

Report  
Task Force on Safe and Compassionate Schools  
Toronto District School Board

**1. Purpose**

On December 17, 2003, the Toronto District School Board Board of Trustees passed a motion that directed that a Safe and Compassionate Schools Task Force be established to ensure that Board schools are safe and inclusive learning environments for students and safe places in which employees work.

**2. Task Force Objectives**

To assess the effectiveness of the current Board's Safe Schools Policy and its implementation

To identify the necessary steps to ensure that every Board school is a safe, compassionate, peaceful and inclusive learning environment in which to study and to work

To assess whether race, gender, sexual orientation, mother tongue of students, disability, socio-economic status, or other dimensions of diversity as listed in the Board's Equity Statement has any impact on the application of the Safe Schools Policy and, if so, what the impact is.

To make recommendations to the Board and/or other public bodies on steps that can be taken to make schools safer and that will ensure that every student is treated fairly and equitably. This includes but is not limited to such recommendations as may have regard for legislation, regulations, policies, procedures, operations, or budget allocations. All such recommendations are to identify the short, medium and long term timeframes.

To request that the Ontario Public School Boards' Association assist with the information gathering, analysis of province-wide issues and public advocacy and lobbying necessary to effect provincial reviews of and changes to the legislation as recommended

The Task Force was to report to the Board of Trustees at its May 2004 meeting.

### 3. Task Force Membership

**Zanana Akande**, (Co-Chair) is a former principal with the TDSB. She is currently the President of Urban Alliance on Race Relations and President of Harbourfront Centre.

**Chris Bolton** (Co-Chair) is the Toronto District School Board trustee for Ward 10 - Trinity Spadina. He has been trustee since the election in November, 2003. Chris has also worked in the same Ward as a teacher, Special Education Consultant, and principal for 30 plus years from 1972 to 2001. He has also been involved in alternative schools programming, community schools movement and the preservation of public education in Canada.

**Norm Forman**, is an advocate for and consultant to the needs of special education students. Dr. Forman is a practicing Psychologist with over thirty years of experience. He is a member of the Canadian Psychological Association, The Council for Exceptional Children, and is listed in the Canadian Register of Health Service Providers in Psychology. He is a member of the Education and Advocacy Committee of a major special needs association and is the representative to the Special Education Advisory Committee (SEAC) of the Toronto District School Board..

**Dr. Alok Mukherjee**, teaches about Indian culture and society at York University. He is a consultant in equity, human rights and organization change. Dr. Mukherjee has served as Acting Chief Commissioner of the Ontario Human Rights Commission, and as a member of the Ontario Civilian Commission on Police Services.

**Rick Sin**, is a registered social worker. He received his MSW from McGill University and is currently doing his doctorate in sociology at the University of Toronto. He is a former Executive Director of the Chinese Canadian National Council Toronto Chapter, the Diversity Manager of the Canadian Cancer Society, and a social worker in Montreal, New York and Hong Kong.

**Helen Yabu**, has a long history with the TDSB. She attended Lord Dufferin PS and Jarvis Collegiate as a student. Helen's career with the TDSB included teaching and consulting in special education in several schools across the city. She has been a vice-principal at Leslieville PS and principal at Pape Avenue and Jesse Ketchum Schools.

**Hamoon Ekhtiari**, is 17 years old, came to Canada less than 3 years ago and started school in Grade 10 at Newtonbrook S.S. and is in his last year of high school. He is Vice President of TDSB's Supercouncil.

#### 4. Consultation Process and Participants

The Task Force consulted with staff, students, parents, community agencies and organizations, and the community during the months of March, April, and May 2004. A community consultation was held in each of the four quadrants. Participants were divided into small working groups (roundtables) to discuss their views and recommendations in regard to the *Safe Schools Policy*. Each roundtable session was facilitated by a member(s) of the task force and summarized by recorders.

The task force held a total of 16 days of hearings to receive presentations. These presentations ranged from community organizations and individuals representing and involved with equity issues, students with disabilities, safe schools, and marginalized/racialized communities to organizations representing school staff (teachers, support staff and administration (principals and vice principals), central board staff from Equity, Human Rights, Safe Schools and Legal).

Over 300 emails were received from individuals and organizations who wished to offer written materials and opinions. These have been compiled and summarized.

Task Force members also met with representatives of the Ontario Human Rights Commission.

Special attention was paid to the youth/students consultation process. Task force members attended the TDSB Youth Equity Conference and made themselves available for one-on-one consultation with conference participants. A survey was circulated to all participants for their input.

Students were asked to share their opinions on the *Safe Schools Policy* at four consultation meetings – one in downtown Toronto, one in Scarborough, one at the Alexandra Park Community Centre and one at the San Romanoway Revitalization Association where a number of parents were also present. In total, over 160 children, teens, young adults and youth workers attended these consultations.

In addition to these community consultations and hearings, the task force received a number of written submissions. In total the task force consulted with over 600 people.

The Task force would like to thank the many individuals, organizations, and groups/agencies who took the time to participate in the consultation process. It would be difficult to name the over 600 parents and community members and the over 300 students, but we will attempt to name those groups and organizations that signed in for the sessions and wrote:

Alexandra Park Community Centre Youth	ARCH
Bellwoods Community Legal Services	Canadian Race Relations Foundation
Canadian Union of Public Employees	Catholic Children's Aid Society of Toronto
Community Equity Reference Group	Concerned Parents
Delisle Youth Services	Earl Grey Senior Public School
Elementary Teachers of Toronto	Elms Teachers Council
Extend-A-Family	Family and Child Skills Development
Flemingdon Legal Services	Glenview Sr. Middle School
Jane/Finch Legal Services	Justice for Children and Youth
Leslieville Public School Council	Ont. Association of Children's Aid Societies
Ontario Coalition for Inclusive Education	Ontario Human Rights Commission
Ontario Public School Boards Association	Ont. Secondary School Teachers Federation
Organization of Parents of Black Children (OPBC)	Parent Coalition for Safe Schools
Rexdale Community Legal Clinic	Safe Schools Forum Working Group
San Romonaway Revitalization Assoc.	St. Stephen's Community House
Scott & Oleskiw, Barristers & Solicitors	The Canadian Safe School Network
Toronto Family Network	Toronto Principal's Association
Special Education Advisory Committee	

\*\*\*\* Please note that this has been clarified from earlier versions of the report and integrates the erratum.

However, the task force knows that it has only scratched the surface. Given the short time frame (imposed by the Task Force on itself to ensure that recommendations could be developed before the end of the current school year), there were a number of community and service organizations unable to respond to the invitation to consult at this time. There has also been a heightened degree of research, forums, reports generated within the TDSB and outside that would preclude this report from being other than a snapshot of the moment at which it is written.

## 5. Introduction

Generally speaking, schools have continued to operate around behaviour management using the *Education Act* as a basis. It is acknowledged that this report addresses exceptional cases, however, the negative impact of the current zero tolerance philosophy has resulted in students and their communities feeling disenfranchised and marginalized not only from their schools but from society in general.

In a school system that addresses itself to all children and which has established a policy of concern and safety for all, it is important that everyone feel that they are being treated fairly and equitably.

The *Safe Schools Policy* of the Toronto District School Board (TDSB) is viewed as a policy that by its very implementation targets the children and youth of racialized and marginalized communities, and students with disabilities. Furthermore, it is clear by the statements made during the consultations, the impact of the *Safe Schools Policy* reaches beyond the walls of a particular school and into the very community itself. The *Safe Schools Policy* is seen by many deputants as a tool to get rid of the student who seems to have problems rather than getting rid of the problems.

*The profound, pervasive and powerful sense of outrage felt by the parents who attended the consultations cannot be adequately represented on the written page. And on the basis of the personal stories told at the consultations, they are justified. Parent after parent spoke of the frustration of trying to maneuver through a system that seemed to be crammed with roadblocks designed to exclude parents from the process. Time and time again, the task force heard of attempts to speak to administrators at the school and board level only to be rebuffed. It is clear that the perceived heavy handedness on the one hand, and the perceived lack of interest in looking at mitigating factors on the other hand has resulted in distrustful, toxic relationships between too many parents and administrators and between too many communities and the Toronto District School Board.*

In its consultations around *Safe School Policy* it became evident that the linkages between our schools and other societal institutions needed to be explored. Schools are seen as vital tools in effecting positive changes in our communities and participants were particularly concerned that schools had little connection to the communities in which they were situated. Community members, especially those from racialized and marginalized communities emphasized the direct link between healthy schools and healthy communities, and between education and gainful employment. "None of us want our children to live in poverty. We want our children educated so that they can live healthy and responsible lives," said one participant. There is great fear that children and youth who are alienated by their schools will be lost to the community.

The task force identified through anecdotal evidence, the impact current *Safe Schools Policy*, has had on our criminal justice system. The Ontario Human Rights Commission report *Paying the Price: The Human Cost of Racial Profiling* reports, "Persons who work with children and youth confirm that suspended students are more likely to hang out on streets and in malls creating the

potential for increased contact with the police. Children who are out of school are more likely to meet anti-social kids and learn or engage in anti-social behaviours”.

Lawyers and advocates working with young offenders confirm that the majority of young offenders have interacted with the *Safe Schools Policy* at an early age. As one parent put it, “We need to help the kids in elementary school right now. We will lose them in middle school and they will be criminals by high school.”

This is not to say that every student who is expelled or suspended will end up in the criminal justice system. But it makes the point that the education system does not exist in isolation and that the zero tolerance philosophy of TDSB’s current *Safe Schools Policy* can have a life long effect. The Toronto District School Board is part of the broader society and these issues cross many borders. It is important therefore, to locate our schools in that continuum to ensure that children’s needs are met and accommodated before these issues transition into other milieus.

#### **Recommendation 5:1**

**The creation of the task force has stimulated a notable upsurge in data collection and analysis of various legal, social and human rights aspects both within the Toronto District School Board and within other boards and communities. Much of this information will not be available until after the task force reports to the Board. To say, therefore that the task force has been able to get the full picture is not reasonable.**

Therefore, it is recommended that a new reference group called the *Safe and Compassionate Schools Work Group* consisting of Board Trustees, community, students and staff, is established to monitor *Safe Schools Policy* implementation. The *Work Group* will hold regular reviews and be given the power to make recommendations to the Program and School Services standing committee of the Board for consideration, additions and modification to *Safe School Policy* and its implementation. The composition and detailed mandate will be brought to the board of Trustees in June, 2004. The mandate will include but not be limited to the following areas: monitoring the implementation of any recommendations accepted by the Board; ensuring annual reviews of the *Safe School Policy*; overseeing the collection of statistical information and the dissemination of such information to schools and the public; effecting prominent use of preventative measures such as peer counselling and restorative justice; and continuing the consultation work begun by the task force including exploring the linkages between our schools and other societal institutions to create potential collaborative relationships. The workgroup will also liaise with school based safe school committees.

*Timeline Sept., 2004 Responsibility: Office of Associate Director and Program and School Services*

#### **Recommendation 5:2**

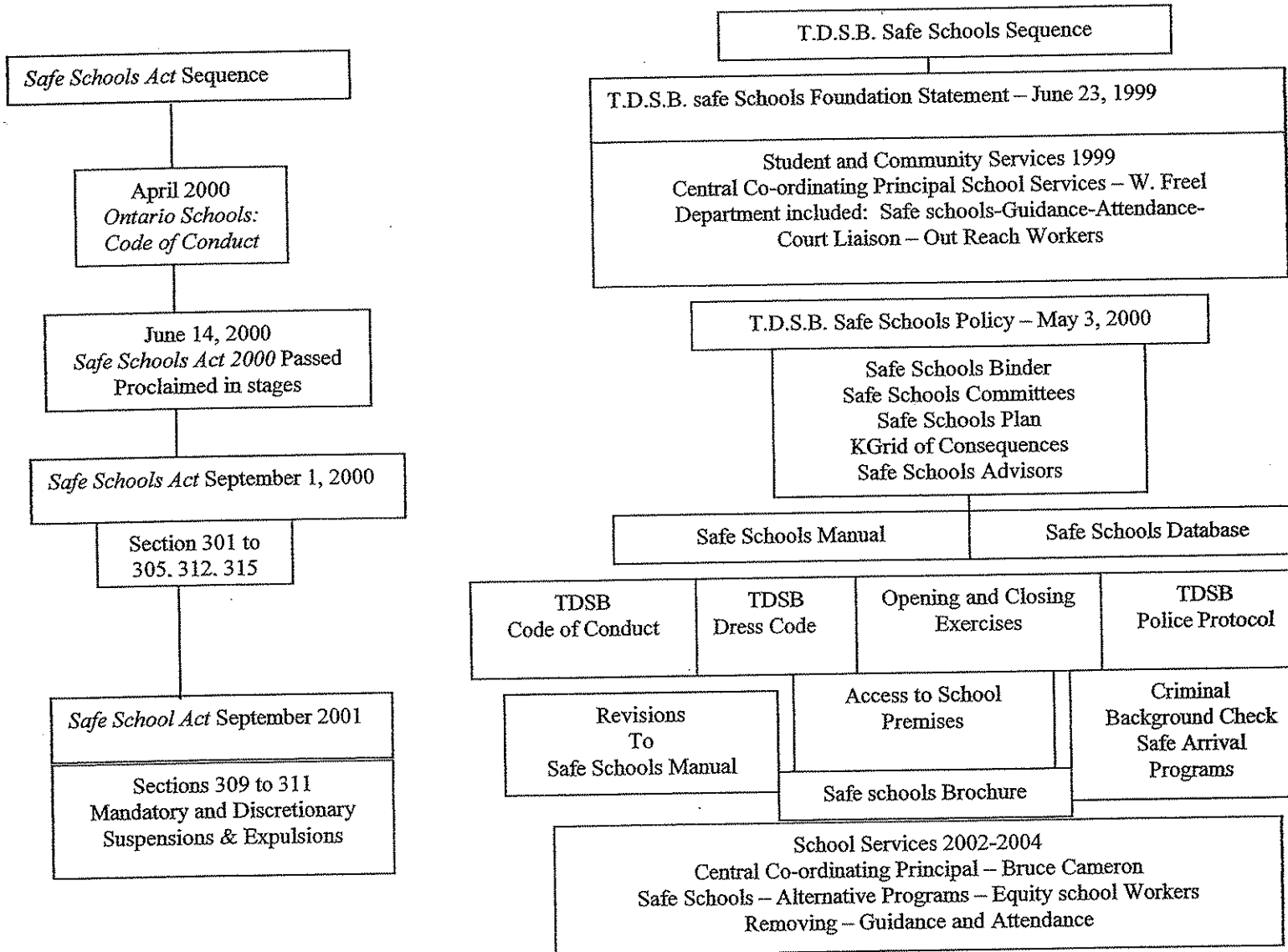
There has been much discussion by those who feel disenfranchised that the *Safe Schools Act* should be repealed. In the vast majority of consultations, this notion repeated itself. Therefore, given the real concerns about the implementation of the act raised by communities in Toronto and by the Ontario Human Rights Commission, the task force recommends that the Board appeal to the Provincial Government to repeal the *Act*.

### 6. History of Provincial Legislation, Toronto District School Board Safe School Policies and Zero Tolerance

In a presentation by the Safe Schools Department to the Task Force the history of the provincial legislation and ensuing TDSB policies were outlined. It appears that as TDSB Safe School policies were created the lines between provincial safe schools policies and the zero tolerance policies originating in the United States became blurred and interconnected.

#### Historical Perspective of Safe Schools and Safe Schools Policy

Education Act, R.S.O.1990, c.E.2 Section 23				
Violence-Free Schools Policy - 1994				
Scarborough Zero Tolerance Policy and other Board Policies				
Amalgamation				
Student and Community Services 1998				
Sharon Bate				
W. Freel	B. McLeod	M. Dorward	T. Parish	Others



Zero tolerance is not part of the provincial legislation language and the task force believes strongly that safe schools policies ought to be thought of as being fundamentally different than zero tolerance. It appears that two messages are being given to the administrators of safe school policies. The presence of mitigating factors in provincial legislation and TDSB safe schools policies inhibits the description of the *Safe Schools Policy* as being strictly zero tolerance.

One race relations expert stated to the Task Force that "Zero tolerance policy has been in effect for 10 years in the U.S. and there is now acceptance of the adverse affects of the policy, particularly the disproportionate and negative impact on minority students which occurs by the very operation of the act. Even though the TDSB has no Ontario statistical data on zero tolerance it would be incredible if the impact was any different from other jurisdictions that have data."

#### **Recommendation 6:1**

**The task force finds that use of zero tolerance language in TDSB policies presents itself as a compelling implementation practice and recommends that all reference to zero tolerance be removed from all current and future Toronto District School Board's internal and external documents.**

*Timeline: Sept. 2004*

*Responsibility: Office of Assoc. Director - Program*

## **7. TDSB Policy and Procedures**

The Safe Schools Department has produced a comprehensive *Safe Schools Procedures Manual* which contains the *Safe School Policy* and procedures and corollary policies and procedures.

The manual is divided into the following sections:

- Section A Safe Schools Project Plan
- Section B Safe Schools Policies, Procedures and Guidelines
- Section C List of Additional TDSB Policies and Procedures
- Section D General Considerations Related to Discipline
- Section E Suspension Procedures
- Section F Suspension Review/Appeal Procedures
- Section G Expulsion Procedures
- Section H Expulsion Appeal Process

#### **Recommendation 7:1**

**The manual itself is very comprehensive but in its present form is not user friendly. The task force found that no attention was given to prevention and intervention techniques and that linkages between safe school policies and other TDSB policies, especially the *Equity Foundation Policy and Procedure, Human Rights Policy and Procedures and Guidelines and Procedures for the Accommodation of Religious Requirements, Practices and Observances* were not emphasized.**

**Given that the manual is the primary tool used by administrators in the implementation of the *Safe School Policy*, the Task Force makes the following recommendations:**



- a) that the *Safe School Procedures* manual be reorganized to facilitate easy access by principals and vice-principals. This would include an executive summary in checklist fashion, of a description of consequences, routines, and protocols which would be placed at the front of the manual.
  - b) That the documents that detail these procedures be referenced as appendices.
  - c) That the remainder of the manual focus equally on prevention and intervention techniques and that a separate section of the binder relate to the creation of and tasks related to safe schools committees.
  - d) That linkages between the *Safe School Policy* and other TDSB policies such as *Equity Foundation Policy and Procedure, Human Rights Policy and Procedures and Guidelines and Procedures for the Accommodation of Religious Requirements, Practices and Observances* be more clearly defined and fully integrated.
- Timeline Sept. 2004*                      *Responsibility: Safe Schools Department*

## 8. Available Statistics

The only statistics currently available to the Task Force were given to us from the Safe School Department. These statistics did not contain race, language or other identifiers. Other agencies including the Human Rights Commission have articulated the same concerns as the Task Force regarding the information that has not been collected.

Furthermore, the Task Force was advised that due to data base problems, the information that has been collected is not easily produced in a useable form making analysis of the data near impossible.

The Task Force understands that for the Sept. 2002 – Aug. 2003 year, the number of expulsions totaled over 300.

According to a July 23, 2002 Toronto Star article, by Tess Kalinowski “Student Suspensions Up in the GTA – Principals say new mandatory reporting partly explains rise” suspensions rose 40 percent in the 2001 – 2002 academic year to 24,238 from 17,371. (In the data received from the Safe School Department, the suspension figure was 24,202). Although enrollment had dropped slightly in the 2002-2003 academic year the number of suspensions rose to 26,411 (although the media quotes the figure at 27,000) an increase of 9.1% over the previous year.

Furthermore, the number of students involved in suspensions increased over 7% between the 2001-2002 academic year and the 2002-2003 academic year.

For the 2002-2003 academic year, 77.70% of suspensions were given to boys. The Task Force understands that 20% of suspensions are issued to students with disabilities. It was difficult to get an absolutely accurate reading, since the statistics only reflected the number of times a particular Exceptionality had been selected and a suspension could have more than one

Exceptionality associated with it. The statistics indicated that Behaviour, Learning Disability, and Mild Intellectual Disability were by far the most frequent Exceptionalities identified.

Of the 26,411 suspensions during the academic year 2002-2003, 109 suspensions involved students 5 years of age or younger, 512 involved students 6 years old, 804 involved students 7 years old, 1,041 involved students 8 years old, 1,374 involved students 9 years old and 1,605 involved students 10 years old. Not only were there suspensions in kindergarten, but the Task Force also heard testimony about kindergarten students who were expelled. 8,424 suspensions involved students 11 – 13 years of age; 8,680 involved students 14 to 16 years of age; and 3,862 suspensions involved students 17 to 20 years old. These figures are the number of suspensions given to students. The break down of the actual number of students given suspensions by age group is not available. \*\*\*\* Please note that this has been clarified from earlier versions of the report and integrates the erratum.

Information received from the Ontario Association of Children's Aid Societies indicates that of 3,295 Crown Ward files reviewed, over 20% were suspended at least once from school in the last year. 41% of the Crown Wards who were suspended or expelled had been identified through an IPRC as having special needs. The Catholic children's Aid Society of Toronto, in a similar study indicated that of the 532 Crown Ward files reviewed, 112 or 21% had been suspended at least once from school and 34% of those suspended had been identified through an IPRC as having special needs.

During the task force's consultations, advocates, organizations and many parents called for the statistics collected on expulsions and suspensions to include the race and disability (ies) of the students involved. Furthermore, parents asked that expulsion and suspension data be made available to the public by school in a manner that provides for privacy issues and Freedom of Information. In the words of one parent, "If we are sending our kids to your school, we have the right to get those statistics."

#### **Recommendation 8:1**

**Based on anecdotal and empirical data as well as minimal quantitative data, it is apparent that the Toronto District School Board's Safe Schools Policy impacts disproportionately on students from racialized and marginalized communities. Without statistics on race it is impossible to know this with any certainty, allowing an unfair discrediting of these communities concerns.**

**Therefore, the Task Force supports the Ontario Human Rights Commission's recommendation in its submission to the Task Force on April 29, 2004:**

**a) that TDSB administration be directed to collect and analyze data on expulsions and suspensions under the *Safe Schools Act* and school board policies in order to monitor, prevent and combat any discriminatory effect on individuals protected under the *Code*, including students from racialized communities and students with disabilities. Consult with affected communities and the Ontario Human Rights Commission to establish appropriate guidelines on the collection and use of data, including ensuring anonymity and using data only for the purpose of addressing inequities and promoting compliance with the *Code*. "Where anecdotal evidence of racial profiling exists, the organization involved**

should collect data for the purpose of monitoring its occurrence and to identify measures to combat it. Such organizations should consult with affected communities and the Ontario Human Rights Commission to establish guidelines on how the data will be collected and its use. Such data should not be used in a manner to undermine the purposes of the Ontario Human Rights Code.”

*Timeline Sept., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept*

b) that a researcher/statistician be designated to design an appropriate collection vehicle and data base to facilitate the collection and analysis of these statistics

*Timeline Sept., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept*

c) that the results become part of the school improvement process at both the Board and school level

*Timeline Sept., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept*

d) that in addition to the data collected on expulsions and suspensions there be the creation and maintenance of a data base to capture all information relevant to trespass letters, warnings and other exclusionary documents and processes.

*Timeline Sept., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept.*

e) that the data collected on expulsions, suspensions, trespass letters, warnings and other exclusionary documents and processes be reported monthly to the Board of Trustees.

*Timeline June., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept*

f) that the Board of Trustees take action to ensure that the data base connected to *Safe Schools* be upgraded as soon as possible to allow for accessible accurate and timely statistical data.

*Timeline Sept., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept*

## **9. Available Research and Reports**

Available material from an Ontario perspective is limited. The Toronto District School Board's Legal Department is just completing a research project which looks at the practices of schools boards across the province of Ontario.

The following research materials and reports were reviewed during the Task Force's deliberations:

Blickmore, Kathy (2004) Discipline for Democracy? School Districts' Management of Conflict and Social Exclusion, *Theory and Research in Social Education* Winter 2004, Volume 32, Number 1, pp. 74-96

Harvard University, The Civil Rights Project (2000) Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline", *Report from a national summit on Zero Tolerance June 15-16, 2000 Washington D.C.*

Horsman, Jenny (2004) The Challenge to create a Safer Learning Environment for Youth *Parkdale Project Read, Spiral Community Resource Group*

Levinsky, Zachary (2003) The *Safe Schools Act*: The Reproduction of Volatility and the Resistance to a "Piece of Paper", unpublished

Ontario Human Rights Commission (2004): The Ontario Safe Schools Act, School Discipline and Discrimination, *unpublished report*

Ontario Human Rights Commission (Dec. 2003) Paying the Price: The Human Cost of Racial Profiling – *Inquiry Report*

Ontario Human Rights Commission (July, 2003) The Opportunity to Succeed: Achieving Barrier-free Education for Students with Disabilities – *Inquiry Report*

Pieters, Gary (2003) Disproportionate Impact, the *Safe Schools Act* and Racial Profiling in Schools, *Ontario Network for Human Rights Web Site*

Roher, Eric M. and Freel, Walter H. (2003) The Right Revolution: The Importance of legal Literacy for Educators, *Education Law News, Borden, Ladner, Gervais LLP*, Fall 2003, pp.2-8

Ruck Martin D., Wortley Scot (2002) Racial and ethnic minority high school students' perceptions of school disciplinary practices: A look at some Canadian findings, *Journal of Youth and Adolescence; New York*

Skiba, Russel J.; Michael, Rober S., Nardo, Abra Carroll (2000) The Color of Discipline, Sources of Racial and Gender Disproportionality in School Punishment, *University of Nebraska-Lincoln, Policy Research Report #SRS1*

Skiba, Russel J.; Peterson, Reece (1999) The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools? *Online article, Phi Delta Kappan*  
<http://www.pdkintl.org/kappan/kski9901.htm>

Siu, Jenny (2003) 'Has Zero Tolerance Policy in Schools Perpetuated Racism in Ontario's Education System?' Drawing on American Experience *unpublished*

#### **Recommendation 9:1**

**The Task Force notes an upsurge in research in the area of Safe School policies. The Task Force also notes that the information held by the TDSB about this research is minimal.**

The Task Force also notes that work is just beginning on the compilation of best practices in Toronto and in other jurisdictions.

*Timeline: School year 2004/2005 Responsibility: Office of Associate Director - Program*

Therefore the Task Force recommends

a) that the TDSB research department report back to the working group with a project plan designed to compile research on an ongoing basis including but not limited to: an ongoing review of new research pertaining to safe schools policy implementation; a comprehensive listing of preventative and anti-bullying programs being offered within the TDSB and an evaluation of those programs including best practices; a comprehensive listing of preventative and anti-bullying programs being offered by community groups and agencies and an evaluation of those programs including best practices; a comprehensive listing of preventative and anti-bullying best practices in other jurisdictions including other provinces and territories, the United States, Britain and Australia.

b) That the TDSB work with other research institutes, like The Ontario Institute for Studies in Education and York University, to undertake research to study the impact of current safe school policies on people with disabilities and people from racial minorities

## 10. Staffing levels

Every time there was a roundtable or a conversation about Safe Schools there were reports of the effects of the decrease in staff. Be it guidance staff, lunchroom supervisors, educational assistants in kindergarten and elementary school programs, child and youth workers for special programs, youth counsellors, hall monitors the comments were the same – return them to support all students but particularly those at risk and with special needs. They are the people who make the schools safe, not cameras and cards.

Unfortunately, statistics from the Toronto District School Board on the changes in staffing levels is hard to acquire for the Task Force. And so we have not been able to attach any hard data.

For recommendations in this area see **Recommendation 11:3.**

## 11. Results of consultation process

### Introductory Remarks

Clearly almost all who attended the consultations believed that discrimination caused students from racial minorities and students with disabilities to be treated more harshly than white students under the *Safe Schools Policy*.

A number of participants expressed the opinion that the system is biased and discriminatory and that “it was time to launch some kind of class action suit against the school board and the province”. Others expressed the view that it was time to repeal the act. “It discriminates against the poor, disadvantaged and those of African heritage”. Still others felt that “The policy that was

in place before the *Safe Schools Act* worked just fine. We should go back to what we had before.”

Time and time again the Task Force heard accounts of incidents involving two students resulting in the black child being suspended while the white child was not. A mother recounted a recent incident, “My son lost two front teeth and the principal said it was a mistake. It was a white kid who pushed him. My other son who is only five years old said it was because the kid was white and my son is black. At five years old my son believes this.”

One student noted that “because we come from a certain neighborhood, we are judged a certain way”. A Somali community member in a written submission to the task force said “Parents are embattled by a system that does not understand either their cultural views or respect their struggles to parent effectively”.

Equity groups found that there was a disparate impact on vulnerable populations including students with special needs, students of colour and immigrant students. In their submission to the task force, one equity group noted that “The *Safe Schools Act* creates a system which disengages most at-risk children and youth from the school community at increasingly earlier stages of their lives.”

In Human Rights Commissioner Norton's report, *An Opportunity to Succeed: Achieving Barrier-free Education for Students with Disabilities* the disproportionate effect of the *Safe Schools Act* on exceptional students is noted. In the Human Rights Commission's *Report on Racial Profiling* racial profiling in schools under *The Safe Schools Act* is a clear concern. The Ontario Human Rights Commission in its soon to be published report *The Ontario Safe Schools Act, School Discipline and Discrimination* states, “Nearly all the interviewees identified discrimination – direct and systemic – as the main reason why the application of discipline in schools has a disproportionate impact on racial minority students and students with disabilities”.

The author of one submission states “Two Toronto lawyers (including the writer of these submissions) who between them have represented 15 students and their parents on expulsion hearings indicate that of the total, all were racialized minorities and 14 were African Canadian. All but one was male. In addition, it appears that the overwhelming majority of the students attending the statutorily required Strict Discipline Programs in Toronto (required when a student has been expelled) are African Canadian.”

Advocates for students with disabilities were no less adamant that the *Safe Schools Act* discriminated against at-risk children and youth. As one advocate stated “People expect that their emotional development should be age appropriate even if their intellectual and cognitive development is delayed”. Another advocate pointed out that the TDSB needed to “recognize that so many of the resources once directed to inclusion, and building equity has been reoriented to the punitive measures of safe schools. TDSB needs to shift and reorient from the punitive to the restorative”.

### **Recommendation 11:1**

The Task Force has concluded that there must be a fundamental change in the direction of the *Safe Schools Policy* from policing to creating truly safe and inclusive schools. In order to achieve this the Task Force recommends that the Board of Trustees redirect funds toward direct services to the schools and toward the creation of a new model which would include educators employed as safe school advisors, youth support workers, attendance counsellors and other youth support positions to work collaboratively with the Equity, Human Rights and Community Services Departments. Given the composition of our schools and the backgrounds of the majority of students who are expelled or suspended, the departments should be supervised by the superintendent of equity and inner-city schools in an enlarged portfolio.

*Timeline Sept., 2004    Responsibility: Office of Associate Director - Program*

### **Recommendation 11:2:**

The Task Force found that the perception of discrimination against students from racialized and marginalized communities and students with disabilities must be addressed. Therefore the Task Force recommends that:

- a) the *Safe Schools Policy* be reviewed to ensure that is consistent with the *Human Rights and Equity Foundation* statements and policies of the Toronto District Schools Board and ensure that all disciplinary actions are consistent with these policies
- b) all staff involved in disciplinary actions within the *Safe Schools Policy* of the TDSB be trained in Equity and Human rights policy implications for Safe School Policy implementation.
- c) training for principals, vice-principals, teachers and staff in cultural awareness, equity and anti-racism training be scheduled as part of professional development
- d) there be careful selection of principals and staff who have knowledge and acceptance of the population the school serves. One of the ways this may be done is by having principals and teachers apply and be interviewed as to suitability for specific schools.
- e) the selection of principals relative to schools be done with the involvement of trustees
- f) every principal must have one year of special education training/experience.
- g) the staff and teacher performance review process be expanded to include Safe Schools

*Timeline for all these recommendations be Sept., 2005    Responsibility: Office of Associate Director - Program*

### **Preventative measures and support for at risk children and youth**

There is no question that parents, students, teachers and administrators expect our schools to be safe. Participants interpreted that to mean free of weapons, fights, and bullying behaviour where the atmosphere is one of mutual respect. There was clear recognition and strong support for the

need to swiftly penalize acts of wrongdoing. As one student said, "If you come to school with a machete, it's pretty clear that you are going to be expelled. Why does the principal waste time giving the student a twenty-day suspension and then expelling him?"

However, the term, "safe schools" was also interpreted to mean an environment where students of different abilities, backgrounds, and different communication and social skills could feel safe to learn how to achieve their personal best.

In the words of a high school student, "The question we should be asking is why are kids acting up? Kids may have trouble at home, a lack of self-esteem and depression." An eight-year-old had this to say, "There are lots of fights at my school. People are angry with each other. Maybe we could be taught how to talk things over so there wouldn't be so many fights."

The task force found that far too many examples were given by participants of suspensions for behaviour that most likely could have been prevented if there were more trained adults present. The call for more youth counselors, hall monitors, attendance counsellors, community liaison workers and education assistants was heard from every stakeholder. There was recognition that the introduction of the *Safe Schools Policy* concurrent with staff reductions, has resulted in TDSB administration choosing the least time consuming method of addressing perceived 'bad' behaviours. "The act moves the action from supporting the kids to banishing them", said one advocate. While another stated "The result is that we have schools that cater to fewer and fewer types of children".

The overriding sentiment expressed by community consultation participants and community advocates, was that the *Safe Schools Policy* addressed the results of perceived 'bad' behaviour rather than trying to prevent the perceived 'bad' behaviours. Current bullying programs appear to be ineffective by themselves, while one-on-one interventions were virtually non-existent. Participants felt that because of the fragmented approach to programming concepts, it is difficult to develop a culture within the TDSB that is consistent about bullying and how to deal with it. Staff in particular expressed the need for a consolidated approach to the development of programming in this area. Parents feel ineffectual in helping their children who are being bullied and a number stated that they felt even more helpless after seeking the assistance of the school administration.

Although a number of advocates were aware that TDSB had over 500 educational programs aimed at eradicating bullying and encouraging safe schools, they expressed concern that there was no coherent inventory of school programs, community programs or programs being offered through other government agencies. Furthermore it was noted that there seems to be no evaluation of the effectiveness of these programs.

The Task Force received a number of comments around the issue of lunchtime activities. A number of parent and administration representatives pointed out that the reduction of lunch room supervisors has resulted in situations where coverage is lacking during certain times of the lunch periods and that principals and vice-principals in other schools have to fill in the supervision gaps. Because of safety and truancy issues a number of schools do not allow their students to



leave the premises during the lunch breaks. TDSB policy does not allow for volunteers to fill in the gaps.

The result is that far too many students are being supervised by far too few staff. The lack of resources also prevents schools from offering programs to the students at lunchtime. Safe School Committee representatives and parents saw this as losing an unique opportunity to offer programs that would allow students to interact with each other outside of the classroom setting but still under the supervision of adults.

There was a clear call for more programs and more personnel to work with students and parents through workshops, special programs and one-on-one interventions to begin to create a compassionate and caring school environment. There was acknowledgement that this would be a slow and sometimes painful process, but one that in the long run would be far more effective than the punitive responses encouraged by TDSB's *Safe Schools Policy*.

Teacher representatives spoke to the issue of teachers feeling unsupported in some schools and stressed the need for professional development in classroom management techniques, especially for new teachers and principals. The need for more in-school personnel was also discussed by the representatives of elementary and secondary teachers and principals and vice-principals.

#### **Recommendation 11:3**

**The Task Force has concluded that preventative measures and support for at-risk children and youth must be given priority to ensure that students remain in the school. This means having adults in place who understand youth culture in general as well as the cultures of individual youths themselves. Principals and teachers work in the best interests of the student and want to do what is best for all students however; they have not been given the supports needed to fulfill these obligations. Support for students has been identified by staff, parents and students as crucial in assisting students with problems and helping students in their development. These supports are seen as pivotal in preventing crises, which currently often lead, to suspension or expulsion. The task force therefore recommends that:**

a) there be an immediate restoration of appropriate numbers of lunch room supervisors, child care workers, youth support workers, attendance counsellors, hall monitors, caretakers, community liaison workers and educational assistants.

*Timeline Sept., 2004 Responsibility: Office of Associate Director - Program and Human Resources Committee*

b) three professional development days be devoted to upgrading staff skills in classroom management, and safe school policy implementation including best practices.

*Timeline Sept., 2005 Responsibility: Office of Associate Director - Program*

c) each of the 500+ anti-bullying and preventative programs apparently available to schools be evaluated and that a menu of a much smaller number of programs be provided to all schools. This will also help to encourage a common language around these issues when students move from elementary schools to middle and secondary schools.

*Timeline Dec., 2004 Responsibility: Office of Associate Director - Program and Program and School Services Committee*

d) an evaluation of anti-bullying and preventative programs offered by community agencies be undertaken. That barriers to school/community agency linkages be identified and solutions developed to overcome these barriers.

*Timeline Dec., 2004 Responsibility: Office of Associate Director - Program and Safe Schools Dept*

e) students who are trained in 'anti-bullying' and other preventative programs be used as resources.

*Timeline Sept., 2005 Responsibility: Office of Associate Director - Program and Safe Schools Dept*

f) it be made mandatory that each school implement an 'anti-bullying' program as part of the School Improvement Plan.

*Timeline Sept., 2004 Responsibility: Office of Associate Director - Program and Safe Schools Dept*

g) staff and families be trained in 'anti-bullying' programs

*Timeline Sept., 2005 Responsibility: Office of Associate Director - Program and Safe Schools Dept*

h) safe school audits be enforced.

*Timeline Sept., 2004 Responsibility: Office of Associate Director - Program and Safe Schools Dept*

### **Support for suspended and expelled students and their families**

Participants of the task force consultations also want our communities to be safe. Many drew a direct link between safe schools and safe communities. In the words of one community member, "There is a relation between what goes on in the community and what goes on in a school. Keeping kids in school is the best crime prevention program".

Parents expressed concern that suspended students were often sent home without any homework so that they could keep up with their schoolwork during their suspension, and that there were not any compulsory programs for suspended students to attend. They stated that it seemed that all of the programs available are overbooked. In the words of one parent, "The Zero Tolerance policy dehumanizes perpetrators of wrong by seeming to just cut them off." An advocate group working with children and youth notes, "There is no protocol in place for connecting suspended students with supports during the suspension. If work is assigned, there is no accompanying supervision or tutoring for the student. When these students return to class they often find themselves 'hopelessly lost' because of missed lessons. Suspensions can become idle time spent in malls or neighbourhood parks where police attention is attracted. Sending them unsupervised into the community ultimately makes neither our schools nor communities safer."

Parents and advocates pointed out that families and therefore the larger community can suffer economically when kids are suspended or expelled. One mother told the task force, "I have six kids and I lost my job because I had to stay home when my son was suspended." She is still looking for employment.

Advocates noted that students feel alienated and depressed as a result of suspension, a view supported by one mother's remark "My son told the social worker that he wants to kill himself. He is nine years old."

A staff member of a social service agency related the difficulty her agency has had in getting information out to schools about programs available to students in the process of being suspended or expelled. She wondered how the collaboration between schools and community organizations could be encouraged and facilitated.

A number of students also thought that there were ways to make suspensions more meaningful. One student told the task force, "Make sure that kids who fight and get suspended get some help to make sure that they can leave the fight behind and get on with life. Otherwise when they get back to school they will just fight again." Another idea from another student, "Instead of giving students in Grades 11 & 12 suspensions, make them do community service so that it goes toward the community service time they need to graduate."

Parents and advocates are concerned that there appears to be little attempt to seek alternative responses that would afford the perpetrator the chance to understand the impact of his/her behaviours on other students while at the same time meet the needs of the victim who has been traumatized. Little emphasis appears to be given to the reintegration of the suspended student. In the words of one parent, "Zero Tolerance in our schools is fundamentally flawed because it leaves no room for forgiveness. No room to exercise forgiveness. No room to learn forgiveness."

#### **Recommendation 11:4**

**The Task Force believes that further research needs to be done by the Work Group to explore alternative responses to perceived 'bad' behaviour resulting in expulsion and suspensions.**

**There are too many scattered programs funded by too many different provincial ministries making it difficult for schools to easily access special programs.**

**In the immediate however, the Task Force recommends that the Toronto District School Board appeal to the Ministry of Children and Youth Services to coordinate all school board/local organization partnerships with an emphasis on programs that focus on students returning to the school system.**

***Timeline Sept., 2005    Responsibility: Office of Associate Director - Program***

### **Recommendation 11:5**

**Given that all students need to have educational experiences and the opportunity to learn or do homework in a safe place, the task force recommends that**

- a) appropriate mandatory programs be created with sufficient capacity to service both suspended and expelled students.**
- b) the Board of Trustees immediately arrange to negotiate the funding of these programs by the Government of Ontario.**

*Timeline Sept., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept*

### **Expulsion and suspension processes**

It is no surprise that expulsion and suspension processes brought the most vehement response from both parents, students and their advocates. Complaints were heard frequently throughout the consultation that administrators were refusing to speak to community representatives, were failing to provide translators, and that parents were being treated with contempt or ignored altogether. Some parents felt that their children were at risk for more severe punishment as a result of the parent speaking up. Others felt bewilderment at trying to maneuver through a system they did not understand often in a language that was not their first language.

Students complained that they were never given a chance to have their side heard. One student observed that "There is a disconnect between the administration and the student". As one advocate group stated, "From a legal perspective, the current policy denies the student natural justice and fairness. From a pedagogical perspective, the student is more likely to consider the process fair, to internalize the seriousness of the right to education, and to accept responsibility for the results of a process in which the student has participated fully."

Parents at every consultation meeting echoed one parent's opinion. "There should be a process that involves the parent, child, principal, teacher and other parties to talk about the problem before the child is suspended. The principal should call the parent and attempt to consult with them prior to a suspension".

Parent after parent spoke about students being sent home without the proper paper work and without parents being told. Advocates reported that too many "informal" suspensions or suspensions without paperwork were being issued. Advocates pointed out that there is no authority under the *Education Act* to remove a child from school premises without proper documentation and due process.

"What I want to know is why are children in kindergarten being suspended or expelled under the *Safe School Act*?" asked a parent. This was raised at each public consultation meeting. The child in each account was either black or had a disability.

Parents of and advocates for students with disabilities complained that students with disabilities were being suspended for behaviour directly related to the student's disability. In one case, a student with Tourette's Syndrome was suspended for swearing, a symptom of the condition.

Furthermore, it appeared that in a number of instances, failure to accommodate a student with a disability led to behaviour directly related to the disability, for which the student was then suspended.

“While the principal’s manual includes a reference to the fact the principals should consider the effect of a student’s disability before imposing discipline, it does not make it clear that disciplining a student for conduct associated with a disability is discrimination and illegal, unless the student has been accommodated to the point of undue hardship”, pointed out an advocate group in their submission.

#### **Recommendation 11:6**

**The calls for due process by parents and advocates necessitates the Work Group to further investigate ways to make the expulsion process more transparent and inclusionary. The Task Force recommends the following:**

- a) **That there be a thorough review of the expulsion procedures including the appeal process to make sure that everyone has a voice**

*Timeline Sept., 2004 Responsibility: Office of Associate Director - Program and Safe School Workgroup and Safe Schools Dept*

- b) **That a protocol be established and advertised that delineates the support for students which must have been enlisted prior to suspension being applied. In extreme circumstances the protocol may be waived but is subject to mandatory review by the Board of Trustees.**
- c) **That TDSB policies be changed to require a review of mitigating factors when considering discretionary suspension/expulsion.**
- d) **That appeals on suspensions must be heard within 48 hours.**
- e) **That there be reinstatement of special education classes in some locations.**
- f) **That there be no expulsions from kindergarten to grade three.**
- g) **That no “informal” suspensions or suspensions without the appropriate paperwork be issued.**
- h) **That the template used for suspensions or expulsions list the mitigating factors that administrators review when considering a suspension or expulsion.**
- j) **That the student to be subjected to discipline be a party to his or her own hearing including his/her own representative.**
- k) **That Toronto District School Board establishes a standing committee with permanent members for Expulsion Hearings and that the Toronto District Schools petition the provincial government make these committee positions paid per diem.**

*Timeline for sections b) to h) Sept., 2004    Responsibility: Office of Associate Director - Program and Safe Schools Dept*

**Recommendation 11:7**

**In the consultations with families and community members there were repeated comments about the need to have objectivity, impartiality and timely responses to the issues concerning *Safe School Policy Implementation*. Those who discussed this expressed their concern that existing Safe School personnel were not able to be impartial and were working for the TDSB staff. They also felt that some people were not impartial with students when they returned.**

**Therefore it is recommended that the Toronto District Schools establish a separate office for concerns and issues about Safe Schools (and other areas of community interaction) during the transition period to more preventative measures, in the form of an 'ombudsperson office' with staff who are funded by the TDSB, but who report directly to the Chair's Committee of the Board of Trustees. It will be the mandate of this office and to vet complaints and advocate on behalf of students and their families. There should be an assessment of this office after two years.**

***Timeline: School Year 2004/2005    Responsibility: Board of Trustees***

The Task Force's survey at the Student Equity Conference confirmed that the *Safe School Policy* is not well communicated to the parents and students. Parents from racialized and disadvantaged communities in particular expressed feelings of alienation and identified language and cultural barriers as the two most important factors influencing the teacher/parent, principal/parent relationship. Parents of children with disabilities identified a lack of understanding of their children's disabilities and the desire by the administration to warehouse their children as an ongoing source of frustration.

Parents expressed frustration about the lack of communication about their child's performance at school. "My child did not attend school for three months and no one contacted me and told me", said one parent. Another parent stated that "Because parents don't have time to come in to the school because they are working, the administration says these parents don't care." It appears from what was said to the task force that lots of parents do not know that they have the option to appeal. Many parents said that the letter comes in English only, and sometimes by the time they get the letter the child is back in school.

The issuance of trespass letters was seen as yet another way to avoid parents who advocate on behalf of their children. The process itself is mired in difficulties, which serve to support the view that the TDSB administration is not interested in community or parental input.

Many parents and advocates pointed out that trespass letters and notices of suspension or expulsion are written only in English, and that translators never seem to be available for meetings between parents and TDSB staff.

### **Recommendation 11:8**

The Task Force found that many families and community members did not fully understand the *Safe Schools Policy*. Therefore the Task Force recommends that:

- a) A *Rights and Responsibilities* document for staff, families, communities and students that is consistent with human rights policy and equity foundation statements be made available by TDSB administration.

*Timelines: Sept. 2004      Responsibility: Legal Department and Safe School Department*

- b) all documents referencing *Safe Schools Policy* be written in plain language and be translated into the appropriate languages.

*Timelines: Sept. 2004      Responsibility: Legal Department and Safe Schools Department*

- c) a pamphlet be written, translated and distributed to schools and all families and students which addresses the rights and responsibilities of students and their families in regard to suspensions and expulsions and other legal disciplinary actions within the Board.

*Timeline Sept., 2004      Responsibility: Legal Services and Safe Schools Department*

- d) the process for the removal of such disciplinary actions as letters of trespass, cease and desist, and other correspondence be part of the original letter and conditions.

*Timeline Sept., 2004      Responsibility: Legal Department and Safe Schools Department*

- e) schools be directed to hold community information sessions to encourage every member of the community to be informed about the *Safe School Policy and Procedures*

*Timeline Sept to Dec 2004      Responsibility: School Administrators*

- f) the Safe and Compassionate Schools Working Group design a protocol on how the *Safe Schools Policy* is applied to special needs children

- g) the Board of Trustees pressure the provincial government to modify the grants system for special needs students and students at risk, to allow Boards of Education to be more flexible in kinds of programming and support offered to meet the needs of all students

- h) the Safe Schools department translates all relevant documents in – list languages – and distributes those to schools before Sept. 2004.

*Timeline Sept., 2004      Responsibility: Safe Schools Dept*

- i) the Safe Schools Department ensures that school administrators access translation services available to parents and students.

*Timeline Sept., 2004      Responsibility: Office of Associate Director - Program*

- j) the Safe Schools department and the Equity Department immediately create a communications strategy to outreach effectively to communities which feel most disenfranchised by the *Safe Schools Policy*.

*Timeline Sept., 2004 Responsibility: Office of Associate Director - Program, Equity, Human Rights and Safe Schools Dept*

**k) the TDSB ensure that all Grade 7 – 12 students have drug abuse courses and opportunities for counselling as part of the curriculum**

#### **Keeping our children in school**

The appropriateness and availability of programs, materials and facilities was raised by current students and recent high school graduates. One high school student noted that black students feel alienated because, "The books at schools don't relate to the kids here. Kids need books that have role models who look like them. We need more books that are about black people."

A recent graduate said, "I tried really hard to stay out of trouble. It was a struggle for me to finish high school. You go to school and then they give you homework and its survival of the fittest." He went on to explain that schools should be open longer than 9 – 3. He pointed out that, "Not every one has a computer at home and we all need access to computers. Computers should be available at school, after school ends for the day." A number of recent graduates believed that they would have done better at school if they had help with their homework. In the words of one, "Kids will act out because they cannot do the work".

Another recent graduate advocated turning schools into community centers after school hours. He pointed out that if kids had programs like basketball to go to after school, they would not get involved in street life.

#### **Recommendation 11:9**

**In order to assist students who may not have appropriate supports outside of formal school hours to assist them in their studies, the Task Force recommends that the Safe and Compassionate Schools Work Group collaborate with appropriate Board committees to identify ways study support can be given to students after school hours.**

*Timeline: School year 2004/2005 Responsibility: Board of Trustees*

#### **12. ....and Finally**

We know from our consultations that we have heard from many people who are disenfranchised, marginalized or represent clients who feel this way. We also realize that these people are concerned about a small number.

Because of our partnership with the Ontario Public School Boards Association there will be a seminar to discuss the report at the Annual General Meeting on June 4. In addition, the Human Rights Commission has asked for a copy of the report. Various groups are deliberating Safe Schools policies. The Task Force hopes that this report will become part of the deliberations of the Ontario Provincial government safe schools review that is underway.



**Erratum to Report from the Task Force on Safe and Compassionate Schools presented to the Toronto District School Board, May 11, 2004. Page 2**

Ontario Coalition for Inclusive Education  
Extend-A-Family  
Toronto Family Network  
Organization of Parents of Black Children (OPBC)  
Concerned Parents

**Erratum to Report from the Task Force on Safe and Compassionate Schools presented to the Toronto District School Board, May 11, 2004. Bottom of page 9, top of page 10**

Furthermore, the number of students involved in suspensions increased over 7% between the 2001-2002 academic year and the 2002-2003 academic year.

For the 2002-2003 academic year, 77.70% of suspensions were given to boys. The Task Force understands that 20% of suspensions are issued to students with disabilities. It was difficult to get an absolutely accurate reading, since the statistics only reflected the number of times a particular exceptionality had been selected and a suspension could have more than one exceptionality associated with it. The statistics indicated that Behaviour, Learning Disability, and Mild Intellectual Disability were by far the most frequent Exceptionalities identified.

**Of the 26,411 suspensions during the academic year 2002-2003, 109 suspensions involved students 5 years of age or younger, 512 involved students 6 years old, 804 involved students 7 years old, 1,041 involved students 8 years old, 1,374 involved students 9 years old and 1,605 involved students 10 years old. Not only were there suspensions in kindergarten, but the Task Force also heard testimony about kindergarten students who were expelled. 8,424 suspensions involved students 11 – 13 years of age; 8,680 involved students 14 to 16 years of age; and 3,862 suspensions involved students 17 to 20 years old. These figures are the number of suspensions given to students. The break down of the actual number of students given suspensions by age group is not available.**

