



ADMINISTRATIVE PROCEDURES MEMORANDUM

APO021

Guidelines for the Provision of Educational Services to Government Approved Care, Treatment, Custody and Correctional Facilities

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MEMO TO: Principals; Vice Principals; Planning and Priorities

FROM: Director of Education

PURPOSE

This administrative procedures memorandum established the parameters and procedures for the establishment and operation of educational programs and services associated with government approved care, treatment, custody and correctional facilities.

REFERENCES

1. Education Act, Ontario Regulation 154/01 S.19. "Student Focussed Funding".
2. Education Act, S. 190 (3) "Transportation of Pupils".
3. Education Act, Ontario Regulation 298 S. 31, "Maximum Enrolment in Special Education Classes".
4. Ministry of Education, Policy/program Memorandum #85, "Educational Programs for Pupils in Government Approved Care and/or Treatment Facilities", January 20, 1986.
5. Ministry of Education, Memorandum: "Guidelines for Approval of Education Programs in Government Approved Care, Treatment, Custody and Correctional Facilities", March 20, 2001.
6. WCDSB, Student Services Handbook, Section 5.7.4, September 1999.

COMMENTS AND GUIDELINES

A. List of Eligible Government Approved Care and/or Treatment Facilities

1. A psychiatric facility.
2. An approved charitable institution as defined in the *Charitable Institutions Act*.
3. An agency approved under subsection 8 (1) of the *Child and Family Services Act*.
4. An approved home as defined in the *Homes for Retarded Persons Act*.
5. A place of temporary detention, open custody or secure custody continued or established under section 89 of the *Child and Family Services Act*.
6. A home for special care licensed under the *Homes for Special Care Act*.
7. A hospital approved by the Minister.
8. A nursing home operated under a license issued under the *Nursing Homes Act*.
9. A correctional institution as defined in the Ministry of Correctional Services Act.

10. A place of secure or open custody or a place of temporary detention designated for the purposes of the *Young Offenders Act* (Canada).

B. Board Level Application and Selection Process

1. Eligibility Requirements

The needs of most school aged children/youth can be effectively met within their family environments and through regular attendance in local schools. There are, however, conditions where a child's/youth's social, emotional and/or medical needs require the individual to be placed in a treatment facility. There are other situations where a young person must reside in a correctional facility. In each case special arrangements may be required to address the person's educational needs.

At the request of a government-approved care, treatment, custodial and correctional facility located within its jurisdiction, the Waterloo Catholic District School Board may enter into a written agreement to provide educational programs in the facility for those pupils who cannot attend local schools because of their need for care and/or treatment. All eligible providers from the Ministries of Community and Social Services, Health, Solicitor General and Correctional Services are invited to direct enquiries about the provision of education services to the Superintendent of Student Services for the Waterloo Catholic District School Board.

2. Selection Criteria

Eligible government-approved care, treatment, custodial and correctional facilities must ensure that the child's/youth's need for treatment is so severe that a regular day school program or special education classroom program cannot meet the needs. Only then, may approved licensed facilities enter into written agreements with the Waterloo Catholic District School Board in order to place teachers and, if necessary, educational assistants in their settings as part of a multi-disciplinary team. The educational program will be provided in support of the treatment and will become part of a plan of care.

3. Application Process to Board

Government approved care, treatment, custody and correctional facilities are invited to make application to the Waterloo Catholic District School Board to the Superintendent of Student Services by February 28th of each calendar year. The WCDSB will review each application and render a decision to prepare an application to the Ministry of Education by March 15th of each year.

C. Ministry Level Application Process

Each spring the Ministry of Education invites school boards to review the funding guidelines for educational programs in Care, Treatment, Custodial and Correctional Facilities. The WCDSB will review its programs within government-approved facilities and submit applications to continue and/or establish new educational programs according to the guidelines established by the Ministry of Education. Application for Grants for Education Programs in Care, Treatment, Custody and Correctional Facilities are due for each regular school year program and summer school program by the end of April each year.

The WCDSB will complete a separate application process in conjunction with each government-approved facility and submit it to the Ministry of Education.

D. Legal and Contractual Requirements

1. Elements of Agreement

As per the guidelines for approval of educational programs in government-approved care, treatment, custody and correctional facilities, arrangements for the placement of teachers in these facilities are established by written agreement between the WCDSB and the facility and signed by the appropriate officials of the board(s) and the facility(ies).

The Waterloo Catholic District School Board will work with each government-approved facility to prepare agreements that contain the following components:

i) Heading and Introduction:

1. names of facility or agency and local board;
2. name of act under which facility/agency is licensed;
3. type of clientele, referral sources, catchment area, location of program (address), number of pupils per teacher, total number of children/youth;
4. duration of agreement, timelines for review or termination of agreement;
5. philosophy of care, treatment, custody or correction facility program in
6. conjunction with the board's educational program; and 6. geographic area serviced by facility .

ii) Facility/Agency Responsibilities:

7. recommend placement to care, treatment, custodial or correctional facility;
8. provide appropriate accommodation for the educational program;
9. establish nature and frequency of care, treatment or therapeutic support services to be provided during school hours;
10. hire and pay the salaries of treatment staff assigned to address the care/treatment needs of the children/youth;
11. identify name and title of person responsible for the supervision of the care and/or treatment program;
12. describe the care and/or treatment program to be provided for the children/youth;
13. provide treatment or plan of care for each pupil;
14. provide copy of site plan (physical location);
15. timetable for educational program and retain on file at the facility; and
16. maintain security.

iii) Board Responsibilities:

- hire teachers for the provision of an educational program in the care, treatment, custodial or correctional facility program
- supervise the educational program and teacher(s);
- apply the board's teachers' collective agreement;
- provide furniture, equipment and instructional supplies;
- schedule for the operation of the educational program within the facility/agency;
- provide professional development for educational staff
- assess and evaluate the educational program;
- **maintain the students' OSR in keeping with the OSR 2000 Guidelines**
- maintain daily attendance records
- describe the educational program;
- select educational assistants.

iv) Mutual Responsibilities:

- multi-disciplinary planning of child's/youth's program; 2. maintain confidentiality
- establish conflict resolution process
- identify roles of educational and facility supervisory personnel 5. provide and maintain equipment
- plan and co-ordinate transition process from facility's educational program to community schools
- interpret and implement the *Occupational Health and Safety Act* as it relates to both parties named in the agreement
- design, review and evaluate individual programs 9. incorporate specific local conditions
- develop a violence prevention policy and a code of conduct
- **determine criteria for the removal of a student from the education program**
- establish a termination of contract procedure

v) Signatures

- signatures of signing officials of each party required.

2. Mechanism for Conflict Resolution

Staff provided to each campus by the parties will attempt to resolve any difference, disagreement, dispute or conflict that arise between them.

Any difference, disagreement, dispute or conflict that arises between the respective staffs that cannot be resolved by the staffs involved, or by the President and Chief Executive Officer of the facility, or designate, and the appropriate supervisory officer of the BOARD, may be referred for advice or assistance by a committee composed of such Executive Director, such supervisory officer, the appropriate education officer of the Ministry of Education and the appropriate programme supervisor of the Ministry of Health.

3. Joint Program Review

Each year during the month of March the Superintendent of Student Services, in conjunction with the appointed facility program supervisor will review the current agreement and program to determine if amendments are required in advance of the yearly Ministry of Education application/ renewal process.

E. Conditions and Limitations Governing the Funding of Educational Programs and Services

1. Funding

The cost occurred by the Board as a result of the employment of teachers to provide such educational programs and of teacher-aides to assist these teachers maybe approved for grant purposes by the Minister of Education. Where approved, the Ministry of Education will reimburse the Board in accordance with the Legislative Grants regulations for:

- the salary of the teacher and related employee benefits
- the salary of the teacher-aide and related employee benefits
- an additional amount per teacher and per teacher-aide in respect of the expenditure of a board for administrative, consultative, and supervisory services, for replacement of furniture and equipment, and for the purchase of instructional supplies
- an additional amount per classroom in the facility for the approved portion of the expenditure for furniture and equipment (The maximum amount is \$3300 per classroom.)

2. Transportation

Section 190 of *The Education Act* provides the legislative authority for boards to transport pupils. Students attending school in the care, treatment, custodial or correctional facilities are not pupils of the board and therefore, transportation of these students is not the responsibility of the Board.

F. Educational Program and Services

1. Role of the Teacher

A teacher employed to provide an educational program in a care and/or treatment facility may be required to perform any or all of the following duties.

- Provide classroom instruction for pupils in the facility
- Collect information about the child from the board and transmit it to staff of the facility
- Act as a member of a diagnostic, assessment, and treatment team
- Provide treatment and care staff with information regarding the school system which may assist in making decisions pertaining to discharge, program development and relevant contacts
- Develop educational programs (in co-operation with the staff of the facility and staff of the receiving school) for pupils who may be returning to their local schools
- Provide and interpret information to school officials based upon the findings of the staff of the facility
- Supervise the educational program.

Teachers performing these types of duties are expected to maintain contact with all boards which would normally have jurisdiction over the pupils attending the facility.

Educational consultation and supervision will be provided to the teachers by the supervisory officer of the board. The supervisory officer of the board (or a designate) and the director of the facility will consult regularly to ensure that the needs of each pupil are being met as effectively as possible.

2. Range of Program

Depending upon the age of the child/youth and the educational requirements identified, the teacher(s) will develop educational programs based on the *Ontario Curriculum Grades 1-8* and/or the *Ontario Secondary School Curriculum*. Teachers have access to all Ministry of Education Guidelines and support materials. In addition, teachers have access to all Board level resources – both people and print, from Program Services Division, Student Services Division the Library and Media Resource Centre.

3. Assessment, Evaluation, Grading and Reporting

Teachers will assess, evaluate, grade and report student progress and achievement according to the WCDSB administrative memorandum that delineates the procedures for student assessment., evaluation grading and reporting.

4. Record Keeping and Information

Children/youth participating in education programs in Care, Treatment, Custodial or Correctional Facilities are entitled to the same rights regarding confidentiality of their education records as pupils in regular day school programs. The Ontario Student Record (OSR) shall be obtained from the school last attended by the pupil and kept at the facility. Additionally, a board has a responsibility to share diagnostic assessment and liaison services for its pupils, as they engage in the admission/demotion process with respect to care, treatment, custody or correction. Report cards regarding the child's/youth's educational progress while attending an educational program in the facility must become part of the OSR. The legislation and guidelines about OSRs apply to these children/youth.

Two major pieces of legislation that are of significance in relation to the students :

- 1) Clause 265(d) and section 266 of the *Education Act* outlines the duty of the principal respecting pupil records and the access to and use of the OSR. (The contents of the OSR are described in the guideline *Ontario Student Record (OSR) Guideline*. 2000.)
- 2) *Freedom of Information and Protection of Privacy Act* and *Municipal Freedom of Information and Protection of Privacy Act* contain information about the collection, use of, and access to all personal information, including the OSR.

Any personal information recorded about a child/youth, whether or not it is kept in the OSR, is generally accessible to the child/youth or parent/guardian under the *Education Act* and *FOI* legislation, irrespective of the format of the information. Information about the child's/youth's education should not be disclosed to anyone other than the parent/pupil without the consent of the parent/guardian or the pupil, if an adult. Also note that both freedom of information acts permit, but do not require, disclosure of personal information in circumstances not contemplated by the *Education Act*. It will be up to the individual boards to decide whether these discretionary exemptions may be applied to OSRs in any given situation.

In certain cases, where personal information is being requested from a facility or agency, a specific form may be required. One such example is the *Form 14 Consent to the Disclosure, Transmittal or Examination of a Clinical Record Under the Mental Health Act*. This form applies only to mental health records. However, the board bears complete responsibility for the access to and release of information contained in the OSR.

Every principal will ensure that no OSR discloses (a) the contravention or alleged contravention by a student of any statute or regulation to which the Young Offenders Act or Part V-A of the Provincial Offences Act applies, or (b) the disposition of any proceedings brought under those statutes or regulations. If an entry in an OSR does disclose such information, the principal of the school in which the student is enrolled will ensure that the entry is altered appropriately or deleted from the OSR (*Ontario Student Records Guideline 2000, Section 9*)

5. Transition to School Program

Where the multi-disciplinary staff in the facility agree, and on-going assessment indicates the child's/youth's readiness, admission to a school of a board may be appropriate, the facility and the board providing the educational program shall work co-operatively with community agencies and the receiving school to create a plan for the successful transition of the pupil. Until this transition time is completed, usually a few weeks to a few months, the child/youth shall remain on the facility register, since this provides protection for the child/youth *in case of regression*. *A child/youth shall not be included on the register of the facility and the register of a day school at the same time.*

Various educational alternatives may need to be considered when supporting integration of pupils into a new educational setting. Elements of the transition plan include gradual integration, with sharing of documentation and records (in keeping with the OSR Guidelines 2000) and regular communication with parents. Principals may adjust the education program, and, in the case of secondary students, report on work accomplished toward credit. Where a timely transfer of a pupil to a new educational setting is a priority, facility directors may adjust the discharge date. Procedures for transfer from a facility to a local school should be part of the agreement.

Upon enrolment in the school, the pupil may be considered for either regular or special education class placement. In either case, and especially if a referral is made to an Identification, Placement and Review Committee (IPRC), the facility staff should participate in discussions about placement.

G. Process for Referral and Selection of Students

Service providers from the Ministries of Community and Social Services, Health, Solicitor General and Correctional Services recognize the value of a multi-disciplinary approach to meet the needs of children/youth requiring special services. Fundamental to these beliefs is the recognition that an opportunity for education should be provided for school-age children who are admitted to government-approved facilities for care, treatment, custodial or correctional purposes and who cannot attend a local school because of their primary need for the services provided by the facility.

The referral process to the government-approved facility for care, treatment, custodial or correctional purposes governs access to the educational program delivered by the WCDSB in that particular facility. In some cases, Board staff will be directed to provide information to the government-approved facility that will assist in the referral process.

H. Procedures for the Selection and Supervision of Educational Staff

1. Qualifications

All teachers employed by the WCDSB delivering programs in care, treatment, custody and correctional facilities will

- be licensed by the Ontario College of Teachers
- hold an additional qualification in Special Education
- have Religion Part 1, or equivalency, or undertake the completion of Religion Education Part 1 within two years of appointment.
- committed to the implementation of the Board's philosophy of Catholic Education.

All Educational Assistants employed by the WCDSB delivering programs in care, treatment, custody and correctional facilities will hold an Educational Assistant Certificate (Parts 1 & 2) or a level of knowledge and understanding equivalent and one to two years related work experience dealing with special needs children.

2. Application and Selection Process

- All new positions will be posted internally and all qualified candidates will be interviewed for the position.
- Selection of candidate will respect the terms of the collective agreement for that member
- The Superintendent of Student Services will give final approval in the selection of a teacher and/or education assistant(s)

3. Contractual Obligations

- Teachers assigned to care, treatment custody and correction facilities will follow all contractual obligations as prescribed in the OECTA collective agreement. Educational

assistants will follow all contractual obligations prescribed in the CUPE collective agreement.

4. Supervision

- Educational programs delivered in care, treatment, custody or correctional facilities are part of Student Services Division. Direct supervision of staff in these programs will be designated to the Principal of Student Services who in turn is responsible to the Superintendent of Student Services.
- All teachers will follow the Performance Appraisal Process described by both the Ministry of Education and the WCDSB and aligned to the Ontario College of Teachers Standards of Practice.
- Educational Assistants will follow the Achievement Management Process for review. Supervision of Educational Assistants is the responsibility of the Principal but this is usually designated to the classroom or special education teacher who the aids assist. Educational Assistants provide support to special needs students under the direction of the classroom teacher.
- Educational Assistants will follow the Board “Staff, Growth, Appraisal and Review Process” and “Progressive Discipline Procedures”.