

Toronto District School Board

Operational Procedure PR540

Title: **NON-DISCRETIONARY AND DISCRETIONARY STUDENT TRANSFERS**

Approved: December 15, 2000

Revised: June 8, 2004, June 22, 2004, June 29, 2010, **February 20, 2013**

Reviewed:

Authorization: Administrative Council

1.0 OBJECTIVE

To establish a process for the transfer and placement of students for reasons related to caring and safe school issues.

2.0 RESPONSIBILITY

Associate Director

3.0 DEFINITIONS

Student: for the purposes of this procedure, *student* may be any student under the age of 21

IPRC: Identification Placement and Review Committee

IEP: Individual Education Plan

IST: In-School Support Team

SST: School Support Team

Victim – a person who suffers injury or hurt (actual or intended) as a result of the intentional or threatened harm caused or permitted by one or more persons.

Witness- a person who can give a firsthand account of something seen, heard, or experienced

Violent incident – is defined as the occurrence of any one of the following *or* the occurrence of a combination of any of the following:

- Possessing a weapon, including a firearm
- Physical assault causing bodily harm requiring medical attention
- Sexual assault
- Robbery
- Using weapon to cause or threaten bodily harm to another person

- Extortion
- Hate/bias motivated occurrences

School Climate – the environment, values and relationships found within a school. A positive school climate exists when all members of the school community feel safe, included, accepted and actively promotes positive behaviours and interactions. Equity, inclusion and respect are critical components embedded in the learning environment.

4.0 PROCEDURES

Types of Transfers

There are two types of transfers that impact the caring and safe learning environments of both students and the community. These include Non-Discretionary Student Transfers (see Part 4A) and Discretionary Student Transfers (see Part 4B). Non-Discretionary Student Transfers are the responsibility of the Caring and Safe Schools Office. Discretionary Student Transfers are the responsibility of school administrators.

Non-Discretionary Student Transfers

- (a) After appropriate consultation with the student and their family the transfer placement decisions rest with the Caring and Safe Schools Office and not with the Principal of the sending or receiving school
- (b) Transfers will be tracked by the Caring and Safe Schools Office to ensure appropriate placements for the students
- (c) Transfers will be tracked school by school to ensure consistency of factors considered
- (d) Staff will take into consideration each student's academic and non-academic needs
- (e) All students will be welcomed into the receiving school at an intake meeting

PART 4A: Non-Discretionary Student Transfers Caring and Safe Schools Office)

4.1. Criteria for Non-Discretionary Student Transfers:

- (a) Students who are expelled from their school only
- (b) Students who are returning from an expulsion of all schools of the board and still pose an unacceptable safety risk or who have court/probation conditions not to return to the school. This decision is made by the school Principal in consultation with the Superintendent of Education and the Caring and Safe Schools Area Administrator
- (c) Students who have Police or Court imposed conditions

- (d) Students who for specific reasons may have been issued a refusal to admit from their school (s.265,(1)(m) non-special education students)
- (e) Students who require a transfer under operational procedure PR608

Note: School Administrators will not encourage police or the judiciary to impose conditions on a student that would require the student to be transferred from their home school.

4.2. Procedure for Non-Discretionary Student Transfers

- (a) These procedures apply to all schools (semestered and non-semestered) and programs.
- (b) A student who is placed through a non-discretionary transfer can return to his/her original school when the conditions that led to the transfer are no longer in effect, provided that the student's return does not create an unacceptable risk to the safety of any person in the school. This decision is made by the school Principal in consultation with the Superintendent of Education and the Caring and Safe Schools Administrator. Re-admission would occur at the next registration point.
- (c) For a student who is placed as a Non-Discretionary Student Transfer the optional attendance policy, regarding closed or limited schools, does not apply.
- (d) Should a Non-Discretionary Student Transfer impact on a secondary school/program's ability to be compliant with class size cap provisions, (i.e. going over class size cap after October 31 and March 15), principals must contact the appropriate secondary staffing officer for guidance.
- (e) A preliminary contact (e-mail, phone call, school visit) will be made to the receiving school prior to the placement of a student through a Non-Discretionary Student Transfer. An information package will follow. (See (h) below)
- (f) An intake meeting will occur at the receiving school before the student is placed. The student's OSR should be in the possession of the receiving school and available for consultation at the meeting. Parties in attendance will include: the student and parent/guardian; necessary receiving school staff; Caring and Safe School staff; and any other persons deemed appropriate by any of the parties listed above. (See (h) below)
- (g) The transfer must be recorded for tracking purposes on the Non-Discretionary Student Transfer Form that is completed by the Caring and Safe Schools Office. (Form 540A, signed off at the intake meeting by all parties, copies sent and filed as indicated on the form)
- (h) The principal shall inform appropriate school staff about the student and his or her history of aggressive or violent behaviour and take appropriate safety measures and advise the staff that they must treat any information about this

student and the incident(s) disclosed at the meeting as confidential (as per the Occupational Health and Safety Act).

- (i) Students identified through the IPRC process will be offered placements by the appropriate special education co-ordinator in consultation with the area Caring and Safe Schools office. There is consultation with special education staff for IPRC'd students (sharing of IPRC, IEP, Safety Plan, etc... should occur prior to or at the intake meeting).
- (j) The receiving school will become the home school. If a student wishes to return to the original sending school please refer to 1(b) above in this procedure.
- (k) The receiving school shall make every attempt to match the student's timetable; however, the student will have to enroll in whatever classes are available if the timetable cannot be matched.
- (l) The receiving school should make arrangements to have the student brought forward to an IST/SST meeting to ensure that the student's strengths and needs are being met (see School Support Manual – IST Outcomes page and form PR540C Non-discretionary Transfer checklist)
- (m) The receiving school should inform the Caring and Safe Schools Area Administrator if there are any serious disciplinary or attendance issues during the initial period of transition (6 weeks).
- (n) The receiving school may request a review of a Non-Discretionary Student Transfer during the transition period of six weeks. A review of a Non-Discretionary Student Transfer will occur only after a meeting with the parent/guardian/adult student to discuss the issues that may lead to a review of the transfer. This review meeting will include a representative from the Caring and Safe Schools area office and staff from other departments as needed. The intention of this review meeting is to look at the prevention and intervention strategies that have been used with the student and to set out the next steps to further facilitate the transition.
- (o) Schools cannot demit a student of legal school age who has been through a Non-Discretionary Student Transfer. The receiving school (now home school) is required to develop a transition plan to either re-enrol the student at the next registration point, or to arrange an alternative educational placement.

Note: Students who wish to participate in co-curricular and/or after-school activities at the school should not be granted permission to return to the sending school for a co-curricular and/or after school activity without the permission of the sending school administration. Student athletes must meet league eligibility (elementary or secondary) and any legal requirements.

PART 4B: Discretionary Student Transfers (Placed by School Administrator)

4.3. Criteria for Discretionary Student Transfers

- (a) Students involved in incidents that require a compassionate transfer
- (b) Students involved in serious incidents off-school property where there are no disciplinary consequences from the school or legal conditions not to return to school
- (c) Students (victim or aggressor) involved in incidents in which their continued presence in the school may create a potentially unsafe situation

4.4. Procedure for Discretionary Student Transfers

- (a) It is the responsibility of the home school to find a suitable transfer placement for the student.
- (b) The sending school would advise the receiving school of the student's behaviour, academic and attendance history, including Special Education identification and/or programming.
- (c) Students identified through the IPRC process will be offered placements in consultation with Special Education (sharing of IPRC, IEP, Safety Plan etc.... should occur prior to or at the intake meeting).
- (d) The Discretionary Student Transfer Form shall be completed and placed in the OSR. (Form 540B, signed off at the intake meeting by all parties, copies sent and filed as indicated on the form).
- (e) The OSR should be in the possession of the receiving school prior to an intake meeting. The principal of the receiving school should inform appropriate school staff about the student and his or her history of aggressive or violent behaviour and take appropriate safety measures.
- (f) An intake meeting will occur at the receiving school before the student is placed. The student's OSR should be in the possession of the receiving school and available for consultation at the meeting. Parties in attendance will include: the student and parent/guardian; necessary receiving school staff; and any other persons deemed appropriate by any of the parties listed above. (See (i) below)
- (g) The receiving school will become the home school.
- (h) The receiving school shall attempt to match the student's timetable; however, the student will have to enroll in whatever classes are available.
- (i) The principal shall inform appropriate school staff about the student and his or her history of aggressive or violent behaviour and take appropriate safety measures and advise the staff that they must treat any information about this student and the incident(s) disclosed at the meeting as confidential (as per the Occupational Health and Safety Act)

- (j) The receiving school should inform the sending school if there are any serious disciplinary or attendance issues during the initial period of transition (6 weeks).
- (k) The receiving school may request a review of a Discretionary Student Transfer during the initial transition period of six weeks. A review of a Discretionary Student Transfer will occur only after a meeting with the parent/guardian/adult student to discuss the issues that may lead to a review of the transfer. This review meeting may include representatives from the sending school and other TDSB personnel if needed. The intention of this review meeting is to look at the prevention and intervention strategies that have been used with the student and to set out the next steps to further facilitate the transition.
- (l) Schools cannot demit a student of legal school age who has been through a Non-Discretionary Student Transfer. The receiving school (now home school) is required to develop a transition plan to either re-enrol the student at the next registration point, or to arrange an alternative educational placement.

Note: Students who wish to participate in co-curricular and/or after-school activities at the school should not be granted permission to return to the sending school for a co-curricular and/or after school activity without the permission of the sending school administration. Student athletes must meet league eligibility (elementary or secondary) and any legal requirements.

PART 4C: Students with a Right to Attend their Home School

It is the responsibility of the Home School to register and provide a timetable to the following categories of students (if you have concerns the Caring and Safe Schools Area Office shall be consulted regarding placement decisions):

- (a) Students who are returning from custody.
- (b) Students who have Youth Criminal Justice Extra Judicial Measures with a long-term suspension.
- (c) Students returning from a Section Program.
- (d) Students under the age of twelve involved in incidents in which their continued presence in the school may create a potentially unsafe situation.
- (e) Students who are returning from an expulsion of all schools of the Board and who do not present an unacceptable safety risk and who do not have court conditions preventing them from returning to the school.
- (f) Students who are victims and or witnesses to a violent incident.

The above, notwithstanding, the Board recognizes that all students have a right to feel safe and cared for at their home school.

PART 4D: Students involved in a violent incident

- a) In every violent incident related to school climate the principal shall determine whether victim(s) and/or witness(es) are present in the school.
- b) In consultation with Caring and Safe Schools staff, the appropriate Superintendent of Education and the appropriate Chief of Social Work, the Principal shall ensure that:
 - students involved in a violent incident shall be separated and any required care and medical or other attention shall be provided;
 - students' parents involved in a violent incident shall be contacted in compliance with the Police/School Board Protocol;
 - all students involved in a violent incident when appropriate are referred for counselling and/or support;
 - students involved in a violent incident are interviewed as part of the investigation process and that a determination about school discipline is made;
 - student victims and student witnesses involved in a violent incident, shall remain separated from the person who caused the harm. In making this decision the principal shall consider:
 - i. whether there are any criminal charges and/or conditions preventing the students involved in the violent incident from being together;
 - ii. whether there are any intellectual or emotional conditions existing that would prevent the students involved in the violent incident from being together;
 - iii. whether a restorative process can be applied to negate a possible transfer in relation to a violent incident;
 - iv. any requests made by the parents of the victim/guardians or witnesses;
 - v. any requests made by any of the students involved in the violent incident;
 - Students involved in a violent incident who will be transferred will be done so in accordance with this procedure.

5.0 REFERENCE DOCUMENTS

Forms

PR540A: Non-Discretionary Transfer Information

PR540B: Discretionary Transfer Information

PR540C: Non-Discretionary Student Transfer Checklist

To find related TDSB policies and procedures, search for safe schools on the Board's on the **Policies, Procedures and Forms website**: <http://www.tdsb.on.ca/ppf/Search.aspx>

Policies

P011: Community Use of Board Facilities (Permits)
P031: Human Rights
P037: Equity Foundation
P051: Caring and Safe Schools
P071: Gender-Based Violence

Operational Procedures

PR585: Board Code of Conduct
PR586: Programs for Students on Long-Term Suspensions and Expulsions
PR608: Sexual Misconduct by Students
PR697: Promoting a Positive School Climate
PR698: Police-School Board Protocol
PR702: Progressive Discipline and Promoting Positive Student Behaviour
PR703: Bully Prevention and Intervention

Other Documents

Education Act, R.S.O 1990, Chapter E.2 as amended (particularly Part XIII)
O.Reg 472/07, Suspension and Expulsion of Pupils
O.Reg 612/00, School Councils

Ministry of Education Policy/Program Memoranda

PPM 120: Reporting Violent Incidents to the Ministry of Education
PPM 128: The Provincial Code of Conduct and School Board Code of Conduct
PPM 141: School Board Programs for Students on Long-Term Suspension
PPM 142: School Board Programs for Expelled Students
PPM 144: Bullying Prevention and Intervention
PPM 145: Progressive Discipline and Promoting Positive Student Behaviour