



MANAGEMENT PROCESS FOR STUDENT BEHAVIOURS CAUSING A RISK-OF-INJURY

Responsibility:	<i>Superintendent of Human Resources Superintendent, Student Achievement & Well-Being (Special Education)</i>	
Legal References:	<i>Education Act Occupational Health and Safety Act Ontario Human Rights Code</i>	
Related References:	<i>Board Policy 1002 Board Policy 1009 Board Policy 6001 Board Policy 6008 Board Procedure 1200 Board Procedure 1260 Board Procedure 2350 Board Procedure 2070</i>	<i>Occupational Health and Safety Policy Violence in the Workplace Code of Conduct Student Discipline Student Bullying/Harassment Student Discipline Exclusion Appeal Process Identification Placement and Review Committee Process-A Parent Guide Special Education Handbook</i>
Revisions:	April 2018	
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1. Preamble

The following procedure provides guidelines and expectations regarding the management process for student behaviours causing a risk-of-injury.

2. Objectives

- 2.1. To provide guidelines and procedures for managing the safety issues of students when they arise.
- 2.2. To meet and respond to the extreme behavioural needs of students who, through the Individual Education Plan (IEP)/Identification Placement Review Committee (IPRC) processes, are identified as having Special Education Needs.
- 2.3. To address the safety needs of staff members who support these students.

3. Background

- 3.1. This document outlines a School Principal-led process that is initiated (and continues on an ongoing basis) when a student presents a "risk-of-injury" (existing or probable) to staff or others. The guidelines and procedures in this document assist School 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/caregivers, school staff, school services staff and professional agencies.
- 3.2. In the vast majority of cases, the Waterloo Region District School Board (WRDSB) Safe and Secure Schools Procedures and Guidelines provide principals with sufficient information with which to make decisions regarding standards of behavior for students receiving Special

Education Support. The majority of students with Special Education Needs accept responsibility for a safe learning environment and take accountability for their actions.

- 3.3. The WRDSB Safe and Secure Schools Policies and Procedures apply to all students, including those with Special Education Needs. There are a small number of students with Special Education Needs who have a current history of injurious behavior and who present a risk-of-injury to themselves and/or those who support them. For the majority of these students, well-planned and safety-intervention strategies and an ongoing review of programs will significantly reduce or eliminate the risk-of-injury. School Principals are expected to ensure a safe school environment for all while responding to the student's right to an appropriate education.

4. Legal References

- 4.1. Criminal Code – Provides direction for individuals in positions of responsibility and their role in the safety of children.
Section 43. "Every school teacher, parent of 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 their care, if the force does not exceed what is reasonable under the circumstances."
- 4.1.1. The question of whether the force does not exceed what is reasonable and whether the contact is by way of correction will depend on the individual facts and circumstances of each case.
- 4.2. Education Act
- 4.2.1. The School Principal's duty is to maintain order and discipline in the school. This provides direction for School Principals to make decisions with respect to safety, mitigating factors and progressive discipline. *Part XIII; s.265 (1)(a) maintain proper order and discipline in the school;*
s.265 (1)(j) – Duties of a Principal:
to give assiduous attention to the health and comfort of the pupils
- 4.2.2. With respect to student discipline, the School Principal is required to take into account any mitigating factors and/or other factors prescribed by the regulations. With respect to these factors, Ontario Regulation 472/07, provides that, for the purposes of suspension and expulsion, the following mitigating factors must be taken into account:
- a) The pupil does not have the ability to control his or her behavior
 - b) The pupil does not have the ability to understand the foreseeable consequences of his or her behavior
 - c) The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person
- 4.2.3. In addition, the following other factors must be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:
- a) The pupil's history
 - b) Whether a progressive discipline approach has been used with the pupil
 - c) Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment
 - d) How the suspension or expulsion would affect the pupil's ongoing education.
 - e) The age of the pupil
 - f) In the case of a pupil with a disability and/or having an IEP has been developed:
 - Whether the behavior was a manifestation of a disability identified in the pupil's IEP
 - Whether appropriate individualized accommodation has been provided

- Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behavior or conduct
- 4.2.4. Under Policy Program Memorandum (PPM) No. 145, progressive discipline is defined as a whole-school approach that utilizes a continuum of interventions, supports and consequences to address inappropriate student behavior and to build upon strategies that promote positive behaviours. When inappropriate behavior occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to a focus that is both corrective and supportive. The PPM indicates that schools should utilize a range of interventions, supports and consequences that include learning opportunities for reinforcing positive behavior while helping students to make good choices.
- 4.2.5. Early and ongoing intervention strategies will help prevent unsafe or inappropriate behaviours in a school and in school-related activities. Intervention strategies should provide students with appropriate supports that address inappropriate behavior and result in an improved school climate. For example, early interventions may include contact with parents, detentions, verbal reminders, a review of expectations or an activity with a learning component.
- 4.2.6. The Ministry of Education states that ongoing interventions may be necessary to sustain and promote positive student behavior and/or address underlying causes or inappropriate behavior. For example, ongoing interventions may include meetings with parents, volunteer service within the school community, conflict mediation, peer mentoring or a referral to counselling.
- 4.2.7. In considering the most appropriate response to address inappropriate behavior, the following should be taken into consideration:
- a) The particular student and circumstances (i.e., mitigating or other factors)
 - b) The nature and severity of the behavior
 - c) The impact on the school climate (i.e., the relationships within the school community) and whether programs and services need to be reviewed
- 4.2.8. In each individual set of circumstances, School Principals are encouraged to make use of a continuum of interventions, supports and consequences that are clear and developmentally appropriate.
- 4.2.9. The School Principal should ensure that accommodations and program goals for students with extensive behavioural needs are outlined in their IEP.
- 4.3. Ontario Human Rights Code
- 4.3.1. Under the Ontario Human Rights Code, school boards are required to provide reasonable accommodation with respect to students with disabilities. This includes a broad range and degree of conditions, some visible and others not.
Section 1 of the *Code* provides:
“Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.”
- 4.3.2. “Disability” covers a broad range and degree of conditions, some visible and others not. A disability may have been present from birth, may have been caused by an accident or may have developed over time. Under the Ontario Human Rights Code, the term “disability” includes any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, including epilepsy, blindness or visual impairment or deafness or hearing impairment, a condition of mental impairment or a developmental disability, a learning disability or a mental disorder.

4.4. Ontario Occupational Health and Safety Act (OHSA)

- 4.4.1. The Ontario Occupational Health and Safety Act requires that employers; s.25(2) *"take every precaution reasonable for the protection of employees"*.
- 4.4.2. Reasonable precautions must be in place for staff working with students with significant behavioural needs. Reasonable precautions include: The offering of training, appropriate programming (IEP development, implementation and monitoring), Safety Plans and the use of Personal Protective Equipment (PPE), when required.
- 4.4.3. Bill 168-amendment to the OHSA-Violence in the Workplace. Some exceptional students may have medical, neurological and developmental disabilities that manifest behaviours that may create safety concerns within the school environment. For most of these students, well-planned programs, classroom management, physical containment and safe intervention plans will significantly reduce or eliminate the risk-of-injury to themselves and others. Student behaviour may also be symptomatic of social, emotional, environmental, behavioural or relational/familial considerations and might be relevant to the application of mitigating factors in the context of individual student behaviour.

4.5. Workplace Violence

- 4.5.1. The OHSA includes provisions for workplace violence and defines violence as:
 - 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
 - c) A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker
- 4.5.2. WRDSB has developed a board policy and procedure (Board Policy 1009. 'Workplace Violence', AP 3780 'Violence in the Workplace') to address workplace violence as required by the OHSA.

4.6. Related Legislation & PPMs

- 4.6.1. The Education Act and related regulations and Policy and PPMs emphasize the use of discretion in discipline; mitigating and other factors must always be considered for all students. This procedure acknowledges and integrates the new legislation on Safe and Secure Schools. The following list includes new legislation, regulations, and PPMs:
 - *Education Amendment Act* (Progressive Discipline and Safe and Caring Schools), June, 2007, in force February 2008
 - 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 and 142: Suspension and Expulsion Programs for Students (August, 2007), PR698
 - PPM 144: Bullying Prevention and Intervention (October, 2007), P065
 - PPM 145: Progressive Discipline and Promoting Positive Behaviour (October, 2007), P064
 - PPM 128: Code of Conduct (October, 2007), P044
 - School-Police Protocol
 - Family and Children's Services Protocol: Reporting a Child in Need of Protection
 - Bill 157, (*Keep Our Kids Safe at School Act*, 2009), in force February, 2010

5. Definitions

5.1. The School Based Team (SBT)/Student Success Team (SST)

- 5.1.1. The SBT/SST consists of the appropriate school-based personnel, as determined by the School Principal. The delivery and monitoring of programs for students requiring ongoing behavioural strategies are supported through this team.

In Elementary schools, an example of the SBT/SST Membership may include:

School Principal(s), Special Education Resource Teacher (SERT), Child and Youth Worker and/or classroom teachers

At the Secondary Level, the SBT/SST may include:

School Principal(s), Special Education Department Head, Guidance Department Head, Student Success Teachers and Social Workers, Child and Youth Worker, and/or other teachers as indicated by the School Principal

The duties of the SBT/SST include:

- a) Review of current Safety Plans, as well as IEP's, Functional Behaviour Assessments, Behaviour Logs and other forms of data collection, at least once per term and/or for program updates, after a concern has been identified through the filing of incident reports or parental/teacher/support staff request
 - b) Ensure a contingency plan for staff absence (EA's, teachers) and share this with the parent
 - c) Ensure the sharing of information and training of new staff in working with students requiring behaviour management supports
- 5.1.2. In order to support the needs of students, the SBT/SST may, through the School Principal/Vice Principal or designate, request the assistance of the Multi-Disciplinary Team (MDT).

5.2. Students with Special Education Needs

- 5.2.1. In the WRDSB, students with Special Education Needs include both students formally identified as exceptional pupils under the IPRC process and any non-identified pupils receiving special education support (i.e. special education programs and/or services).

5.3. Special Education Services

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

5.4. Professional Support Services

- 5.4.1. The term "Professional Support Services" refers to the following regulated professions: Speech-Language Pathology Services, Psychological Services, Social Work, Occupational Therapy and Physiotherapy Services. The staff members 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. Each staff member is required to be a registered member of one of the following Professional Colleges, as appropriate:
- College of Audiologists and Speech-Language Pathologists of Ontario
 - College of Psychologists of Ontario
 - Ontario College of Social Workers and Social Service Workers
 - College of Occupational Therapists of Ontario
 - College of Physiotherapists of Ontario

5.5. Manifestation Behaviours of Specific Diagnosed Medical/Neurological/Developmental Disorders

- 5.5.1. A relatively small number of students with Special Education 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 is not learned and cannot be “unlearned”). The specific manifestation behaviour may 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/caregivers will often interpret the behaviour as deliberate acting out, rather than as a manifestation of symptom of the medical disorder.
- 5.5.2. 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 Safety Plan may be considered a violation of the student’s legal right to accommodation.
- 5.5.3. If a diagnosis exists for a student, it is critical that the School Principal obtain (with written parental permission) all relevant information, including details of any manifestation behaviours. School Principals must ensure that an appropriate IEP and (where appropriate) a Safety Plan is developed in consultation with parents, caregivers and professionals.
- 5.5.4. The following are the symptoms of some of the most common disorders that are likely to impact safety in the school. The list of symptoms is not exhaustive, but rather a list of the symptoms that are likely to lead to safety issues.

Attention Deficit Hyperactivity Disorder (ADHD):

- Impulsivity (poor judgment, acting without thinking, disinhibited verbal and physical responses, etc.)
- Over activity
- Self-Regulation Abilities

Tourette’s Syndrome (TS):

- Impulsivity
- Over activity
- Inflexibility (i.e. difficulty shifting from one task to another)
- Self-Regulation, Anger, Frustration Tolerance
- Vocal tics can include repeated swearing

Fetal Alcohol Spectrum Disorder (FASD):

- Impulsivity
- Over activity
- Frustration Tolerance

Oppositional Defiant Disorder (ODD)/Conduct Disorder:

- Attribution of hostile intent to others (e.g. thinking someone intentionally tried to hurt them when it was an accident)
- Excessive focus on fairness, so if student doesn’t get their way, this is seen as unfair
- Negative actions are justifiable from the student’s perspective

Intellectual Disability/Mild Intellectual Disorder/Language Disorder

- Cognitive and/or language delays can lead to misunderstandings of information, which can lead to aggressive responses
- Manipulated by others to do aggressive/antisocial acts

Autism Spectrum Disorder (ASD):

- Inflexibility, difficulty adapting or responding to environmental demands
- Self-Regulation
- Limited social ability which can result in verbal or physical aggression in social contexts

Acquired Brain Injury:

- Self-Regulation
- Impulsivity/Judgment

Mood Disorders (i.e., Major Depressive Disorder, Bipolar Disorder):

- Irritability, angry outbursts, blaming others
- Judgment
- Self-Regulation
- Frustration Tolerance

Anxiety Disorders (i.e., Separation Anxiety Disorder, Social Phobia, Panic Disorder, Posttraumatic Stress Disorder):

- Avoidance of anxiety-provoking situations could result in verbal/physical aggression

Schizophrenia and Other Psychotic Disorders:

- Persecutory delusions can lead the person to erroneously believe he/she is being tormented, followed, spied on or subjected to ridicule

6. Individual Education Plan (IEP)

- 6.1. An IEP is defined through the Ministry of Education Document: 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.”
- 6.2. For students with the possibility of unsafe behaviours, an IEP should include:
- Program modifications and/or accommodations that support proactive strategies
 - Alternative expectations addressing behaviour management that identify the behaviour/learning expectations in the areas of behaviour management, social skills and social communication
 - Appropriate teaching strategies and assessment/evaluation methods
- 6.3. School Principals are responsible for ensuring that IEP's, Behaviour Logs and Safety Plans are developed collaboratively by School and Board staff members and that consultation with parents/caregivers and outside agencies is included in the process when appropriate.

7. Tracking Behaviour**7.1. Functional Behaviour Assessment (FBA)**

- 7.1.1. A Functional Behaviour Assessment is a valuable problem solving tool. It supports an approach to addressing behaviour problems that looks at both the likely causes and at the characteristics or symptoms of behaviour. An FBA can be used as a planning tool to address behaviour not previously receiving programming in an IEP and/or Safety Plan.

7.2. Behaviour Log

- 7.2.1. A Behaviour Log is an ongoing daily tracking form and an integral part of the FBA process. It is an important tool in identifying patterns in the student's behaviour, modifying or adjusting intervention strategies and evaluating the success of the IEP. Since it details ongoing behaviour, it is also an important tool when communicating with parents/caregivers, community agency support services, school administration and WRDSB Special Education services involved in the Management of Risk-of-injury Process.
- 7.2.2. 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 School Principal must ensure that an accurate and up-to-date Behaviour Log is kept.
- 7.2.3. Why Do A Daily Behaviour Log?
- a) Clearly describes what the behaviour looks like
 - b) Identifies factors that initiate, trigger, sustain or end the behaviour
 - c) Focuses on patterns of behaviour rather than individual occurrences
 - d) Identifies strategies that have been effective
 - e) Identifies the need for a Functional Behaviour Analysis (may be required for a Special Education Tribunal hearing and/or other legal proceedings in the review of student interventions)
 - f) Provide data for the development or editing of a Safety Plan
- 7.2.4. The daily Behaviour Log is not:
- a) A one-time event
 - b) A list of negative behaviours
 - c) A record of consequences
- 7.2.5. Behaviour Logs are to be reviewed after a reported incident on the Accident Investigation Form by the School Principal, during each reporting cycle and whenever the IEP is updated. The information on the Behaviour Log is essential to determining appropriate student programming (including IEP's, Behaviour Plans and Safety Plans) and Staff Safety Planning.

8. Safety Plans

- 8.1. The Safety Plan (located in Support for Students (S4S)) is an important component in the ongoing Management Process of Student Behaviours Causing a Risk-of-injury. This is a plan developed for students whose behaviour presents a risk-of-injury to students and/or staff. All students with a Safety Plan must have an IEP that identifies the ongoing risk-of-injury behaviours and daily intervention strategies. While Safety Plans are unique for each student, they include the following information:
- A description of the observable behaviour concern(s)
 - Triggers or antecedents
 - Prevention and intervention strategies
 - Emergency communication procedures
 - Documentation
 - Follow-up/re-evaluation/re-entry
- 8.2. Safety Plans must be reviewed a minimum of twice per year or as needed after an incident. All staff members who work on an ongoing basis with a student whose behaviour presents a serious risk-of-injury should be consulted when there is a development of a Safety Plan. Board services (such as Safe and Secure Schools, Special Education and Health and Safety Department) 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.

- 8.3. If a staff person working with the student feels that the student's Safety Plan needs to be reviewed, they may bring that request to the School Principal's attention at any time.

9. Safety Plan Summary

9.1. Safety Plan Summary: Regular School Day

- 9.1.1. When a student has a Safety Plan, School Principals will ensure that the Safety Plan Summary is located in the main office in a clearly labelled "Safety Plan Summary" Binder that is readily accessible to all WRDSB Staff. When Central Staff or an Occasional Employee is working directly with a student with a Safety Plan they will be required to read the Safety Plan Summary in its entirety prior to working with the student and sign off that they have read the document.

9.2. Safety Plan Summary: WRDSB Extended Day Program

- 9.2.1. For students with a Safety Plan who are enrolled in the WRDSB Extended Day Program, School Principals will ensure this is communicated to the Extended Day Manager prior to the student starting in Extended Day or when the Safety Plan has been created.
- 9.2.2. The Extended Day Manager will be given access to the Safety Plan and will ensure that the Safety Plan Summary will be shared with the appropriate Extended Day Supervisor and Staff. Is it an expectation that all staff working in the Extended Day Program will review the Safety Plan Summary and the Extended Day Supervisor will ensure this has been reviewed by the appropriate staff. A copy of the Safety Plan Summary will be kept in an area of the Extended Day Classroom that is accessible to the staff members.
- 9.2.3. The Extended Day Manager will ensure that any additional training or information will be provided to the Extended Day Team.
- 9.2.4. If any changes are made to the Safety Plan, the School Principal will communicate this information to the Extended Day Manager.

10. Assessing Risk-of-Injury

- 10.1. Where risk of self-injury or injury to others exists or is highly probably, the level of risk must be reviewed on an ongoing basis by appropriate staff to determine prevention and intervention strategies.
- 10.2. It is essential that information about high-risk students be responsibly shared between the School Principal of sending and receiving schools/programs (Appendices C and D). Ongoing, comprehensive risk-of-injury management is part of the transition process and involves collaboration among School and Board professionals, along with parents/caregivers and community professionals.
- 10.3. It is important to identify risk factors before the student starts at 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 when accessing Risk-of-injury above is to be shared at SBT/SST meetings. Should concerns continue or increase, it may be necessary to bring these concerns forward to a MDT. Recommendations regarding behaviour needs, prevention and intervention strategies, staffing and training requirements and protective and safety equipment are to be shared will all relevant, affected personnel. Parents and 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 School Principal. All changes or additions to strategies will be documented in the IEP and Safety Plan, as appropriate.

- 10.4. The School Principal may request additional information, staff, equipment, further assessments, etc. or may make decisions with respect to the student's attendance at school (i.e., timelines, start date, timetable), IEP and Safety Plan components and progressive discipline factors.

11. Physical Contact

- 11.1. Physical contact refers to a range of positive teaching techniques employed as a standard part of the classroom management system, which involves touching the student. As such, it includes, but is not limited to contact which occurs when:
- Role playing is being employed for the teaching of social skills or problem solution
 - A student requires physical assistance in attending to a task
 - A student requires assistance in controlling excessive body movements (biting, picking, hair pulling)
 - Non-verbal cues are given to the student as a means of assisting his/her recognized misbehavior, to improve self-control or avoid disciplinary procedures
 - A student requires hand-over hand guidance to successfully perform a task
- 11.2. Physical Redirection – Refers to an action that requires the use of limited physical contact such as taking the hand of a compliant child in order to offer a change in environment for the student. The student must be willing to move with adult. This type of physical redirection does not require a Safety Plan.
- 11.3. Physical containment in relation to a student refers to a range of holding techniques, (Behaviour Management Systems (BMS)) used to restrict the student's ability to move freely by holding the student in place. The purpose of physical containment is not to discipline the student, but rather, to prevent the student from injuring themselves or others. The use of any physical containment with a student increases the risk-of-injury to the student and the staff member(s). A physical containment should only be used as an absolute last resort where there is imminent danger to the student and/or others. When a planned intervention is used staff will use BMS techniques as per their BMS training and follow the strategies outlined in the Safety Plan.
- 11.4. "Contain-and-Release" refers to the use of physical containment 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. Whenever possible, a first priority is to remove the target of a student who is striking, kicking, grabbing or biting to avoid injury. However, 'contain-and-release' is an appropriate staff response to strikes, kicks, grabs or bites from a student, (i.e., student initiated physical aggression), when the staff member is unable to avoid or get away from the student. It is important that the methods used do not result in pain or injury to the student.

12. Decision to Physically Intervene

- 12.1. 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 exhibits a negative, potentially injurious, response. 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.
- 12.2. 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 injurious to the point where the student:
- Might respond causing injury to another
 - 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 whether to physically intervene or not and to obtain assistance as soon as possible.

- 12.3. 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 School Principal may have already discussed with local police the potential for these situations to arise and under what circumstances the police will be called (School-Police Protocol).

13. Use of Physical Containment

- 13.1. Planned Physical Containment Protocol – A student where known behaviours present a safety risk to the student or others. Physical containment is the last resort within a hierarchy of intervention strategies outlined in the Safety Plan. The Safety Plan must clearly state the purpose of physical containment 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/caregivers (signature indicates awareness, not necessarily permission)
- Special Education personnel
- Safe and Secure Schools personnel (as required)
- Professional Support Services staff (as required)
- Community agency personnel (as required)

- 13.2. Only trained staff will participate in a Planned Physical Containment (S4S).

- 13.3. The details involved in the use of Planned Physical Containment with a student are identified in the student's Safety Plan. A Safety Plan that includes Planned Physical Containment is found in S4S.

Note: If the intervention strategies detailed in the IEP do not result in a decrease of the behaviours requiring physical containment, the entire IEP must be re-evaluated. The use of physical containment as a component of the IEP is not appropriate if there is no reasonable expectation that the need for physical containment will decrease and eventually not be needed.

14. Unplanned Physical Containment Protocol

- 14.1. Occasionally, a 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 themselves or others. Physical containment with the student for safety purposes may become necessary. If at all possible, staff members who have been formally trained in Physical Containment Methods should be called upon. Trained staff will follow the applicable procedures noted above in the Safety Plan details. When this occurs an Unplanned Physical Containment Form must be completed by the School Principal or Designate. This form can be completed in S4S.

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

- The level of immediate risk-of-injury
- The physical characteristics/abilities of the staff and student

- 14.3. In the event of an Unplanned Physical Containment, some of the same steps used in the Planned Intervention Protocol may be followed.

- 14.4. Following the incident, the School Principal must take the following steps:

- a) Call the student's parents/caregivers.
- b) Determine whether the behaviour is a one-time event or is likely to occur again.
- c) If there is a reasonable possibility that the previously unexpected behaviour will occur again, consider the following:

- A review of the IEP for the student
 - A review with Board Special Education, Support Service and Safe and Secure 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 a Safety Plan for the student
 - Asking staff to sign a Risk-of-injury Form
- d) Complete an Unplanned Physical Restraint Form in S4S

14.5. Student Injury during Physical Containment: In all physical containment 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 Principal
- The parents/caregivers

14.6. Details of the Physical Containment techniques used and of the injury to the student, in addition to the specific details of the incident, will be included in the Incident Form. If the student requires medical services or the parent requests, Family and Children's Services MUST be contacted. In all other cases of reported injury to the student, the School Principal will review the physical containment and determine if Family and Children's Services should be contacted. School Principals should refer to the Family and Children's WRDSB Family and Children's Services Protocol.

15. Behaviour Management Systems Training (BMS)

15.1. BMS Training supports staff to help maintain the knowledge and skills to successfully respond to behaviour and the establishment of a safe, caring and inclusive learning and teaching environment. BMS is meant to encourage staff to take a proactive and preventative approach to conflict reduction, to use de-escalation strategies, and prepare staff to use physical containments in extreme circumstances. Educators who participate in the BMS training will possess a greater level of expertise and enhanced confidence in addressing the Care, Welfare, Safety and Security of everyone involved in a behaviour situation.

15.2. Training Requirements: BMS training is mandatory for all WRDSB Paraprofessional Staff and Administrators (this includes on-going yearly re-certification training). If a staff member is included in the Planned Physical Containment as part of a student's Safety Plan then the staff member must have BMS training. Voluntary training is made available to all other staff members.

15.3. To request BMS Training for staff members who are being added to and/or part of a Planned Physical Containment, School Principals can make a referral in S4S for the BMS System Trainer. The Paraprofessional Supervisor will process the referral.

16. Self-Protection

16.1. Self-protection refers to acceptable protective staff responses (i.e. blocks, physical space, etc.) to injurious behaviour directed at the staff person (i.e. biting, kicking and punching) by a student.

17. Responsibilities

17.1. The School Principal is ultimately responsible for the safety of staff and students at the school. The School Principal is required to conduct an investigation into all potential and reported incidents of unsafe conditions and establish a school plan to alleviate the safety concern. In addition, the School Principal is responsible to:

- Ensure that preventative programming and instructional interventions are implemented to respond to unsafe student behaviours
- Ensure that staff are provided with Personal Protective Equipment (PPE) and plan of action (i.e. Safety Plan) to work with students with a potential of unsafe behaviour
- Ensure the PPE if required is provided, monitored and used properly and as required by staff
- Encourage all staff to approach behaviour improvement the same way we approach classroom instruction and assessment, plan, implement, review progress, modify plans, establish long term goals
- Refer to the Principal's Action Plan (Appendix A)

17.2. It is the responsibility of all staff to follow safety procedures in the school and as outlined in the IEP and Safety Plan for all students.

17.3. It is the responsibility of the System Administrator, (Special Education) in collaboration with the Health, Safety and Security Department to be a resource to School Principals, Learning Services (Special Education central staff) and school staff addressing safety concerns.

17.4. The Health, Safety and Security Department, in collaboration with the System Administrator, (Special Education), is responsible for communicating with the Joint Health and Safety Committee, Union affiliates (in response to safety concerns) and the Ministry of Labour where appropriate.

18. Procedures

18.1. Confidentiality in Special Education

18.1.1. School 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.

18.1.2. Below is a brief summary of relevant legislation with which School Principals should be familiar (School Principals are reminded to consult with their Superintendent, the WRDSB Freedom of Information Officer regarding any questions that may arise about confidentiality). Municipal Freedom of Information and Protection of Privacy Act (MFIPPA):

- S.14 (3) Presumed Invasion of Privacy
A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,
 - (a) Relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation
 - (b) Relates to employment or educational history
 - (c) Consists of personal recommendations or evaluations, character references or personnel evaluations
 - (d) Indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations

18.1.3. However, in most cases, disclosure of relevant safety information to specified school staff is allowed, either with consent or upon notification pursuant to as follows:

- S.3: An institution shall not use personal information in its custody or under its control except,
 - (a) If the person to whom the information relates has identified that information in particular and consented to its use
 - (b) If the purpose for which it was obtained or compiled is for a consistent purpose

- (c) For a purpose for which the information may be disclosed to the institution under section 32 or under section 42 of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, s. 31.

18.2. Personal Health Information Protection Act

- 18.2.1. 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

18.3. Youth Criminal Justice Act

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

- 18.3.2. 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

18.4. Parent/Caregiver Involvement and Consultation

- 18.4.1. Parent/caregiver involvement is always important when developing appropriate programming for students with Special Education Needs. When developing the IEP, consultation with parents/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, 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/caregivers *before* the first draft of any plan is written, as well as after the drafts are completed. However, final decisions on IEP's, Safety Plans and school procedures remain the responsibility of the School Principal.

- 18.4.2. Preplanning and consultation with parents/caregivers will help the School Principal and other relevant staff members ensure that the classroom is a safe learning environment. It will help reassure parents/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/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.

19. Admission of Students with a Current History of Aggressive Behaviour

- 19.1. Where a 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:

- The School Principal or designate shall register the student
- The School Principal shall access the risk-of-injury in the development of a school entry plan (Note: Every effort should be made by the School 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/caregiver
 - b) Previous School Principal or Program Administrator
 - c) Community agency personnel
 - d) Superintendent
 - e) School Principal
 - f) Classroom teacher
 - g) Representative of previous board/setting
 - h) Special Education Services, Professional Support Services, Safe and Secure Schools, and Health and Safety personnel
- Information gathered shall include:
 - a) IPRC decision information, including a history of the student's strengths and needs
 - b) Current Violent Incident Reports
 - c) Current Special Incidence Portion (SIP), Claim information and staffing
 - d) Current IEP, Safety Plan and Behaviour Log
 - e) Current in-school interventions and prevention strategies (current IEP and Safety Plan)
 - Information gathered may include:
 - a) Current and/or existing health information, including diagnoses and medications
 - b) Current and/or existing assessment information from professional staff (i.e., psychology, social work, speech/language, attendance, physiotherapy, occupational therapy)
 - c) Current and/or existing assessment information from involved community agencies/services
 - d) A Functional Behaviour Assessment
 - e) Parental/caregiver interventions and prevention strategies
 - f) Any current safety audits of the classroom and school environment
 - g) Information regarding involvement with Safe and Caring Schools or probation/police, as appropriate
 - 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, parent(s)/caregiver(s), child may be kept at home until the Safety Plan is completed and staff is made aware of the contents of the Safety Plan
 - c) Developing an entry plan
 - d) Identifying any additional information (including professional assessments) required by specific Board Staff
 - e) Informing all relevant staff of the level of risk including the classroom teacher
 - f) Identifying staffing needs (qualifications, training and equipment requirements) to ensure a safe school environment
 - g) Identifying alternative measures to be implemented in case of staff absence
 - h) Designating staff to be involved in revising/preparing the IEP and Safety Plan (must include the classroom teacher)
 - i) Preparing/revising and resubmitting the SIP Claim
 - j) Involving community agencies/services during the entry process (consultation, transition supports and follow-up)
 - k) Identifying which additional Board Services, if any, the Board could provide or recommend to the family
 - l) Identifying needed community agency/service supports (if not already present) for the student/family during the referral process

20. Admission Checklist for School Principals

- 20.1. If a School Principal is aware that the student entering into their school has or may present with behaviours that are or may be aggressive or unsafe and thus present a risk-of-injury, they will refer to the Admission Checklist for School Principals (Appendix C).

21. Re-admission Protocol

- 21.1. Where an exceptional student whose behaviour continues to pose a significant safety concern and/or risk of injury is returning to a WRDSB school from an exclusion [*refer to Education Act, Section 265 (1)(m)*], a suspension program, a section program, expulsion 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 School Principal.
- 21.2. For students who are returning from a long-term suspension and who have not attended a suspension program, the following will be reviewed:
- Student's Current IEP and Safety Plan (including updated intervention and prevention)
 - Current behaviours that continue to present a risk-of-injury
 - Academic progress during suspension (work done at home)
 - Additional relevant assessment information
 - Parent/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
- 21.3. 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
- 21.4. For students returning from a Section Program, all of the above will apply, including:
- A transition plan developed collaboratively by the Board and Section Staff
- 21.5. Discussions/meetings will include, but are not limited to the following stakeholders:
- Parents/caregivers
 - School/Program Principals (sending and receiving)
 - Classroom teachers, classroom support staff (sending and receiving)
- 21.6. Discussions/meetings may also include:
- The student
 - Health and Safety Department and/or Joint Health and Safety Committee Member
 - Community agency personnel
 - The School Principal or a representative of the previous school/setting
 - Special Education Services, Safe and Caring Schools
 - The Superintendent of Student Achievement and Well-Being
- Note: See Admission Checklist for School Principals (Appendix C) which can also be used for readmission

22. Re-admission from Expulsion

- 22.1. Please refer to Admission Checklist for School Principals (Appendix C)

23. Exclusion

- 23.1. As previously described, a student with Special Education Needs might have manifestation behaviours that pose or continue to pose a significant and certain risk-of-injury to them, 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 School Principal and School Superintendent to consider a recommendation for exclusion under S.265 (1)(m) of the Education Act.
- 23.2. Discussions with parents/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.
- 23.3. An exclusion is not permanent, nor is it a demission from the school and/or program. If the parent/caregiver are in disagreement with the exclusion, they have the right to appeal (see AP2330 for the appeal process).
- 23.4. While School Principals have an option to exclude, this process must be done in collaboration with the School Superintendent.
- 23.5. Exclusions are not a form of progressive discipline.

24. Transfer/Promotion/Placement of a Student with Special Education Needs Who's Violent or Aggressive Behaviour Poses a Threat to the Student and/or Others

- 24.1. When transferring/promoting or placing a student with Special Education Needs whose behavior may pose a risk to the safety of the student and/or others in the school to which the student is being sent, it is crucial that the School Principal of the sending school alert the School Principal of the receiving school before the student arrives at the new school. Additionally, the OSR, along with recent Behaviour Logs, Safety Plans and IEP's should also be couriered to the receiving School Principal prior to the student's arrival.
- 24.2. When a parent/caregiver requests that a student be deregistered from a school with a program that meets the Special Education Needs requirements of the student 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 24.1.
- 24.3. In all cases, the School Principal of the receiving school shall ensure that the staff of the receiving school receives appropriate information regarding the Safety Plan of the transferred student.
- 24.4. In all cases, the parents/caregivers of the student shall be advised of the protocol.

25. Sending School Principal Checklist (Appendix D) for Safe Transfer of Students with Special Education Needs that Include Risk-of-Injury Behaviours

- 25.1. 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 injurious behaviour impacting staff
 - Established pattern of injurious behaviour impacting 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 injurious and highly disruptive behaviours

26. Checklist for the Sending School Principal

- 26.1. The Special Education Safe Transfer Team may consist of, but is not limited to:
- The student
 - Parent/caregiver
 - Current teacher and special education staff
 - The School Principal or designate (sending and receiving)
 - School social worker (with parent/guardian permission)
 - Receiving program/classroom staff
 - Guidance Department (at secondary level)

27. Notification to Staff of “Risk-of-Injury”

- 27.1. The *Ontario Health and Safety Act* requires that employers acquaint workers with any hazard in the workplace (OHSA 1990, 25(2)(d)). The Ministry of Labour, Occupational Health and Safety Division, in its interpretation of this clause, has included the risk-of-injury from Special Education Students with a history of injurious behaviour. Accordingly, School Principal's must ensure that all employees who have regular contact with Special Education Students with a current history of injurious behaviour in school are informed of the risk-of-injury when interacting with these students prior to working with the student.
- 27.2. Accordingly, School Principal's must ensure that appropriate IEP's and Safety Plans are in place and implemented. The School Principal must also ensure that staff is 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 School Principal.

28. Documentation and Data Analysis

- 28.1. Gathering statistical information regarding students with Special Education Needs and violent or injurious 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.
- 28.2. With respect to students with Special Education Needs, School Principal's will collect data from the following completed documents, regardless of the student's suspension/expulsion status:
- Incident Accident Report Form for Employees (Form HR-05-770)
 - Ministry of Education Violent Incident Form (to be completed for suspension /expulsion only)
 - Use of Unplanned Physical Restraint (located in S4S)
 - Behaviour Log (samples located in Special Education Handbook)
 - Safety Plan (located in S4S)

29. WRDSB's Employee Incident/Accident Investigation Process

- 29.1. A student may exhibit regular injurious, aggressive and/or unsafe behaviour that has been accounted and planned for in the student's Safety Plan. These occurrences, if handled correctly and appropriately and when the employee feels that no change to a Safety Plan is warranted, can be recorded on a student's Behaviour Log only. Incidents to be reported on the Incident/Accident Investigation Form are of a serious nature and would include:
- If a staff or student is injured
 - If an employee feels the behaviour the student is exhibiting would require additional or alternative procedures, training, resources or support to manage the behaviour
 - A student is exhibiting a new and unplanned behaviour not already identified in the student's Safety Plan
 - The student is exhibiting behaviours that have increased in frequency or severity

- 29.2. When an incident occurs that is reported on an Employee Incident/Accident Investigation Form, the School Principal will review the circumstances that led to the incident with the employee and determine if modification(s) to the student's IEP and/or Safety Plan is required.
- 29.3. If required, the School Principal will contact a Special Education Consultant or other board resources for assistance in the completion of the corrective/preventative action section of the Incident/Accident Investigation Form. This is a mandatory field on the Incident/Accident Investigation Form and must be completed by the School Principal.
- 29.4. Once the completed Employee Incident/Accident Investigation Form has been received by the Health, Safety and Security Department, the Health, Safety and Security staff will review the incident and determine if further corrective/preventative action or involvement is required. If the incident is of an unsafe nature, is an emergency, severe injury (or what could have been deemed a severe injury) or if deemed necessary (i.e. after repeated occurrence of incidents) the manager of Health, Safety and Security will forward copies of the completed Employee Incident/Accident Investigation Form(s) to the System Administrator (Special Education) and as required to the Superintendent, Student Achievement and Well-Being (Special Education) for the purpose of developing/editing a student's Safety Plan and ensuring that appropriate action has been taken.

30. OSBIE Report of Accident Form (for Students)

- 30.1. If an incident occurs where a student is injured, the School Principal must also complete the OSBIE Report of Accident Form.
- 30.2. Please refer to the Post-Incident Checklist (Appendix F) for a guideline of procedures to be considered following an incident or use of physical containment.

31. Reporting Student Risk-of-Injury Concern

- 31.1. Prior to working with students, the Board expects the School Principal will notify staff of any safety concerns with respect to risk-of-injury from a 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. Staff must notify the School Principal of such a risk immediately so that the School Principal can evaluate the situation and determine the need to begin the ongoing Management Process for Risk-of-injury Behaviour. If risk-of-injury to staff is determined possible, the School Principal should follow the process outlined in the Management Process for Risk-of-injury.

32. Staff Absence

- 32.1. School Principal's must develop contingency plans with staff and parents/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 of the student in another classroom or safe location in the school. Alternative plans developed with the parents/caregivers are part of the ongoing Management Process for Risk-of-injury.

33. School and Classroom Safety Audit

- 33.1. As part of the ongoing Management of Risk-of-injury Process, the School Principal should conduct a Classroom and School Safety Audit (Appendix G) 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.

33.2. An initial safety checklist specific to Special Education Students with high behaviour needs should be used to ensure that:

- IEP (Safety Plan) emergency procedures have been established
- Access to the school emergency communication system is available
- A two-way communication system (for staff in direct contact with the student, as determined in the Risk Review process) is in place
- Emergency procedures for moving the class away from student/situation of risk (or removal of the student from class, when possible) have been established
- Transitions to and from the classroom have been established and practiced
- In-class movement procedures have been established
- Movement between staff and student (furniture placement) has been established
- A quiet area has been established
- Clear routines for material/equipment use have been established
- Equipment has been secured (i.e., computer hardware)
- Alternative learning materials (i.e., safety compass, safety scissors) are being used
- Washroom access and supervision has been established
- A safety audit of the classroom and other rooms frequented by the student and the playground have been conducted and supervision has been arranged for all activities and transition times
- School arrival and departure procedures (i.e., busing) have been established

33.3. If the School Principal requires assistance with the safety audit they should contact the Health, Safety and Security Department.

34. Important Information Regarding Legislation and the Use of Physical Force with Students

34.1. The Education Act does not directly address the issue of physical containment. However, Section 265 (1)(a) of the Education Act gives School 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 School 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 containment with a student, Board employees have the authority and responsibility to take reasonable steps.

34.2. Two other pieces of legislation speak directly to the use of physical containment:

- 7.41.3 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 educators, including teachers, assistants and administrators is not acceptable. However, the Court did explain that Section 43 would continue to protect a teacher who uses reasonable force to contain 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 containing 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, pursuant to the Child and Family Services Act outlines the responsibilities and requirements of youth residences regarding the use of physical containment. While Regulation 70 does not apply directly to school boards, it does create a standard against which boards may be measured. Relevant provisions in Regulation 70 include the following:

- Physical Containment 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) physical containment must be trained in BMS, 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 in a physical containment
 - Must stop the physical containment when there is no clear and imminent risk-of-injury to self or others or the intervention could cause injury to the child
- Those applying the physical intervention must debrief after a containment has been applied and as part of the ongoing Management of Risk-of-injury Process
- Those applying the physical intervention must document and report each occasion of containment to the parent/caregiver and School Principal

34.3. Ontario College of Teachers - Professional conduct outlined by 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)).
- Developmental Services Act Regulation 272 17(2) For greater certainty, physical containment does not include:
 - Restriction of movement, physical redirection or physical prompting, if the restriction of movement, physical redirection or physical prompting is brief, gentle and part of a behaviour teaching program; or
 - The use of helmets, protective mitts or other equipment to prevent a student from physically injuring or further physically injuring himself or herself. O. Reg. 78/02, s.1.