form 699F). If risk of injury to staff is determined possible, the principal should follow the process outlined in Section 5.5, Management Process for Risk of Injury.

#### **5.13 Staffing, Training, and Safety Auditing**

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 and SPs and **information and instruction in this procedure PR699.**

Board 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 SPs. The TDSB also works in partnership with various community agencies to provide ongoing in-service training regarding specific exceptionalities.

### 5.13.1 Additional Qualifications and Mandatory Training

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 the current Board-approved safety training, e.g., Behaviour Management System Training (BMST) should register for BMST training on Key to Learn as indicated in Direct Line updates. Annual mandatory safety training is provided to identified 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 (Refer to OHS Form PR699G).

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*)

### 5.13.2 Staff Absence

It is important that principals notify all relevant personnel (e.g., occasional teachers, support services staff, EAs, SNAs, CYWs, CYCs, safe schools monitors, lunchroom assistants, bus drivers) of any “risk-of-injury” situations and the procedures outlined in 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. Alternatives 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, including lunch, recess, and so on.

### 5.13.3 Safety/Protective Equipment

The Safety Plan may identify safety and/or personal protective equipment (PPE) 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 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. Workers shall be informed of their right to involve union representation in the above process.

#### 5.13.4 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 the IEP and SP 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 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
- b) 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

#### 5.13.5 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 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 Form 699P (Guideline for Classroom Audits), an initial **safety checklist** specific to special education students with high behaviour needs should be used to ensure that:

1. IEP (SP) emergency procedures have been established
2. access to the school emergency communication system is available
3. a two-way communication system (for staff in direct contact with the student, as determined in the Risk Review process) is in place
4. emergency procedures for moving the class away from student/situation of risk (or removal of the student from class, when possible) have been established
5. transitions to and from the classroom have been established and practised
6. in-class movement procedures have been established
7. movement between staff and student (furniture placement) has been established
8. a quiet area has been established
9. clear routines for material/equipment use have been established
10. equipment has been secured (e.g., computer hardware)
11. alternative learning materials (e.g., safety compass, safety scissors) are being used
12. washroom access and supervision has been established

13. a safety audit of the playground has been done and supervision has been arranged
14. school arrival and departure procedures (e.g., busing) have been established

#### **5.14 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.)*

**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](http://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, when physically restrained, 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 he or she calms only increases the potential for injury. Therefore:

*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.*

*Thus, the Board uses the term "contain and release," rather than "restrain," in the Physical Intervention Protocol for the Board (except where the term "restraint" is used in the legislation or statutes).*

##### **5.14.1 Important Information Regarding Legislation and the Use of Physical 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).)

#### **5.14.2 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 student becomes aggressive and/or violent. For exceptional students, these strategies will be part of the student's IEP. 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 maintain self-control, and the student's behaviour has become aggressive and/or violent to the point where the student:

- attempts to injure another person
- attempts self-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 level of immediate risk

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

**Note:** 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" techniques must be used, rather than techniques where the student is restrained until calm.
- Contain-and-release holding techniques are never to be used as a form of punishment for non-compliance.
- Contain-and-release holding techniques are never to be threatened, nor used as a means of discipline.

**Calling 9-1-1** for professional assistance by police and/or emergency medical services is always a 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. 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).

### **5.14.3 Use of Physical Intervention**

#### Planned Physical Intervention Protocol

Physical intervention may be a necessary component of a Safety Plan (SP) 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 SP. The SP 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
- Safe and Caring 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. **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 restraining the student
- A contingency plan for staff absences
- Contain-and-release holding techniques to be used
- Safety/protective equipment needed
- How the student's condition will be monitored
- Monitoring of person(s) doing the containment
- 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 Violent Incident Form for Special Education Students
- Determination of Board Response to the incident (see Section C of the Violent Incident Form for Special Education Students)
- If the incident results in staff injury the Employee's Report of a Workplace Violent Incident Form (OHS Form PR699C) as well as the Employee's Report of Accident/Injury Form (OHS Form PR699D ) must be completed
- If the incident results in student injury the Ontario School Board Insurance Exchange (OSBIE) report of accident form must be completed See OSBIE website: <http://www.osbie.on.ca/>
- Completion of an entry in the student's Behaviour Log and Violent Incident forms, as appropriate
- Evaluation/review procedures for:
  - staff response to the situation
  - effectiveness of the Safety Plan
  - further planning/IEP modification, as appropriate and necessary

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

**Note: If the intervention strategies detailed in the IEP do not result in a decrease of the behaviours requiring physical intervention, 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.

#### 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 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.
3. Determine Board response (see Section C of the Violent Incident Form 699B).
4. 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 the IEP for the student
  - A review with Board Special Education, Support Service, and Safe and Caring Schools personnel
  - Development of an ongoing Management of Risk of Injury Process
  - A community agency support referral or consultation
  - Staff training and equipment needs
  - Development of an SP for the student
  - Completing the Employee's Notification of Risk of Injury and Safety Plan Form (PR699 A)
5. Submit a Use of Unplanned Physical Restraint Report (Form 699 O) to the appropriate Supervising Principal of Special Education.

#### 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.

The Toronto District School Board is committed to ensuring the safety of all staff and Students.

## 6.0 REFERENCE DOCUMENTS

<u>Form</u>	<u>Name</u>	<u>Form</u>	<u>Name</u>
699A	Employee Notification of Risk of Injury and Safety Plan– Memo /Form to Principals	699K	Overview of Functional Behavioural Assessment
699B	Special Education Student Violent Incident Form	699L	Principals’ Plan of Action
699C	Employee Report of Workplace Violent Incidence Report Form	699M	Safety Plan Data Summary
699D	TDSB Employee’s Report of Accident/Injury	699N	Post-Incident/Physical Restraint Protocol Guideline
699E	Health and Safety Concern Form – Instructions	699O	Use of Unplanned Physical Restraint Summary
699F	Health and Safety Concern Form	699P	Guideline for Classroom Audits
699G	Mandatory BMST Memo to Principals	699Q	Transfer/Promotion/Placeme nt of a Student with Special Needs Whose...
699H	Behaviour Log/ABC Data Recording Chart	699R	Safe Transfer Checklist – Receiving Principal
699I	Management of Risk of Injury Summary	699S	Safe Transfer Checklist – Sending Principal
699J(i)	Safety Plan	699T	PR699 Contact Checklist
699J(ii)	Sample Safety Plan	699U	TDSB Supervisor’s Accident / Incident Investigation Report

## Special Education Student Safety Plans

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A Safety Plan is the individual crisis-response plan that is implemented by staff in situations where prevention and intervention strategies detailed in the student's IEP have been unsuccessful in preventing behaviour that presents an immediate risk of injury. Each Safety Plan is unique and is specific to the needs of the individual student. The Safety Plan details the specific actions for staff to minimize or prevent injury. Involvement of the parent(s) in the development of the Safety Plan is critical, and parental/guardian support for any use of physical restraint on an ongoing basis is mandatory. A Safety Plan will include the following:

- ❖ The **broad category of behaviour(s)** that presents the risk of injury, e.g., physical aggression, self-abusive behaviour;
- ❖ The **specific behaviour(s)** that presents the risk of injury, e.g., hitting the chest with fist, scratching at arms or face, kicking at the legs, cutting self, banging head;
- ❖ **Indicators** that risk-of-injury behaviour is imminent and immediate intervention by staff is required;
- ❖ What **non-physical intervention methods**, if any, might still prevent the risk-of-injury behaviour;
- ❖ Identification of **staff** who will intervene (ongoing physical restraint requires staff CPI training);
- ❖ Description of the **methods** that will be used:
  - if physical restraint is to be used, detail of the restraint holds, releases, etc., that will be used;
  - under what circumstances 911 will be called to obtain professional intervention;
- ❖ What **safety/protective equipment** is necessary;
- ❖ If physical restraint is required, how the student's **condition will be monitored**;
- ❖ How it will be determined to **discontinue the restraint**;
- ❖ How **injuries will be assessed** and what action will be taken;
- ❖ Identification of **reassurance and follow-up support** that will be provided for the student;
- ❖ How staff will **communicate with school administration** during and after the crisis incident;
- ❖ Who will **communicate with parents/guardians** (and professional support staff) following the incident;
- ❖ Identification of **debriefing and follow-up support** processes for staff;
- ❖ Who will **complete** the *Violent Incident Form for Special Education Students* and/or **Behaviour Log** entry along with any other required forms, e.g., *Report of Accident/Injury Form*;
- ❖ Identification of **Board response** (see section C of the *Violent Incident Form for Special Education Students*);
- ❖ Identification of the **evaluation/review procedures and timelines** for:
  - staff response;
  - effectiveness of methods included in the Safety Plan;
  - effectiveness of the Behaviour Management Plan within the IEP;
  - further planning/modifications as necessary;
- ❖ **Participants** in the development of the Safety Plan;
- ❖ **Principal's Signature**;
- ❖ **Parent/Guardian Signature** (indicates awareness of, involvement in the development of, and support for the Safety Plan).

## SAFETY PLAN – PART A

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This form is to be completed for all students whose behaviour presents a significant risk of injury to self and/or others and who respond to non-physical prevention and intervention strategies.

All information in the **Safety Plan is strictly confidential** and is to be used for the sole purpose of ensuring the safety of the student and/or others. Only employees of the Toronto District School board, with the exception of external personnel who transport students, who the Principal has listed on this form may have access to the information.

TDSB employees (Include personnel who transport students) who may access the Safety Plan:

Names	Part A	Part B

**STUDENT'S NAME:**

**DATE OF BIRTH:**

**SYMPTOMATIC BEHAVIOURS (if applicable):**

**SIGNS/INDICATORS OF INCREASED ANXIETY/AGITATION:**

**TRIGGERS THAT CAN CAUSE INCREASED ANXIETY/AGITATION:**

**RESPONSE TO ANXIETY/AGITATION:**

**RESPONSE TO VERBAL NON-COMPLIANCE:**

**RESPONSE TO PHYSICAL ACTING OUT:**

(For major, escalating situations that require physical restraint refer to Part B the Crisis Response Plan.)

**PLAN FOR TENSION REDUCTION AND DEBRIEFING:**

**PLAN FOR CONSEQUENCES (e.g., removal of privileges):**

**If only Part A is used for the student, fill in Page 6/6.**

# SAFETY PLAN – PART B CRISIS RESPONSE PLAN

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This form is to be completed for students whose behaviour is of such intensity that physical intervention is required to prevent or minimize injury.

**Student:**

<b>Categorize Risk of injury behaviour:</b>  <input type="checkbox"/> Physical aggression <input type="checkbox"/> Self-abuse <input type="checkbox"/> Putting self in danger <input type="checkbox"/> Other	<b>Indicators of imminent risk of injury behaviour, triggers, specific behaviours:</b>
<b>Safety/ Protective Equipment</b>	

<b>Safety Intervention Using Physical Restraint</b>			
<b>Intervention Team (Staff)</b> <b>CPI-Trained</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Description of physical-restraint techniques to be used:</b>	
♦	<input type="checkbox"/>	<input type="checkbox"/>	
♦	<input type="checkbox"/>	<input type="checkbox"/>	
♦	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Team member responsible for monitoring student's condition during restraint:</b>			
<b>Physical restraint will be discontinued when:</b>			
<b>Additional support (including calling 911) will be requested when:</b> (also specify nature of support, when requested, and how it will be requested)			

**SAFETY PLAN - PART B**  
(Continued)

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<b>Follow-up to Use of Restraint</b>	
<b>Responsibility for assessment of injury:</b>	<b>Procedure to be followed in case of injury:</b>
<b>Reassurance and follow-up support for student:</b> (describe methods to be used)	<b>Reassurance and follow-up support for victim:</b> (describe methods to be used)
<b>Responsibility for communication with administration:</b>  <b>Communication with agency, CAS, etc:</b>	<b>Responsibility for communication with parent/guardian:</b>
<b>Documentation to be completed:</b>  <input type="checkbox"/> Violent Incident Form for Special Education Students  <input type="checkbox"/> Behaviour Log  <input type="checkbox"/> Report of Accident/Injury Form (if required for staff injury)  <input type="checkbox"/> OSBIE Report of Accident Form (if required for student injury)	<b>Board response:</b> (describe circumstances for the following)
<b>Debriefing and review procedures for staff:</b>	<b>Ongoing staff support plan:</b>

**For Parts A and B, complete Page 6/6.**

## Development of the Safety Plan

Participant	Name(s)
<b>Family</b>  <input type="checkbox"/> Parents/Guardians  <input type="checkbox"/> Student  <input type="checkbox"/> Advocate/Representative  <input type="checkbox"/> Community Agency/Professional	
<b>School Staff:</b>  <input type="checkbox"/> Teacher  <input type="checkbox"/> Educational Assistant  <input type="checkbox"/> Special-Needs Assistant  <input type="checkbox"/> Child & Youth Worker  <input type="checkbox"/> Guidance Teacher  <input type="checkbox"/> School Administrator  <input type="checkbox"/> Other	
<b>TDSB Services</b>  <input type="checkbox"/> Special Education  <input type="checkbox"/> PDD/ASD Team  <input type="checkbox"/> Psychology  <input type="checkbox"/> Social Work  <input type="checkbox"/> Speech-Language Pathology  <input type="checkbox"/> Occupational/ Physiotherapy  <input type="checkbox"/> Safe Schools  <input type="checkbox"/> Health & Safety  <input type="checkbox"/> Other	

<b>Principal's Signature &amp; Date</b>	<b>Parent's/Guardian's Signature &amp; Date</b>
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