



Ontario

GUIDELINES

2005-06

**For Approval of Educational Programs for Pupils
In Government Approved Care and/or Treatment,
Custody and Correctional Facilities**

GOVERNMENT-APPROVED CARE AND/OR TREATMENT, CUSTODY AND CORRECTIONAL FACILITIES

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

Service providers from the Ministries of Community and Social Services, Children and Youth Services, Health and Long-Term Care, Community Safety and Correctional Services, and Education recognize the value of a multi-disciplinary approach to meet the needs of children/youth requiring special services. Fundamental to these beliefs is the recognition that an opportunity for education should be provided for school-age children/youth (students 21 or under as of December 31 of the current year) who are admitted to government-approved facilities for care, treatment, custodial or correctional purposes, and who cannot attend a local school because of their primary need for the services provided by the facility. It is also acknowledged that local school boards are the best agents for the delivery of educational programs to these children/youth.

The care, treatment, custodial or correctional facility sets the overall goals and objectives for the provision of its services. Facility staff, funded by an appropriate agency, must be in place to carry out the comprehensive program on site. The range of facility professionals will vary, with some professional services directly available to the children/youth while others may be available as consultation to the multi-disciplinary team. The teacher must be included in the multi-disciplinary team and be partnered fully with facility staff who work directly with the children/youth.

EDU Policy/ Program Memorandum #85 (1986) (Appendix A) outlines the ministry policy for the development of suitable educational programs which recognize the primacy of the care and/or treatment needs of the children/youth who have been admitted to facilities. The Legislative Grants Regulation provides the regulatory basis for funding educational programs provided by boards for children/youth who are admitted to such government-approved facilities.

PROGRAMS FOR CHILDREN/YOUTH IN FACILITIES

Co-operative planning is essential in developing programs to meet the needs of children and youth requiring special services in a multi-disciplinary environment. The Care and/or Treatment, Custody and/or Correction and the education of these individuals involve the direct and indirect services of several trained professionals such as child care workers, social workers, nurses, psychologists, medical doctors, psychiatrists and teachers. Of necessity, supervision, guidance and learning can only be accomplished through the co-operative development of individual plans for each child/youth. In both preparing and applying these plans, education often becomes interwoven with social and medical programs provided. Curriculum and instruction are modified to meet the individual's needs and are integrated within the facility's overall plan.

Since every staff function must be carried out within the context of the facility's total program and the individual program for each child/youth, full and frank discussions between facilities

and boards about philosophies, policies (eg. child abuse protocols), staffing arrangements and care, treatment, custody or correctional programs must take place. These discussions should include such topics as staff roles and functions, qualifications, arrangements for mutual support, class hours and schedules, holiday and illness arrangements, professional development days, participation in program planning, case conferences and contact with the parent/guardian. Any or all of these may be included in the agreement between the facility and the board.

EDUCATIONAL PROGRAM

For approval purposes, an educational program is composed of both instructional and blended activities. Blended activities occur when both the teaching and agency staff are working with students at the same time. The educational program will not include pupil withdrawal where the student is under the exclusive supervision of agency staff.

Arrangements for the placement of teachers in these facilities are established by written agreement and signed by appropriate officials of the board(s), the facility(ies) and, under some circumstances (Ministry of Community Safety and Correctional Services), designated officials of respective ministries. Where the placement of the teacher in the facility is approved by the Ministry of Education for grant purposes, the board will be reimbursed under the provisions of the Legislative Grants Regulation for:

- the salary of the teacher and related employee benefits;
- the salary of the educational assistant, if applicable, and related employee benefits;
- an additional amount per teacher and educational assistant in respect of the expenditure incurred by the board for administrative, consultative and supervisory services and for the purchase of instructional supplies; and
- an amount for the approved portion of the expenditure for a facility's classroom furniture and equipment. This amount is a one-time only, start-up grant for new and expanded programs.

A child/youth in a care, treatment, custodial or correctional facility receiving an educational program in the facility must not be recorded as a pupil of a board and is not eligible for funding, on either a full-time or part-time basis, as a pupil of the board. These students must be reported only on the facility attendance register.

ACCOUNTABILITY

While it is understood that the supervisory officer of the board will be responsible for educational consultation and teacher supervision, teachers will report directly to a principal. The facility's director and the board's supervisory officer or designate will consult as required to ensure that all staff activities are consistent with each child's/youth's needs.

With respect to the issue of staffing and validity of data submitted for approval to generate grants, there exists a shared accountability role. It is the responsibility of ministry staff to clarify guidelines and to approve applications for grants with consistency, equity and efficiency. It is the responsibility of the designated board supervisory officer to ensure that staffing guidelines are applied and that data submitted to generate grants is accurate.

The Ministry of Education will continue to conduct on-site and electronic monitoring of program and application data.

FULL TIME EQUIVALENT (FTE) PUPILS

In government-approved institutions or facilities, enrolments often fluctuate with temporary highs and lows. For grant purposes, the staffing guidelines considered by the Ministry of Education will be based on the pupil enrolment which meets the following criteria:

- students must attend the facility's educational program (optional attendance is not eligible for funding);
- the enrolment must be recorded in a manner acceptable to the Ministry of Education (in most cases the Register of Daily Attendance for Elementary Schools [21-0922] or a Continuing Education Register [21-0891] related to Summer School is most appropriate);
- the average monthly enrolment is to be reported on the Application Form;
- the FTE may be reported by adding the number of days of attendance of all the students and dividing it by the number of instructional days in that month;
- it should be noted that pupils 21 and over by December 31 of the current year shall not be included in the enrolment reported in the grant applications;
- to be defined as a full time student, the pupil must be enrolled in the educational program for an average of 210 minutes or more per day over the program cycle;
- the FTE reported for a student must be supported by student timetables, teacher timetables or individual education plans; and
- the FTE calculation for students enrolled in the education program for less than 210 minutes will be arrived at by dividing the educational program the student is enrolled in by 300 minutes per school day in the program cycle.

Boards are responsible for keeping accurate records of enrolment and attendance for grant purposes.

PUPIL: TEACHER RATIO (PTR)

Funding approval is tied both to the FTE children/youth in the program, plus consideration for the overall needs of the facility as they relate to educational programming. The Ministry review of the particular program will determine the approved PTR. The opinion of facility staff about treatment requirements will also be taken into account. The PTR should be clearly indicated in the agreements boards set up with agencies. The same PTR should be entered on the application form for approval. (For a guide of PTR please refer to Reg. 298, Section 31)

At times a lower PTR may be required in a facility for a particular period of time. To facilitate this, a board may report and account for staffing on a board-wide basis to permit a degree of staffing flexibility within its jurisdiction. In such instances, the board supervisory officer would determine where there can be a compensatory higher PTR to allow for the lower PTR elsewhere. It is clearly expected that the overall, confirmed PTR for grant purposes will remain within the guidelines pertaining to the FTE ratio range.

TEACHERS

Approval of the number of teachers is based on pupil enrolment and attendance as reported by the board. Educational staffing decisions are based on a number of factors, in addition to pupil enrolment, including:

- the facility's mandate and the total number of clients currently being served and/or currently in an admission/demission process with respect to Care, Treatment, Custody or Correction who require education;
- the attendance patterns evidenced in any previous annual agreement(s) between the board(s) and the facility(ies);
- short-term enrolment fluctuations;
- an indication of the amount of time during the school day required for care or treatment activities;
- a comprehensive analysis of the educational needs of the pupils;
- the nature of the multi-disciplinary service delivery; and
- the need for cost effectiveness and fiscal accountability.

It is the responsibility of the designated supervisory officer of the board to confirm the FTE of pupils who receive education within a facility. Where numbers warrant, it may be necessary to increase or decrease staffing during the school year, provided that the change is not a temporary high or low point.

EDUCATIONAL ASSISTANTS

In unique situations, where careful analysis of the delivery of the total program indicates that the education component cannot be delivered appropriately for a particular grouping of pupils without greater individualization, a written request along with a rationale for an educational assistant should be submitted to the District Office of the Ministry for consideration. For grant purposes, an educational assistant is counted as 0.5 FTE teacher and is included as part of the overall board staffing ratio. It must be stressed that in the circumstances described above, an educational assistant is employed only for educational purposes under the direction of a teacher and must not be confused with the need for an addition to care, treatment, custody or correctional staffing. Aside from educational assistants, support staff must be allocated and funded by another ministry to fulfil the various facility mandates and to address the primary care and/or treatment, custodial or correctional needs of these pupils.

ADMINISTRATION / LIAISON

Where warranted, various staffing arrangements may accommodate the provision of some administrative, assessment or liaison functions. The portion of time allocated to these functions will vary according to the specific situation. The Ministry of Education recognises there may be a need for one full time non-teaching position where there are 16 full time equivalent teaching positions. In exceptional circumstances, consideration will be given to part-time non-teaching positions. The supervisory officer of the board is in the best position to determine whether such functions are necessary to complement the direct instruction provided to the pupils. It must be recognised, however, that all education staff funded by the ministry (including persons whose primary responsibilities are supervision, administration, liaison, etc.) are included in the PTR calculations for grant purposes.

Requests for approval for administrative, assessment or liaison staff should accompany the board's overall application and include a written rationale, prepared and signed by the supervisory officer that determines such functions necessary.

TRANSITION TO SCHOOL PROGRAM

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

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

CONFIDENTIALITY: RECORD KEEPING AND INFORMATION

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

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

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

Any personal information recorded about a child/youth kept in the OSR, is accessible to the child/youth or parent/guardian under the *Education Act*. Personal information about a child/youth is available under the MFOI irrespective of the format of the information. Information about the child's/youth's education should not be disclosed to anyone other than the parent/pupil except in accordance with these two acts. Also note that MFOI permits, but does not require, disclosure of personal information in circumstances not contemplated by the *Education Act*. It will be up to the individual boards to decide whether these discretionary exemptions may be applied to OSRs in any given situation.

In certain cases, where personal information is being requested from a facility or agency, a specific form may be required. One such example is the *Form 14 Consent to the Disclosure, Transmittal or Examination of a Clinical Record Under the Mental Health Act*. This form applies only to mental health records and should not be used for the purpose of disclosing information from an OSR. However, the board bears complete responsibility for the access to and release of information contained in the OSR.

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

TRANSPORTATION

Section 190 of the *Education Act* provides the legislative authority for boards to transport pupils. Although students attending school in care and/or treatment, custodial or correction facilities are not pupils of the board, sub-section 190(3) allows boards to transport a person who is qualified to be a resident pupil of the board to and from the following types of facilities:

- a centre classified as a Group K hospital under the *Public Hospitals Act*,
- a facility designated under the *Developmental Services Act*,
- a psychiatric facility designated under the *Mental Health Act*,
- a place where an agency approved under subsection 8(1) of Part 1 (Flexible Services) of the *Child and Family Services Act* provides child development service, a child treatment service, or a child and family intervention service.

ACCOMMODATION

When planning for an education/facility agreement, the location, size, and type of classroom accommodation should be discussed by all parties as early in the process as possible, and as soon as the needs of the pupils to be served and their educational requirements are established. It is the responsibility of the Care and/or Treatment, Custodial or Correctional Facility to provide adequate and appropriate classroom accommodation for the educational program. The educational program may be located within the facility premises, or in

accommodation leased by the facility elsewhere in the community, including a school of the board, as best meets the needs of the pupils.

When planning accommodation for the educational program, a facility must consider the following:

- sufficient space for the provision of support from care and/or treatment, custodial or correctional services staff;
- support for the teacher(s);
- adequate additional space for any necessary supervisory staff;
- requirements of the *Occupational Health and Safety Act*;
- adequate safety provisions for pupils and teachers;
- sufficient, accessible washroom facilities;
- proper building maintenance;
- appropriate insurance;
- access to adequate playground or gymnasium, resource centre and other facilities; and
- the costs of leasing the space.

MECHANISM FOR CONFLICT RESOLUTION

Where conflicts develop between educators and Care and/or Treatment, Custodial or Correctional personnel, it is anticipated that they will be resolved through the normal consultation process among the professional staff involved. Occasionally, however, issues may develop that cannot be resolved successfully in this manner. A process for resolving conflict should be agreed upon in advance by the facility and the board and should become a part of the written agreement.

Mechanisms for conflict resolution might include the following:

- senior staff of both parties meet as required to resolve an issue;
- consultation with the facility program supervisor and education officer or official from the appropriate offices of both ministries; and
- joint facility/education committees.

ELEMENTS OF AN AGREEMENT

Boards and facilities should consult with their own legal counsel when preparing their agreements. However, the following may serve as a guide to components of an agreement:

Heading and Introduction:

1. names of facility or agency and local board;

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

Facility/Agency Responsibilities:

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

Board Responsibilities:

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

Mutual Responsibilities:

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

Signatures:

- a. signatures of signing officials of each party required.

APPENDIX A

POLICY / PROGRAM MEMORANDUM NO. 85 (Under Review)

Education Programs for Pupils in Government-Approved Care and/or Treatment Facilities

The Ministry of Education believes that the education of school-age pupils must not suffer if they are required to attend government-approved facilities for care and/or treatment purposes. As far as possible, these persons should attend regular or special education classes in local schools. However, in cases where pupils cannot attend local schools because of their need for care and/or treatment, suitable educational programs which recognize the primacy of the care and/or treatment needs may be provided by the board within the facilities. Arrangements for the provisions of such educational programs for persons of school age in these facilities should be developed jointly by the staff of these facilities and board personnel.

1. Provision of Educational Programs in Care and/or Treatment Facilities.

A) General Terms and Conditions

At the request of a government-approved care and treatment facility located within its jurisdiction, a board may enter into a written agreement to provide educational programs in the facility for those pupils who cannot attend local schools because of their need for care and/or treatment. A board may employ one or more qualified teachers to provide such educational programs in the facility.

Where a board and a government-approved care and/or treatment facility enter into an agreement for the provisions of an educational program, the facility must provide one or more suitable classrooms in the facility for the educational program, as well as the necessary support staff to maintain the care and/or treatment programs, as required, while the pupil is in the educational program.

B) Role of the Teacher

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

- i Provide classroom instruction for pupils in the facility
- ii Collect information about the child from the board and transmit it to staff of the facility
- iii Act as a member of a diagnostic, assessment, and treatment team

- iv Provide treatment and care staff with information regarding the school system which may assist in making decisions pertaining to discharge, program development, and relevant contacts
- v. Develop educational programs (in co-operation with the staff of the facility and staff of the receiving school) for pupils who may be returning to their local schools
- vi Provide and interpret information to school officials based upon the findings of the staff of the facility
- vii Supervise the educational program.

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

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

C) Funding

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

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

NOTE: Eligible government-approved care and/or treatment facilities are listed in the Legislative Grants regulation.

APPENDIX B

EXCERPT FROM REGULATION 298

Operation of Schools - General

31. The maximum enrolment in a special education class shall depend upon the extent of the exceptionalities of the pupils in the class and the special education services that are available to the teacher, but in no case shall the enrolment in a self-contained class exceed,
 - a. in a class for pupils who are emotionally disturbed or socially maladjusted, for pupils who have severe learning disabilities, or for pupil who are younger than compulsory school age and have impaired hearing, eight pupils;
 - b. in a class for pupils who are blind, for pupils who are deaf, for pupils who are trainable retarded, or for pupils with speech and language disorders, ten pupils;
 - c. in a class for pupils who are hard of hearing, for pupils with limited vision, or for pupils with orthopedic or other physical handicaps, twelve pupils;
 - d. in a class for pupils who are educable retarded children, twelve pupils in the primary division and sixteen pupils in the junior and intermediate divisions;
 - e. in an elementary school class for pupils who are gifted, twenty-five pupils;
 - f. in a class for aphasic or autistic pupils, or for pupils with multiple handicaps for whom no one handicap is dominant, six pupils; and
 - g. on and after the 1st day of September, 1982, in a class for exceptional pupils consisting of pupils with different exceptionalities, sixteen pupils.