

THE ROAD TO HEALTH: A FINAL REPORT ON SCHOOL SAFETY

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3.05: Gender and School Safety

Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth...

Beijing Declaration, paragraph 4

3.05.01: Introduction

In 2006, several C.W. Jefferys' students reported a sexual assault of a young, racialized, female student within the school. The students came forward because they were concerned that the boys involved were singling out girls who were unpopular and isolated.

While reports of the student's victimization, in one form or another (describing either a sexual assault or related bullying and harassment), were provided to administration, the police were not notified about the incident, nor were the young woman's parents informed. One administrator has claimed that there was a concern, due to the young woman's ethnic background and religion, that she would be the subject of abuse by her parents if they were to become aware of the incident.

As students in the school heard about the incident, the female student became the subject of intense sexual harassment and ridicule by other students. Although some steps were taken to curb this abusive behaviour, the bullying continued. Eventually, the young woman was transferred to another school at the request of both the young woman and her father (who had not been informed of the allegations).

No steps were taken to remove the alleged perpetrators from the school. In fact, no further action was taken until June 2007, when, in the course of its consultations with teachers, the Panel learned of the alleged sexual assault. The Panel immediately provided a confidential interim report to the Director for Education of the Toronto District School Board on June 27, 2007. That same day, the principal and two vice-principals from C.W. Jefferys were placed on home assignment pending further investigation. The incident was reported to police and an investigation was initiated. Extensive media coverage has resulted in this incident becoming part of the public domain.¹

On July 6, 2007, in response to the confidential report and community expressions of concern following media reports, the TDSB particularized the Panel's Terms of Reference. The Panel was asked to ensure that it included in its review, "the particular risks to the safety of female visible minority students that may exist with our schools."

On Sept 19, 2007, the police arrested four young men in connection with the alleged sexual assault at the school and announced that they were still searching for two other

¹ See Toronto Star article, June 30, 2007, p. A1, "School Assault Ignored: Sources."

youth. According to media reports, the youth were charged with forcible confinement, gang sexual assault, and conspiracy to commit an indictable offence. At the time of writing, these charges are still before the court.

There are several very troubling dimensions to the incident at C.W. Jefferys. A female student was victimized at school, not only by other students, but also by the delayed and inadequate response from the very school system that was supposed to protect her. Stereotypes about ethnicity and religion appear to have played a role in the failure by the school administration to follow the TDSB sexual assault policy. Further, as no steps were taken to deal with the male students alleged to have been involved, other female students may have been placed at risk at the school.

The case at C.W. Jefferys highlights numerous systemic issues concerning the risks that young women face in schools and underscores the importance of an analysis of school safety that incorporates the relationships between factors such as gender, race, immigration status, class and the perpetration of school violence. In its research into issues of gender and school safety, the Panel conducted consultations with stakeholders in the education system, as well as community groups, social service agencies, youth and academics. It quickly became clear that violence against young women in schools has received very little study and there is much more work still to be done.

Unfortunately, an analysis that is alive to the relationships between gender, race and class has not generally informed school safety research or policy. Rather, the majority of work on school safety tends to use a gender-neutral approach and concentrates most of its efforts towards addressing the types of violence that are perceived to occur primarily between male students. As such, “guns and gangs” concerns receive a disproportionate amount of attention, funding and intervention as compared to the types of violence that young women experience, including the gendered violence, such as the sexual exploitation of women, associated with gang activities.

Thankfully, shootings in and around Toronto schools are still a relatively rare occurrence. Unfortunately, the same cannot be said for forms of gender-based violence such as sexual harassment and sexual assault. The survey work done at C.W. Jefferys and Westview demonstrates that sexual assaults and sexual harassment are occurring at high levels in some Toronto schools. There is no reason to believe these schools are unique in this regard, nor should the prevalence of gender-based violence be news to the TDSB. The increase in school-related sexual assault was specifically brought to the Board’s attention in June 2006.² Both the Safe and Caring Schools Department and the Safe and Caring Schools Work Group reported to Trustees that the measures in place to address the problem were not sufficient and recommendations were made to increase resources and programming. The Board denied the request without providing reasons. Yet, over the past year, more resources have been made available for anti-gang initiatives in Toronto schools. A focus on so-called “guns and gangs” concerns runs a serious risk of rendering invisible the gendered forms of violence that occur on a daily basis in schools.

² TDSB (June 2006), “Safe Schools at the TDSB: Presentation to the Board.”

This Chapter highlights some of the specific safety issues affecting female students. It begins with a discussion of the statistics and research that establishes that gender-based violence is prevalent in schools. This research challenges narrow conceptions of violence that focus only on physical manifestations of violence. Sexual harassment and racism, while not commonly understood to inflict physical injury, have serious and harmful effects on students and also reinforce discriminatory power relations that our schools should be playing a vital role in countering. As argued elsewhere in this report, well-being and equity are inter-related. As such, our understanding of the dual concepts of safety and violence must be informed by principles of equity.

In its directions to the Panel, the Toronto District School Board has asked the Panel to specifically consider the risks faced by visible minority female students. The research demonstrates that all female students are at risk of gender-based violence. However, race, disability, class, immigration status and other factors can play a role in producing vulnerabilities to violence. Stereotypes that certain racialized women are “promiscuous” can cause school administrators to assume that a sexual assault was actually consensual and therefore not act upon reports of sexual violence against racialized girls. While it has not been established that “visible minority female students” are victims of gender-based violence at higher rates, policies and procedures must take their particular vulnerabilities and experiences into account.

The Chapter then turns to a discussion of policy responses to gender-based violence. Current TDSB policies for responding to reports of sexual assault are described and assessed. There are a number of difficult issues to consider when sexual assaults occur in schools. Many students are reluctant to come forward, knowing that reporting sexual assault will result in the automatic involvement of both the police and their parents. There are strong views on both sides of the question of whether schools should always involve police and families in such incidents. Supporting the needs of victimized students must be the priority, even if that means giving them decision-making power regarding the involvement of police and parents, where appropriate.

It is argued that sexual assault policies must be communicated broadly within the school community and supports must be in place to assist victims of violence. However, if we wish to prevent violence in the future, it is essential that there are also supports in place to assist perpetrators. There are improvements that can be made in all of these areas.

We then turn to a discussion of violence prevention strategies. At present, the TDSB has made a commitment to implementing violence prevention programming, such as anti-bullying programs. However, the programs that exist tend to be gender-neutral and do not address the root causes of violence against girls and young women. Violence prevention programs that do not specifically address gender-based violence and fail to address root causes of such violence, will not be effective in achieving its aims.

Finally, we discuss the importance of a holistic approach to prevention, which incorporates anti-violence education, changes to physical features and the culture of schools and the creation of safe spaces for female students. Some of the characteristics of

an effective gender-sensitive anti-violence program are described, including early and continuous interventions, the involvement of all school community stakeholders and the use of peer-education programs. Schools should also be audited with a view to the particular vulnerabilities of female students.

Female students must feel that their safety is a TDSB priority and that their concerns are being heard and that a response will be given. At present, this is not the case. The levels of gender-based violence in Toronto schools are unacceptable and immediate action is required.

3.05.02: The Prevalence of Gender-Based Violence in Schools

Young Women and Violence in TDSB Schools

Violence against women is a significant and widespread problem. In Canada, 50 percent of girls below the age of 16 have been victims of some form of violence.³ More than half (54 percent) of young women under 16 have experienced some form of unwanted sexual attention, while another 24 percent have experienced rape or coercive sex.⁴ These percentages increase for disabled, immigrant, refugee, Aboriginal, lesbian, bisexual and trans-gendered girls.⁵ While girls are at risk of victimization at any age, the rate of victimization for female victims increases through the teenage years to a peak at the age of 15.⁶

Schools are far from being immune to this problem. There is evidence that violence against girls and young women occurs in significant numbers in schools and that such incidents are increasing in Toronto.

The survey work conducted at C.W. Jefferys and Westview confirms that the prevalence of gender-based violence at Toronto schools is indeed high. Students were asked to report incidents of sexual assault, which was defined as “being forced to have sexual contact against their will, or a case in which someone has attempted to force sexual contact”. At C.W. Jefferys, 18.7 percent of female respondents reported that they had been sexually assaulted at school within the past two years.

Furthermore, 29.3 percent of female students reported that they had been the victims of unwanted sexual contact at their school over the past two years. Seven percent of female respondents reported that they were the victims of a major sexual assault at their school

³ C. Steenbergen and C. Foisy (2006), “Best Practices: Experience, Knowledge and Approaches for Working with and for Girls and Young Women”, POWER Camp National.

⁴ Y. Jiwani, et. al. (1999), *Violence Prevention and the Girl Child: Phase One Report* (Alliance of Five Research Centres on Violence), p. 3.

⁵ C. Steenbergen and C. Foisy (2006), “Best Practices: Experience, Knowledge and Approaches for Working with and for Girls and Young Women”, POWER Camp National.

⁶ K. AuCoin (2005), “Children and Youth as Victims of Violent Crime”, *Juristat*, Vol. 25(1) (April 2005), p. 3.

over the past two years.⁷ At Westview, 21 percent of student respondents reported that they knew of at least one student who was sexually assaulted at school over the past two years. Seven percent reported that they knew three or more students who had been sexually assaulted at school over the past two years.

According to TDSB Crisis Intervention Reports and Weekly Incident Reports, there were 31 documented reports of sexual assaults on school property between September 2006 and December 2007. These reports are from across the TDSB and none were from C.W. Jefferys or Westview. As Weekly Incident Reports are not mandatory for TDSB schools, they cannot be taken as comprehensive. As alarming as these numbers are, when compared to the survey results from C.W. Jefferys and Westview, it is clear that they represent a significant under-reporting of the actual number of sexual assaults that take place in TDSB schools.

Correspondingly, the survey work conducted for the Panel demonstrates that female students worry about being sexually assaulted at school. At C.W. Jefferys, 33 percent of the female students reported that they at least sometimes worry about being sexually assaulted at school. Clearly female students do not feel safe in their school environment and indeed are not safe from gender-based violence in their schools.

One drawback to the many studies of violence victimization rates, is that researchers have employed a limited definition of violence, for example, by focusing on the percentage of young women who have experienced sexual and/or physical assaults. Such an approach is at odds with the ways in which violence is experienced and understood by girls and young women. Everyday violence in the lives of girls and young women takes many forms, including physical, emotional, verbal and sexual abuse. What all these forms of violence have in common is that they serve to reinforce a sense of powerlessness and undermine a sense of self.⁸ A broader conceptualization of violence allows us to examine violence as a mechanism that is used to distribute and maintain power imbalances in our society.⁹

Sexual harassment, including sexual jokes, comments, gestures or threats, is pervasive.¹⁰ A recent survey of 4,200 girls between nine and 19 years of age, revealed that 80 percent had experienced sexual harassment in some form and half reported encountering it

⁷ Major sexual assaults were identified as cases in which a student answered yes to the following question: "In the past two years, have you been sexually assaulted at school. Has someone ever forced you to have sex at school against your will?"

⁸ Y. Jiwani and H. Berman (2002), "Introduction" in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres), p. 3.

⁹ Y. Jiwani and H. Berman (2002), "Introduction" in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres), p. 2-3.

¹⁰ H. Berman, et. al. (2002), "Sexual Harassment: The Unacknowledged Face of Violence in the Lives of Girls" in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres on Violence) p. 16.

daily.¹¹ According to a 2005 report released by Statistics Canada, this form of bullying increased with age for females and peaked at grade nine.¹²

These statistics are consistent with the reports of sexual harassment derived from student surveys conducted at Westview and C.W. Jefferys. Students at Westview were asked about their experiences of sexual harassment at school. Sexual harassment was defined as someone “making unwanted sexual comments that upset the student or made them feel uncomfortable.” At Westview, one out of every three female students (33.7 percent) claimed that they had been the victims of sexual harassment at their school over the past two years.

Although students at C.W. Jefferys were not asked questions relating to sexual harassment, the teacher and staff surveys did address this issue. Surveys revealed that 54.9 percent of staff had witnessed a student sexually harass another student. Twenty percent had witnessed a student sexually harass another student on five or more occasions. Female teachers also experienced high rates of sexual harassment by students, with 48 percent of female staff reporting such harassment.

Sexual harassment is increasingly occurring electronically. Sexual, misogynistic, homophobic and racist messages are being sent through popular interfaces such as texts, blogs, e-mails, Facebook, MySpace and cellphones. Cyber-violence can take many forms including online contact leading to offline abuse, cyber-stalking, online harassment and degrading online representations of women.¹³ Because of the medium used, cyber-bullies have an infinite audience to witness their attacks and can readily attract onlookers to participate in the abuse.¹⁴ Perpetrators and onlookers can also hide behind the anonymity of electronic communications.

Even prior to the escalation of “cyber-harassment”, sexual harassment was experienced routinely by girls, in schools and elsewhere. Its psychological impact on young women cannot be adequately measured. While to date there is minimal research concerning the health effects of sexual harassment on girls and young women, several writers have noted a tendency among girls to drop out of school, to suffer from lowered self-esteem, depression, feeling unsafe in public places, eating disorders and suicidal thoughts and

¹¹ Y. Jiwani, et. al. (1999), *Violence Prevention and the Girl Child: Phase One Report* (Alliance of Five Research Centres on Violence), p. 6.

¹² K. AuCoin (2005), “Children and Youth as Victims of Violent Crime”, *Juristat* Vol. 25(1) (April 2005) at p. 7.

¹³ S.C. Herring, “Cyber violence: Recognizing and resisting abuse in online environments” (2002) 14 *Asian Women* at 187-212. Cited in S. Shariff and R. Gouin, “Cyber-Dilemmas: Gendered hierarchies, free expression and cyber-safety in schools”(2005) Department of Integrated Studies in Education, McGill University, online: <www.oii.ox.ac.uk/microsites/cybersafety/extensions/pdfs/papers/shaheen_shariff.pdf> at 5-6.

¹⁴ S. Shariff and R. Gouin, “Cyber-Dilemmas: Gendered hierarchies, free expression and cyber-safety in schools”(2005) Department of Integrated Studies in Education, McGill University, online: www.oii.ox.ac.uk/microsites/cybersafety/extensions/pdfs/papers/shaheen_shariff.pdf at 4.

attempts.¹⁵ When sexual harassment is permitted to occur on a daily basis in high school hallways and classrooms, this form of gender discrimination has the effect of disadvantaging girls in the pursuit of education and in their lives more generally.¹⁶

There is no doubt that sexual harassment is experienced as a form of violence. Nonetheless, the violence of sexual harassment is often overlooked. Behaviours associated with sexual harassment are often dismissed by school staff and administrators as “boys will be boys,” or “just a joke.” The prevalence of sexual harassment and the lack of attention given to preventing and responding to such behaviours, plays an important part in teaching both girls and boys about gender roles and domination. One prominent Canadian-based researcher in this area, Helene Berman, has observed that:

Lying at one end of the continuum of violent behaviours directed toward girls and young women, sexual harassment may be construed as the first and most vital entry point into training males to dominate and violate females and females to submit to this domination and violation as an inevitable part of “the way life is.” Thus, as a form of sexual violence, sexual harassment is a fundamental way in which gender inequality is entrenched, expressed and reinforced in the lives of women and girls.¹⁷

This “unacknowledged face of violence” is, in reality, a major factor in the social construction of male power and control.¹⁸ Children and youth acquire and learn to use power most directly through relationships with parents, adults, peers and other representatives of the institutions they encounter.¹⁹ Girls and boys learn through experience that girls have less status, less authority as decision-makers and participants in shaping their public or private lives and that implicitly or explicitly society approves of “girls being girls and boys being boys.” In other words, society sanctions the idea that there are “acceptable degrees of violence” when it comes to women.

¹⁵ H. Berman, et. al. (2002), “Sexual Harassment: The Unacknowledged Face of Violence in the Lives of Girls” in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres on Violence) p. 22.

¹⁶ H. Berman, et. al. (2002), “Sexual Harassment: The Unacknowledged Face of Violence in the Lives of Girls” in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres on Violence) p. 21.

¹⁷ H. Berman, et. al. (2002), “Sexual Harassment: The Unacknowledged Face of Violence in the Lives of Girls” in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres on Violence) p. 14-44.

¹⁸ H. Berman, et. al. (2002), “Sexual Harassment: The Unacknowledged Face of Violence in the Lives of Girls” in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres on Violence) p. 14-44.

¹⁹ H. Berman, et. al. (2002), “Sexual Harassment: The Unacknowledged Face of Violence in the Lives of Girls” in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres on Violence) at 37.

Institutional disregard of gender-based violence gives implicit permission for it to continue unabated in schools, thus trivializing girls' experiences and normalizing violence.²⁰

Vulnerabilities to Gender-Based Violence

In its clarification of the Panel's terms of reference, the TDSB asked the Panel to examine "the particular risks to the safety of female visible minority students that may exist within our schools." The question posed by the TDSB recognizes that while all women are vulnerable to sexual violence, certain groups of women experience specific risk factors. For example, girls with disabilities are sexually abused at a rate four times greater than the national average.²¹ Approximately 75 percent of Aboriginal sexual assault victims are under the age of eighteen.²² Transgendered boys and girls are amongst the most vulnerable to gender-based violence.

Schools are a microcosm of larger society. Stigmatization, stereotypes, inadequate social supports, poverty and unemployment are considered predictors of vulnerability to violence, both inside and outside of schools.²³ If certain groups are subjected to racism in the community, our youth will heed these messages. When racism is legitimized by wider society, it implicitly gives youth permission to single out those young women who they may see as justifiable or easy targets because the way in which their community has been openly disparaged. Thus, young women from racialized and low-income communities are vulnerable to acts of violence due to the manner in which sexism, racism and classism intersect and inform the nature of the abuse. Far from experiencing these forms of oppression as separate and distinct, race, class and gender are always interwoven.

An expert and advocate on violence against women and children commented during a consultation:

Sexual or gender based violence is intertwined or is met with the racial identity that they have so ... the sexual slur will have some racist connotations to them to create that extra punch. And the way in which racialized young women may be stereotyped because of the common stereotype around their sexuality, I think that will also feed the impetus for how we get targeted.

²⁰ Y. Jiwani and H. Berman (2002), "Introduction" in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres) at 1.

²¹ S. Razack, 1994, From Consent to Responsibility, from Pity to Respect: Subtexts in Cases of Sexual Violence involving Girls and Women with Developmental Disabilities, Law and Social Inquiry, Vol.19, No. 4 at 891-922. In METRAC's Sexual Assault Fact Sheet online: METRAC <http://www.metrac.org/new/stat_sex.htm>.

²² S. D. McIvor and T. Nahanee, 1998, "Aboriginal Women: Invisible Victims of Violence", in K. Bonnycastle and G. S. Rigakos, eds., Unsettling Truths: Battered Women, Policy, Politics and Contemporary Research in Canada, at 65. In METRAC's Sexual Assault Fact Sheet online: METRAC <http://www.metrac.org/new/stat_sex.htm>.

²³ Y. Jiwani, 2002, Mapping Violence: A Work in Progress. In METRAC Sexual Assault Statistics online: METRAC <http://www.metrac.org/new/stat_sex.htm>

Stereotypes that certain racialized women are “promiscuous” can cause school administrators to assume that a forced sexual encounter between students in a bathroom was actually consensual and therefore not act upon reports of sexual violence against racialized girls. School authorities acting upon racial stereotypes born of ignorance cannot protect (or even recognize) victims. Stereotypes about promiscuity are also a barrier to effective reporting, as girls may fear that assumptions will be made that they were “asking for it” or “wanted it.” An inability to distinguish coerced from consensual sex can result in a youth who has been victimized by violence being mis-portrayed and misunderstood as a promiscuous student who simply requires protection from harassment by other students.

The survey conducted at C.W. Jefferys and Westview highlights the differences in perceptions of risk of gender-based violence according to race. For example, as discussed earlier in this Report, South Asian and Asian females appear to worry more about the possibility of being sexually assaulted at school than students from other racial backgrounds.

The Panel spoke to representatives from different communities in Toronto in order to examine the extent to which racialized girls are at risk of violence. Representatives of community organizations that primarily serve South Asian, African, Arab and Muslim communities emphasized that gender-based violence is prevalent across all communities and is not an issue unique to their communities or Muslim girls. They were also quick to dispel notions that “honour killings” were uniquely associated with Muslims or that “honour killing” is a common practice among Muslim Canadians. They expressed concern that the intense government, media and police scrutiny of Muslim communities post-9/11 has contributed to the prevalence of false and negative stereotypes and the isolation of Muslims.²⁴ For instance, the organizations told the Panel that they saw an increase in complaints by Muslim students who were being picked on by students and teachers.

Over 10,000 TDSB students are in their first year in Canada.²⁵ The representatives from South Asian, African, Arab and Muslim community organizations, as well as school settlement workers, warned that newcomers face additional vulnerabilities due to language barriers, isolation, pressures from navigating between Canadian culture and the

²⁴ See also Y. Jiwani, *Discourses of Denial: Mediations of Race, Gender, and Violence* (Vancouver: UBC Press, 2006) at 177-201. Jiwani discusses the gendered and Orientalized nature of news coverage following 9/11. The discourse presented in the media backlash is that one side is evil and needs to be annihilated by the moral “free world” in order to liberalized the oppressed women of the “East”. What has been ignored is the real impact 9/11 and its reporting has had on Muslims in Canada. The environment of terror and resulting incarceration, deportation, criminalization and racial profiling has created for Muslims heightened feelings of insecurity, a fear of retaliation, and turning inward into their community.

²⁵ Ministry of Education cited during the Settlement Workers in Schools consultation.

culture of their country of origin and difficulty accessing necessary resources and supports before and after an incident of violence occurs.²⁶

School settlement workers reported that newcomer students' safety is at risk because school policies and procedures have not been effectively communicated to them. As a result, newcomer students are often unclear on what is expected from them and they often receive the wrong information from their peers. In addition, school settlement workers told the Panel that newcomer students are prone to harassment from non-newcomer students and young newcomer women tend not to report problems they experience to teachers or parents. This is partly due to their concerns that school staff will misunderstand their distress or that they will not receive the support or assistance they need. They also strongly fear retaliation from other students and young newcomer women are pressured by their abuser not to tell. Furthermore, young women struggle with the fear that they will be blamed by their families or community and feel guilty about further burdening their families.

A consultation with an after-school newcomer girls' group corroborates the reports made by the school settlement workers. The girls, in their early teens, were very shy and spoke English with some degree of difficulty. One girl spoke about how she was bullied by another student when she first started school in Toronto because she did not speak English. When asked how she handled the situation, she said that she "learned English." She did not tell her teacher because she feared the student and other classmates would retaliate against her. She did not tell her parents and she could not give a reason for not disclosing the problem to family.

Almost all the other girls agreed that they too would not tell their parents about problems at school. Many girls explained that their parents were not involved with their schools because they did not speak English or had to work. When the girls were asked who they went to for help, they unanimously said that they went to their friends. They all emphasized the importance of having friends as a way to cope at school.

Several girls did not find teachers to be very helpful when they did report an incident. One girl reported that although the teacher spoke to the offending student, the harassment did not stop. Another girl said she felt her teacher ignored her and favoured the other students.

Although, these girls said they did not feel unsafe at school, it is clear that they quickly learned how to survive in school by making themselves less isolated through participation in school programs, by learning English and by making friends. The ways in which newcomer girls can be vulnerable to violence was evident. These vulnerabilities arise from a lack of supports in the school, language skills and lack of a network of friends when they first begin at a new school.

²⁶ See also Y. Jiwani, *Discourses of Denial: Mediations of Race, Gender, and Violence* (Vancouver: UBC Press, 2006) at 143; METRAC Violence and Young Women FAQ online: METRAC <http://www.metrac.org/new/faq_vio.htm>.

Many of the groups and experts consulted highlighted the problems associated with an analysis that attributes the violence faced by women from racialized and marginalized communities to their culture. Violence is a pervasive problem for all women, no matter their background. Yet, it is common for a victim's "culture" to be blamed when the victims are racialized women and girls.²⁷ This "culturalization" is based on stereotypes about racialized cultures and the "oppressive" traditions they allegedly imposed upon their women – for example stereotypes about "honour killings" and "arranged marriages" in South Asian communities. Such an approach results in the labelling of entire communities as sexist, violent and backwards. By blaming the violence on the "culture" of women, the systemic factors that are key to producing and reproducing gender-based violence are ignored. It also reinforces the belief that violence is a result of the racialized culture failing to assimilate into "mainstream" culture and thereby feeds "mainstream" culture's sense of superiority, power and normalcy over the racialized culture.²⁸

Consequently, culturalizing violence against women can result in prescriptions that enforce ethnic stereotypes and in effect further marginalizes the community and adds to their risk to violence.²⁹ Consequently, women resist disclosing the violence they experience fearing they will further reinforce the negative stereotypes against their communities,³⁰ or may be labelled a traitor by their communities.³¹

The "culturalization" of violence also fails to understand how young men are raised and the underlying factors that make them perpetrate violence against women. An expert and advocate on violence against women and children, commented that when a culture-based argument is used to look at issues of vulnerability, it does not allow us to look at the broader systemic components that puts all young women at risk. She emphasized that it was clear that something is not working with the way in which we are raising young men, regardless of the group from whom they come.

²⁷ Y. Jiwani, *Discourses of Denial: Mediations of Race, Gender, and Violence* (Vancouver: UBC Press, 2006) at p. 19-22.; Y. Jiwani, "Walking a Tightrope: The Many Faces of Violence in the Lives of Racialized Immigrant Girls and Young Women" (2005) 11 *Violence Against Women* 7 at 850; Y. Jiwani, "Culture, Violence, and Inequality" (Violence Against Women: Meeting the Cross-Cultural Challenge, Workshop, Vancouver, March 1997) online: FREDa <http://www.harbour.sfu.ca/freda/articles/culture.htm>.

²⁸ Y. Jiwani, *Discourses of Denial: Mediations of Race, Gender, and Violence* (Vancouver: UBC Press, 2006) at p. 19-22; Y. Jiwani, "Walking a Tightrope: The Many Faces of Violence in the Lives of Racialized Immigrant Girls and Young Women" (2005) 11 *Violence Against Women* 7 at 850; Y. Jiwani, "Culture, Violence, and Inequality" (Violence Against Women: Meeting the Cross-Cultural Challenge, Workshop, Vancouver, March 1997) online: FREDa <http://www.harbour.sfu.ca/freda/articles/culture.htm>.

²⁹ S. Razack, *Looking White people in the eye: Gender, race, and culture in courtrooms and classrooms* (Toronto: University of Toronto Press, 1998). In Y. Jiwani, "Walking a Tightrope: The Many Faces of Violence in the Lives of Racialized Immigrant Girls and Young Women" (2005) 11 *Violence Against Women* 7 at 852. U. Narayan, *Dislocating cultures: Identities, traditions, and third-world feminism* (New York: Routledge, 1997). In Y. Jiwani, "Walking a Tightrope: The Many Faces of Violence in the Lives of Racialized Immigrant Girls and Young Women" (2005) 11 *Violence Against Women* 7 at 852.

³⁰ S. Razack, ed., *Race, space and the law: Unmapping a White settler society* (Toronto: Between the Lines, 2002). In Y. Jiwani, "Walking a Tightrope: The Many Faces of Violence in the Lives of Racialized Immigrant Girls and Young Women" (2005) 11 *Violence Against Women* 7 at 852.

³¹ Y. Jiwani, *Discourses of Denial: Mediations of Race, Gender, and Violence* (Vancouver: UBC Press, 2006) 21.

Girls and young women from all backgrounds are socialized to expect violence in their everyday lives, and, as a result of that socialization, violence has become “normalized” for girls. Thus, traditional notions of “girls at risk” may not be useful when addressing the topic of violence. Instead, given the pervasive and insidious nature of many forms of violence, all girls must be considered to be vulnerable and “at risk” when addressing the topic of violence.³² However, prevention strategies must be designed to specifically account for the different forms of violence against female students and must respond to the different vulnerabilities to violence that can flow from race, class and gender.

3.05.03: Responding to Incidents of Gender-Based Violence in Schools

TDSB Policies for Responding to Gender-Based Violence

The Toronto District School Board has three main policies that address responses to incidents of violence within the school: “Consequences of Inappropriate Student Behaviour”³³; “Dealing With Abuse and Neglect of Students”³⁴; “Police School Board Joint Protocol.”³⁵

The “Consequences of Inappropriate Student Behaviour” policy makes notification of police mandatory in circumstances in which a student has committed a physical assault requiring medical treatment or a sexual assault. Currently, expulsions are also mandatory in such circumstances, although this will change somewhat when the amendments to the *Education Act* brought in by the *Act to Amend the Education Act in respect of Behaviour, Discipline and Safety* take effect in February 2008. With respect to sexual or racial harassment, Principals have the discretion to suspend one to 20 days and the Principal has discretion with respect to whether or not to notify police in such circumstances.

On November 21, 2006, the TDSB signed the Police School Board Joint Protocol, with the Toronto Police Service. Other signatories included the Toronto Catholic District School Board, Conseil scolaire de district Catholique Centre-Sud and the Conseil Scolaire de District du Centre-Sud-Ouest. According to this protocol, all criminal offences with a connection to the school are to be reported to the police and will be investigated by police promptly and thoroughly. Occurrences that require a police response include physical assault causing bodily harm, sexual assault, criminal harassment, gang-related incidents, hate-and/or bias-motivated incidents and threats of serious physical injury.

The most comprehensive policy document setting out the Board’s response to reports of sexual assault is the TDSB policy, “Dealing with Abuse and Neglect of Students”. The

³² Y. Jiwani and H. Berman (2002), “Introduction” in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres), p. 4.

³³ Toronto District School Board (December 10, 2006), Operational Procedure PR 697 SCH: “Consequences of Inappropriate Student Behaviour”.

³⁴ Toronto District School Board (September 12, 2007), Policy P.045 SCH, “Dealing With Abuse and Neglect of Students”.

³⁵ Toronto District School Board (November 21, 2006), “Police-School Board Protocol.”

policy begins with the recognition that the Board has a duty to prevent, detect, intervene in and report abuse or neglect of any students and commits the Board to pursuing an integrated program of prevention education and intervention. The policy sets out what is described as a “zero tolerance” for physical, sexual and emotional abuse and/or neglect of students. Students are to be protected from corporal punishment, physical mistreatment, sexual, emotional or verbal abuse by staff. The TDSB policy also commits the TDSB to ensuring students are protected from violence and harassment, including threats and/or bullying and inappropriate sexual behaviour by other students. Appropriate supports are to be provided to both student victims and student perpetrators.

The policy draws some distinctions in its response to reports of sexual misconduct, depending on whether the alleged perpetrator is over or under the age of 12. In all cases, when a report of sexual assault by a student comes to the attention of a TDSB employee, the employee is required to inform the Principal immediately.

In cases involving an alleged perpetrator over the age of 12, the Principal of the school is instructed to notify the Chief of Social Work and Attendance, who will assist the Principal to determine the appropriate response, which may include: when and how to communicate with police; the appropriate intervention strategy with the alleged perpetrator; support to victims; and notification of the Safe Schools Administrator. The Principal or designate is required to contact the police. Decisions about the manner and timing of contact with the families of the victim and alleged perpetrator are to be made in consultation with the police. If the alleged perpetrator is a sibling of the victim, or has a sibling under the age of 16 at home, is a babysitter, or is any other way in a position of authority over the victim, the Children’s Aid Society (CAS) must be contacted.

Principals are instructed not to investigate the disclosure. The student is not to be questioned by any other school staff, nor should any other students or staff be spoken to until specific directions have been received from the police. According to Grant Bowers, in-house counsel with the TDSB, the motivation for such a rule is that school staff are not trained in issues of criminal and sexual behaviour and an investigation by school staff could potentially interfere with the criminal investigation and the prosecution of any charges that may be laid.

Once the CAS or police commence an investigation, the alleged perpetrator is removed immediately from the school. The Safe School Administrator determines the appropriate placement for the alleged perpetrator and prepares a safety plan in consultation with the Chief of Social Work and Attendance.

The Panel’s analysis of these policies and their implementation suggests that there are a number of systemic weaknesses in the policies: the policies are gender neutral and do not address the specificities of gender-based violence; training and enforcement of the policy are weak; and improvements can be made in providing supports to victims and perpetrators. Most controversially, the policies are inflexible in requiring notification of police and parents in circumstances of sexual assault.

Reporting Gender-Based Violence to the Police

TDSB policy currently requires Principals to notify the Toronto Police Service when there has been an allegation of “sexual misconduct.” Grant Bowers advised the Panel that in practice, victims of sexual misconduct who are over the age of 18 have the right to make the decision concerning whether or not police will be involved. Unfortunately, this principle is not codified in the policy itself, which may lead to inconsistencies in practice.

One of the salient features of how the sexual assault allegation at C.W. Jefferys was handled is that the incident was not reported to police and that an informal internal investigation was conducted. TDSB policy is quite clear that a report to police should have been made immediately and the school itself should not have been involved in any independent investigation.

The failure to notify police or follow the policies resulted in a number of negative consequences. First, it sent a message that allegations of sexual assault against female students would not be taken seriously or treated as criminal behaviour by school staff. Given that many students in the school were apparently aware of and talking about the incident, the message that violence against female students would not result in consequences was communicated broadly within the school community. This lack of action by the school may have contributed to female students reporting in the surveys that they felt unsafe inside the school and feared being sexually assaulted.

Second, the fact that the alleged perpetrators were permitted to remain in the school without punishment meant that these young male students potentially posed a risk to other female students in the school.

Third, the fact that the young female student was later transferred out of the school sent a message that she had done something wrong, rather than the perpetrators. The disruption and isolation caused by the transfer to the new school may have placed the female student in a vulnerable position. Neither the female student nor the alleged perpetrators received timely or proper supports. The mishandling of the sexual assault and lack of support provided to the female student resulted in her being re-victimized by the school system and exposed her to further violence from other students who targeted her based on the rumours of the assault.

This incident demonstrates the necessity of responding swiftly and decisively to incidents of sexual assault in the school, and makes a strong case for police involvement in sexual assault incidents in order to protect students from sexual predators.

On the other hand, a number of individuals or groups the Panel consulted felt strongly about the dangers of a policy that requires automatic reporting to the police. Automatic reporting to police is one of the single greatest barriers to young women coming forward to report incidents of sexual assault. Sexual assault is an offence that is greatly under-reported. It is estimated that as few as 10 percent of sexual assaults are reported to

police.³⁶ A recent survey of young women between the ages of 15 and 17 found that 86 percent of sexual assaults and 73 percent of physical assaults were not reported to the police.³⁷

There are a number of systemic reasons why girls and young women may not wish to report sexual assaults to police. Women who are sexually assaulted often do not report due to humiliation or fear of re-victimization in the legal process.³⁸ For racialized women, that fear is worsened by the experiences of racism.³⁹ There is a high degree of cynicism among girls with respect to their ability to access justice from various agencies within the criminal justice system. Girls reported having their experiences trivialized and dismissed when they approached different “systems.” They also reported experiences of re-victimization by the justice system. Victims may also fear retaliatory violence if they come forward.

Beverly Bain and the woman known as Jane Doe, educators and researchers in the area of sexual assault and members of the City's Steering Committee to Implement the Sexual Assault Audit, which critiqued police practices and policies in sexual assault investigation, told the panel that:

When young women do report, especially if they are immigrants or Muslim or women of colour, and the law intervenes – it seldom works to their advantage.

In Ontario the conviction rate for sexual assault hovers around four percent. Ninety percent of adult women don't report citing fear of the police investigation and the legal process as the primary reason. Our courts have become a “no go” zone for women who are sexually assaulted or abused. Why then would we expect our girls to go there?

For young women of colour it's even more loaded. The impact of a law and order agenda has additional racist consequences for our young women and young men of colour, as well as their families. So most girls are not going to report. And when they do, their entire world falls in around them. If reporting to the police is the sole remedy we can offer, even when we know it does not work or benefit the young people involved then we, the adults, the educators, the legislators are negligent and complicit in the crime. And it is a crime that our young men and boys are committing against our young women and girls at a growing rate – in our high schools and middle schools. Relevant and informed sex education for

³⁶ Federal/Provincial/Territorial Ministers Responsible for the Status of Women, 2002, Assessing Violence Against Women: A Statistical Profile, p.19.

³⁷ Calhoun Research and Development (2005), “Girls in Canada 2005” (Canadian Women’s Foundation), p. 42.

³⁸ Y. Jiwani, et. al. (1999), “Violence Prevention and the Girl Child: Phase One Report” (Alliance of Five Research Centres on Violence”, p. 4.

³⁹ Ontario Women's Directorate, 2002, Sexual Assault: Reporting Issues, <http://www.gov.on.ca/citizenship/owd/english/publications/sexual-assault/reporting.htm>

our youth, and curriculum that addresses the reality of sexism, racism and homophobia for those studying to be teachers are two solutions. Policies developed by experts in the area of sexual assault that address the systemic nature of the problem in all of our institutions are essential to effect change. And we must work with our youth to develop them. But first we must acknowledge that the problem exists, that it is gendered and rooted in systems of power.

The statistics on the low level of self-reporting to police indicate that a policy requiring reporting to police poses a major barrier to young women coming forward when they are sexually assaulted in schools. As a result, they will not receive the supports that they require, nor will the perpetrators be dealt with appropriately.

Clearly this is not a straightforward issue. Some young adults may not have the requisite capacity to make decisions for themselves concerning whether to become involved with the criminal justice system. However, our law and policy currently draws a distinction at the age of sixteen. For example, the *Child and Family Services Act* mandates Children's Aid Societies to investigate allegations of abuse and to protect children who are under the age of sixteen or who are otherwise in the society's care or under its supervision.⁴⁰ If the Children's Aid Society wishes to provide services to a person sixteen years or over, they must have that person's consent. No temporary care agreement can be entered into for children sixteen or over.

Similarly, the *Health Care Consent Act, 1996* draws a distinction at sixteen, with those sixteen or over having the right to make decisions about their own medical treatment.⁴¹ For example, under the Act, a sixteen year old has the right to decide whether to have an abortion without having to notify or consult with her parents or guardians.

The *Criminal Code* draws a line at an even younger age. The *Code* defines the circumstances in which a child may legally consent to sexual activity. For most purposes, a fourteen year-old is deemed to be capable of consenting to sexual activity, though for other circumstances a child of twelve is deemed to be capable of consent.⁴²

The main priority must be to provide necessary services for victims of sexual assault and to protect other female students from perpetrators in the school. Insofar as a policy requires reporting to police, many young women will simply not come forward. Accordingly, a policy that automatically involves police may very well undermine the safety of female students rather than support it. Further research is warranted into this issue. In the interim, the Panel recommends that a distinction be made at the age of 16. In all cases, appropriate supports – whether internal to the TDSB or drawn from external

⁴⁰ *Child and Family Services Act*, R.S.O. 1990, c. C.11, s.s. 3, 27, 29(2)

⁴¹ *Health Care Consent Act, 1996* S.O. 1996, c. 2, Schedule A, s.s. 1, 21, 26, 35, 36, 42, 52, 53, 59, 67, 68.

⁴² *Criminal Code of Canada*, R.S.C. 1985, c. C-46, s. 150.

agencies and community leaders where necessary – must be provided to complainants in order to assist them in making decisions about reporting.⁴³

Reporting Gender-Based Violence to Families

Currently, for students under the age of 18, the Toronto District School Board makes decisions about notifying parents of incidents of sexual assault in cooperation with police officers. Notification of parents is not automatic and victims are involved in the decision-making process. According to Grant Bowers, in-house counsel to the TDSB, there is a general practice that when there is an incident in the school, parents of both the victims and offenders will be told. Bowers stated that sexual offences are always the exception to that general rule, although it should be noted that the exception is not apparent on the face of the “Abuse and Neglect of Students” policy.

Students over the age of 18 have the autonomy to make their own decisions about whether their parents or guardians will be told. Again, this distinction is not noted in the policy. Grant Bowers reported that the majority of victims are reluctant to divulge the incident to their family.

Like reporting to police, there are arguments both opposed to and in favour of reporting to parents. Most parents will want to know when something of such a serious nature has happened to their child, so that they can take appropriate action to protect and support their child. This view was strongly articulated by the South Asian and Arab community groups with whom the Panel consulted. They stressed that parents should be informed, but that families should be provided with the supports they need to cope with and respond to the crisis. School settlement workers also emphasized the importance of having appropriate supports in place for families.

School settlement workers, as well as representatives from South Asian and Arab community groups were concerned that school administrators were basing their decisions about informing parents on unfounded and potentially racist cultural stereotypes. For example, in the incident at C.W. Jefferys, one administrator appears to have been motivated to not involve parents because he or she believed that families from the young woman’s cultural background would blame their daughter and respond in a violent manner.

Families from any socio-economic or cultural background could respond poorly to disclosures that their child has been victimized and consequently it is an issue that school administrators must be attuned to in any situation. Decisions must be made based on the circumstances of a particular case, with the victim herself explaining the reasons why she fears telling her parents. Having appropriate supports in place for victims and families can greatly assist in ensuring that young women are not re-victimized by their families. Racial and cultural stereotypes have no place in the decision-making process about whether parents are informed.

⁴³ The text of the Panel’s full recommendation concerning reporting to police can be found below, under the heading “gender-neutral policies”.

Automatic disclosure to parents, like automatic disclosure to police, could have the effect of discouraging young people from coming forward. In many ways, reporting to parents is not analogous to reporting to police, so arguments in favour of reporting to police do not always apply to parents. For example, while reporting to police may well assist in protecting other students in the school, parents do not play a similar role.

In fact, informing parents may in some cases increase risks for young women. It is clearly erroneous to assume that parents are always positive and supportive of their children. The concern that parental involvement may, in fact, be harmful rather than helpful is presumably one of the motivations behind a section of the *Child and Family Services Act* that allows Children's Aid Societies to provide counselling to children twelve or over without parental consent.⁴⁴

Furthermore, some young women may not want to disclose an incident of sexual assault to their parents because they are struggling with their feelings of guilt or shame or they want to avoid becoming a burden to their families or add to their hardships.

Young people may well be in the best position to know whether telling their parents about an assault will assist them or not. Thus, it is important for school administrators and teachers, with the assistance of the Chief Social Worker, to discuss with a student the reasons they may have for not wanting to disclose to their parents. A community worker with an agency that serves individuals who have been victimized by sexual assault told the Panel that:

It is important then for the training that teachers get, being able to tease out those little pieces that kind of be difficult....They have to be able to say "why you don't want me to tell your parents?" And it might be something like, they did feel ashamed at the moment and they need time to process it. So the school has to give them the time to process it, come back and revisit it again. "Okay let's talk about it again." Or it might be something really serious where they are going to lose their homes, and they are going to lose everything...and they can't imagine what life would be like if they would tell their parents. The school has to be able to give the youth the time. There is this idea that everything has to be done the day of. It cannot be like that.

An expert and advocate on violence against women and children recommended that the best solution is to give the young woman the opportunity to express what her needs are:

It strikes me that the school needs to decide who their primary service is to. All the concern is "tell the parents". It should be for children and youth. Concerns about telling parents will play a huge role and create a complication. But I think at the end of the day they need to be able to say that "our duty is towards youth, and hearing what they have to say, and

⁴⁴ *Child and Family Services Act*, R.S.O. 1990, c. C. 11, s. 28.

letting them take the lead.” If the parents’ needs come second, then they come second.

For one thing, we have to understand that young people, they know how to manoeuvre and negotiate issues. They are smart. They are bright and they have all the cultural dynamic. They know if they call, if they tell certain people, that their culture will be blamed or the group may be blamed. They have all that stuff down. They understand it. And that this is why it so important to take their lead. They can assess the situation themselves and come to their own conclusion ...and make their own decision.

If young women and families are provided with appropriate social work and counselling supports, disclosure to parents/guardians may well reap many benefits. Young women may feel more comfortable coming forward and choosing to make disclosure of sexual assault to their families if they know that the supports they need will be made available to them.

In a recent report on violence against girls in Canada, Jiwani, Janovifek and Cameron recommended that reporting policies retain some discretion to waive reporting in circumstances in which young women are particularly vulnerable to retaliation:

Fear of disclosure to parents and other caregivers remains a serious concern impeding these girls from accessing relevant and needed services. Guarantees of confidentiality and autonomy are therefore necessary to facilitate such access. Similarly, mandatory reporting guidelines need to be either waived or reconsidered in situations where girls and young women are extremely vulnerable to retaliation and to the potential loss of their group membership in cultural community resulting from disclosure and the attendant loss of reputation.⁴⁵

The Panel recognizes that the issue of reporting to parents is an extremely emotional and controversial one. Most parents want to know when their child has been harmed at school. However, this very understandable impulse must be balanced with the need to ensure that needs of the young women who experience violence are met. As indicated above, fear over a lack of confidentiality when reports of sexual assault are made is one of the main barriers to young women coming forward. If girls or young women know that their parents will be involved automatically, they may well not come forward at all. Parents will not know about the incident, the girl will not get the supports she needs and no interventions will be directed to the perpetrator. All members of the school community lose in such a scenario.

The Panel recommends, as a first step, that the TDSB set out a clearly articulated policy concerning reporting to parents and/or guardians. In balancing the competing interests,

⁴⁵ Y. Jiwani, N. Janovifek, and A. Cameron, “Erased Realities: The Violence of Racism in the Lives of Immigrant and Refugee Girls of Colour” in *In the Best Interests of the Girl Child: Phase II Report*, 45-92 at p. 74.

the Panel sees merit in drawing a distinction, as with police involvement, at the age of sixteen. For those under the age of sixteen, decisions about involvement of parents should be made by the Principal and Chief Social Worker, after consulting and supporting the student. Students who have reached the age of sixteen should be able to make their own decisions, as they can with respect to medical treatment, about whether their families will be informed. In all cases, appropriate support services must be involved – including for families if they are notified. Appropriate support services should be identified by the Chief Social Worker and may include external supports such as interpreters, community advocates, agencies and experts.⁴⁶

The Danger of Gender-Neutral Policies

Current TDSB policies concerning responses to violence are gender neutral. The “Consequences of Inappropriate Student Behaviour” policy is an excellent example of this trend.⁴⁷ The policy begins with a definition of the terms and “student behaviours” that are used in the policy. Although this is the policy that sets out the consequences of behaviours such as sexual assault, sexual harassment and racial harassment, these three terms are not amongst the terms defined. The “student behaviours” that are defined in this section do not make any reference to gender or how different forms of violence intersect.

For example, “Bullying or Intimidation” is defined as:

A combination of power and aggression. It occurs when a student maliciously and repeatedly oppresses, harasses or intimidates another student verbally, physically or psychologically.

“Harassment” generally is defined, but with no reference to the particular racial or gendered expressions that characterize sexual or racial harassment. “Hate material” is defined to include literature that incites violence or hatred solely on “race, religion, nationality or sexual orientation.” Incitement of hatred based on gender is not included in the definition. While the policy defines physical assault, it does not define sexual assault.

The “Abuse and Neglect of Students” policy, which is the main policy for responding to sexual assaults in Toronto schools, uses the term “sexual misconduct” as opposed to “sexual assault”, thus minimizing the violent impact of the conduct on the victim. Again, this policy does not address the particular gendered dimensions of this type of violence. Moreover, its title is confusing. It is not obvious until the policy is read in detail that the policy applies to incidents of sexual violence between students.

Gender-neutral policies that do not address the specificities of gender-based violence such as sexual harassment and sexual assault are insufficient. Gender-neutral descriptions obscure the root causes of violence and leave the underlying gender-related dynamics

⁴⁶ The text of the Panel’s full recommendation concerning reporting to parents and guardians can be found below, under the heading “gender-neutral policies”.

⁴⁷ Toronto District School Board (December 10, 2006), Operational Procedure PR 697 SCH: “Consequences of Inappropriate Student Behaviour”.

unnamed and invisible. Instead, structured and systemic social problems appear as random, unpatterned and individualized.⁴⁸ An equity approach to combating violence requires that the discriminatory and systemic underpinnings of violence are named and recognized.

Recommendation 2: The Toronto District School Board should develop a “Sexual Assault and Gender-Based Violence” policy. Interventions and approaches should be developed to respond to sexual assault and other forms of gender-based violence, with a view to ensuring that the equality rights of girls and young women to a safe learning environment are protected. The policy should be developed in consultation with the community and organizations that work to combat gender-based violence. The policy should detail definitions, penalties, reporting procedures, resources and an annual review of how the policy is being applied in practice. All Toronto District School Board employees who work with students should have regular training on the policy and the Board should ensure that sufficient resources are allocated to implement the policy.

In order to encourage victims of sexual assault to come forward and to protect the school community, the “Sexual Assault and Gender-Based Violence” Policy should state that, with respect to students who are age 16 or over:

- a. The decision concerning whether to report the sexual assault to the police should be made by the student.*
- b. The decision concerning whether to notify the student’s parent/guardian of the sexual assault shall be made by the student.*
- c. The Chief Social Worker shall mobilize appropriate supports for the student as soon as the incident is brought to the attention of school authorities. Supports may be both TDSB supports and/or community support, and should be provided to assist the student to make their decision concerning reporting sexual assaults to the police and/or parent/guardian. The appropriate supports should be present when the student is interviewed by police and throughout the investigative/judicial process.*
- d. Where the student chooses to inform their parent/guardian, the Chief Social Worker should ensure that family counselling services are made available to the victim and his or her family during and after the disclosure.*

⁴⁸ Y. Jiwani and H. Berman (2002), “Introduction” in *In the Best Interests of the Girl Child: Phase II Report* (Alliance of Five Research Centres on Violence) at p. 2.

Where the victim of a sexual assault is under the age of 16:

- a. The Principal and/or designate, in consultation with the Chief Social Worker (or other supports) shall report the sexual assault to police.*
- b. The Principal and/or designate and Chief Social Worker, in consultation with the student and appropriate supports, shall decide whether the parent/guardian should be notified of the sexual assault. There should be a presumption that the parent/guardian will be notified, except in exceptional circumstances.*
- c. The Chief Social Worker shall mobilize appropriate supports for the student as soon as the incident is brought to the attention of school authorities. Supports may be both TDSB supports and/or community supports, and should be available if the student is interviewed by police and throughout the investigative/judicial process.*
- d. Where the student chooses to inform their parent/guardian, the Chief Social Worker should ensure that family counselling services are made available to the victim and his or her family during and after the disclosure.*

Regardless of whether the sexual assault is reported to police, the Toronto District School Board, through the department responsible for school safety, should ensure that appropriate disciplinary action is taken and that procedures are in place to ensure the safety of the school community with respect to the alleged perpetrator.

Providing Necessary Supports to Help Victims and Perpetrators

One of the most important responses to sexual assault and other gender-based violence in schools is ensuring that the victims receives the support that they require, be that medical attention, counselling or otherwise. It is appropriate that current TDSB policy makes the involvement of the Chief Social Worker mandatory in cases of sexual misconduct in the school and calls for supports to be put in place for both the victim and the perpetrator.

In practice, the provision of such services has been inadequate to the needs of both the victim and perpetrator. Attempts to improve such services by the Safe Schools Department, as well as the Safe and Caring Schools Work Group have been unsuccessful.

Donna Quan, the head of the Safe Schools Department, told the Panel that when she assumed her portfolio during the 2005/2006 school year, Safe School administrators and others in the system immediately flagged for her that there had been an increase in the number of students engaged in inappropriate sexual conduct, including sexual harassment and sexual assault. The greatest increase was occurring amongst students in the middle grades.

Quan raised the concern with the Executive Counsel, the Associate Director and the Director of the TDSB and advocated for a new program to address the issue. Quan began to develop a proposal in which Hincks-Dellcrest, an outside community agency, would provide a non-academic program for students who engaged in inappropriate sexual conduct.⁴⁹ It was proposed that Hincks-Dellcrest would also educate families on appropriate sexual behaviour, provide services designed to prevent sexual misconduct by working with boys who had been identified as possible perpetrators and provide services to victims.

At the same time as the Hincks-Dellcrest proposal was in development, the Safe and Compassionate Schools Work Group, chaired by Trustee Mari Rutka, was bringing forward a recommendation that the TDSB establish two junior-intermediate programs for students who displayed repeated sexual misconduct in order to support their re-integration:

Establishment of two junior-intermediate programs, one in the east and one in the west of Toronto, for students who have displayed repeated sexual misconduct in order to support the re-integration and re-engagement of these young people into society.⁵⁰

In a June 2006 presentation to the Board, the Safe Schools Department informed the Board that, according to the “Weekly Serious Incident Reports”, there had been 26 reports of sexual assault in TDSB schools between February and June 2006.⁵¹ Quan described these statistics as “alarming.” The presentation called for immediate intervention to address the concerns. The presentation supported the recommendation for two junior-intermediate programs that were being proposed by the Safe and Compassionate Schools Work Group.

The Board declined to accept the recommendation from the Safe Schools Department and the Safe and Compassionate Schools Work Group. The Board has not taken action to respond to the alarming statistics concerning sexual assaults in schools that were brought to their attention in June 2006. The Panel recommends that the Board re-visit this decision, but given the high numbers of sexual assaults revealed by the Panel’s research, the proposal should be expanded to include the implementation of programs in high schools.

Recommendation 3: The Toronto District School Board should establish programs at both the high school and junior-intermediate level for students who have engaged in repeated acts of gender-based violence, in order to support the re-integration and re-engagement of these young people into society and prevent future incidents.

⁴⁹ The Hincks-Dellcrest Centre is a Toronto-based agency that provides mental health care for children. The Treatment Centre is partially affiliated with the University of Toronto and is accredited by the Council on Accreditation for Children and Family Services.

⁵⁰ Safe and Compassionate Schools Task Force Implementation Work Group (May 24, 2006), “Recommendations”, recommendation 12.

⁵¹ TDSB (June 2006), “Safe Schools at the TDSB: Presentation to the Board.”

According to Quan, at the present time, counselling for perpetrators has not been institutionalized in the TDSB. It is offered on a case-by-case basis and takes the form of counselling with a TDSB social worker. Parental consent is required prior to such counselling taking place. There is concern that the TDSB does not have the resources or the expertise to offer the kinds of counselling that boys who engage in sexual misconduct require.

There are many community-based agencies in Toronto that provide violence prevention education, crisis intervention and counselling support. The staff of these agencies are experts on issues of violence against women and girls. They have the knowledge, skills and experience on these issues and are in a good position to strengthen prevention and intervention supports in schools. The TDSB could greatly increase the consistency, quality and availability of support services for girls and boys by partnering with community agencies.

Recommendation 4: The Toronto District School Board should partner with community agencies providing services for women and girls experiencing violence, in order to enhance supports available for students and teachers to both prevent and respond to gender-based violence in schools.

Training and Accountability

Even the best policy for responding to gender-based violence will be of no use unless the policy is known, understood and followed by members of the school community. The incident at C.W. Jefferys raised serious concerns that, at least in that case, the policy was not followed. The incident was not reported to police as required by the policy. School staff conducted an informal investigation into the incident, which is expressly prohibited by the “Abuse and Neglect of Students” policy. The Safe Schools Department was not informed of the incident, nor was the Chief Social Worker. As a result, the victim was not offered any counselling or other supports.

A review of the “Weekly Incident Reports” suggests that, unfortunately, this non-compliance with the policy is not an isolated incident.⁵² Superintendent Quan told the panel that the Safe Schools Department is not always informed of incidents of sexual assault and that sometimes schools and superintendents choose to deal with incidents themselves.

According to Grant Bowers, in-house counsel with the TDSB, the “Abuse and Neglect of Students” policy was developed after the amalgamation of the City of Toronto. Following its implementation, all principals, vice-principals, senior managers and student support workers were trained on the policy. The training of these individuals was completed six

⁵² See Appendix D: Table of Violent Incidents.

years ago. There has been no training program on the policy since that time, although principals are directed to review the procedure with their staff every fall.

One difficulty, according to Bowers, is that there has been enormous staff turnover since the training was done six years ago. As a result, there are a substantial number of principals who have not been trained on the policy. There is some training on the policy included in the orientation for new principals that takes place each August, but it is part of a two-day training that covers many TDSB policies. Thus, there are improvements that can be made in the training and awareness of TDSB policies for responding to gender-based violence.

Beyond administrators, the policy must be broadcast, known and understood by all members of the school community, including students.

Recommendation 5: Toronto District School Board policies and resources relating to sexual assault and gender-based violence should be posted in schools and should form part of the orientation process for all teachers and students at the commencement of each year.

Cyber-Violence Policies

As discussed earlier, gender-based cyber-violence is on the rise. Cyber-harassers exploit the anonymity and relative ease of various electronic communication formats and the large audiences to which they can appeal. Several recently reported cases of teens committing suicide after being attacked by cyber-harassers underscore that cyber-violence is a real assault against the physical, psychological or emotional well-being of an individual or group.⁵³ In the case of Shaquille Wisdom, a Grade 9 Ajax, Ontario student who committed suicide after being harassed online, the homophobic cyber-attacks quickly escalated to physical and verbal assaults against him at school. Not only is cyber-violence devastating for an individual but it can also create a climate of fear in the school that is detrimental to all students.⁵⁴ As such, cyber-violence between students should be given the same consideration as violence that occurs on school property.

The TDSB has a “Code of On-Line Conduct” for its staff and students. This policy suffers from the same weaknesses as the other TDSB policies described above in that it is gender-neutral. The policy is mainly reactive and will do little to prevent cyber-violence because it does not facilitate an understanding of this form of violence among students or staff. Furthermore, the policy only extends to those using online systems and resources provided by or on behalf of the TDSB. The Online Code is silent on cyber-attacks

⁵³ T. Godfrey, “Zapping Cyber-Bullies; OPP try to halt student ‘cruelty rings’” *The Toronto Sun* (20 November 2007). T. Godfrey, “Teen bullied to Death; ‘Gay’ taunts drove him to suicide” *The Toronto Sun* (22 November 2007). The article on the suicide of Shaquille Wisdom reports that the Principal of the high school heard rumours from students about Wisdom but the Principal stated that Wisdom did not show signs of being a victim.

⁵⁴ S. Shariff and R. Gouin, “Cyber-Dilemmas: Gendered hierarchies, free expression and cyber-safety in schools”(2005) Department of Integrated Studies in Education, McGill University, online: www.oii.ox.ac.uk/microsites/cybersafety/extensions/pdfs/papers/shaheen_shariff.pdf at 3.

launched by students against other students off TDSB property and schools have been very reluctant to act in such circumstances. In contrast, school administrators have acted swiftly when teachers or school administrators were the targets of what they perceived to be cyber-bullying on Facebook.⁵⁵

The TDSB must address emerging challenges arising from evolving technologies and help guide students to be respectful individuals. Schools rely on technology to deliver curriculum and assignments and therefore they should have regard to how students make use of it.⁵⁶ School boards ought to examine their legal responsibilities in regards to cyber-violence and consult with experts and stakeholders to redevelop their online policy to incorporate an anti-oppression gender-based perspective that defines socially acceptable cyber-behaviour and relationships for their students.⁵⁷ For example, NetSafe, a New Zealand internet safety group, produced the NetSafe Kit for Schools, which has three components for implementing cyber-safety in school. They are as follows: an infrastructure of policies, procedures and use agreements; an effective electronic security system; and a comprehensive cyber-safety education program.⁵⁸

The online code of conduct or policy should clearly outline the standards and codes of conduct for different forms of technology. The Code needs to be expanded from focusing on online personal safety to address inter-student cyber-violence. The policy should be accompanied with a backgrounder that explains the resulting harm to the victim of inappropriate conduct and outline the potential consequences for violating the policy. The policy should address online violence that occurs between students outside of school. Procedures for handling cases of varying degrees of cyber-violence should be outlined. TDSB's online code of conduct declaration that is signed by students and parents should list the types of behaviours that the student is agreeing to uphold.⁵⁹ Policies should be accompanied by media awareness and cyber-violence prevention programming that commences at an early age.

Recommendation 6: The Toronto District School Board should revise and broaden its “Online Code of Conduct” and student/parent declaration to address acts of cyber-violence and the consequences for students who engage in such conduct, on or off school property. Cyber-violence should also be included as a topic in violence prevention programming.

⁵⁵ “4 charged after school protest over Facebook suspensions” *CBC News* (23 March 2007) online: CBCNews, <http://www.cbc.ca/technology/story/2007/03/23/protest-birchmount.html>.

⁵⁶ S. Shariff and R. Gouin, “Cyber-Dilemmas: Gendered hierarchies, free expression and cyber-safety in schools”(2005) Department of Integrated Studies in Education, McGill University, online: <www.oii.ox.ac.uk/microsites/cybersafety/extensions/pdfs/papers/shaheen_shariff.pdf> at 10

⁵⁷ NetSafe, “2007 NetSafe Kit for Schools” online:NetSafe <http://www.cybersafety.org.nz/kit/index.html>. NetSafe provides a good framework to implementing cyber-safety policies.

⁵⁸ NetSafe, “The NetSafe Programme for Schools: major components” online: NetSafe http://www.netsafe.org.nz/schools/the_netsafe_programme_for_schools.aspx.

⁵⁹ NetSafe's example of a student use agreement, online: NetSafe http://www.cybersafety.org.nz/kit/Use%20Agreements/agreements/secondary_bg.html.

3.05.04: Preventing Gendered-Based Violence in Schools

In many ways, the dichotomy between prevention and intervention is a false one. A responsible and effective response to incidents of gender-based violence will also prevent such violence in the future. As one expert and advocate on violence against women and children commented to the Panel, true prevention begins not only with everyone in the school community having a clear understanding of what the expectations are for behaviours and attitudes around sexual violence, but also of what steps will be taken when incidents occur. An effective response sends a message that acts of gender-based violence will not be tolerated.

Nonetheless, a key priority must be to have a pro-active plan to prevent violence against girls and young women.

Current Access to Violence Prevention Programs

There are a multitude of violence prevention programs geared towards students in all grades. The Ontario Ministry of Education “Registry of Bullying Prevention Programs” lists 75 different programs. While it is promising that the education system clearly sees prevention as important, a general survey of these programs reveals that there is a lack of comprehensive, gender-specific violence prevention programs available to students in Ontario. For example, of the 75 anti-bullying programs, only four are focused on girls or specifically include girls in their program. Only five programs address issues of racism. There is evidence that this lack of gender analysis is an issue for anti-bullying programming across Canada.⁶⁰

The TDSB has several violence prevention programs. The Core 5 Curriculum is administered to students from kindergarten to grade eight and covers topics including personal safety, internet safety, bullying, substance abuse and youth violence and gangs. “BOOST Child Abuse Prevention and Intervention” conducts a voluntary “Relationship Skills for Violence Prevention” program for girls between the ages of 12 and 17. TDSB junior high and secondary schools participate in the Empowered Students Partnerships (ESP) training and events. ESP is run as a partnership among the TDSB, the Toronto Police Service, Canadian Safe Schools Network, ProAction and City of Toronto, among others. Each school has a staff-supervised, student-led committee that surveys students and plans safe school initiatives for their school. Representatives from different school committees meet periodically to share ideas and concerns. The ESP resource kit contains information, surveys, activities and articles on several topics including sexual orientation, sexism, racism, dating, bullying and equity.

⁶⁰ Y. Jiwani et al., *Violence Prevention and the Girl Child, Phase One Report* (Alliance of Five Research Centres on Violence, December 1999), online: The FREDA Centre for Research on Violence against Women and Children <<http://www.harbour.sfu.ca/freda/reports/gc.htm>>.

Overall, most TDSB prevention programs are gender-neutral and focus on issues of self-esteem, conflict resolution and empathy. Those few prevention programs that examine gender-based violence tend to focus on improving communication skills and conflict resolution between boys and girls. This approach is problematic because it fails to understand that gender-based violence does not arise from a lack of communication or conflict resolution skills. Rather, gender-based violence is an abuse of power and control.⁶¹ Programs that fail to address the root causes of violence cannot effectively prevent violence.

Another shortcoming of current school-based prevention programs is the failure to acknowledge that students are not commencing from a level playing field. As discussed above, violence is expressed and experienced differently based on the interplay among factors such as race, gender and class. Programs that ignore these differences and fail to address the realities faced by students, will not succeed. Furthermore, insofar as violence prevention programs fail to acknowledge the roles that racism and sexism play in violence, they also ignore how adults within the school contribute to this dynamic. Instead youth are blamed for all of their problems.

Two academics that have conducted research into the prevention of gender-based violence, separately observed to the Panel that violence prevention programs and research are commonly influenced by funders' imperatives. They both stated that funding is allocated to programs that reflect the funder's priorities or values, which can sometimes prefer a gender-neutral approach over a gendered analysis of the root causes of violence against young women and girls. Funding is usually allocated to broad-based, gender-neutral, anti-bullying programs that favour short-sighted cursory resolutions. This may explain why there are so many programs focused on bullying as compared to sexism and racism.

The failure to recognize that bullying can often have a gendered dimension, such as sexual harassment, has meant the gender-specific programs that exist are under-funded, overly dependent on volunteers and are held on a sporadic basis with minimal follow-up. Current prevention programs are also undermined by the fact that the majority are reactive rather than proactive and were implemented in isolation from other anti-violence programs and educational initiatives.⁶²

To summarize, anti-bullying programs tend to focus on a universalized, dominant view of youth and do not account for the many ways girls from different backgrounds experience violence. The role of racism and sexism in violence is missing from programs that simply

⁶¹ D. Gamache and S. Snapp, "Teach your children well: Elementary schools and violence prevention" in Peled, Einat et al. eds. *Ending the Cycle of Violence: Community Responses to the Children of Battered Women* (Newbury Park: Sage Publications, 1995). In Y. Jiwani et al., *Violence Prevention and the Girl Child, Phase One Report* (Alliance of Five Research Centres on Violence, December 1999), online: The FREDA Centre for Research on Violence against Women and Children <http://www.harbour.sfu.ca/freda/reports/gc.htm>.

⁶² Y. Jiwani et al., *Violence Prevention and the Girl Child, Phase One Report* (Alliance of Five Research Centres on Violence, December 1999), online: The FREDA Centre for Research on Violence against Women and Children <<http://www.harbour.sfu.ca/freda/reports/gc.htm>>.

use the generic term “bullying.” Violence and bullying-prevention programs that fail to approach the problem from an anti-oppression, gendered perspective gloss over the fundamental basis of school-based violence and bullying.

Elements of an Anti-Oppression Violence Prevention Education Program

A comprehensive violence prevention response requires co-operation amongst all stakeholders in the school community including students, teachers, administration, support staff, the school board, parents and members of the community and experts in violence prevention. Sustainable programs also require adequate funding and resources.

The major drawback to the anti-violence programming currently in place in the TDSB is that prevention initiatives have not been approached holistically and have not been sensitive to the relationship between safety and equity. Violence prevention education programs should not be treated separately from each other and from other interventions designed to improve the safety of students. Rather violence prevention is best approached as a holistic exercise that incorporates anti-violence education, changes to the physical plant of schools and the creation of safe spaces for vulnerable students.

In this section, we examine some of the characteristics of a comprehensive, violence prevention program that can effectively address the particular risks that female students face in schools.

i. *Venue*

The basic premise of violence prevention is that because violence is learned, individuals can also learn how to choose non-violent behaviours.⁶³ There are a number of reasons why the school setting is the preferential venue in which youth can gain awareness about gender-based violence and acquire skills to counter it. Students spend most of their day at school for the purpose of learning and developing skills, as well as socializing with their peers.

Furthermore, statistics show that sexual violence is occurring frequently at school among students. Instituting anti-oppression violence prevention programs in schools is an important step towards creating a safer school environment. As schools are a gathering place for children of all ages, schools are an ideal location for both early intervention and continuous education about violence.⁶⁴

ii. *Prevention Programs*

Many gender-based violence prevention programs involve staff from organizations dedicated to preventing violence against women and girls. The advantage of these

⁶³ RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming, <http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>.

⁶⁴ RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming, <http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>.

programs is that experts in the subject are responsible for preparing the materials from an anti-oppression feminist perspective and are comfortable discussing sensitive topics with students. However, agencies providing such services face significant limitations due to under-funding and limited resources. Moreover, these program providers are reliant on receiving an invitation from a teacher or principal who is aware of the program and there are usually limited opportunities for continued engagement.

Teacher-directed programs have advantages because violence prevention material can be integrated into the relevant curriculum and discussed on an ongoing basis. However, teachers may not feel comfortable or be adequately trained to teach the materials or may interject their own personal biases into the program. Therefore, a complementary involvement of both external and internal programs is likely the preferred design for a prevention program.⁶⁵

iii. Linking Forms of Violence

Many violence prevention programs address one type of violence in isolation of other forms. As such, most programs omit discussions of the interconnection of the different forms of violence such as racism, sexism and classism. It is important to emphasize that the fundamental cause of all forms of violence is the exercise of power, intimidation and control by one person over another that results in emotional harm, fear or physical injury.⁶⁶ Adopting a comprehensive definition of violence allows for an expansion of what is included in the prevention programs. A common framework would help students to better understand the roots of violence and apply this understanding to different forms of violence.⁶⁷

iv. Taking Gender Into Account

Programs should describe, to both students and teachers, the gender differences in victim-offender rates and consequences of violence, without ignoring the fact that young men are also victims of abuse. Programs should also avoid stereotyping males as perpetrators and women as victims. Programs should focus on the root causes of violence including the impact of gender socialization that for example, views women as primary caregivers, that they are subservient or inferior to men and that women and children are the property of a husband or father. Such beliefs are harmful and contribute to gender-based violence

⁶⁵ RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

⁶⁶ RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>; The Safe School Review Advisory Committee, Report of the Safe Schools – System Violence Prevention Review Committee (2003) online: Centre for Research on Violence Against Women and Girls <<http://www.tvdsb.on.ca/safeschools/pdfs/2003report.pdf>>.

⁶⁷ W.E.Thurston, L. Meadows, L.M. Tutty, and C. Bradshaw, *A violence reduction health promotion model. Report to Prairie Partners Community Foundation* (1999). In RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

by reinforcing power dynamics.⁶⁸ By bringing gender socialization to the attention of students and teachers, program participants will better understand the detrimental behavioural consequences that arise from these beliefs and how they contribute to violence.

Boys and girls respond differently to prevention programs, in part because boys and girls have different levels of knowledge, understanding and attitudes regarding violence.⁶⁹ Violence prevention programs need to be designed to account for these differences and should use approaches that are age and gender appropriate.⁷⁰ There must be a more concerted effort to engage boys and young men in preventing violence against girls and young women. Research and consultations conducted by the Panel suggests that there is merit to using gender-segregated discussion groups as a component of anti-violence prevention programming.⁷¹

v. Building Skills

All students must be equipped with the skills and knowledge to avoid violent situations and be aware of resources that are available when violence occurs. Prevention programs should strive to instil practical skills to both prevent and respond to acts of violence. Many programs aim to provide participants with the following skills: good communication; non-violent conflict resolution choices; the ability to understand the roots and consequences of violence for victims and perpetrators; how to advocate and intervene to prevent violence; non-violent problem solving; healthy relationships built on respect for self and others; and help-seeking skills and resources.⁷² Prevention initiatives should allow students to practise these skills.

Teaching students how they can help their friends who have been victimized by violence should be a priority.

⁶⁸ RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

⁶⁹ in RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>

⁷⁰ S. Artz, T. Riecken, B. MacIntyre, E. Lam and M. Maczewski, "Theorizing gender differences in receptivity to violence prevention programming in schools" (2000) 22 *The B.C. Counsellor* at 1, 2-30. In RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

⁷¹ S. Artz, T. Riecken, B. MacIntyre, E. Lam and M. Maczewski, "Theorizing gender differences in receptivity to violence prevention programming in schools" (2000) 22 *The B.C. Counsellor* at 1, 2-30; CRI-VIFF (Centre de Recherche Interdisciplinaire sur la Violence Familiale et la Violence Faite aux Femmes), "Quebec report" in the Alliance of Five Research Centres on Violence (Eds.), *Violence prevention and the girl child: final report* (London, ON: Alliance of Five Research Centres on Violence, 1999) at 26-50. A.L. Cummings and A.W. Leschied "Understanding verbal and physical aggression by adolescent women." *Research Bulletin: News from the Advisory Board of the Centre for Research on Violence Against Women and Children* (January 2001) at 1, 1, 1-2. In RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

⁷² RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

vi. Continuing Education

For programs to be most effective, they need to be developmentally appropriate, commence early and be repeated throughout child development stages. The TDSB should ensure that a series of prevention programs are offered to all schools, to all grades, and in a manner that is linked to the curriculum. Programs should be creative and interactive to engage young people to actively participate in the discussions. Students should be encouraged to take a leadership role and help develop activities or lead discussions among their fellow students.

vii. Teachers and School Staff Training

Teachers, administrators and other staff who come into contact with students should undergo comprehensive anti-oppression gender-based violence prevention training. This should start with mandatory courses in pre-service teachers training education and then must be repeated through a program of continuing education and professional development. School staff should also be given the necessary resources to provide supports for victims and offenders. Staff training should also include the understanding of the unique needs of newcomer and other marginalized students.⁷³

Recommendation 7: The TDSB should provide teachers, administrators, superintendents and support staff with staff development in the following area: gender-based education concerning causes of gender-based violence, prevention strategies and TDSB policies for responding to gender-based violence. The training should be mandatory for all TDSB teachers, administrators, superintendents and support staff.

Recommendation 8: The Ontario Ministry of Training, Colleges and Universities should review current teacher education programs to evaluate its effectiveness in preparing teachers to respond to issues of sexual violence in the classroom and in the school environment. Where necessary, existing training courses should be updated. Training concerning gender-based violence in schools should be made mandatory for all pre-service teachers.

viii. School-Community Connections

Community resources such as advocacy groups, researchers, shelters, sexual assault centres and youth groups should be engaged in prevention education and training at the school. Many effective prevention programs are designed by community organizations that are experts in issues related to gender-based violence. Community organizations can also provide support services for students who are in need of assistance. Schools should

⁷³ RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

be provided with a list of local community organizations with expertise in violence prevention and intervention. A TDSB “Violence Prevention Coordinator” could be an effective liaison between the school and community organizations and assist schools to identify appropriate community-based programs.⁷⁴

ix. Family Involvement

Families should be engaged in violence prevention activities. Enhancing parents’ knowledge of gender-based violence and available community resources will reinforce the concepts and skills that girls and boys learn at school. Parental outreach should encourage parents to teach these concepts at home by helping them to develop the communication skills to discuss gender-based violence with their children.⁷⁵ Outreach directed at parents should recognize the barriers parents face to participating in their child’s education including language and cultural barriers for newcomer parents, as well as work schedules.

x. Peer Education

Many individuals and groups who consulted with the Panel recommended peer education as an effective way to implement violence prevention programming in schools. The Panel was particularly impressed by “Respect in Action” (ReAct), a peer-mediated, anti-oppression, violence-prevention program run by the Metropolitan Action Committee on Violence Against Women and Children (METRAC).⁷⁶ ReAct is a youth facilitated program that educates youth on violence against women and girls. The program is implemented by youth facilitators from diverse backgrounds, who are trained by ReAct to provide peer-to-peer anti-violence workshops in schools. The workshops aim to raise awareness, foster discussions, provide information about available community resources, and to challenge commonly held notions of gender and violence.

The workshops tackle different forms of violence, including domestic abuse, dating violence, sexual assault, racism, emotional abuse, marginalization, female bullying and harassment. The workshops include interactive activities such as art, drama, media clips and games that foster student engagement in the discussion and validate their personal experiences of violence. Facilitators also customize their sessions to meet the particular

⁷⁴ L. Tutty, and K. Nixon, “ACAV Youth violence prevention coordinator evaluation- Phase I.” Unpublished research report. RESOLVE Alberta. In RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>> The Calgary based Action Committee against Violence developed a Youth Violence Prevention Coordinator position to be a liaison between community programs and schools. An evaluation of the coordinator confirmed its effectiveness in assisting school staff identify solid programs. The Coordinator also developed and circulated an inventory of services for youth violence prevention in the city of Calgary.

⁷⁵ RESOLVE Alberta, *School Based Violence Prevention Programs: A Resource Manual* (2002) online: Prevention Programming <<http://www.ucalgary.ca/resolve/violenceprevention/English/prevprog.htm>>.

⁷⁶ ReAct: Respect in Action, Youth Preventing Violence, online: METRAC <<http://www.metrac.org/programs/info/speakers.htm>>.

needs of the students they are meeting. In some instances, facilitators will meet with boys and girls separately.

ReAct also provides “Train-the-Trainer” workshops that instruct service providers, educators and community workers on the continuum of different forms of violence and their warning signs. This is done using a gendered, anti-oppression analysis so participants understand the gender dynamics of violence against women, girls and youth, as well as how violence affects youth differently depending on social factors such as gender, race, class, immigration status, ability and sexuality. The session also focuses on solutions and strategies to address violence in diverse youth including violence de-escalation skills and ways to challenge youth to act to prevent violence.

ReAct has also incorporated an assessment tool into their workshops and programs, with participants completing evaluation forms. The feedback is analyzed and incorporated into future programming. The facilitators also provide follow-up information and community resources for participants so they know where to seek assistance if they experience violence. Moreover, ReAct encourages schools to have them return for follow-up workshops so they can build upon what was learned by the students and introduce new topics of discussion.

Similar peer-run programs offered in other cities and school boards have been found to be effective in facilitating meaningful student engagement with violence-related issues. A report evaluating peer-prevention programs in the Thames Valley District School Board found that administrators, students, teachers and parents reported noticeable changes in the school culture and student behaviour.⁷⁷ The students reported that they felt they were able to participate in the activities, the quality of the discussions were high and the topics discussed and the skills learned were important.⁷⁸ Some reported that they changed their attitudes as a result of the workshops, strived to become better role models and anti-violence advocates and felt better equipped to intervene in situations arising at their school. Peer facilitators also noted that they developed essential leadership skills by directing the workshops. Approximately half of the school principals surveyed stated there was an observable change in the number of disclosures, enhanced student activities and improved social skills among students. They also felt that student learning improved due to a healthier school climate, an increased sense of safety and understanding of issues, and reduced harassment. A third of principals reported a decrease in violent incidents.⁷⁹

⁷⁷ The Safe School Review Advisory Committee, Report of the Safe Schools – System Violence Prevention Review Committee (2003) online: Centre for Research on Violence Against Women and Girls <<http://www.tvdsb.on.ca/safeschools/pdfs/2003report.pdf>> at “Program Feedback (Intermediate and Senior)”.

⁷⁸ The Safe School Review Advisory Committee, Report of the Safe Schools – System Violence Prevention Review Committee (2003) online: Centre for Research on Violence Against Women and Girls <<http://www.tvdsb.on.ca/safeschools/pdfs/2003report.pdf>> at “Program Feedback (Intermediate and Senior)”.

⁷⁹ The Safe School Review Advisory Committee, Report of the Safe Schools – System Violence Prevention Review Committee (2003) online: Centre for Research on Violence Against Women and Girls <<http://www.tvdsb.on.ca/safeschools/pdfs/2003report.pdf>> at “Program Feedback (Intermediate and Senior)”.

The Panel recognizes that the TDSB has taken a positive step with its ESP program to implement a student-led school safety committee. The program is still in its infancy and further evaluation of its effectiveness remains to be done. However, even at this early stage, it appears to the Panel that the program lacks some of the elements of an effective violence prevention program described above. The ESP program could be a good complement to mandatory anti-violence educational programs delivered by gendered violence experts. The ESP program should be seen as one component of a holistic anti-violence program, rather than the sole initiative.

At present, the anti-violence topics to be addressed are selected by the school committee, based on what issues are of greatest relevance to the particular committee. While there is considerable merit to building in this type of flexibility, the Panel is concerned that the components of the program that address sexual harassment and gender-based violence are not mandatory. In the Panel's view, gender-based violence appears to be a pressing problem across the TDSB, yet, it has been treated as a low priority. As a result of the lack of awareness of violence against female students, it is possible that a voluntary program could overlook the ESP components that address gender-based violence. It should be mandatory for the ESP committee to strive to create awareness campaigns on violence against women and girls.

Recommendation 9: The Toronto District School Board should implement a peer-based education program, supervised and supported by teachers, youth and social workers. The program should teach students on the topics of the dynamics of violence against girls and women, healthy relationships and the acceptance of diverse racial and cultural groups. The program should be available to students in all grades at high schools.

Peer-run models have also been found to be more accessible to marginalized groups that face barriers to participation. For example, school settlement workers recommended that the Panel consider peer-mediated programs for newcomer students to assist with their orientation to the school system, based on the success seen with the "Newcomer Orientation Week" (NOW) pilot program.

The NOW program was implemented in eight high schools this past fall – six in Toronto, one in Peel and one in Hamilton. The program ran during the week prior to the start of the school year. The program was based on a partnership among teachers, settlement workers and trained student peer leaders (PLs) who were former newcomer students. Using a peer-based approach, NOW aimed to provide newcomer students with the knowledge, training, skills and supports in order to thrive at their new school. An evaluation of NOW found that the program was very successful in meeting its goals. Not only were newcomers better prepared for school, they also learned where to turn to for assistance and formed friendships. PLs also enhanced their leadership skills. Several PLs went on to implement initiatives within their schools to further assist newcomer students during the school year. The Panel urges the TDSB to work towards facilitating a broader

implementation of NOW programs across its schools and ensure that its registration practices do not pose a barrier for newcomer students participating in the program.⁸⁰

Recommendation 10: The Toronto District School Board should implement the Newcomer Orientation Week (NOW) program in all Toronto schools with high levels of newcomers in order to reduce the vulnerabilities of newcomer students.

Creating Safe Environments

The times and spaces in which students are at risk of violence in their schools can vary significantly according to gender. For example, research conducted at five mid-western high schools in the United States suggests that violence in schools tends to occur in areas such as hallways, playgrounds, bathrooms and cafeterias during non-academic time periods.⁸¹ Thus, patterns of school violence are intricately tied to school schedules. The researchers found through their survey work that female students identified 25 to 30 percent of school space as being unsafe. In contrast, male students identified 10 to 20 percent of school space as unsafe.⁸² Areas that students reported as unsafe for girls tended to be spaces with few or no adults, such as empty classrooms, the gym or weight room, (where boys tended to congregate) and stairwells.⁸³ Locations and times where violence occurs appeared to interact with the age and gender of students within each school.⁸⁴

Thus, a key element to preventing violence against female students is ensuring that school layouts, school schedules and the use of physical spaces are designed with safety in mind. Two invaluable tools for creating a positive and safe environment for female students include conducting a comprehensive, gender-sensitive safety audit of the high school and creating a safe space within the school for girls and marginalized students. By addressing the fears of girls and marginalized students feel at school, these students will become more comfortable in their surroundings and allow them to fully engage in their studies and school activities.

i. Gender-Sensitive Safety Audits

As discussed elsewhere in this report, the TDSB Safe Schools Department has developed a school safety audit tool that assesses the safety of the school. In addition to making observations of the physical plant of a school, the audit process involves attending the

⁸⁰ Kappel Ramji Consulting Group, “Settlement Workers in Schools: Newcomer Orientation Week Pilot Initiative Evaluation Report (Toronto: November 21, 2007).

⁸¹ R.A. Astor, H. Meyer and W. Behre (1999), “Unowned Places and Times: Maps and Interviews about Violence in High Schools”, *American Educational Research Journal*, Vol. 36(1), p. 4.

⁸² R.A. Astor, H. Meyer and W. Behre (1999), “Unowned Places and Times: Maps and Interviews about Violence in High Schools”, *American Educational Research Journal*, Vol. 36(1), p. 18.

⁸³ R.A. Astor, H. Meyer and W. Behre (1999), “Unowned Places and Times: Maps and Interviews about Violence in High Schools”, *American Educational Research Journal*, Vol. 36(1), p. 24.

⁸⁴ R.A. Astor, H. Meyer and W. Behre (1999), “Unowned Places and Times: Maps and Interviews about Violence in High Schools”, *American Educational Research Journal*, Vol. 36(1), p. 32.

school at different times of the day and observing the use that students make of the space. The audit process can identify serious deficiencies and make recommendations for improvements, for example the installation of more cameras and improvement of sight lines and lighting.

While undoubtedly a useful tool, the current audit process has not been designed with the safety risks facing female students in mind. METRAC's "Safety Audit Process" provides a useful model for incorporating gender-based concerns and a comprehensive understanding of safety into the audit process.

METRAC pioneered the "Women's Safety Audit" in 1989 and has worked since that time to improve the audit process to ensure that it addressed the safety concerns of marginalized communities as well.⁸⁵ METRAC has worked with the City of Toronto and neighbourhoods in the city to improve the safety of public spaces, in both open and enclosed locations. METRAC, in partnership with the Council of Ontario Universities and Colleges, has also developed the "Campus Safety Audit Service". METRAC has considerable expertise in evaluating spaces to ensure that they are as safe for its users, including students. The principles of this program can be applied to high schools.

The METRAC audit defines safety as the "freedom to move around without facing intimidation, physical harm and fear of violence, crime or harassment". It includes in its concept of "safety", a sense of belonging and acceptance by the frequent users of the space.⁸⁶ The strength of METRAC's safety audit is its use of anti-oppression gender-based analysis and stakeholder engagement throughout the audit process.

A high school audit based on METRAC's audit process would involve consultations with school community members such as students, teachers, parents, school administration and custodial staff and perhaps members of the surrounding community. These consultations would explore the school's past and present safety concerns, safety-related policies, school practices and other relevant information. METRAC could conduct training sessions with key staff, teachers and students to teach them how to lead and participate in the audit process. The training emphasizes the diverse needs of different students. METRAC auditors bring together school community members to assess and evaluate physical features affecting safety (i.e. isolation, lighting, accessibility, signage and layout, sightlines and maintenance), as well as the school's social dynamics.

The METRAC audit not only focuses on real and perceived safety concerns of students from a physical and behavioural perspective, it also includes an examination of the existence and implementation of anti-violence policies to assess whether they create a safe environment by fostering a sense of belonging or if they pose a barrier to safety for vulnerable groups.⁸⁷

⁸⁵ METRAC Safety Audit Kit, "METRAC Creating Safer Spaces for Everyone: Safety Audit Services at 3.

⁸⁶ METRAC Safety Audit Kit, "METRAC Creating Safer Spaces for Everyone: Safety Audit Services at 4.

⁸⁷ METRAC Safety Audit Kit, "METRAC Creating Safer Spaces for Everyone: Safety Audit Services at 5.

The background research and audit data are analyzed in a comprehensive “Safety Report” that includes the findings and recommendations to improve the school’s safety in regards to physical features, social dynamics, policies and practices. METRAC consultants explain the results and facilitate the next steps to implement the recommendations.⁸⁸

One strength of this process is that students are involved and can express their concerns regarding their safety during the course of the consultation and training process. Specifically, girls and students from other vulnerable groups can articulate their fears and experiences of violence in and around the school. This increases the likelihood that these concerns will be addressed.

Recommendation 11: The Toronto District School Board should use a safety and equity audit process that, in addition to examining physical plant and use of physical space of schools, includes the following features:

- (a) Consultation with staff, parents and community members where appropriate;***
- (b) Consultation with female students and students from groups that are vulnerable to violence;***
- (c) An assessment of violence prevention policies and procedures, including their effectiveness and practice;***
- (d) Observation of social dynamics on school property; and,***
- (e) A follow up audit should take place within a reasonable time period to assess whether recommendations have been suitably implemented.***

ii. “Safe Spaces” In School

During the Panel’s consultations, young women and men repeatedly raised a concern that students from marginalized groups, including young women, felt isolated among their peers and excluded from the school system. The main reasons cited for these sentiments stemmed from racism, classism, sexism, ableism, homophobia and being a newcomer to a school. There is a need for services and spaces designed specifically for girls, where young women can come together to talk about violence and develop strategies to improve their circumstances.⁸⁹

The Panel met with Helene Berman and Yasmin Hussain, both affiliated with the Centre for Research on Violence Against Women and Children based at the University of

⁸⁸ METRAC Safety Audit Kit, “METRAC Creating Safer Spaces for Everyone: Safety Audit Services at 6.

⁸⁹ N. Janovicek (2001), *Reducing Crime and Victimization: A Service Provider’s Report* (FREDA Centre for Research on Violence Against Women and Children), p. 2.

Western Ontario. Berman is the principle investigator for a national study for the Alliance of Five Research Centres on Violence on the “Intersecting Sites of Violence in the Lives of Girls”. Berman and Hussain discussed the findings from their research, which included researchers working with youth peer facilitators to create “safe spaces” for young women within the participating schools.

The “safe space” consists of a classroom located in the school that has been designated as a safe space in which girls from various backgrounds can go to talk about issues they are facing with their peers and a trained youth facilitator. The girls themselves are encouraged to develop and run their own activities within the safe space, with focus on the issues the students themselves feel should be addressed. Activities can take a variety of forms and have included art, drama, writing and film.

Female peer-facilitators assist in running the spaces and are normally older students who volunteer to be trained and lead the sessions. Peer facilitators are selected to represent the diversity of the participants and issues that they are experiencing. Their role is to create a sense of openness that will facilitate discussions. Participation is voluntary and the safe space group will generally meet during school lunches or before or after classes.

Many young girls indicated during consultations with the Panel that they primarily confided or turned to their friends for advice rather than parents or teachers. In a peer-facilitated safe space setting, girls can confide to their peers about their concerns in the presence of a trusted mentor who has the expertise to provide them with accurate information and proper support. Another advantage of the safe space is that marginalized girls feel that they are part of group and less isolated within the school community.

Berman and Hussain suggested that safe space discussions could also be held for girls from particular marginalized communities including Aboriginal students, immigrant students, students of diverse sexual orientations, and students with disabilities. It is crucial that these issues be addressed in the main group to demonstrate how these different forms of violence intersect. However, in many circumstances girls from marginalized communities should have an opportunity to discuss the unique issues they face with fellow community members.

Berman and Hussain also suggested that an all-boy discussion group would be useful to assist boys to address the different pressures and concerns they face, especially if they belong to a marginalized community. Like the many others with whom the Panel consulted, they too stressed the importance of including young men into violence prevention programs. Assisting male students to understand the root causes and influences of violence and the consequences of violent behaviours will help both girls and boys promote a safe school environment.

Recommendation 12: The Toronto District School Board should create and implement a “safe space” program in its high schools for female students and other vulnerable groups.

Conclusion

In her book, *Discourses of Denial*, Jiwani writes,

The discourses of denial that are operative in the lives of these girls and young women cohere around the following axes: the denial of teachers and principals to address issues of systemic and everyday racism that these girls and young women encounter; the erasure of these issues in the curriculum; and the failure of these institutions to examine the intersections of races and gender in terms of how the latter might render girls and young women of colour more susceptible to the violence of gendered racism. Further, these discourses are apparent in the very denial of the existence of racial hierarchies within the school system, hierarchies that are maintained and reproduced in the interests of those who stand to benefit from them.⁹⁰

A successful violence prevention program needs to confront these issues in order to get to the roots of the problem and address the vulnerabilities that all girls, particularly those who are racialized, face at school. Otherwise, any prevention program will be reactive rather than proactive. The TSDB needs to look at safety from a holistic perspective and understand that safety is not about a physical space or overt physical confrontations. Violence is usually much more subtle and hidden and can present itself through policies, attitudes and responses.

Thus far, school boards have treated students as the only cause of violence and imposed a one-size-fits-all, quick-fix prevention program on them. It is predictable that these programs will have little effect in reducing rates of violence. Like their students, the TDSB, teachers and administrators have a lot to learn regarding gender-based violence. This learning can only occur if there is constant questioning and evaluation of past practices.

Recommendation 13: The Ontario Ministry of Education should create a position of “Violence Prevention Coordinator” that is responsible for the implementation of violence prevention programs in schools that are gender-sensitive and predicated on principles of equity and diversity. Violence prevention programming and education should involve students, school administrators, teachers, parents and community agencies.

Recommendation 14: All Toronto District School Board violence prevention programs should be regularly evaluated to determine their effectiveness and to make recommendations for improvement.

⁹⁰ Y. Jiwani, *Discourses of Denial: Mediations of Race, Gender, and Violence* (Vancouver: UBC Press, 2006) at 143.

3.05.05: Conclusion

While the alarming rates of sexual violence and harassment involving young women and students of diverse sexual orientations demonstrate that these forms of violence are far too common, they are often just treated as “boys will be boys” or jokes. The failure to respond quickly and decisively to incidents involving girls and young women sends a message that young women are not entitled to, and should not expect, protection from gender-based violence in schools.

Schools are not simply places where we learn our “abc’s”, but are also where we learn social expectations and gender roles. Young women are being taught that gender discrimination is the norm. It is important that this trend be reversed. Our schools should be sending a clear message that gender-based violence is not acceptable, through an awareness campaign that is visible to the entire school community.

Unfortunately, the lack of attention or response to the rising levels of sexual assaults in schools is not unique to the TDSB. Rather it reflects a broader failure to take decisive action with respect to gender-based violence and reflects the lesser value that is placed on safety concerns that are central to women. Academics, community agencies and advocates in the area of violence against women have struggled for many years to obtain appropriate funding and attention, while at the same time resources are made available to address the types of safety concerns that are more central to young men.

An expert and advocate on violence against women and children told the Panel that:

We’ve been very disappointed with how [funding has been] administered. It has a focus on gangs, guns, male violence and it has not seen the connection between gender, masculinity, gender based violence, gun violence and drugs. ...The poverty that women experience, and how this ties into children and youth getting involved, looking for alternative ways of generating money.

Young women attached to these young men live in fear and we have submitted applications to [funders], [but they have] fallen on infertile ground. They simply don’t include gender as part of the problem. They don’t get it. It seems that they are not prepared to address the full extent of the problem and the intersections between poverty, race and gender. It’s unfortunate that we often deal with issues of sexual violence towards young women in schools, after the fact. Even before this incident at [C.W. Jefferys] there was an incident at another school where a young woman was gang raped in a stairwell and again young men were charged, about 16 of them and one young woman. It did not get a panel review and it did not merit recognition that ... sexual violence had taken place...

Young women, women in general are not valued in our society and this is reflected in how resources get distributed. You can have the issues rubbing your face, just scratching you and yet nothing happens.

The Panel acknowledges that the lack of equitable attention to safety concerns affecting young women has also characterized its own work. On several occasions, individuals and organizations expressed concerns to the Panel about the fact that issues of gender and school safety had been “added on” to the Panel’s mandate at a later stage. They expressed grave concern that a topic of such importance would be treated as an adjunct. The process followed by the Panel was criticized for failing to increase the resources dedicated to this aspect of the Panel’s work, particularly by failing to hire experts to advise the Panel on issues of sexual assault and by failing to make consultation work with young women more of a priority. There is merit to these criticisms.

The Panel agrees that there is a great deal more work that needs to be done on the issue of gender-based violence and sexual assault in schools. This issue requires a fuller investigation than the Panel was able to conduct in the limited time it had available to it.

Addressing the alarming rates of gender-based violence, including sexual assaults, in Toronto schools must be a priority. But the response must be an informed one. For these reasons, the Panel calls for all levels of government and the schools boards to provide resources to complete a comprehensive study on the violence girls face at school, including an examination of the specific risks faced by girls from various marginalized communities. Such a study, along with stakeholder engagement, would inform school boards on how to create safe and welcoming school environments for all their female students. It is essential that researchers with appropriate expertise examine the issue, including the divisive issue of when it is appropriate to report incidents to police against the wishes of the victim.

Recommendation 15: Recognizing that there is little research on the issue of sexual assault and gender-based violence in schools, the Ontario Ministry of Education should fund a comprehensive study of safety issues affecting female students in order to ensure that school safety policies appropriately address the specific safety risks faced by female students. This research should also examine policies concerning the reporting of incidents of sexual assault to police.

Recommendation 16: The Toronto District School Board should launch a public awareness campaign concerning issues of sexual assault and gender-based violence in schools.

3.06: School Safety Issues Across the Board

This section is intended to cover the wide ambit of systems issues that arise (outside of the gender based violence report and the Aboriginal education section) in the context of ensuring a healthy and safe school environment.

3.06.01: Barriers to Reporting

One other thing I really did want to mention because I think it is a problem for us and for all of this institution is that there is a great fear within this bureaucracy, within this institution on stepping out of line and identifying the problem and I do hope that that's something we can work on as well because I think if people continue to be afraid to bring forward what the problems are then we are not gonna be able to solve anything. Just something to think about.

Mari Rutka, TDSB Trustee, November 21, 2007, presentation at Panel/OHRC Symposium - Breaking the Logjam: A Blueprint for Progress on School Safety

One of the most pressing concerns at the TDSB is the reluctance of members of the school community to report serious school safety issues. The Panel has observed this reluctance first hand. Survey data collected by the Panel indicates that students have a reluctance to report issues of school safety for fear of retaliation by their peers. This problem, however, is not isolated to students. To the contrary, the Panel's work has revealed the prevalence of a culture at the TDSB that dissuades teachers, administration, and superintendents from publicly voicing and identifying serious issues of school safety. This Chapter of the Final Report will detail the nature of this problem and will propose recommendations aimed at resolving this serious impediment to change. If the culture does not encourage reporting, how will it ever change?

Students

During our consultations with students at C.W. Jefferys, not one student indicated that they had seen or observed guns in the school. By contrast, the student surveys revealed that 50 of the 423 student respondents (11.8% of the sample) claimed that they had a gun pointed at them at school over the past two years. Clearly, students were seeing guns and were either not coming forward to speak to the Panel or were fearful of speaking of these incidents to the Panel. In the Interim Report, the Panel detailed the limitations of relying solely on the student consultations for describing the environment at C.W. Jefferys. These limitations included students feeling uncomfortable about being completely candid with interviewers or students being embarrassed to discuss whether they were victimized or bullied. During the Panel's consultations at C.W. Jefferys, few students described issues of victimization, bullying or serious issues of school violence. The student survey made it abundantly clear that students who consulted with the Panel were underreporting serious issues of school violence.

The results of the student survey at C.W. Jefferys indicated that only 7% of the "most serious" victimization incidents described in the survey were reported to the police. All respondents who indicated that they did not report their victimization to the police were asked why they did not report the crime. The most common reasons for not reporting victimization were, fear of the offenders, a belief that the police can't provide adequate

protection from offenders, a belief that the crime was too trivial, a belief that the police can not do anything, a desire not to upset parents, a distrust or dislike of the police and a desire to seek one's own revenge. Over half of the respondents did not report their personal victimization experience because they simply did not want to be a "snitch"⁹¹.

Students were also asked why they did not report the crimes they had witnessed. As with personal victimization, respondents usually gave multiple reasons for not reporting crimes to the police. For each type of crime, the majority of witnesses simply stated that they felt the incident was none of their business. Other common reasons included fear of the offenders, a fear that the police would not be able to protect them and distrust of the police. Many respondents (over 33% for each type of crime) also indicated that they did not want to be labelled a "snitch."⁹² These findings illustrate that a great deal of youth crime in Toronto schools likely goes undetected by school staff and the police.

The data collected at Westview (as detailed in Chapter 2 of the Final Report) clearly illustrates that students are not willing to report serious victimization and criminal activity they have witnessed. Unlike the consultations at C.W. Jefferys, many of the students at Westview requested that the Panel not tape record the consultations despite being told that their comments will remain anonymous. Based on the data collected at Westview it would appear that, much like the students at C.W. Jefferys, the students feared the repercussions of being labelled a snitch. Students described this problem as follows:

Because the number one rule is no snitching! And because you should stay out of mix-up and mind your own business if you are smart.

Because when you report a person in the possession of a gun you're taking a very big risk. Imagine the person finds out that you told police about him/her!! The person will come after you with his/her gang and next thing you know you'd be drenched in blood with a bullet in your head.

Snitches get stitches.

There can be no doubt that understanding the true rates of victimization, crime and issues of school safety is seriously undermined by students' unwillingness to report these problems. Many schools, including C.W. Jefferys, had an anonymous phone line that was meant to encourage students to report crimes. Panel staff called the phone line and received a message that the "Student Hotline" was not available and a messaging service began. In addition, the "Student Hotline" is connected to the main school line. The Panel finds that an anonymous phone line setup in this manner does not encourage feelings of anonymity that are necessary to encourage youth to report crime, victimization or serious issues of school safety.

⁹¹ Interim Report at pg. 46

⁹² *Ibid.*, at pg. 47

Recommendation 17: Each school should establish a “Student Hotline”. The phone number for the school hotline should be separate from the main school phone line. The Student Hotline should be staffed by students from the school who are trained on reporting and who are aware of the appropriate supports for student victimization and bullying. In addition, the TDSB should prepare a website, separate from the TDSB website, where students can anonymously report issues of school safety.

The Panel recognizes that a truly anonymous phone line will not resolve the issues of student under-reporting. The Panel recognizes that students will only feel comfortable reporting these issues when they feel safe in their school and in the larger community. The Panel also recognizes that a significant amount of students fail to report issues of school violence to the police because of a mistrust of police officers.

TDSB Employees

The fear of reporting is not isolated to students nor is the fear of reprisal. This “culture of fear” or “culture of silence” permeates through every level of the TDSB. The TDSB employs 39,000 permanent and temporary staff who collectively oversee approximately 270,000 students. The TDSB operates on approximately a 2.3 billion dollar budget and oversees 584 schools.

In view of the breadth of the institution, it is hardly surprising that there would be certain institutional realities that would attach to the education culture at the TDSB. The panel uses the term “education culture” to describe the professional culture and to distinguish this culture from students. Over the course of its five months of consultation, the Panel encountered certain realities attendant to the TDSB education culture. Perhaps most striking, was the overwhelming number of TDSB professionals who declined to “go on the record” about issues of school safety. Far from being the exception, the request that comments enjoy a “not-for-attribution” status was the rule. This was particularly the case when the comments related to concerns around school safety.

The Panel experienced, on an almost a daily basis, a palpable defensiveness and fear about anything being discussed that could reflect negatively on the TDSB. On the one hand, one can anticipate that the Board as an institution should reasonably have a certain expectation of loyalty from its employees. On the other hand, this expectation of loyalty can easily become oppressive when it mandates silence. The reticence by board employees to come forward was not restricted to one level in the system. Indeed, short of the associate director and the director, a certain fear and/or resistance to scrutiny actually increases at the higher levels of administration or senior ranks of the Board. An example of this reality is the very few numbers of field superintendents (outside of the NW2 Superintendent, Verna Lister) who were prepared to come forward to address the Panel⁹³.

⁹³ Invitations were extended to superintendents to meet with the panel including a possible focus group meeting. These invitations were not acted upon with some notable exceptions. Superintendent of Education Trevor Ludski met with the panel as part of the equity team and, in the final days of the Panel’s

At the Panel/OHRC Symposium on barriers to progress in school safety (held at O.I.S.E., November 21, 2007), Trustee Mari Rutka displayed the wisdom to publicly identify the problem:

One other thing I really did want to mention because I think it is a problem for us and for all of this institution is that there is a great fear within this bureaucracy, within this institution on stepping out of line and identifying the problem and I do hope that that's something we can work on as well because I think if people continue to be afraid to bring forward what the problems are then we are not gonna be able to solve anything. Just something to think about.⁹⁴

Put simply, the reticence to meet with the Panel manifested itself early and in a very discernable fashion. As the Panel's work progressed over the months between June and December 2007, it became apparent that this aspect of the TDSB education culture was inhibiting effective and important communications regarding school safety. Key players who could have provided important perspectives to the Panel would not come forward, or, if they did come forward, would only come forward upon assurances of anonymity.

Over time, this issue of a culture of silence became a subject which the Panel specifically canvassed with various employees. With few exceptions, most individuals being canvassed in respect of a culture of fear acknowledged the reality. During the Panel's consultation with Associate Director David Rowan, he was queried around the Panel's experience with a culture of silence. Associate Director Rowan expressed surprise and suggested it may be a function of the Panel's style:

You know all the things that went on with the senior team – with the panel itself. So there's a trust aspect that they may or may not have with the panel itself and the questioning and all those that have gone on.⁹⁵

It is fair to acknowledge that any analysis of the education culture of the TDSB must include consideration of the effect of the Panel's work on the professionals being scrutinized. That is, a fair evaluation of the education culture must also involve netting out the specific experience with the Panel itself. To the extent that the culture of fear the panel experienced only developed at the inception of the Panel in June 2007, one could surmise that it would disappear with the conclusion of the Panel's work. Thus the issue could be interpreted as short lived and of little consequence. On the other hand, to the

work, two field Superintendents, Jill Worthy and Rauda Dickinson, on December 11, 2007 decided they would meet with the Panel. Superintendent Worthy (with Superintendent Dickinson's support) had determined that it was important that the Panel hear from a superintendent outside the NW jurisdiction.

⁹⁴ Mari Rutka, TDSB Trustee, November 21, 2007 presentation at the Panel/OHRC Symposium entitled Breaking the Logjam: A Blueprint for Progress on School Safety

⁹⁵ Consultation dated November 26, 2007.

extent that this culture of silence predated the Panel's appointment, a compelling concern exists that this same culture represents a serious impediment to advances in school safety.

In the interest of assessing whether and to what extent a culture of fear historically exists within the Board, the Panel consulted with Zanana Akande, a respected educator (former principal) originally from the York Board of Education and then from the current amalgamated body. Ms Akande's history and credibility in the education sector and in community advocacy are impressive. She is also a former cabinet minister. A report was sought from Ms Akande as to whether there are aspects of the TDSB education culture which would inhibit reporting issues of school safety and/or would create an excessive resistance to scrutiny. Ms Akande's Report (together with her curriculum vitae) is attached as Appendix "E".

Ms Akande observes that "there is a culture at silence in the TDSB that inhibits the reporting of school safety issues and more generally creates resistance to scrutiny". In her report, Ms Akande explained that the dominant characteristic of the culture at the TDSB was one of fear of reprisals and disapproval:

The dominant characteristic about the culture of the TDSB is that of excessive concern about reprisal and disapproval. This fear of offending those in authority filters through from the trustee level to teachers in classrooms and support staff. Fear of reprisal and career limitation restricts the behaviour of those interested in promotion or maintaining an achieved desired placement.⁹⁶

Reports are shared of principals who are telephoned and reprimanded by those in authority after the principals openly questioned or disputed practices and decisions at a principals meetings. I have personally experienced this issue while I was attending a principals' meeting in the pre-amalgamated York City Board of Education. At the meeting the principals were reprimanded by the administration for questioning a promotion appointment made outside the established process. The principals were reminded that the administration had "long memories". From this and the frank content of the presentation of the administrator, as well as the discussion that followed, the principals inferred that such questioning was not welcomed by the administration, and could have negative affects on their individual careers, especially for those who might be seeking promotion.

In addition, Ms Akande further described the difficulties she had, as co-Chair of the Task Force of Safe and Compassionate Schools (2004), in soliciting the opinions of principals:

During our work, the Task Force repeatedly sent invitations to the TDSB Principals Association to present their concerns and issues to the task force. The Task Force was willing to go to every family of schools to meet

⁹⁶ Zanana Akande, Report to the Panel dated December 3, 2007. at pg. 2, Appendix "E"

*with the principals, so vital was their role in the safe schools issue. They did not meet with us until the head of the Safe Schools Department in the TDSB summoned together a small selected group of principals, and remained with the Task Force during our meeting with the principals. Many other principals never knew of the meeting. The Task Force was concerned that the opinions we heard were not indicative of the breadth of issues we had to gather later from personal discussions with some principals.*⁹⁷

The Panel accepts and adopts Ms Akande's report. In light of this report, the information the Panel received from a wide range of consultees from within the TDSB (with some exceptions) and the Panel's own experience since June 2007, the Panel concludes that there exists within the TDSB a culture of silence that inhibits important and open dialogue on issues of school safety. This culture of silence springs from, among other things, a discernable and oppressive fear of both bureaucratic reprisal (from senior management at the TDSB) and political reprisal (from the Trustee level). These unfortunate realities of the TDSB education culture permeate the various levels of the TDSB. The Panel rejects the identified defensiveness as a simple reaction to the scrutiny presented by the Panel's work and accepts that the culture of silence stems from "widespread" issues that require resolution.

If there is to be a true change in the manner in which the TDSB addresses school safety issues, such change would only occur with a serious and significant culture shift at the TDSB. It is difficult to envisage how such a culture shift could occur if employees in the system, "particularly high-ranking managers", operate in a culture in which open debate is discouraged and there is a palpable sense of fear in addressing issues of concern. It is difficult to quantify the amount of energy expended by the panel team on the various struggles to draw out employees who, in an ideal world, should have felt comfortable (indeed obligated) to speak to the Panel.

In addition to the difficulties expressed above, the Panel has also experienced reluctance by teachers and principals to discuss issues of school safety. For example, the Panel found that there was a general reluctance by teachers at Westview to come forward to discuss matters of school safety. Upon arriving at Westview, the Panel was told that the teachers were "boycotting" the Panel. Of the teachers that met with the Panel, many requested that their consultations not be taped. In addition, many teachers requested that they go "off the record" when detailing issues of school safety.

It would appear that much like students, teachers feel more comfortable discussing issues of school safety by way of anonymous survey. The Panel's experience at C.W. Jefferys clearly illustrates this point. Not one teacher at C.W. Jefferys advised the panel, during their consultations, that they had observed guns or even replica guns at C.W. Jefferys.

⁹⁷ *Ibid.*, at pg. 9

However, when asked to complete an anonymous survey, 2 teachers indicated that they had observed guns at the school⁹⁸.

In June 2007, the Panel discovered an alleged sexual assault that had occurred during the 2006-2007 school year⁹⁹. As mentioned later in this Chapter (section 3.06.02, “Tracking Safety”), this incident did not appear in the Weekly Incident Reports or the Crisis Reports. Serious incidents of school safety **must** be reported. When a teacher is made aware of an incident he or she should immediately report the incident to the appropriate administrator. The administrator must then report the incident to the appropriate body (e.g. police, TDSB, etc.). Where a teacher is made aware of an administrator’s failure to report an incident, the teacher should be obligated to report the administrator’s wrongful conduct. The duty to report these incidents should be mandated by law. Student safety is too important to be left to Board policy alone.

Currently, the only legislative obligation to report is set out in sections 71 – 72.2 of the *Child and Family Services Act*, R.S.O. 1990, c. C.11. These provisions require a person, including a person who performs professional or official duties with respect to children¹⁰⁰, to report to the Children’s Aid Society any harm that is, or may be suffered by a child and is caused by the child’s parent or person having charge of the child. This does not include reporting harm suffered by a child at the hands of another child or stranger, nor does it include reporting serious issues that may cause bodily harm or may lead to a reasonable apprehension of bodily harm. Currently, there is no specific statutory requirement to report these incidents.

To whom then should these issues be reported? Obviously serious incidents of violence that occur at a school should be reported to the police. When the police are not notified and administrators are aware of the fact that a serious incident of violence has not been reported to the police, then who should a responsible employee turn to?

During numerous consultations, various employees at the TDSB requested that they go off the record to explain to the Panel their reluctance to speak about certain issues on school safety. This reluctance was derived from a fear of reprisal by their superiors. One teacher explained to the Panel that he would call the appropriate authorities to report serious incidents of school violence irrespective of the repercussions:

... the first thing that I am going to do is to pick up the phone and call Children’s Aid that is the first thing I am going to do and I don’t care about the admin. What they say what they do if they get angry, what the repercussions are, what the consequences are. I don’t care.

⁹⁸ From reviewing the surveys it is not possible to determine whether the guns observed were replicas or whether the two teachers observed the same incident.

⁹⁹ As reported in a Toronto Star article and reported in Toronto Police Service press release announcing arrests of alleged perpetrators

¹⁰⁰ Section 72(5) of the *Child and Family Services Act* clearly stipulates that a teacher or school principal is obligated to report child abuse caused by the child’s parent or person having charge of the child.

Off the record, many TDSB employees advised the Panel that there was a fear that revealing certain school safety issues or going above the “chain in command” would be seen as a career limiting move. The fear of being subject to reprisals was echoed by teachers and administrators. Ken Jeffers, the President of OSSTF-PSSP, described the problem as follows:

People are terrified people feel unsafe disclosing information. I'll get that from my members... they will call me up anonymously, I am the person who is designated to support them regardless, they don't want to identify themselves to me for fears that I might take action on an issue and somehow there will be reprisal on them and it is often for something as simple as making sure that their collective agreement is followed by the administrator. But there is a real genuine fear as you said that standing up for your right or identifying a barrier or limiting factor that a manager or as go far as saying a teacher is responsible for and could end up in a career limiting move and if my members are feeling that way I could only imagine how students are feeling.

In addition, employees explained that reporting school safety issues to your superiors could have the effect of labelling the employee as unable to handle his or her students. Being labelled in this fashion would limit career opportunities. In a written submission to the Panel, Trustee Soo Wong¹⁰¹ recognized the paralyzing fear that administrators have of being labelled an ineffective leader:

I was told that some teachers informed their principal of illegal activities which occurred in their classroom or in the hallways. But, I was also told that some these principals continued to disregard these teachers' concerns and failed to investigate them. When I inquired as to why, the inconsistent response was that some principals are afraid to report to their superintendent as they are afraid of being seen as unable to manage their schools, and worse, some principals were afraid to be labelled as poor candidates for future promotion.

The lack of intervention indicates a need for further education and training of some school administrators who clearly lack the leadership qualities we require for our schools. No TDSB staff member should ever be afraid of retaliation or career hindrance when he or she truthfully reports incidents to an immediate supervisor. All school administrators or managers must understand and recognize the serious consequences for failing to report and failing to respond to school incidents. The school system cannot condone this type of misconduct and incompetence. Few other professions do, certainly not those that are publicly funded.

Teachers also described to the Panel that they would not report certain incidents because they felt they did not have the support of the administrators and because they had become

¹⁰¹ Trustee, Ward 20, Scarborough-Agincourt

desensitized to some forms of misbehaviour. Trustee Soo Wong again described the problem:

When front-line staff especially teachers who report incidents to their immediate supervisor, it is imperative that the manager needs to respond. Failure to act results in poor morale and unwillingness to report or intervene on future improper student behaviour. Furthermore, there should be effective communication back to the teacher or staff who reported the incident.

This desensitization, or the “new normal”, caused teachers to view some forms of misbehaviour as “less serious” and not requiring reporting. One teacher at C.W. Jefferys described this “new normal” as follows:

Working at Jefferys would like, be like working in a fog and you are not clear on what you are supposed to all the time, you become very desensitize this is when you work there for a long time. About what is really big deal like the point that you are questioning whether or not you should call the police on an issue like this?.... there is just, like, this disease amongst in the school where you just, common in all inner city schools that you just do so much and being told to “fuck off” is no big deal you don’t even report it anymore.

In an attempt to address these issues and change the culture of silence, the TDSB prepared a “whistle blowing protection” policy. The Panel commends the TDSB for taking this initiative; however, the Panel is of the view that the draft Policy is not sufficient to address the issues identified above.

The first concern with the policy is that it does not require an employee to disclose a wrongdoing to his/her immediate supervisor. Instead, the policy provides the employees with the discretion not to report a wrongdoing. Section 4.1 of the draft policy reads as follows:

4.1 Disclosing a Wrongdoing

An employee *may* disclose a wrongdoing to his/her immediate supervisor (e.g. school Principal or Department Manager). If the employee is not comfortable disclosing the matter to an immediate supervisor, then the employee may make the disclosure directly to a more senior manager (e.g. Superintendent of Education or Senior Manager), or to a member of the Board (Chair of the Board, Chair of the appropriate Committee, or individual Trustee). If the employee discloses wrongdoing to a member of the Board, the Trustee receiving the disclosure is to forward the relevant information to the appropriate Senior Manager or Executive for action.

A disclosure may be verbal or in writing.

(emphasis added)

Wrongdoing is defined as follows:

- 2 *Wrongdoing* is defined as an act or omission by a person or persons within the Board that concerns or involves:
 - Violation of laws, regulations or TDSB policies/procedures
 - Unethical conduct
 - Misuse of public funds or assets
 - Questionable accounting or auditing practices
 - Gross mismanagement
 - Substantial and specific danger to any person or property or to the environment

At a minimum, the reporting of wrongdoings captured by the phrase “substantial and specific danger to any person or property or the environment” should be mandatory. The Panel is of the view that reporting serious issues of school safety or incidents of violence must be protected ahead of other forms of wrongdoing that may not result in direct safety concerns for students. Serious issues of school safety or incidents of violence that may endanger the safety of students **must** be reported and should not be left to an employee’s discretion to report.

A further problem with the draft policy is that it does not provide for the reporting of incidents to an independent body. Teachers, administrators and superintendents need to feel protected from reprisals if they are to report issues of school safety or incidents of violence at a school. In the current atmosphere, a teacher may not feel comfortable reporting an administrator that has failed to report a serious incident to the TDSB and where necessary, the police. Employees need to feel that they are protected by an independent institution, not the institution they fear which may seek reprisal against them for reporting. A teacher should not feel like his or her job will be risked if they report an administrator’s failure to report a serious incident of school violence. An administrator should not feel that a superintendent or trustee will label them an unfit leader if they report serious issues of school safety or a serious incident of school violence. To create a positive culture where reporting is encouraged, an employee must feel like their reporting will remain anonymous and independent from their employer. To create this environment the reporting and investigating agency must be separate from the TDSB.

It is particularly striking to the Panel that the two individuals, Trustee Rutka and Ms Akande, who themselves have headed up two major initiatives on school safety (the Akande/Bolton Safe and Compassionate Schools Task Force 2004 and the ongoing School Safety Implementation Task Force headed up by Trustee Rutka) are also the ones who have independently confirmed the existence of the TDSB culture of fear and silence. This is very compelling justification for concern.

One final note on the TDSB education culture: It should be noted that the Panel’s experience with Director Connelly does not suggest that she has deliberately engineered

some oppressive regime aimed at stifling debate. Her leadership style is simply inconsistent with such heavy-handed bullying. This is truly a systems issue that spawns from years of failure to pro-actively address the problem. In an organization the size of the TDSB, failures to take pro-active steps to “devalue the culture” (in the words of Ms Akande) can be tantamount to encouraging its growth. Certainly, active denial of the problem will ensure that the culture becomes permanently rooted.

Recommendation 18: In view of the Panel’s findings with respect to the education culture at the TDSB, the TDSB should contract an outside management consultant to provide advice and training in respect of pro-active measures the Board can take to counteract the characteristics and dynamics identified by the Panel in its Report on the TDSB education culture.

Recommendation 19: The provincial government should establish a provincial School Safety and Equity Officer (“Provincial Officer”). The Provincial Officer will be a central repository for the reporting of serious issues of student safety.

Recommendation 20: The provincial government should create mandatory reporting obligations for serious issues of student safety. Serious issues of student safety include:

- (i) possession of any prohibited or restricted weapon as set out in the Criminal Code of Canada;***
- (ii) a violent incident that has caused serious bodily harm; and***
- (iii) sexual assaults subject to the Panel’s recommendations concerning reporting of sexual assault.***

Recommendation 21: The provincial government should amend the Education Act to create mandatory reporting obligations for all school staff. At a minimum, the reporting provisions would require all Board staff to report serious issues of student safety. The provisions would develop reporting structures that ensure that the principal and vice-principals are informed of every reportable incident. The provisions would obligate the principal of a school to advise the Board representative in charge of issues of safety and the Provincial Officer of serious issues of student safety and where applicable, advise the police of any particular issue. Where an employee has knowledge of a breach of the reporting provisions, the employee must report the breach, pursuant to reporting protection legislation, to the Provincial School Safety and Equity Officer.

Recommendation 22: The provincial government should amend the Education Act to include reporting protection legislation that would apply to all school board employees. The legislation would enable an employee of a school board to anonymously report, in good faith, serious issues of student safety to the Provincial School Safety and Equity Officer and would allow the employee to disclose, if necessary, a student's OSR. The legislation would prohibit any form of direct or indirect reprisal, retaliation or adverse employment consequences against the individual reporting employee. The legislation would include a punitive and remedial penalty attached to the protection.

Recommendation 23: The TDSB should implement Board policy that mirrors the above noted recommendations (20 to 22) with necessary modifications.

Reporting Through Anonymous Surveys

The issue of parental consent emerged at several points during the Panel's consultations and research activities. The Panel did seek parental consent for one-on-one consultations with students. Although these interviews were completely confidential, it was felt that parental consent was needed because they were not completely anonymous (i.e., the Panel researcher could identify the student participant). However, both the TDSB and individual school administrators did not ask the Panel to acquire parental consent for the first student survey at C.W. Jefferys (June 2007) or the student survey at Westview (October 2007). It was felt that parental consent could be waived for these surveys because the student questionnaires were both confidential and anonymous. After being collected by the research team, it would be completely impossible to link an individual questionnaire back to a specific student. The ability to waive parental consent enabled the Panel research team to collect valuable information on school safety issues from a large number of students over a very short period of time.

On October 19, 2007, a representative from the Panel met with Principal Spyropoulos of C.W. Jefferys to advise him of the Panel's intention to conduct the follow-up survey of students. Principal Spyropoulos candidly advised the Panel of his reservations concerning the administration of the additional survey and advised that he would be discussing the matter with senior TDSB officials. Principal Spyropoulos was on leave during the following week. On October 31, 2007, Julian Falconer met with Principal Spyropoulos for several hours to discuss the work of the Panel and the Panel's intention to conduct the follow-up survey. Principal Spyropoulos reiterated his opposition to the survey and advised that he would not permit it unless so directed by the Board.

On November 2, 2007, the Panel met with Director Connelly and counsel. Director Connelly advised for the first time that concerns were now being raised about the administration of the survey on the basis of parental consent. Director Connelly further advised the Panel that Principal Spyropoulos had canvassed members of the school community including the School Council and that there was opposition to the

administration of the survey. In an effort to address these concerns, the Panel agreed to seek parental consent for the follow-up survey. The Director advised that she would meet on November 5, 2007, with Principal Spyropoulos and the School Council to address the issue of consent, and thereafter advise the Panel of her position on the administration of a further survey.

On November 6, 2007, Director Connelly advised that a further survey would be permitted provided that written consents were obtained from the parents and/or guardians of the students. The TDSB assumed responsibility for the distribution of consents. The Panel was advised that the consents were in fact distributed as of November 12, 2007.

As of November 15, 2007, the Panel was in receipt of 30 executed consent forms. By November 23, 2007, the Panel had received 51 executed consent forms. As of December 15, 2007, the Panel had received a total of 67 consent forms. As a result of the requirement to seek consent, the Panel was unable to conduct a further survey at C.W. Jefferys to conduct the follow-up survey of students. Unfortunately, the Panel lost an important opportunity to learn more about students' perceptions of and experiences with school safety issues and whether the situation at C.W. Jefferys had indeed improved at the beginning of a new school year. It should be noted that the Panel was not advised of any legal requirement that the Panel obtain parental consents to conduct a confidential and anonymous student survey.

Parental consent is often difficult to achieve. Students often forget to provide their parents with parental consent forms, parents often forget to sign them and students often forget to deliver them back to school officials. It is perhaps for these reasons that the Toronto District School Board did not require parental consent forms when conducting their 2006 Census of students. Parents were fully informed about the Census and given the opportunity to request that their child not participate, but a signed parental consent form was not required. This is known as "passive" consent. Only students who received an official "opt-out" request from parents did not have to participate in the Census. As a result, the Census was an overwhelming success. The response rate for all schools was high and the TDSB was able to collect valuable information on a large sample of students.

Section 302(9) of the *Education Act* and Education Policy and Program Memorandum 128 ("PPM 128") dated October 4, 2007, requires a school board to review its policies and guidelines (including the Code of Conduct and Safe Schools Policy) and, in reviewing the policies, solicit the views of students, teachers, staff, parents and guardians, school councils and the community. Neither section 302(9) nor PPM 128 state that parental consent is required to solicit the views of students. As such, it is the Panel's opinion that parental consent is not legally required for the Board to conduct anonymous and confidential student surveys relating to issues of school safety. The Panel's position on parental consent was confirmed by outside legal counsel. In addition, the Panel consulted with in-house legal staff at the TDSB who confirmed that parental consent was not required when conducting anonymous legal surveys:

It is our opinion that if a survey contains general questions and cannot be traced any way to a particular student then consent would not be legally required from parents or guardians.

However, the matter is within the jurisdiction of the Board of Trustees and/or senior administrators to develop and implement policies or procedures which could require such permission for the administration of surveys.¹⁰²

The Panel recognizes that it is within the jurisdiction of the Board of Trustees to decide whether its policies should require parental or guardian consent when conducting anonymous and confidential student surveys. It is the Panel's belief, however, that the TDSB should not implement such a policy. The Panel comes to this conclusion for the following reasons:

- Parental consent requirements often slow down the research process and could prevent the early identification of emerging school safety issues. Parental consent requirements could also prevent school officials from consulting quickly with students – using survey techniques – when faced with specific crises.
- Parental consent requirements can reduce survey response rates (i.e., the number of students who complete the questionnaire). Students often forget to give consent forms to parents, parents often forget to sign them and students often forget to give them back to school administrators. Low response rates can impact the overall quality of research findings.
- The parental consent process can be expensive and create further paper work for already over-burdened support staff.
- Parental consent requirements could impact student willingness to participate in surveys or answer questions honestly. If parental consent is required, some students may feel that their parents will ultimately get the chance to view their responses to survey questions. Clearly, such distrust may impact the validity of survey results.
- The Panel is of the opinion, confirmed by outside legal counsel and in-house legal staff at the TDSB, that parental consent is not required for student surveys as long as student participation is voluntary and the information gathered through the survey process is both confidential and anonymous.

Conducting surveys of teachers and students will allow the Board to properly evaluate safety concerns Board wide. In addition, the surveys would assist the Board in determining whether preventative measures are succeeding in ensuring the safety of

¹⁰² Correspondence from TDSB Legal Counsel dated December 22, 2007

students. The Panel's first hand experience at C.W. Jefferys and Westview has demonstrated that face-to-face consultations are not sufficient. The data collected by student surveys is invaluable and must be collected with as little resistance as possible.

Recommendation 24: Student and Teacher surveys should be conducted every five years. These surveys should gather information on: 1) Feelings of safety at school; 2) Safety-related problems at school; 3) Fear of victimization; 4) Individual victimization experiences; 5) Witnessing crimes and violence at school; 6) Reporting crimes and violent incidents to authorities (including reasons staff and faculty decide not to report); 7) Perceptions of school punishment practices; 8) Perceptions of racism at school; 9) Ideas and attitudes towards improving school safety; and 10) Attitudes towards the use of the police in school.

Recommendation 25: The student and teacher surveys should be based on large, random samples of students and staff. The sampling strategy should ensure that the final sample is representative of the types of communities and schools that make-up the Toronto District School Board. For the student survey, we recommend that the sample size should consist of at least 5,000 students (randomly selected from at least 40 schools). For the staff survey, we suggest a sample size of at least 1000 teachers (randomly selected from a sample of at least 30 schools).

Recommendation 26: Having regard to section 302(9) of the Education Act, which mandates the canvassing of students with respect to their safety, the Panel recommends that the TDSB develop a policy for anonymously canvassing the school community on safety matters. Parental consent should not be necessary for such limited anonymous canvassing on safety as long as: 1) Students are fully informed about the purpose of the survey prior to survey administration; 2) Students are fully informed that their participation is voluntary and that they do not have to answer questions that they do not want to answer; and 3) Students are fully informed that the survey is both confidential and anonymous.

Recommendation 27: The TDSB should create high quality evaluation designs (pre-test/post-test control group/experimental group designs) to evaluate programs aimed at reducing violence in schools. The Panel further recommends that program evaluation be conducted by highly qualified, external researchers, who do not have a vested interest in documenting program success.

3.06.02 Tracking Safety

Current Gaps in Tracking Safety

In reviewing the policies of the TDSB, the Panel was advised of three separate reporting mechanisms that schools use to advise the TDSB and/or the Ministry of Education on school safety issues. The three mechanisms are as follows:

1. Violent Incident Reports – Requires that information relating to serious incidents leading to suspensions or expulsions and involving the police must be maintained in the Ontario Student Record (OSR);¹⁰³
2. Crisis Reports – Online reports filled out by school administrators and distributed by the TDSB Communications Department to a wide range of TDSB staff (from Chair of the Board, Director and Associate Director, Executive Supt. to Trustee and Superintendent of the school)¹⁰⁴; and
3. Weekly Incident Reports - This report is a high level record of cases involving weapons, police involvement, multiple student incidents (e.g. bullying scenarios) and incidents that may result in media interest. Schools report incidents to the responsible Safe Schools Administrator who prepares the Weekly Incident Reports for use by the Safe and Caring Schools Department. These reports are not distributed beyond the Safe and Caring Schools Department.

When it comes to data collection and analysis, Chair Sheila Ward (as she then was) expressed the view that “the Board is very accomplished at collecting data but weak at providing information”. Nowhere is this reality more apparent than in the data collection and reporting processes of the TDSB on issues of safety. The TDSB does not, as a matter of course, maintain comprehensive information tracking in respect of safety issues arising in schools. That is, there is no collation or integration of data flowing from Violent Incident Reports, Crisis Reports and Weekly Incident Reports.

While the Safe and Caring Schools Department provides regular reporting to the Trustees on data collected from the Provincially mandated Violent Incident Reports, according to Systems Superintendent Donna Quan (head of the Safe and Caring Schools Department), these reports significantly understate incidences of violence occurring in the TDSB system. That is, the provincial system of mandatory reporting does not capture a significant proportion of violent incidences that occur within the TDSB. This is due to, among other things, the reality that incidences of violence may not necessarily involve suspensions or expulsions; for example, if the incident involves trespassers on school property this would not result in the Provincially mandated report being completed.

¹⁰³ Provincially mandated forms flowing from the Ministry of Education policy document: Violence-Free Schools Policy, 1994

¹⁰⁴ Operational Procedure PR.569 COM

The second method cited above for incident reporting involves Crisis Incident Reports which are completed by school administrators and distributed by the TDSB Communications Department to a wide range of TDSB staff. These mandatory Reports date back to the creation of TDSB Policy PR.569 COM entitled, "Crisis and Incident Reporting" which occurred in and around 1999. This report system is not geared solely to issues of safety (eg. Burst water mains could be included) and does not provide detail when violent incidents are the subject of reports (likely due to the level of circulation of these Reports).

Superintendent Quan advised that when she took over the department in the Fall of 2005, there was no internal method of tracking violent incidents within the Safe and Caring Schools Department. Accordingly, Superintendent Quan implemented non-mandatory Weekly Incident Report forms. Limitations on staffing and overall available funding have meant that, while this information is sporadically collected, there are no means of actually assimilating and collating this data so as to permit regular tracking of safety issues.

In the end, the Panel expended significant human resources in order to analyze all of the Board's Weekly Incident and Crisis Reports over the last two years to prepare its own trend analysis for the purposes of understanding what directions qualitatively, and quantitatively, violent incidents have taken in the past two years. In doing so, the disparities in the reporting structures became even more apparent. The nature of these reports suggests that there should be considerable overlap among all the reports; however, when reviewing the reports for the last two years, it was clear to the Panel that many items in the Crisis Reports were not included in the Weekly Incident Reports and *vice versa*. Further, an incident would be reported in the Weekly Incident Reports with a specific date that the incident occurred; but that same incident is recorded in the Crisis Reports as two weeks earlier than the date reported in the Weekly Incident Reports. There are instances when the same incident reported in the Weekly Incident Reports and the Crisis Reports is described differently.

Safety Tracking in Action at the TDSB

To fully comprehend the difficulties inherent in the current system, it is useful to look at the numbers generated by the various reports and how the system reported on the death of Jordan Manners.

In reviewing the non-mandatory Weekly Incident Reports, serious issues of under-reporting can be seen in respect of the Northwest 2 family - of -schools. From January 13, 2006 to and including December 22, 2006, there were 1,112 total incidents reported to Safe School Administrators. Of the 1,112 incidents, only 176 were from the NW quadrant and only 23 were reported in the NW2 family-of-schools. Therefore, 15.82% of all incidents reported took place in the NW quadrant. Only 2.06% of all incidents reported took place in NW2. In addition, 13.07% of the incidents reported in the NW were from the NW2.

From January 8, 2007 to and including November 30, 2007, there were 912 total incidents reported to Safe School Administrators. Of the 912 incidents, 127 were from the NW quadrant and 24 of the reported incidents were from the NW2 family-of-schools. In total, 13.92% of all incidents reported took place in the NW quadrant. Only 2.63% of all incidents reported took place in NW2. In addition, 18.89% of the incidents reported in the NW quadrant were reported from schools in the NW2. Although the number of incidents in the NW quadrant and the NW2 family-of-schools appears lower than other families-of-schools, the Panel is concerned that the numbers reflected in the Weekly Incident Reports may not be accurate.

The Panel's first concern stems from the fact that administrators are not required to complete Weekly Incident Reports. The Panel's second concern is derived from the fact that two very serious incidents that occurred at C.W. Jefferys were not included in the Weekly Incident Reports or the Crisis Reports. The first incident was the tragic death of Jordan Manners. The second incident was an alleged sexual assault that occurred at C.W. Jefferys and that involved multiple students.

The numbers reflected in the Weekly Incident Reports also appear to be low when compared to the fact that during the same period of time, the NW quadrant generally had the highest percentage of students suspended and expelled. The NW quadrant (for 2006-2007) had the highest number of suspensions and expulsions when compared to all other families-of-schools.

As a result of the two glaring omissions mentioned above and the expulsion and suspension data, the Panel finds that the number of reported incidents in the NW quadrant and the NW2 family-of-schools is artificially low. The Panel further finds that it is likely that principals are under-reporting incidents at their schools.

The Panel recognizes that there are many factors that could prevent a principal from preparing a Weekly Incident Report. A principal may not have time to produce the report and may have already formally advised the Safe and Caring Schools Department of incidents and may view the Weekly Incident Report as redundant (especially if a Crisis Report has been prepared). Despite the genuine reasons for not completing a Weekly Incident Report, the Panel is concerned about the appearance of inadequate reporting by principals. The omissions in the Weekly Incident Report invariably lead to a suspicion that principals are under-reporting so as to ensure that the Safe and Caring Schools Department does not view their school as problematic. Even the appearance that principals are masking violent incidents at their school undermines the fostering of a culture that is supportive and encouraging of reporting serious issues of school violence. As stated above, Board staff currently provides yearly reports to the Trustees in the form of student discipline reports that include, among other things, violent incident reports. On its face, this permits a tracking of all "Violent Incident Reports" generated by the Board. Indeed, the Safe and Caring Schools Department has done this violent incident tracking for the last five years. The student discipline reports include suspension and expulsion data as well as violent incident tracking.

As stated above, Systems Superintendent Quan acknowledged that the incidents reflected in “Violent Incident Reports” do not even represent the majority of the incidents of violence. It was partly due to this reality that Superintendent Quan instituted weekly incident reporting. The truly unfortunate aspect of the current situation is that the usage of the title “Violent Incident Reports”, feeds a misconception (however unintentional) that there is actual accurate and effective tracking of violent incidents by the TDSB with respect to its schools. This is far from the case. There is simply no effective tracking of violent incidents, such as trespassers or other individuals who may not be the subject of suspensions or expulsions. Indeed, the shooting of Jordan Manners did not result in either a weekly incident report or a “Violent Incident Report”. There is currently a “mixed bag” system of mandatory and discretionary reporting that does not represent an accurate picture of the full extent of violent incidents across the TDSB. Further, there appears to be no procedure for follow-up when incidents do make their way into one of the three categories of: weekly, crisis or violent incident reports.

Safe School Transfers

In respect of Safe School Transfers, similar challenges are faced by the Safe and Caring Schools Department when it comes to the compilation of figures with respect to tracking Safe School Transfers. The Panel had requested the number of students who were safe school transfers over the last 4 years for the purposes of trend analysis. The result was that the Safe and Caring Schools Department was able to produce the figures for 2006-2007, grouped by family-of-schools. An extensive delay was experienced in receiving this data as it had not been previously created and was only assimilated for the purposes of the Panel’s work. Ultimately, it was simply too onerous a task to compile proper tables for the previous years 2002-2006 in analyzing safe school transfers by families-of-schools.

It is the Panel’s view that, in order to comprehend the dimensions of the safety issues at the TDSB, it is necessary to have an accurate picture of the trends that are developing amidst the 525 schools within the Board’s jurisdiction. Of course, this means having the ability to gather data and to produce useful trend analysis based on assimilation of the data. A limitation of resources at the TDSB means that this is not happening.

Safety Audits

Another example of challenges that have surfaced in respect of the Board’s ability to track safety issues is reflected in the “safety audit” process employed by the Board. Following the Panel’s consultations with C.W. Jefferys administrators, it became apparent that none of the administrators understood how the safety audit process works through the Safe and Caring Schools Department.

The reality is that limitations of resources means that safety audits have not been the norm at TDSB schools but have only occurred when principals have requested them. Again, this reflects a difficulty in tracking safe issues. In the end, as a result of the

Panel's inquiries, safety audits have now been done in several of the schools in the North West 2 family-of-schools.

Therefore, the Panel is of the view that a new approach is necessary for collecting safety incident information to ensure consistency and accuracy in data gathering. This should translate to more effective methods for measuring trends in safety issues. An area that warrants special attention is the 3 layers of incident reporting.

Recommendation 28: The Board should consolidate the Weekly Incident Reports and the Crisis Reports into a "Safety Incident Report" that would be used to document all incidents – both violent and non-violent – related to school safety. This standard form would be mandatory and would be used to document the following types of incidents within the school environment: physical threats, threats involving weapons, minor physical assault (not causing injury), major physical assault (causing injury), robbery/extortion, theft, sexual harassment, minor sexual assault (inappropriate touching or grabbing), major sexual assault (forced sexual contact), property damage and weapons at school. Safety Incident Reports should be created by a principal for each incident and submitted to the Safe and Caring Schools Department every week. The Safe and Caring Schools Department would consolidate the Safety Incident Reports by quadrant, FOS, and school, and circulate the Report to the Chair of the Board, Director, Associate Director, Executive Superintendent to Trustees, Superintendents, and all administrators.

Recommendation 29: Each year the TDSB should produce a detailed report on school safety issues using data collected from individual schools. The information gathered for these Annual Reports could be based largely on the "Safety Incident Report". Official school data should be further broken down by the following variables: 1) gender of offenders and victims; 2) age of offenders and victims; 3) grade of offenders and victims; and 4) racial/ethnic background of offenders and victims.

The above noted data collection will serve multiple purposes including: 1) The identification of emerging problems or issues at the Board level or within individual schools; 2) Ongoing trend analysis to determine whether school safety is improving or deteriorating at the Board level or within particular schools; 3) The identification of the types of students and staff most at risk of both victimization and offending within the school environment; 4) The examination of whether school disciplinary practices have more of an impact on some students (i.e. minority males) than others; and 5) the success or need for improvement in safety improvement programs, (e.g.-anti bullying initiatives).

Conclusion

It is imperative for the TDSB to create more effective methods for measuring trends in safety issues. Systems Superintendent Quan was asked about the limitations currently on tracking safety. She advised that there are two areas in which serious improvement in the Safe and Caring Schools Department are necessary in order to make progress on tracking safety issues. Firstly, there is a pressing need to create those technical conditions necessary for tracking data in an automated fashion such that incident reporting is collected, collated and analyzed. Secondly, progress cannot happen without effective follow-up responses to issues indentified as a result of tracking issues. This involves the ability to develop serious and sustainable action-plans that allow for program planning and resources. Such follow-up response systems are currently lacking.

According to Superintendent Quan, the human resources necessary to accomplish the above would involve hiring a business analyst to help develop and operate the automated system necessary to track safety issues, along with a full-time dedicated researcher whose function would be to develop the necessary trend studies and follow-up program planning and resource allocation. The Panel agrees with Superintendent Quan. If the TDSB is to successfully identify safety issues in a proactive fashion, it must dedicate resources to allow for accurate and effective trend analysis as well as credible follow-up.

3.06.03: Renewal: Creating a Positive Bond Between Students and Teachers

Everywhere, the refrain of the Toronto students, however starkly amended by different schools and different locations, was essentially the refrain of all students. Where are the courses in Black history? Where are the visible minority teachers? Why are there so few role models? Why do our white guidance counsellors know so little of different cultural backgrounds? Why are racist incidents and epithets tolerated? Why are there double standards of discipline? Why are minority students streamed? Why do they discourage us from University? Where are we going to find jobs? What's the use of having an education if there's no employment? How long does it take to change the curriculum so that we're a part of it?

Stephen Lewis Report on Racism in Ontario to the Premier (Summer 1992)

In the Interim Report, the Panel described a breakdown in the relationship between students and teachers. The data collected from surveys and the information received by the Panel during the consultation process has clearly demonstrated the deterioration in what should be a very positive relationship. What is most alarming to the Panel is that the deterioration is being observed by students and teachers alike. The data collected from the student and teacher surveys at both Westview and C.W. Jefferys clearly illustrate this point.

The Interim Report highlighted the comments made by students at C.W. Jefferys that expressed concern over that the breakdown of the student teacher relationship. The survey data at C.W. Jefferys confirmed that this breakdown has become a significant issue. When asked whether students often talk back to teachers in class, 25.5% of the teachers surveyed strongly agreed with the statement and 25.5% agreed with the statement. Furthermore, 43% of teachers surveyed felt that the behaviour of students at C.W. Jefferys had gotten much worse in the last two years and 18% felt that students behaviour had gotten worse in the same period of time.

Based on the Panel's consultations with teachers and students at Westview, it would appear that the breakdown in the student teacher relationship is not as pervasive at Westview. Of the staff who consulted with the Panel, only three described incidents that would suggest a breakdown in the student teacher relationship. Two teachers described students swearing at them during class and one teacher spoke of being afraid in her class because of a fight that occurred during the class. Unfortunately, as described earlier in the Final Report, many teachers at Westview, including two of the three detailed above, asked the Panel to turn off the tape recorders at points where they described difficulties at the school. As such, the Panel is not in a position to provide quotes on this topic as we had done with the teachers at C.W. Jefferys. The student consultations did not detail many problems in the student teacher relationship with only a handful of students speaking about problems between teachers and students.

As with C.W. Jefferys, the anonymous surveys provided a better picture of the health of the relationship between students and teachers. The anonymous teacher surveys conducted at Westview do, however, suggest that there has been deterioration in the relationship of teachers and students. Of the teachers surveyed at Westview, 57.9 % feel that students at this school "refuse to obey their teachers" is a very serious or serious issue. In addition, 60.5 % of the teachers surveyed strongly agreed or agreed with the statement that there were too many students at Westview who don't respect their teachers. Students shared the teachers' perceptions. 21.2 % of the students surveyed at Westview viewed students who talk back to teachers as a very serious issue while 30.3% believed it was a serious problem. Furthermore, 75.7% of the students surveyed at Westview either strongly agreed or agreed with the statement that there are many students at my school who do not respect their teachers. It is clear that both teachers and students see a problem in the relationship between students and teachers.

Further evidence of this problem can be found by analyzing the suspension and expulsion data at Westview for the past three years. In the 2004-2005 school year, Westview had 292 suspensions representing 13.69% of its student population. In the same year, Westview had 9 expulsions. In the 2005-2006 school year, Westview had 518 suspensions, representing 20.68% of the student population. In the same year, Westview had 9 suspensions. In the 2006-2007 school year, Westview had 450 suspensions, representing approximately 20.82% percent of the student population. In the same year, Westview had less than 6 expulsions. The pattern suggests that the behaviour of students has gotten worse at Westview over the past three academic school years.

The Interim Report detailed the breakdown in the student teacher relationship at C.W. Jefferys. The teachers' survey at Westview confirmed that the breakdown was not isolated to the experience at C.W. Jefferys. It is the Panel's belief, based on the data collected from both schools and consultations with various teachers' unions, parents' associations and student focus groups, that the breakdown in the student-teacher relationship is a growing trend in all schools across the Toronto District School Board. This Chapter of the Final Report will dissect the Panel's findings on the root causes of this breakdown and detail the Panel's recommendations for renewing the positive bonds between students and teachers.

The breakdown in the student-teacher relationship is not attributable to any one source. To the contrary, there are many factors that have led to this breakdown in relationship. Some of the factors include:

- 1) Racism, both real and perceived by members of the school community;
- 2) Lack of support for troubled youth;
- 3) Increase in delinquent behaviour by youth;
- 4) Lack of teacher classroom management training;
- 5) Lack of engagement of "at risk" youth; and
- 6) Lack of engagement by some teachers at "at risk" schools;

Racism and the Relationship Between Students and Teachers

It is important to note that part of the break down in the relationship between students and teachers is caused by the feelings expressed by some students that they are singled out for unmerited discipline based on their race. The data collected from the student surveys at C.W. Jefferys and Westview clearly details the perspective of students who feel that they are unfairly singled out by teachers. This is particularly the case for black students (African or Caribbean Canadian descent).

Unfortunately, the TDSB has not satisfied its obligation, pursuant to the Ontario Human Rights (OHRC) settlement, to collect its suspension and expulsion data to determine whether discipline at the TDSB has had an adverse effect on students from racialized communities and students with disabilities. As such, the Panel is not in a position to empirically analyze the perspectives detailed in the surveys. The failure of the TDSB to collect the aforementioned data is very troubling for two reasons: (1) It is the only method to accurately determine the true nature and extent of the problem; and (2) the absence of race data allows an unfair discrediting of the concerns expressed by racialized communities. In a paper commissioned by the OHRC entitled, "*The Ontario Safe Schools Act: School Discipline and Discrimination*", the author, Ken Bhattacharjee, explained the difficulties caused by the failure to collect this data:

The total absence of statistics on race and the inaccessibility to statistics on disability makes it impossible to determine with any certainty whether the application of discipline in schools is having a disproportionate impact on racial minority students and students with disabilities.¹⁰⁵

¹⁰⁵ Ken Bhattacharjee, "*The Ontario Safe Schools Act: School Discipline and Discrimination*", at pg. 25

The TDSB entered into a settlement with the OHRC on November 20, 2005. To date, the TDSB has not satisfied its obligation to analyze its suspension and expulsion data nor has the Panel been advised of any steps taken by the TDSB to begin to analyze this data.

Recommendation 30: The TDSB should analyze the Board's suspension and expulsion data to determine the adverse impact it has on students who are disabled or are members of a racialized community by March 31, 2008.

Ken Bhattacharjee's report relied upon several sources in determining that the application of discipline in schools is having a disproportionate impact on racialized students and students with disabilities¹⁰⁶. These sources included data collected in Nova Scotia by the Black Learners Advisory Committee¹⁰⁷, a student survey prepared by D. Ruck and Scot Wortley entitled, "Racial and Ethnic Minority High School Perceptions of School Disciplinary Practices: A Look at Some Canadian Findings"¹⁰⁸, and anecdotal evidence derived from interviews and consultations. In relying on these sources, Mr. Bhattacharjee found that there was evidence that the application of discipline in schools is having a disproportionate impact on racial minority students and students with disabilities.

The data collected in the Panel's work at C.W. Jefferys and Westview lends strong support for the proposition that school discipline disproportionately affects racialized students. At C.W. Jefferys, 31.4% of students surveyed found that racial discrimination by teachers against students was a very serious problem while 14.9% felt that it was a serious problem. The student survey data reveals that almost two-thirds of black students (59%) believe that students from their racial group are more likely to be unfairly expelled from school than students from other racial backgrounds. Similarly, over half of the black respondents (52%) believe that discrimination makes it difficult for students from their racial group to get good grades at school. These sentiments are less likely to be shared by other racialized communities. For example, only 22% of Asian students, 16% of West Asian students and 14% of South Asian students believe that students from their racial group are more likely to be unfairly expelled from school than students from other racial backgrounds. Similarly, only 24% of Asians, 23% of South Asians, and 5% of West Asian students believe that discrimination makes it difficult for students from their racial group to get good grades at school.

At Westview, the perception of racism was less pronounced but still very strong. At Westview, 28.6% percent of students surveyed found that racial discrimination by teachers against students was a very serious problem while 16% felt that it was a serious problem. The student survey data collected at Westview revealed that almost two-thirds

¹⁰⁶ *Ibid.*, at pg. 25, Mr. Bhattacharjee's report was published in July, 2003.

¹⁰⁷ The Black Learners Advisory Committee accessed data from the Halifax Regional School Board from 1987 to 1992, which showed that Black students were being disproportionately impacted by the application of suspensions. Although Black students represented only eight percent of the student population, they accounted for sixteen to twenty percent of Suspensions.

¹⁰⁸ (2002) 31(3) *Journal of Youth and Adolescence*:

of black students (53%) believe that students from their racial group are more likely to be unfairly expelled from school than students from other racial backgrounds. Similarly, just under half of the black respondents (48.4%) believe that discrimination makes it difficult for students from their racial group to get good grades at school. Over half of the black respondents (54.7%) indicated that the school is more likely to call the police on racial minority students than white students. Like C.W. Jefferys, the survey data indicates that these sentiments are less likely shared by other racialized communities.

The Panel finds that the application of discipline in the TDSB continues to have a disproportionate impact on racialized students. In making this finding, the Panel relies upon the Panel's survey of students at C.W. Jefferys and Westview, as well as numerous consultations with students, teachers, administrators, parents, community organizations, youth advocates and employees at the TDSB. Two years have passed since the OHRC settlement and very little has been done to correct the discriminatory application of discipline by TDSB schools. In a consultation with various TDSB employees who described themselves as members of the Systems Equity Team, the Panel was advised that the TDSB was not committed to anti-racist education. The Panel was told, "there was no political will at the top level" to ensure that equity, "was embedded in the education culture".

Sadly, this is not the first time the TDSB has been directed to the fact that the application of discipline is discriminatory. Prior to the OHRC settlement, the TDSB Task Force on Safe and Compassionate Schools recognized this problem:

Based on the anecdotal and empirical data as well as minimal quantitative data, it is apparent that the TDSB'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.¹⁰⁹

At page 15 of the Report, the Task Force made several recommendations aimed at addressing the perception of discrimination against students from racialized and marginalized communities. Unfortunately, very few of the Task Force's recommendations were adopted by the TDSB.

With many students expressing genuine concern that they are targeted by school staff because of their race, it is not surprising that students from racialized communities feel isolated from their school community. The stench of discrimination and racism infects the school and can affect teachers who are not intentionally discriminating against racialized students. With a very palpable tension in the school, a good intentioned teacher can become afraid to appropriately discipline or question the behaviour of a racialized student for fear of being labelled a racist. One teacher at Westview described this problem to the Panel as follows:

¹⁰⁹ Toronto District School Board Task Force on Safe and Compassionate Schools, Report, at pg. 10

It could use a really good honest debate. But people are uncomfortable with the debate because, you know. I've been uncomfortable just talking about what I've just talked about because you know, you know because there is this sense of political correctness even though I feel comfortable in what I'm saying. I still sometimes wonder if the person is listening to me going to take it the wrong way. What are the words I use in certain situations. You know I think we almost have to expand our vocabulary a little bit and to improve communications.

The data collected from the teachers' survey at Westview and C.W. Jefferys details this same problem. 17.6 % of the teachers surveyed at C.W. Jefferys indicated that they would strongly agree that they are sometimes afraid of being called a racist by the students at this school, while 21.6 % of the teachers' surveyed agreed with the same statement. It should be noted that 60.8 % of the teachers surveyed indicated that they strongly disagreed or disagreed with the above noted statement. At Westview, 13.2 % of the teachers surveyed indicated that they strongly agreed that they are sometimes afraid of being called a racist by the students at this school while 21.1 % agreed with the statement. Despite the fact that a minority of teachers are concerned about being labelled a racist, the Panel finds this to be a very serious issue.

Recommendation 31: Multicultural, anti-racism staff development should be provided to teachers, administration, and school staff at every school.

Staffing Schools and Training Teachers in "complex needs communities"

At a joint symposium held by the Panel and the Ontario Human Rights Commission entitled, "Breaking the Logjam: A Blueprint for Progress on School Safety", the Panel heard from Jeff Kugler, a former principal at the TDSB and the current executive director of the Center for Urban Schooling at the Ontario Institute for Studies in Education. Mr. Kugler described the work he and other educators did in preparing the Model Schools for Inner-Cities Task Force Report. During his presentation at the Symposium, Mr. Kugler explained how his vision of model schools in inner cities included staffing the schools with teachers who actually wanted to teach at these schools. In furthering this aim, Mr. Kugler explained that teachers who wanted to leave the school should be free to do so without any negative consequences. Unfortunately, the Task Force's proposal was not adopted by the TDSB. Students at both C.W. Jefferys and Westview share Mr. Kugler's concern:

Get teachers who actually want to teach here. Do not just put someone here because they are a teacher and have to be here. Show it, show that you actually care. I always say, your mouth is made to say anything, your action is what actually show it.

The Panel agrees with the opinions expressed by Mr. Kugler and shared by many students. Teachers who do not want to teach at schools in "complex needs communities"

should be able to transfer out of the school without any negative consequences. The Panel recognizes that teaching students from “complex needs communities” is not an easy task and requires specialized on going training that is meant to address a teacher’s ability to handle all the needs of students. In order to be effective, teachers must understand and be alive to the unique social and economic conditions affecting students from “complex needs communities”. Handling the pressures that are associated with these tasks is not easy and can cause teachers a great deal of stress. The Panel recognizes that the teachers who may request a transfer from schools in “complex needs communities” are not bad teachers and in many cases are teachers who have dedicated their life to their school community but may need a respite from the stresses of the job. One teacher described this reality to the Panel as follows:

This school is not for everybody, we have some teachers in the school now, there are some teachers who need to leave, they are burned out they are tired , they are drained and they need a different environment, they need a different kind of student, they are not allowed to go because of the transfer process you have to go through and to get a transfer to another school is very difficult.

Recommendation 32: The TDSB should amend its transfer processes to permit teachers at schools in “complex needs communities” to be transferred to a different school upon request. Teachers should be permitted to have input in the location of their transfer. Such transfers should not have a negative impact on the teacher’s career advancement.

Recommendation 33: TDSB teachers working in “complex needs communities” should be given a thorough orientation on the social and economic conditions affecting students in these communities. This orientation would be delivered by a team that includes local community organizations and leaders and students or former students.

In recognizing that “complex needs” students’ are quite diverse and involve more than just teaching a child, teachers cannot be given the sole responsibility for addressing all a students’ needs. The Panel commends the TDSB on providing extra staff supports to both C.W. Jefferys and Westview in the current academic year. This additional staffing is a recognition of the necessity to provide schools with the appropriate resources to address ALL “complex needs” students.

Recommendation 34: The Toronto District School Board should establish school-based teams made up of social workers, child/youth workers, and teachers to help family caregivers navigate and access the mental health services their children and youth require and these teams should make use of a variety of treatment techniques and work across disciplines.

In a subsequent section of this Chapter, the Panel discusses in greater detail the need for additional support staff at schools with a large population of marginalized or “complex needs” students.

During the Panel’s consultations with teachers at C.W. Jefferys, it was recommended that younger teachers receive training on classroom management. Experienced teachers from the C.W. Jefferys staff explained that the younger teachers had problems controlling their classes. In addition, many teachers at both C.W. Jefferys and Westview expressed their desire for having a formal mentoring system for younger teachers. During a consultation at Westview, one staff member advised the Panel that Westview had begun a mentorship program for new teachers. The mentor is generally an experienced teacher from the same department.

The Panel finds that classroom management training is essential for all teachers. In particular, teachers should be trained on classroom management in the particular context of an “at risk community” school. The behavioural issues at schools from “complex needs communities” may be similar to their Board wide counterparts but the suspension/expulsion data suggest that the frequency of delinquent behaviour may be higher in these areas. In light of this unique problem, the Panel believes that specialized training is required for classroom management techniques for teachers teaching at schools in “complex needs communities”. Furthermore, the Panel believes that all TDSB employees at a school should receive “best practices” training so as to ensure that the best methods for addressing issues are being practiced across the board.

Recommendations 35: The Ontario Ministry of Training, Colleges and Universities should review and enhance mandatory classroom management training for all secondary school teachers, with an emphasis on the particular context of classroom management in the “complex needs community” setting. The Practicum year training should include an extended classroom management component.

Recommendations 36: The TDSB provide staff development in classroom management skills, with a particular focus on schools in “complex needs communities”. This staff development should be mandatory for teachers teaching in schools in “complex needs communities”. The staff development program must be subject to ongoing review and continuous growth.

Recommendations 37: Teachers who have been teaching for less than 5 years should be mentored by senior teachers.

Recommendations 38: The Toronto District School Board should put in place mandatory staff development for principals, vice-principals and senior administration on best practices in educational change.

Representative TDSB Staff Population

In June 1999, the TDSB enacted the Equity Foundation policy¹¹⁰. In the policy, the Board recognized the following:

The Board recognizes however, that certain groups in our society are treated inequitably because of individual and systemic biases related to race, colour, culture, ethnicity, linguistic origin, disability, socio-economic class, age, ancestry, nationality, place of origin, religion, faith, sex, gender, sexual orientation, family status, and marital status. Similar biases have also impacted on Canada's aboriginal population. We also acknowledge that such biases exist within our school system.

The Board further recognizes that such inequitable treatment leads to educational, social and career outcomes that do not accurately reflect the abilities, experiences and contributions of our students, our employees, and our parent and community partners. This inequitable treatment limits their future success and prevents them from making a full contribution to society.¹¹¹

In recognizing the above, the Board was to ensure, amongst other things, the following:

Our hiring and promotion practices are bias-free, and promote equitable representation of our diversity at all levels of the school system; that all our employees have equitable opportunities for advancement; that their skills and knowledge are valued and used appropriately; and that they have equitable access to available support for their professional development needs.¹¹²

As with many of the issues identified in this chapter, the underrepresentation of racialized communities in the education system has long been identified in Ontario. In 1992, Stephen Lewis' Report on Racism in Ontario identified this as a significant problem in the education system:

There wasn't a single non-white member of the staff. And then there was a Black participant, who rose shyly from the audience to say that he was a teacher and that his most touching experience came on his first day on the job, when a group of Black youngsters approached him, solemnly shook his hand, and said, "Thank Goodness. A Black teacher at last." I recite these things not to be maudlin, but to try to convey what's out there. The world has changed, and try as it may, education's having a tough time changing with it.

¹¹⁰ Policy P.037 CUR

¹¹¹ *Ibid.*, at pg. 1

¹¹² *Ibid.*, at pg. 2

The Action Plan of the Four-Level Government/African Canadian Community Working Group entitled, “Towards and New Beginning” and the Royal Commission on Learning report, “For the Love of Learning” also recognized, on a broader scale, the failure of every aspect of the education system to address issues of marginalized students.

In 2002, TDSB employees sought to establish an Action Plan in an attempt to create some specific targets and actions in order to implement the Equity Foundation policy. Unfortunately, the Action Plan was not implemented by the TDSB. The Ontario Human Rights Commission settlement with the TDSB included a provision requiring the TDSB to continue to actively recruit teachers and administrators from racialized communities. Section 6 of the Settlement reads as follows:

In accordance with its “Equity Foundation Statement”, the TDSB has and will continue to actively recruit qualified and certified teachers and administrators from within Canada and elsewhere who are members of racialized groups and will develop a procedure with respect to the recruitment, retention and promotion and racialized teachers in order that there is an equitable representation reflective of the Toronto Community. The TDSB will undertake to make the College of Teachers and the Ministry of Colleges and Universities aware of the TDSB’s position regarding:

- a. the need to ensure diversity in recruiting, and
- b. the need to remove barriers to access for internationally- trained teachers who apply to work in Ontario

In November 2005, after literally hundreds of days spent in hearings, the OHRC settled another complaint against the TDSB. The complaint was initiated by an African Canadian teacher named Francis Omoruyi-Odin. In the complaint, Mr. Omoruyi-Odin alleged that African-Canadian teachers faced systemic discrimination with respect to promotional opportunities in positions of responsibility at the former Scarborough Board of Education and also alleged that he was subjected to reprisals as a consequence of filing a complaint with the Commission in 1995. In settling this complaint the TDSB agreed to the following:

1. Use an established selection, promotion, and competition process for all positions of responsibility (and when practicable, for acting positions), including assistant chairs, chairs, assistant curriculum leaders, curriculum leaders, vice principals and principals, which includes Equity performance indicator “look fors” and behaviour based questions, including an interview question regarding demonstrated commitment to equity. The process will also include de-briefing a candidate as to why he or she was not selected, and using Equity performance indicator “look fors” and demonstrated commitment to equity when placing staff in acting positions in the absence of a competition; and

2. Establish and make known, a mentoring program for teachers who are interested in seeking promotional opportunities, including promotions to positions of responsibility, and that such a program will include a component focused on mentorship for racialized teachers.

In the above noted settlements the TDSB recognized the need for a workforce that is committed to equity and reflects the community it serves. Unfortunately to date, the TDSB's attempts to increase equity in its hiring practices have not been successful.

In March 2007, the TDSB commissioned a report by Barbara Herring & Associates to determine how well its employees at all levels reflect the demographics of the community it serves. The report indicated that there was a dramatic and steady increase in the representation of Visible Minorities through the past 15 years as their representation in the Toronto population increased. The report also indicated that several ethnic groups were under-represented in the TDSB workforce compared to the City of Toronto population: East Asian, South Asia, Black African, Hispanic/Latin American, Middle Eastern and White Eastern European. The report also indicated that only approximately 5% of all teachers (elementary and secondary) are African-Canadian. Furthermore, the report found that African-Canadians were under-represented in Senior Management levels. The lack of diversity in the education system has been identified as a serious issue for over a decade and sadly very little has been accomplished in resolving this issue. Given the lack of representation of visible minorities in the TDSB, this issue must be resolved as soon as possible.

The "letter of permission" would be one vehicle to assist in the Ontario certification of internationally trained teachers without requiring them to return full-time to a Faculty of Education for one year. Letters of permission were previously used to assist in bringing tradespersons into teaching positions in Technological Studies programs. Two summers at a Faculty of Education combined with two years of successful teaching in an Ontario school would result in the internationally trained teacher receiving Ontario teacher accreditation.

Recommendation 39: The Panel affirms the recent initiatives taken by the TDSB with respect to diversity and equity in its recruitment practices. The Panel calls on the TDSB to establish specific targets and timeframes with respect to employment equity. The Equity Foundation Statement should be implemented with respect to hiring and HR processes. This would include increasing the total number of internationally trained teachers.

Discussions among the OSSTF (District 12), senior administration at the TDSB and the Panel suggests the possibility of a strong commitment to develop "representativeness" in the staffing of TDSB secondary schools. This concept would:

- increase human resources to the LOI (Learning Opportunity Index) neediest schools;
- improve the cultural and racial diversity among teaching staff;
- allocate more dollars in the short-term toward secondary staffing.

The process of moving toward representativeness would involve lowering the class size caps in the top LOI schools to create more vacancies – not school-by-school but system-wide. The outcome is the need for increased human resources. Lowering the class size cap in the top LOI schools will create more vacancies specifically in those schools thereby allowing for movement of staff into the LOI schools. This in turn will create vacancies across the system, which may also be filled by new hires.

Funding advocacy initiatives in discussions among the OSSTF (District 12), senior administration and the Panel suggest a tri-partite thrust toward:

- The Ministry of Education should make changes to the funding formula, as detailed below (see section 3.06.04);
- OSSTF and the TDSB should take initiative to have input into the 2010 provincial funding formula review;
- Short-term increased dollars should be allocated from permanent, core funding to assist with the representativeness.

Continued promotion of initiatives already underway with the Faculties of Education toward hiring for racial/cultural diversity and interest in working in marginalized communities will continue through both the TDSB's and the Federation's links in teacher education.

Recommendation 40: The TDSB should lower class sizes in the LOI secondary schools to create more vacancies, and thereby, allow for movement of staff into these schools. This in turn will create vacancies across the system which may ultimately be filled by new hires. It is contemplated that these changes will enhance the cultural and racial diversity amongst the TDSB's teaching staff.

Student Engagement

During a consultation with the System Equity Team, the Panel was advised that there was a significant achievement gap for students from racialized communities. The Student and Community Equity Executive Officer at the TDSB, Lloyd McKell, described this achievement gap as follows:

We have within out diversity of students, we have delivered a system in which the end of it every year our students come out with differential outcomes. That is not simply on the basis of observed or anecdotal evidence, although clearly those are factors that are put into the mix, what students and parents tell us that there students have achieved based on their skills and what not, but we have evidence.

Both that beginning point of secondary schools and the end point of our outcome demonstrate significant achievement gap. And so I mention those

statistics simply because we have evidence to show that the achievement gap exist for students and that gap is related to demographics in this case like country of origin we have just completed a student survey which would give us finely tuned demographic barrier because we will have ratio data as well as the characteristic and we will be able to correlate that data with our student achievement data

The empirical evidence provided by the TDSB to describe the achievement gap was a Research Paper prepared by Robert S. Brown in April, 2006 entitled, “The TDSB Grade 9 Cohort Study: A Five Year Analysis, 2000-2005” (“Cohort study”). In the Cohort study, the TDSB tracked a grade nine cohort of 18,798 students to track their progress to graduation. Overall, the data showed that 8% of students had not graduated but were still enrolled in the fall of 2005 for year six of their secondary school studies. In addition, the study found that 23% of students had dropped out by the end of year 5. The study also found that students can be identified as “at risk” for dropping out after their first year of secondary school education. The study detailed many factors to predict “at risk” students in grade nine including the region of birth, whether the student had achieved fewer than seven credits by the end of year one, and whether the student came from a lower income neighbourhood. The report also details a strong correlation between absenteeism and dropout rates. The study noted that students with greater than 10% absenteeism are at-risk to dropout, and students with greater than 20% absenteeism are highly at-risk to dropout.

With respect to region of birth, the study found that English speaking Caribbean students, Central and South American/Mexican students and East African students all had a greater percentage of dropping out and achieving less than seven credits in grade nine then their Canadian born counterparts. For example, the percentage of Canadian born students who achieved less than seven credits by grade 9 was 21%. It should be noted that this number may actually be higher as Aboriginal people were not included in the definition of Canadian born. The rate for English speaking Caribbean students was 40% and East African students was 31%.

The dropout rates showed similar results with English speaking Caribbean students having a dropout rate of 40% and East African students having a dropout rate of 32%. Canadian born students had a dropout rate of 23%. More telling is that the Cohort study detailed that many “complex needs” communities had a dropout rate of higher than 35%. This included the following areas (tracked based on postal code of student residence):

Beechborough-Greenbrook	North St. Jamestown
Black Creek	Regent Park
Brookhaven-Amesbury	Rock-Smythe
Corsa Italia Davenport	Rustic
Downsview-Roding-CFB	Thistletown-Beaumont Heights
Elms-Old Rexdale	West Humber-Clairville
Glenfield-Jane heights	Weston
Little Portugal	Weston-Pellam Park
Mount Dennis	Woodbine-Lumsden
Mount Olive-Silverstone-Jamestown	York University Heights

It should be noted that this study was based on country of origins, not race, so it will include students born in Africa and the Caribbean, which may include non-Black students. In addition, there is no identification of Black students born in Canada or elsewhere in the world. We have been advised by Mr. McKell that the second part of the TDSB student census will detail any correlation of race data with achievement data.

The Panel accepts Mr. McKell's submission that there is an achievement gap at the TDSB. At minimum, the data detailed above illustrates that there is a significant achievement gap based on region of birth. While there is limited recent empirical evidence that details the achievement gap for Black students in the TDSB, there are a number of sources that have pointed to the disparity in the success of Black students. The Canadian research in this area suggests that racial minority students, particularly Black students, are more likely to be enrolled in basic rather than advanced academic programs, achieve lower grades and have disproportionately high dropout levels¹¹³.

Evidence of the achievement gap has been detailed in Ontario for quite some time. At the school board level, data was collected by the pre-amalgamation Toronto Board of Education and the York Board of Education that detailed the difficulties in student success experienced by Black students. The Royal Commission Report on Learning entitled, "For the Love of Learning", detailed the results of this historical data:

Probably the most comprehensive data are those available from the Toronto Board of Education. These indicate that 9 percent of its secondary school students in 1991 – 92 were black; in that year, they made up only seven percent of students in the advanced level, but 16 and 18 percent of the general and basic levels respectively. Between 1987 and 1991, there was a slight increase in the proportion of black students studying at the advanced level.

Data showed that 36 percent of black secondary school students were "at risk," based on their grades in English and Math courses; this pattern was repeated when only students in the advanced level were considered and when the black student category was broken down into those born in Canada, in Caribbean countries, and in Africa. Even black students who

¹¹³ (Henry, Frances and Carol Tator. 2005. *The Colour of Democracy: Racism in Canadian Society* (3rd Edition). Toronto: Thomson-Nelson.; James, Carl. 2003. *Seeing Ourselves: Exploring Race, Ethnicity and Culture* (3rd Edition). Toronto: Thompson.; Davies, Scott and Neil Guppy. 1998. "Race and Canadian Education." Pp. 131-156 in Vic Satzewich (Ed.), *Racism and Social Inequality in Canada*. Toronto: Thompson. Dei, G. J., Holmes, L., Mazzuca, J., McIssac, E., and Campbell, R. 1995. *Drop-out or Push Out? The Dynamics of Black Students' Disengagement From School*. Toronto: Department of Sociology in Education, OISE; James 1990; James, Carl. 1990. *Making It: Black Youth, Racism and Career Aspirations in a Big City*. Oakville: Mosiac Press; Dei, G., Mazzuca, J., McIsaac, E., and Zine, J. 1997. *Reconstructing 'Drop-Out': A Critical Ethnography of the Dynamics of Black students Disengagement from School*. Toronto: University of Toronto Press. Briathwaite, K and Carl James. 1996. *Educating African-Canadians*. Toronto: James Lorimer and Company.

have university-educated parents, or parents in professional occupations, or who live with both parents, continue to do disappointingly, according to the Toronto data. On the other hand, compared to 1987 data, there has been a statistically important improvement, mostly by Canadian-born and African-born black students, although black students still remain significantly behind their peers.

In a separate analysis, the Toronto board tracked students who were in Grade 9 in 1987 and analyzed their record of achievement, based on results at the end of 1992. It found that 42 percent of the black, 1987 Grade 9 students had left the system by the end of 1992 without graduating. Even among those whose parents were in semi-professional occupations, black students were more likely to drop out.

Black parents are concerned that the large portion of black students in the general- and basic level courses (as opposed to advanced-level courses) not only limits their opportunities to enter post secondary education programs, it also increases the risk that they will drop out. This is confirmed by the Toronto Board data, which indicate that the non-completion (or drop-out) rate of all students is 21 percent from the advanced level, 48 percent from the general, and 64 percent from the basic.

The Board of Education for the City of New York has also compiled comprehensive data on the achievement levels of various sub-populations. Their data also found that black students are less likely to be taking advanced-level English and in particular, are less likely to take math courses. Only 44 percent of black students were in the advanced math course, compared to a significantly greater percentage of other students.¹¹⁴

In light of the above, the Panel finds that there is a significant achievement gap for African-Canadian students.

Dr George J. Sefa Dei, the chair of the Department of Sociology and Equity Studies at the Ontario Institute for Studies in Education, has published many articles and texts detailing the achievement gap between black students and their counterparts. In one of his texts he detailed the following:

In June 1991, a confidential study by the Anti-Racist Directorate of Ontario's provincial Ministry of Citizenship was released to the press. The report indicated that Black students are dropping out of the provincial school system in much greater proportion than other minorities and Whites. This study, entitled *Report of the Sub-Committee on Racial Minority Youth and Visible Minority Youth*, explored the issue of education of racial minorities and found an overrepresentation of Blacks in

¹¹⁴ Royal Commission on Learning, *For the Love of Learning*, pg. 432

vocational schools and an underrepresentation in advance level programs.
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Dr. Dei conducted a study of over 150 black students, 22 of whom were dropouts and youth designated “at risk”. In his study, Dr. Dei detailed the concern of Black students that classroom discourses only occasionally spoke to their experiences. Dr. Die noted that Black students “yearn for the schools to reflect the communities in which they live and vice versa, and are very frustrated because this is not happening”. Dr. Dei argues that you cannot divorce the experience felt by Black students from such behaviours as truancy, questioning of authority and other rebellious acts which tend to land students in trouble with school authorities¹¹⁶.

The TDSB’s Census clearly reflects the perspective advanced by Dr. Dei. The recent census data suggests that Toronto's racially diverse students want to learn more about their cultures. Two-thirds of the students surveyed say learning about their own race would make school more interesting and almost half believed it would help them do better in school. Currently, the TDSB Afrocentric curriculum is designed as an inclusive curriculum ranging from units in music, art, social studies, dance and drama written with a Black focus.¹¹⁷

Another significant issue is the limited expectations that are put on Black students. Black students believe that teachers often give up on them easily or that they don't treat them as serious students. This issue has long been identified by academics and is a perception that is not lost on current students¹¹⁸. One student from Westview described the various stereotypes and limited expectations that are placed on Black students, stating that some teachers feel like Black students cannot do well in mathematics. One student from C.W. Jefferys described the limited expectations as follows, “We are classified as underachievers and idiots.”

What is clear is that the present pedagogy is not working for “complex needs” students and Black students. One student from Westview explained to the Panel that the current method of teaching students is simply not working. A new pedagogy is required:

...if you are gonna be teaching here and then 50% or 60% of your students actually fail or drop out or feel that there is no hope, no one cares about them maybe there is something you are doing wrong The approach that has been taken here is not working for a lot of kids, a lot of kids are still feeling left out.

¹¹⁵ Dei, G. (1996) Black Youth and Fading out of School. From *Debating Dropouts: Critical Policy and Research Perspectives on School Leaving*. Deirdre Kelly and Jane Gaskill (eds.) Columbia University. U.S.

¹¹⁶ *Ibid.*, at pg. 179

¹¹⁷ *Africentric curriculum not enough*, Amanda Robinson,
<http://www.fims.uwo.ca/NewMedia2007/page2971402.aspx>

¹¹⁸ Dei, G. (1996) Black Youth and Fading out of School. From *Debating Dropouts: Critical Policy and Research Perspectives on School Leaving*. Deirdre Kelly and Jane Gaskill (eds.) Columbia University. U.S. at pg. 185

The Panel finds that the TDSB has not taken sufficient steps to re-engage students, in particular Black students. This should be done in a manner consistent with the Equity Foundation Statement.

Recommendation 41: Thorough curriculum reform should be implemented pursuant to the Equity Foundation Statement. There should be an action plan with specific time frames and accountabilities established.

In addition, the data collected by in the Cohort study indicates that early targeting of “at risk” youths can be done as early as grade nine.

Recommendation 42: The TDSB should identify “at risk” students based on two categories: (1) students with high absenteeism rates and (2) students who successfully complete less than seven credits by the end of grade nine. The Panel recommends that in secondary schools, students not attending class on a regular basis need to be flagged by the classroom teachers and reported to an attendance counsellor. A set of procedures should be established with positive measures for encouraging students to attend, including an advocate/mentor program for improving poor attendance. Suspension should not be considered a positive strategy in this case. School procedures should include counselling to provide students with understanding and workable solutions for attending school.

Recommendation 43: Guidance counsellors should meet with students identified as having successfully obtained less than seven credits so as to formulate a plan to obtain lost credits, including enrolment in a credit recovery program.

Recommendation 44: The TDSB should provide WRAPAROUND programming in schools where there is a significant population of students who are in jeopardy of falling outside of the education system.

Black focus schools have become a highly debated and contested issue in recent months. Many people have pointed to the alarming drop out rate of Black students as proof positive that the current pedagogy is not meeting the needs of Black students. They are correct.

Black focus schools have been debated for many years. The concept was first publically articulated as a method of re-engaging Black youth in “Towards A New Beginning”. In the Royal Commission on Learning Report, the Commission recommended the following:

We recommend that in jurisdictions with large numbers of black students, school boards, academic authorities, faculties of education and

representatives of the black community collaborate to establish demonstration schools and innovative programs based on best practices in bringing about academic success for black students.

Creating a racially focused school is not unprecedented in the TDSB. The TDSB currently has an Aboriginal school, the First Nations Public School, that has been operating for nearly 30 years. The First Nations School is discussed in great detail in a subsequent section to this Chapter.

The arguments both in favour and against Black focus schools were succinctly summarized in the Royal Commission Report:

The arguments in favour of BFSs are centred on building the prerequisites for academic achievement. Parents and teachers argue that, despite their attempts to bring about systemic change, not enough has been done or accomplished, and there is a need for more dramatic, potentially faster, action.

Others are not only concerned about the divisiveness such a proposal creates between groups, they are of the opinion that a policy based on race, whatever its intent, can become a racist policy. They believe as well that, in practical terms, because blacks in Canada must operate in a mixed society, moving from mixed schools would be a mistake. Don't separate the black students, they argue: fix the schools.¹¹⁹

Twelve years later the arguments remain the same, as does the issue that ignited the debate: Re-engaging Black students. The dropout rate of Black students has remained consistent from 1992 to 2005. The actions of the TDSB have not shown a clear commitment to the Equity Foundation Policy. The achievement gap still exists. The Panel finds that immediate action must be taken to address this issue.

Recommendation 45: Regardless of the direction that the TDSB and the communities take with respect to the issue of “Black-focused” schools, the Panel recommends that the TDSB develop an inclusive curriculum that will allow students to examine their own cultural and historical experiences and the experiences of living in their communities. Specifically, the TDSB should explore ways to incorporate African-centered perspectives and other forms of cultural knowledge in the education of youth.

The Panel is also of the view that programs aimed at creating youth leaders and empowering students should be available at every school. In particular, the Empowered Student Partnership (“ESP”) program is the largest school program in Canada that is equipped to empower students to develop, initiate and implement school safety programs. During the program, students gain important experience and develop leadership skills by

¹¹⁹ Royal Commission at pg. 432-433

planning, organizing and implementing safe and caring school programs. One of the aims of this program is to empower students to become a driving force for all safe school initiatives. The program is run in partnership among the TDSB, the Toronto Police Service, and the Canadian Safe Schools Network. The Panel has been advised by numerous sources that the ESP program has been highly successful in many schools. Subsequent to the release of the Interim Report, the TDSB established the ESP program in all secondary schools. The Panel applauds the TDSB for taking this step; however, the Panel believes that the benefits of this program should be extended to every school.

Recommendation 46: The TDSB should extend Student Empowerment Programs and Leadership Opportunities for Students.

Hallway Supervision

In the interim report, the Panel discussed the problem of “hallway students”, students who have chronic attendance issues and who spend a great deal of time in the school hallways during class time. Teachers, administrators and students identified these “hallway wanderers” as a disruptive influence in the school. These hallway students are more likely to be experiencing academic difficulty and are at a greater risk of dropping out of school. The Panel’s consultations and survey work at Westview found similar concerns. The Panel believes that “hallway students” are an issue facing many schools in the Toronto District School Board.

Many of the students, teachers and administrators who consulted with the Panel expressed their sense that the schools have lost control over the hallways. Where such control is lost, the risks of harm or violence are increased. Violence tends to occur in areas such as hallways, playgrounds, bathroom, and cafeterias during periods in which there is little or no adult monitoring. Reclamation and ownership of these locations by teachers, administrator, and students has the potential to drastically decrease the prevalence of violence in schools.¹²⁰

Members of the school community have called for a greater adult presence in school hallways. However, consultations revealed very polarized positions regarding which adults should be that presence, in particular whether hall supervision should be the domain of teachers or hall monitors.

The role that teachers have played in hallway supervision has changed significantly over the course of the past decade. Prior to amalgamation, there were limits on the amount of hallway supervision that teachers could be required to do. That changed dramatically during the Harris years. From the perspective of the Ontario Secondary School Teachers’ Federation (“OSSTF”), the 1998 collective agreement set minimum times for teaching and other duties with no maximum. According to the OSSTF, in many schools, teachers were placed on assignment for every single moment that they were not teaching and teachers were expected to do much more hallway supervision than they had previously.

¹²⁰ R.A. Astor, H. Meyer and W. Behre (1999), “Unowned Places and Times: Maps and Interviews About Violence in High Schools” in *American Educational Research Journal*, Vol. 36(1), pp. 3-42 at 4, 16, 34.

In Toronto, the change was deeply resented by many teachers who felt that their time for class preparation, contacting parents, meeting with students and other important educational tasks was being undermined.

The 2000/2002 collective agreement with secondary school teachers returned the situation to essentially what it had been previously. Secondary school teachers could be assigned to supervision on an as-needed basis. For example, if there was something going on in the school – ranging from something innocuous such as photo day or something more serious such as a report that a gang was coming – teachers could be asked to assist with hall supervision.

In the last round of negotiations with secondary school teachers, a framework was developed for setting local agreements. The TDSB was one of the last boards to settle because of controversy around supervision duties. Under the current collective agreement between the OSSTF and the TDSB, teachers may not be regularly scheduled for supervision. However, the principal may assign supervision in advance in the following circumstances: immediately prior to or during exams; during Christmas or March break; or the end of the semester of school year; in conjunction with a special event; and where the principal reasonably anticipates a special need. Supervision duties are to be equitably assigned on a rotating basis.¹²¹ Teachers may be assigned hallway supervision for an average of one half-period per week, to a maximum of 27 such assignments during a school year, with flexibility to make five further assignments to cope with “exceptional demands.”¹²²

The Panel was told that the TDSB agreement concerning hallway supervision is unique in Ontario and that secondary school teachers in other boards carry a heavier supervision workload.

The situation in elementary schools in the TDSB is slightly different from that in the secondary schools. As a result of a provincial framework agreement that was signed with the Elementary Teachers Federation of Ontario (ETFO) in 2005, principals are to make “every effort to get to a maximum of 80 minutes per week of supervision for elementary teachers.”¹²³

The Toronto School Administrators’ Association (TSAA), a voluntary organization of over 1000 elementary and secondary Principals and Vice-Principals, feels strongly that the decrease in supervision by teachers has decreased the level of safety in schools. Representatives from the TSAA told the Panel that its members report that they are uncomfortable with the level of supervision that they are able to assign in the elementary schools, with lunchtime supervision identified as being particularly problematic.

¹²¹ Collective Agreement between Toronto District School Board and the Ontario Secondary School Teachers’ Federation, for the 2004-2005, 2005-2006, 2006-2007 and 2007-2008 school years, “Letter of Understanding Re: Supervision”.

¹²² Collective Agreement between Toronto District School Board and the Ontario Secondary School Teachers’ Federation, for the 2004-2005, 2005-2006, 2006-2007 and 2007-2008 school years.

¹²³ Toronto School Administrators’ Association (August 2, 2007), “Submission to School Safety Panel”, p. 1.

According to the TSAA, in the elementary system, “Many Principals felt that their schools were not as well supervised as in the past and therefore, not as safe as they would like them to be.” The TSAA believes there has been an increase in bullying as a consequence.¹²⁴

The TSAA told the Panel that the situation in Toronto secondary schools is even more serious than that in the elementary system:

*Due to the Collective Agreement [with the OSSTF], it is very difficult to assign supervision to teachers before school, between classes, at lunchtime, after school and for extra-curricular activities. The bulk of this type of supervision falls to the Principals and Vice-Principals and the school-based safety monitors....School administrators report that there has been an increase in bullying, vandalism and graffiti in their schools. They report that they are less able to deal as effectively as they would like with intruders who most often are the ones who create problems within the school and compromise the safety of their students.*¹²⁵

The OSSTF strongly contests allegations that teachers are not involved in hallway supervision. Leslie Wolf, First Vice-President of the OSSTF, told the Panel that:

[Hallway supervision] is an issue that we are 100 percent sure our teachers would strike over....The minimum workload language was so sadly abused from 1998–2000. Those teachers who taught during that time will never go back to that.

What we have worked very hard to bring from the last round of bargaining was to try and slowly bring back a climate of cooperation. ...I want to underscore that teachers do supervise the hallway in between every class. In secondary schools, when the teacher has to walk from one classroom to another, don't let anybody tell me that if a teacher sees something they are going to ignore it because they are not on assigned supervision. That's just not true.

Teachers are in the hallway at lunchtime. Teachers are in the hallways with the students as they are going to extra circular activities. Teachers take full responsibility for their work environment.

The OSSTF and ETFO do not agree that increasing the time that teachers spend supervising hallways is the answer. The OSSTF feels strongly that increasing teacher supervision from its present level would be a mistake. In addition to interfering with teaching duties, the OSSTF told the Panel that increasing supervisory duties will not

¹²⁴ Toronto School Administrators' Association (August 2, 2007), “Submission to School Safety Panel”, p. 1.

¹²⁵ Toronto School Administrators' Association (August 2, 2007), “Submission to School Safety Panel”, p. 2.

make schools safer. Doug Jolliffe, President of the Ontario Secondary School Teachers' Federation, District 12 Toronto, told the Panel that:

It will not help to increase hall supervision by teachers. Jefferys had the most teacher hall supervision in the city but this did not create a safe school. Hall supervision by teachers is ineffective for two reasons. One, teachers are trained to deal with classroom management but what works in the classroom may not work in the hall. Teachers do not have training in crisis intervention and other areas that are necessary to deal with what can occur in the halls of a school. The second reason teacher hall supervision is ineffective is because there is no process in place that would provide the necessary support when faced with an unsafe situation. Teachers, other education workers, and school administrators all feel isolated in these situations because there is no clear procedure in place.

When I speak of unsafe situations, I am not talking about the common unruly behaviour of adolescents – running in halls, smoking on school property, surly attitude toward staff, etc. These can be and are dealt with on a daily basis by all education workers. I am instead talking about behaviour that engenders feelings of disquiet in both staff and students.

One benefit of teacher presence in the hallways, which was not directly addressed by the union representatives or the TSAA, is the opportunity such presence presents for teachers to interact informally with students. Informal and frequent interactions with students outside of the classroom are an invaluable way for teachers to build relationships and become familiar with the students who make up the student body. One TDSB social worker told the Panel that: “The easiest way to have a safe school is to have teachers provide supervision in the hallways. The best safety is having teachers know their students. Oftentimes teachers only know the kids in their classroom. But if they are actively in the hallways and visible, they will get to know other students in other grades and classrooms.”

The Panel has concluded that hallway safety would be improved by an increase in teacher presence in hallways. Teachers, with their training and commitment to their students, are ideally suited to provide the necessary adult oversight of students in hallways. The Panel wishes to state clearly that it does not see the hallway supervision issue as one in which teachers have abdicated their responsibilities. Quite the contrary. Hallway supervision is a valuable role for teachers to play in schools and it should be valued by the Toronto District School Board by providing remuneration for any added workload that hallway supervision would create.

Ultimately, this is a workload and a collective bargaining issue to be determined through negotiations. The Panel does not wish to be seen as impinging on local bargaining rights. However, the Panel urges all of the parties to consider the proven benefits to the school and to the relationship between students and teachers that can be built by multiple,

informal interactions outside of the classroom. Building such relationships is key to improving safety in Toronto schools.

Recommendation 47: The Toronto District School Board, the Elementary Teachers Federation of Ontario and the Ontario Secondary School Teachers' Federation should negotiate an increase in teacher supervision duties with an appropriate increase in remuneration to reflect the additional teacher workload.

Recommendation 48: Administrators should develop an enhanced hall presence program that ensures that adult supervision is visual during class breaks and during arrival and dismissal.

Recommendation 49: Teachers and Hall Monitors should be engaged in an active staff development program emphasizing conflict resolution, crisis intervention and self-esteem building in students within a racial, cultural and gender sensitive framework.

If teachers are going to take on more supervisory duties, it is essential that they have the training and the comfort level to deal with incidents as they arise. Without this training, many teachers may be deterred from intervening in hallway disorder. Jolliffe told the Panel that the OSSTF has been asking the TDSB to provide teachers with crisis intervention training for seven years, but the training has not been provided. Crisis intervention training would assist teachers in responding to unsafe hallway behaviour. The Panel agrees crisis intervention training should be provided to TDSB teachers.

Recommendation 50: The TDSB should provide crisis intervention training to all its teachers.

Recommendation 51: The TDSB should develop a code red procedure and staff team for all schools. The code red staff team would be trained to provide crisis management until paramedics, police or firefighters arrive. The procedure should be prepared with input from teachers' federations, parents, police, paramedics and firefighters.

The Panel is also very aware that, in general, there has been a loss of adults in the schools due to cutbacks, including cuts to counsellors, secretaries, Vice-Principals, lunchroom monitors, attendance counsellors, caretakers and others. For example, in April 2002, the TDSB eliminated 13 Youth counsellors, reduced attendance counsellors from 32 to 8 and reduced Multilingual Team Leaders from 9 to 4. All of these individuals would have had a presence in the halls and other student social spaces on school property. The reduction in the number of responsible adults in schools has contributed to increasing hallway disorder and a corresponding reduction of safety in the schools.

In the secondary school system, the TDSB has attempted to address issues of hallway safety with school based safety monitors. At the present time, control of hallways in secondary schools is the job of the “school based safety monitors”.

The Ministry of Education does not provide direct funding for School Based Safety Monitors. The Board uses the Special Purpose Grants, ESL and Learning Opportunities Grants to support funding of these staff. Safety monitors are allocated on a profile basis based on factors such as discipline; student transfers; trespass notices/letters; special education; learning opportunities index; and school community (location, facility, community). Safe Schools Administrators tabulate the statistics and rank secondary schools in terms of their needs for Safety Monitors.¹²⁶ For the 2007-2008 school year, the Board allocated 98 Full-time Equivalent safety monitors, with an additional 89 full-time equivalents.¹²⁷

Particularly in large schools, the present number of hall monitors is insufficient to ensure an effective adult presence in the necessary places at the appropriate times. The TSAA, OSSTF and ETFO have all recommended an increase in the number of secondary school safety monitors, as well as improvements to the level of training that safety monitors receive. The OSSTF told the Panel that:

*To make schools safer, we need more hall monitors who are trained to do their jobs well. Good hall monitors function more like social workers than police and by doing so they gain the trust of the students. Currently, hall monitors receive little or no training.*¹²⁸

In the absence of an increase in teacher supervision, more and better-trained safety monitors will be necessary.

Recommendation 52: The TDSB should increase the number of school safety monitors and ensure that school safety monitors have training, qualifications and remuneration in keeping with their counselling, educational and enforcement role.

In addition to ensuring that there is an adequate adult presence in the hallways, it is essential that the hallway students return to the classrooms. Hallway students have chronic attendance issues. For example, according to the attendance profile for a student who had been identified as a hallway wanderer, between September 2006 and mid-June 2007, this particular student was late for 125 classes and absent from 321. One teacher told us that she reported her concerns about this student’s attendance to one of the Vice-Principals, but that she was not aware of any action being taken to address the problem.

¹²⁶ Toronto District School Board (15 February 2007), “Report 02-07-1064, Staff Allocation 2007-08,

¹²⁷ Toronto District School Board (15 February 2007), “Report 02-07-1064, Staff Allocation 2007-08,

¹²⁸ OSSTF District 12 Toronto, Written Presentation to the School Community Safety Advisory Panel (September 19, 2007).

Attendance counsellors are at the front line for recognizing “at risk” behaviours and referring students for support. The ability to provide prevention, intervention and ongoing supports to students has been greatly diminished by the loss of attendance counsellors and the Panel recommends that the number of attendance counsellors should be restored to at least its pre-April 2002 numbers.

Ultimately, it is essential that the adults who are part of the school community be fully engaged in that community. Administrators, Teachers, Educational Assistants, Child and Youth workers, office staff, safety monitors and caretaking staff must all work together, get to know the students with whom they are working and take the initiative to address issues as they arise.

School as the Community Hub

During consultations with parents, community organizations and student focus groups, it became apparent that the wider community feels isolated from the school community. Some community organizations shared with the Panel their difficulties in trying to access schools that could benefit from their involvement. The Panel was advised that in the past, community organizations would deal directly with a school’s principal in trying to create a partnership. This model has changed. Some community organizations complained about having to contact the TDSB before being allowed to form a partnership with the school. These organizations described this as an ineffective model. Some organizations, however, were still communicating directly with school administrators with some success. The Panel recognizes that the school is a part of the wider community and should not be hermitically sealed from its community. To the contrary, the community should become a partner with the school.

A school can and should become a Community Hub or a Center of the Community. Schools can achieve this status in two ways: (1) they more effectively integrate with the community, or (2) they extend the learning environment to use the community’s full range of resources¹²⁹. American research has shown that schools that serve as a community hub are making notable improvements in four areas:

- (a) **Student Learning** – Students demonstrate significant gains in academic achievement and in essential areas of non-academic development;
- (b) **School Effectiveness** – Parent-teacher relationships are stronger and teacher satisfaction is higher. There is a more positive school environment and broader community support.
- (c) **Family Engagement** – Families show greater stability. Parents communicate more often with teachers, are more involved in school activity, and demonstrate a greater sense of responsibility for their children’s learning success.

¹²⁹ “*School as Centers of Community: A Citizen’s guide for planning and design*”. National Clearinghouse for Educational Facilities Knowledgeworks Foundation, Washington, D.C., 2003 at pg. 3

- (d) **Community Vitality** – Surrounding neighborhoods enjoy increased security, heightened community pride, and better rapport among students and residents. The schools themselves are more intensively used.¹³⁰

Canadian research also indicates that stronger relationships with the wider community benefit students and their community. This is particularly the case in marginalized communities:

Supplying students and their families with the physical necessities of life is just one of the forms of extra work in disadvantaged schools. When such schools are successful, they have taken some pains to involve the community in school life, and particularly those community members and parents least likely to come into schools. Engaging the parents of students at risk, many of whom have less than happy memories of schools themselves and often feel alienated and/or judged by school people, is in itself a massive and important piece of work. In our study, those schools that worked most successfully with such marginalized communities operated as community centres, where members of the community regularly contributed to school programs like hot lunches or safe arrival programs, and in which regular community events (town halls, barbeques, concerts, shows, etc) were held.

These schools approached marginalized community members as resources, rather than as deficits in need of the school's help in raising or educating their children. Such a relationship with the community meant that family and community problems regularly arrived in the school, and negotiating such problems, offering advice on services available, and addressing on-going stresses within families that have consequences for students' lives became a central piece of work done in these schools. No substantial system support recognized this extra and fundamentally necessary work, in terms of providing disadvantaged schools with extra personnel or in terms of recognizing in any concrete way the special qualifications of principals and teachers doing this work.¹³¹

In order to be accessible to community organizations the schools must be kept in a good state of repair and upkeep. In addition, schools that do not currently meet provincial safety codes should be repaired immediately so as to ensure that they are ready for use from the community.

¹³⁰ *Ibid.*, at pg. 3; see also, Blank, Martin, Atelia Melaville, and Bela P. Shah. 2003. *Making the difference: Research and practice in community schools*. Washington, D.C.; Institute for Educational Leadership, Coalitions for Community Schools.

¹³¹ John Portelli, Carolyn Shields, Ann B. Vibert, *Toward an Equitable Education: Poverty, Diversity, and Students at Risk*, National Library and Archives of Canada Cataloguing in Publication, 2007

Recommendation 53: The TDSB should allow the Toronto Fire Services and Toronto Public Health to conduct yearly inspections of all its schools, so as, to ensure that each school meets the standards proscribed by the Fire Code, the Electrical Code, and the Occupation Health and Safety Act. The TDSB should prominently display the Report by the Toronto Parent Network entitled, “A report by the Toronto Parent Network based on a Review of the Toronto District School Board’s Health and Safety Inspection Reports”, on the TDSB’s website until such time, as all schools comply with the aforementioned Codes.

It would appear that the notion of a school as a Community Hub has support from the provincial government. This summer, Education Minister Kathleen Wynne provided the Toronto District School Board and Toronto Catholic District School Board with four million dollars to reduce or eliminate fees for community organizations who want to provide new or expanded programs in school facilities. On June 6, 2007, Minister Wynne announced the increased funding stating that she was, “pleased to invest in these positive activities for our youth using our schools as a community hub”.

Recommendation 54: The Panel finds that selected TDSB schools in marginalized communities should be designated as community hubs. Community Hub schools will become the focus of the neighbourhoods that they serve. Local community organizations and groups will be encouraged to become part of the school community, in order to facilitate a closer connection between the school and the students, the parents, and the community.

Recommendation 55: The TDSB should train administrators and school councils in community development and outreach principles and strategies.

Recommendation 56: The TDSB should restore the community outreach worker position. The Panel recommends that the community outreach worker gather, coordinate, and act as a clearinghouse concerning information about current programs and services provided by the existing community partners and schools.

Recommendation 57: In order to facilitate in the building of community hubs, the TDSB should review the level of caretaking staff at each school to determine if there is sufficient staff to maintain the schools such that school can serve as a welcoming and positive environment for the community.

3.06.04 Lack of Youth Activities

During our Panel consultations with students at C.W. Jefferys and Westview, it became apparent that students did not feel they had enough extra-curricular activities at their

schools. The sentiment was expressed both in face-to-face consultations conducted by the Panel as well as the student surveys at both C.W. Jefferys and Westview. Indeed, many students in the C.W. Jefferys survey indicated in the open-ended questions that there was a lack of extra-curricular programs for students. As expressed in earlier Chapters, students made comments that “there are no after-school programs at the school” and that “there are not enough extra-curricular activities at schools for students to keep occupied”. This is particularly alarming given that 75% of the students surveyed think that increasing funding for after-school programs and extra-curricular activities is a good or very good idea with respect to reducing school safety. Students preferred the use of after-school activities as a school safety strategy ahead of security cameras, mandatory uniforms, identification badges and metal detectors in schools.

The results from the Westview student surveys indicated similar findings. At Westview, a number of students reported that they felt the school needed more money for extra-curricular activities. As detailed in the Westview student Chapter, typical comments from Westview students were as follows: “there are not enough sport teams”; “we need more sports programs. Hockey!”. As with C.W. Jefferys, three out of every four Westview student (76%) thought that increasing funding for after-school programs and extra-curricular activities is a good or very good idea with respect to increasing school safety.

The use of extra-curricular activities to address school safety issues ranked ahead of other methods such as installing security cameras, increasing the number of hallway monitors and metal detectors.

The lack of student extra-curricular activities has some historical underpinnings. As detailed in the Historical Overview Chapter, the *Education Accountability Act, 2000* made voluntary extra-curricular activities mandatory for teachers. As a result, any group refusal to perform extra-curricular activities would be deemed a strike. School principals were given the responsibility for planning and designing such duties. Although these sections were never proclaimed, the government announced it would do so if teachers refused to participate in extra-curricular activities as a bargaining tactic. As the result of the positioning between the provincial government and teachers’ unions, estimates suggested that approximately 75% of students in public schools did not receive extra-curricular activities in the school year of 2000-2001¹³².

In February 2001, as a result of the loss of extra-curricular activities that occurred during the 2000-2001 academic school year, the Ministry of Education established an advisory group to explore ways to restore extra-curricular activities across the province. The Report recommended a compromise on the issue based on numerous factors, including recognition that:

1. extra-curricular activities must be voluntary and the government should repeal the un-proclaimed sections of Bill 74 pertaining to them;

¹³² Makie, Richard in 2001. “Ontario finds 50 Millions for Schools” *Globe and Mail*, May 8, 2001

2. more time needs to be freed up to allow teachers to participate in these activities;
3. participating in extra-curricular activities should form part of the teachers' prescribed workload; and
4. implementation will necessitate additional funding.¹³³

The Panel met with 15 youth at San Romanoway (in the "Jane-Finch" Community) to discuss issues of school safety. The majority of these students were former or current students at C.W. Jefferys. During the consultations, the youth advised the Panel that students wanted more extra-curricular and after-school activities. The consistent and resounding theme expressed by the students was that more extra-curricular activities would create a safer and more engaging environment at the schools.

The need for activities for youth strikes at the core of creating safe schools. During the public consultations held at C.W. Jefferys on August 9 and 10, 2007, the Panel was advised by Barbara McWalters, a parent and former student at Westview that youth needed activities to stay out of trouble. Ms McWalters advised the Panel that students who had nothing to do had a detrimental affect on the whole community. Students without activities would be left "hanging" out or getting into trouble.

During consultations with various stakeholders in the community, the Panel was advised of the feeling, expressed by some, that teachers were either unwilling or uninterested in staffing extra-curricular activities at schools. During a consultation with OSSTF President Doug Joliffe and Vice President Leslie Wolf, the Panel questioned whether the opinion expressed above was accurate. In other words, were teachers unwilling or uninterested in staffing extracurricular activities? During the consultation, Ms Wolf advised the Panel that she had not heard of this issue prior to the Panel's discussion with her. Mr. Joliffe, on the other hand, stated that teachers were willing to participate in extra-curricular activities. He indicated to the Panel that teachers enjoy performing these activities:

I know that you are not saying that but what I find curious about the statement, as did Leslie... is that we run job actions every 2 year, well the last one was 4 years ago, but we have been very careful and we have been explicit and I have defended members on that we have not struck extra-curricular....

...and the reason we didn't strike on extra-curricular activities is not just because parents didn't like it, or because of pressures from local politicians, its because teachers like extra-curricular activities more than they like teaching...

¹³³ Report of the Ministry Advisory Group, 2001 Report of Minister's Advisory Group on the Provision on Co-Instructional . 2001.

As I said earlier, teachers enjoy extra-curricular activities that is why we don't strike because teachers would like to do it ...we gotta figure out, all of us in the Toronto Board, to figure out a way that somehow deal with the problem....

There is little doubt that the system has not fully recovered from the teacher and government struggles that occurred in 2001-2002. The Panel does, however, believe that teachers are willing to engage in and staff extra-curricular activities. What is clear is that the lack of extra-curricular activities have left students yearning for the opportunity to engage in activities that keep them active and away from trouble. In addition, extra-curricular activities assist students in their developmental needs and create a level of citizenship and pride in the school.

Recommendation 58: That a wide range of club programs and recreational activities be offered at each school and that the activities be equally distributed for males and females.

Another significant issue that inhibits the ability of a school to provide extra-curricular activities is the user fees and insurance policy that is required when a community organization requests access to the school facilities. For instance, TDSB operational policy PR.578 SCS stipulates that all external agencies looking to partner with the TDSB and provide programming within the school facility must have their own liability insurance for a minimum amount of \$1,000,000.00. During consultations, the Panel was advised by various community organizations that this amount was prohibitively high. Trustee Chris Bolton described the requirement for an insurance policy as deterring community organizations from offering programs at the school after hours:

The number of schools that offer after school programming – certainly you can't do it for free. I can get the school if I put my name on it and call it a community meeting. But its pretty hard to have a community meeting whether its basketball, for 5 weeks, twice a week. Ant the other thing that happens with the community group is if you can't afford to have \$10 million in liability insurance, you can't get into the school anyway.

No. No body ever said that there was no after school activities, however, because the principals have had the fear of God put in them about liability. If they can permit the school for after school activities, they can permit it between 4 and 6 at no cost, but, the feeling is for after school activities, they can run their own activities. For instance ...well maybe it was a little different, but we had boy scout/girl guide troop at the school. I would sponsor the activities so they didn't have to pay.

In addition to obtaining liability insurance, community organizations are also required to pay a modest administration fee for obtaining a permit to enter a school. Currently, the administration fee to enter a school is twenty dollars. Previously, the amount had been fifty dollars. The usage fee for a school depends on several factors, including the facility

at the school being used, amount of time the facility is required and whether the community organization requesting access to the school is a non-for-profit organization.

The Panel is of the view that these barriers to access by community organizations should be removed. The Panel strongly urges the TDSB to remove user fees and administrative fees for all not-for-profit organizations. In addition, the Panel believes that the TDSB and the Ministry of Education should work together to ensure that obtaining liability insurance does not prohibit a qualified community organization from running programs and activities at schools.

3.06.05: Funding Formula

On March 19, 2007, the Provincial government announced it would increase payments under the funding formula in the amount of \$667 million. Despite this increase, large urban school boards like the Toronto District School Board continued to struggle to balance the needs of its students against the funding provided by the Provincial government.

While the increase in funding is welcomed by school Boards, it must be realized that the new funding increases are largely meant to implement new Provincially mandated programs and to cover other cost increases at the current-year inflation¹³⁴.

There is no lack of research on amending or changing the funding formula or more generally on adequate funding for school Boards. To the contrary, issues with the funding formula were identified as soon as it was conceived in 1997. Since that time, the issues have been canvassed and catalogued with many solutions being suggested, some acted upon and some ignored.

In this section, the Panel will address two central themes: (1) the gap between the funding provided by the provincial government and the actual operating cost of the Board; and (2) the failure to “sweater” the Learning Opportunity Grants that were intended for complex-needs or at risk youth.

Recognizing that there are a large number of issues that could be examined, the Panel has chosen to focus on the above noted issues because we have been advised by many consultees that these issues are the most significant in seriously affecting marginalized students.

The Funding Gap

The new funding formula came into place in the 1998 – 1999 school year. From the outset, it was designed to provide less funding than what was actually required to fund the actual costs of the education system. For example, the formula did not provide

¹³⁴ Huge MacKenzie, *Missing the Mark, How Ontario Education Funding Formula is Short Changing Students*, Canadian Centre for Policy Alternatives, April 2007.

sufficient funding to cover the cost required by a Board to pay its teachers. This was problematic because Boards were compelled to pay the salary levels stipulated in teachers' collective agreements¹³⁵. Of greater concern was the fact that in some cases (including the TDSB) the formula provided less funding in the 1998-1999 school year than the Board was actually spending in the previous year.

In their Annual Report on Ontario's Schools: How Funding Works, the People for Education identified three significant areas in which funding gaps exist:

- Funding for school operations and maintenance was initially based on an amount per square foot and a square footage per pupil that matched the reality in new schools in two small rural boards. At that time, most schools in the province spent more on maintenance and had more square feet per student than the amounts recognized in the original formula. There have been some increases since 1997, but no change has dealt with the original faulty premise of the formula.
- Average salaries set in the funding formula for non-teaching staff, including custodians and support staff do not match what boards actually pay. According to Ministry of Education calculations, boards spend approximately \$143 million more than they receive to cover the costs of school office and maintenance, staff, educational assistants and para-professionals.
- Boards' actual costs for transportation are at least \$37 million more than the amount they receive from the province.¹³⁶

In December 2002, the Education and Quality Task Force released its report on the funding formula . In the report, Dr. Mordechai Rozanski acknowledged the gap between the funding provided by the formula and the actual cost of operating a school board:

I agree that the disparity between the benchmark costs and the funding formula, which for the most part based on the 1997 Board costs, in the actual costs facing Boards today is a problem. I believe that, within the limits of the Provincial's fiscal resources the education allocation must keep up with both enrollment changes and recognize costs pressures. My recommendation, therefore, focus to a large extent on ensuring funding is maintain on a level to allow Boards to meet the Province's education objectives and on conducting regular views to update the benchmark costs in the formula.

Dr. Rozanski's report indicated that the funding formula, at the point of 2002, was still relying on benchmark figures established in 1997 and 1998.

¹³⁵ *Ibid.*, at page 5

¹³⁶ People for Education's Annual Report on Ontario's Schools: How Funding Works, at pg. 1

It should be noted that the current Provincial government has provided a significant increase in benchmarks for teachers' salaries. For example, in the 2006-2007 school year, the benchmark increase was 2.5% and in the 2007-2008 school year, it is 3%. In addition, additional funding has been allocated to address shortfalls in benchmark funding through the costs adjustment in the Teachers' Qualifications and Experience Grant.

Another cause for the gap is that funding is tied to student enrolment. As with many school boards in Ontario, the TDSB's student enrolment has steadily decreased over the last few years. The funding formula is premised on the questionable assumption that a substantial proportion of Board costs vary directly and immediately with enrolment. This, however, is clearly not the case. A decrease in student enrolment does not necessarily mean a corresponding reduction in the amount of classes or the amount of teachers and administrators required in each school:

Most schemes for funding schools assume a linear relationship between cost and volume, whether volume is measured by the number of students or by the number of teachers, or some other unit of measurement. Some cost relationships are indeed linear: adding one student, whether that student is the first of 1,000 or the last of 1,000, generates the same expense and therefore should attract the same funding under the formula. But some cost relationships do not work like that. Some are step functions. The term "step" is self-descriptive. Once a school is built, a teacher employed, and a course offered with a capacity of 25, the first student in the course costs a lot and the last or 25th student costs nearly nothing. But the 26th student, whose arrival demands the employment of another teacher and the delivery of another course costs, like the first student, a lot and so on as the costs rise from step to step on a "stairway" of costs. The point of this little lesson about school costs is that an understanding of the differences between costs that are linear and costs that proceed according to a step function is also important to the selection of devices for allocation of funds to education. Funding formulas are inherently linear and as such can be insensitive to some legitimate cost patterns in schools.

An example of the significance of the choice of a funding instrument that assumes a linear relationship between costs and volume may soon become apparent in Ontario. As school enrolments begin to decline in rural and northern boards of education – as in some cases they are already beginning to do – the loss of every student, even one, will result in a loss of revenue. That is because the funding formula, because it is linear, assumes that a reduction in expense can be made due to the departure of that student. Northern schools and school boards will argue, with considerable justification, that they are not able to save anything, and cannot until enough students depart to force costs down over the next "step" (Duncombe, Miner, and Ruggiero, 1995). This is soon to be a real problem

that an exclusively linear, enrolment-based funding formula will not be able to solve.¹³⁷

In the 2002-2003 academic school year, the provincial government provided school boards with a temporary (one-year) partial relief from funding cuts driven by enrolment decline. This however, was not sufficient to deal with problems that were systemic to the funding formula. As a result, the provincial government in the 2006-2007 academic school year established a new school foundation grant. This grant recognized that, “school administrative functions – the office, the principal, vice-principal and etc. – could not be divided neatly into an enrolment determined fraction”.¹³⁸

The gap between salary benchmarks and actual salary obligations of the Board was initially approached by the provincial government during the 2002-2003 academic school year by increasing the amount of money per student from \$100 - \$200 per school in the local priorities amount in the Foundation Grant. In addition, in the 2003-2004 school year, the provincial government increased funding for the demographic portion of the Learning Opportunities Grant and the English-as-a-Second Language Funding. This increase in funding however, was primarily used by boards to address the expanding gap between what teachers and other staff were paid and what the formula benchmark provided¹³⁹.

In the 2006-2007 academic school year, the provincial government adjusted the funding benchmark for teachers’ salaries to move them closer to reality. The increase in funding for salaries was offset by the elimination of the Local Priority Grant and a substantial reduction in the demographic portion of the Learning Opportunities Grant. As one commentator suggested, this was the government’s acknowledgment that the monies received for the LOG were being used for the operation of the school Boards:

The government effectively admitted that funding for local priorities and for students at risk are actually being used to fill salary funding gaps¹⁴⁰.

In a paper prepared by the Canadian Centre for Policy Alternatives, Hugh MacKenzie suggests that the 2007-2008 budget has the following gaps:

- 1) \$450 million for school operations;
- 2) \$128 million for adult education; and
- 3) \$232 million for the learning opportunity grant for programs for students at risk.

¹³⁷ Daniel W. Lang, “Primer on Formula Funding: A Study of Student-Focused Funding in Ontario”, A Report Prepared for the Atkinson Foundation “The Schools We Need” Project at pg. 3

¹³⁸ Huge MacKenzie, Missing the Mark, How Ontario Education Funding Formula is Short Changing Students, Canadian Centre for Policy Alternatives, April 2007 at pg. 20

¹³⁹ *Ibid.*, at pg. 21

¹⁴⁰ *Ibid.*, at pg. 30

Mr. MacKenzie suggested that of the \$667 million in increased operating funds for the 2007-2008 school year, \$593 million will be required to cover the costs of the final year of the provincial labour framework and the primary class size reduction policy. The remaining funding increase, however, will not be enough to cover the actual costs of operating the board:

The increased funding for 2007–8 does not address any of these basic funding issues. Instead, it is accounted for by increased costs resulting from the implementation of the provincial education labour framework agreement for 2007– 08 and the final stage in the implementation of its 2003 campaign promise to reduce primary class sizes. The operating funding increase breaks down as follows:

- \$421 is the amount calculated by the province to be required to fund the pay increases for 2007–8 in the labour framework agreement between the province and the teachers’ organizations;
- \$42 million is the amount calculated by the province as required for elementary specialist teachers in the provincial agreements dealing with teacher preparation time;
- \$21 million is the amount required to hire additional student success teachers in secondary schools in accordance with provincial agreements; and
- \$109 million is the increase in funding provided to cover the cost of the next phase in the provincial government’s primary class size reduction program.
- These four categories of mandated costs amount to \$592.7 million of the \$667 million operating funding increase. The remaining \$74 million in increased funding for 2007–08 would be barely sufficient to cover the remaining current year cost pressures, assuming inflation at 2% per year. That leaves no additional funding to deal with the carry-over of prior years’ funding pressures into 2007–08, and no additional funding to address more fundamental structural problems with the funding formula.¹⁴¹

The gap between funding provided and the actual cost of operating a board has a ripple effect that negatively impacts on other areas. With its focus on classroom spending, the formula does not provide adequate funding for other forms of programming. For example, substantial cuts were made to special education for students complex needs. In addition, significant cuts were made to programs designed to address local priorities that could not be anticipated by a central funding formula.

¹⁴¹ *Ibid.*, at pg. 15

The Panel, through its consultations and meetings with various stakeholders, has been advised that despite the recommendations in the Rozanski Report, there still remains inadequate funding and that this inadequacy has compromised the ability of Boards to allocate appropriate funding to important programs and services. For example, the Panel was advised that a great deal of the funding provided by the Learning Opportunities Grant was being used for operating costs. As a starting point, the funding gap for operational costs must be addressed and rectified. Once rectified, funding that is meant to address marginalized students can be used for their original purpose – marginalized youths.

Recommendation 59: The Ministry of Education increase the benchmark costs for all components of the funding formula (the Foundations Grant, the Special Purpose Grant, and the Pupil Accommodation Grant) so as, to close the gap between funding provided, and actual costs of operations.

Recommendation 60: The Ministry of Education, in consultation with school boards and other members of the education community, should develop mechanisms for annually reviewing and updating benchmarks in the funding formula and for conducting a more comprehensive overall review of the funding formula every five years.

Sweating the Learning Opportunities Grant

There is no shortage of provincial grants aimed at funding driven by community and student demographic factors linked to the prevalence of students complex needs. Unfortunately, the grant system is a farce:

With the exception of special education, none of the grant funding is earmarked for purposes implied by the label. Generally speaking, the grants do not describe activities; rather they are factor based mechanism for generating funding. As a result, the grants required and needed for at risk youth are often times siphoned to paying for the costs of operating schools.¹⁴²

The LOG provides boards with funds to assist complex needs students who are experiencing difficulties in school. The LOG for 2007-2008 school year consists of three components:

- Demographic Component (\$330.9 million)
- Literacy and Mathematics for Outside of the School Day (\$16.3 million)
- Student Success, Grade 7 to 10 (\$55.7 million)

¹⁴² *Ibid.*, at pg. 10

In total, the LOG for 2007-2008 is \$402.9 million. The TDSB is projected to receive approximately \$128 million dollars in LOG funding.

As detailed in Chapter 2 of the Report, the Expert Panel on the Learning Opportunities Grant, recommended that as a starting point, \$400 million should be provided to school boards for the demographic component of the LOG. There is no doubt that a significant investment has been made by the provincial government to increase the amount of funding received through the LOG. That being said, the Panel is of the view that the current funding is not sufficient.

Recommendation 61: The Ministry of Education increase the funding of the Demographic Component of the LOG to the level stipulated by the 1997 Expert Panel that studied the creation of the Learning Opportunities Grant - \$400 million (adjusted to reflect inflation).

The Demographic portion is calculated on the basis of social and economic indicators that have been associated with students experiencing a higher risk of difficulties in school. Boards have a wide degree of discretion on how to use these funds:

They can use these funds, for example, for additional educational assistants and counsellors, literacy and numeracy programs, smaller class sizes, expanded Kindergarten programs, before- and after-school programs, recreational and sports activities, nutrition programs, excursions, parenting classes, and home/school linkages.¹⁴³

The People for Education, in their report on Ontario's Urban Schools, detailed three barriers to the effective use of the LOG grant:

There are three over-riding factors that affect the usefulness of the LOG:

- The grant is no longer targeted at the demographic group for which it was intended.
- Many school boards are using money from the LOG to pay for utilities and classroom teacher salaries.
- There are no accountability measures in place to ensure that all LOG funding reaches the students who need it most.¹⁴⁴

The TDSB, like many school boards, rely on the LOG funding to pay for the actual costs of operating a school. In 2005, it is estimated that the TDSB used approximately \$74 million of the LOG grant to address operational cost needs:

As long as school boards continue to experience funding shortfalls, they will continue to use funding for students at risk to bridge the funding gap.

¹⁴³ Education Equality Task Force, Investing in Public Education: Advancing the Goal of Continuous Improvement in Student Learning and Achievement, 2002 at pg. 27

¹⁴⁴ People for Education, Ontario's Urban Schools, June 2005, at pg. 16

The Toronto DSB, for example, must use approximately \$74 million of its funding for students at risk to cover the difference between the money it receives from the government to pay for salaries and expenses, and what the board actually pays to its teachers, principals, vice-principals, secretaries, and education assistants, and for utilities costs.¹⁴⁵

As detailed above, the funding gap has created an environment where this is necessary. The Chair of the TDSB, Sheila Ward, confirmed that the LOG was being used to address the operating costs gap:

***Panel Member:** Ms Cary-Meagher raises the issue that an allocation known as the Learning Opportunity Grant of 125 million dollar is not being spent on learning opportunity communities that it is in fact being spent on heating bills and using the as a bank account.*

***Ms Ward:** Sure. That is totally true. Also understand and this is where we are not well served. Yes of course that is happening. That happened because the funding formula is badly flawed and the government, I take it, is trying to fix it and they are not moving nearly fast enough but they are trying to address that andthat is exactly what we have to do and we did that with government direction and approval.*

The LOG is not the only funding that was historically used to address the funding gap. As detailed above, the local priorities portion of the then Foundation Grant (established in 2001-2002 and eliminated in 2006) was often used by school boards to address operational funding gaps:

The Foundation Grant's Local Priorities Amount (LPA), introduced in 2001–02, is a per pupil allocation that was intended to give boards the flexibility to address local priorities. I was told during my consultations, however, that boards do not use these funds for local priorities. Instead, they direct them to areas that they feel are inadequately funded because the funding formula's benchmark costs have not been updated. Boards therefore maintain that, at present, they do not have sufficient flexibility to address local needs.¹⁴⁶

Ideally, funds generated from the LOG and historically from the local priorities portion of the foundation grant, would be used in a similar manner as the pre-funding formula Compensatory Education Grant. As detailed in Chapter 2 of the Final Report, the Compensatory Education Grant was aimed at funding programs that alleviated factors that put students at risk. This funding was used to lower pupil/teacher ratios for educational assistants, adapt curriculum, tutors and expand kindergarten; pay for more counsellors, social workers, early assessment, mentoring, orientation and life skills,

¹⁴⁵ People for Education, Ontario's Urban Schools, June 2005, at pg. 22

¹⁴⁶ Education Equality Task Force, Investing in Public Education: Advancing the Goal of Continuous Improvement in Student Learning and Achievement, 2002 at pg. 38

parenting classes, home/school linkages, stay-in-school and school re-entry programs; breakfast/lunch programs, extracurricular activities, before and afterschool programs and recreation and sports activities; and homework help, computer-aided instruction, arts and cultural programs and outdoor education¹⁴⁷.

As a result of the funding gap and the non-sweating of the LOG, school boards, including the TDSB, are not using the funding to address the needs of the people it was meant to help – marginalized students. Ideally the funding gap would be addressed in such a manner as to remove the temptation for school boards to use the LOG funding to pay for operational costs. Until such time, however, the Panel believes that this funding must be “sweated” or earmarked for programs directed at marginalized students. In a meeting with members of the TDSB’s Inner City Model Schools Committee, it was recommended to the Panel that the LOG be “sweated”:

While we are looking at the learning opportunity grant which comes from provincial government which is quite substantial and I think we all agree and we all believe that grant should be used as intended for programs for student who are living in poverty...we are saying it should be sweated.

Recommendation 62: The Ministry of Education should “sweater” the Demographic Component of the Learning Opportunities Grant so that the funds received by the Board are used solely for providing programs to mitigate socio-economic factors affecting marginalized students. The new Demographic component should include a built-in accountability process mandating that school boards report annually on the programs and services funded by the grant, and on their effectiveness.

In addition to the LOG, the Panel is of the view that the Local Priorities should be restored. As detailed earlier in the Report, the Local Priorities component of the then Foundation Grant, was removed in the 2006-2007 school year because the provincial government recognized that this additional funding was used to manage operational cost needs. The Panel finds that this funding is necessary to ensure that Boards are given the flexibility to address needs that are particular to the Board and the area it serves. This funding, however, should not be on a per pupil amount. Rather the Panel prefers the method recommended by Dr. Rozanski:

I am recommending that the LPA be changed from a per pupil amount to 5% of the Basic Amount of a board’s Foundation Grant. If this recommendation is implemented, and if the updates to benchmark costs and the regular reviewing and updating processes that I recommended earlier in this chapter are implemented, the LPA would grow in tandem with updates to the Foundation Grant. It would therefore enhance boards’ flexibility to address their local needs and priorities.¹⁴⁸

¹⁴⁷ *Ibid.*, at pg. 13

¹⁴⁸ *Ibid.*, at pg. 39

In addition, school boards should only use the funding after consulting various stakeholders on how local priorities should be addressed.

Recommendation 63: The Ministry of Education reconstitute the Local Priorities Amount as 5% of the Basic Amount of school boards' Pupil Foundation Grant (updated as per above noted recommendation), and that boards apply the Local Priorities Amount to locally established priorities, programs, and services aimed at the continuous improvement of student learning and achievement with particular focus paid to serving complex needs students in schools.

Recommendation 64: The Ministry of Education require school boards, through their directors of education, to consult with principals and school councils for the purposes of developing a plan for the use of the Local Priorities Amount and to annually review the plans and report publicly to all stakeholders and to the Ministry on the results achieved through the implementation of the plans, in individual schools and in the district as a whole.

3.06.06: Trustee Governance

Throughout the Panel's consultations, it has become clear that the role of trustees and duties of trustees are not clearly defined. The *Education Act* gives very little guidance in this respect. The *Education Act* provides the Board of Trustees with the authority to act as a corporate body, but does not confer powers on trustees as individuals. As a result, the duties and roles of the trustees will vary depending on the person and the elected position.

The confusion around the appropriate role of a Trustee is shared by the trustees themselves. Mari Rutka, trustee for Ward 12 Willowdale, described the confusion as follows:

As I said there is a fairly wide range of what you see the role as a trustee, it stems from what you think of yourself as a manager in a school or like a shadow superintendent... You know on the one hand the one extreme, and I don't think there is anyone on our board that is that extreme, it would only be making board policy decisions and then everything else would be left to staff. And if you didn't like the staff results then you would take it up with the staff but you would expect the staff to be accountable to you for fulfilling the policies period. But you would not be on a daily, weekly, monthly basis doing those things yourself. On the other extreme model, trustees and I think its particularly prevalent among downtown Toronto trustees from what was the old Toronto board. I'm not saying its wrong or right I think its just the way old Toronto operated but they treat themselves as shadow superintendents and essentially get involved in everything from parenting to staffing to supplying to policy of course decisions and

anything in between faculties decisions and so forth and on frequent occasions if they need to they will completely defy policies and just do what they wanted.

A similar comment about the varying perception of the role of trustees was offered by trustee John Campbell:

I think you would get a wide ranging view point on what the role of the trustee is and what the boundaries are. There are some trustees that are very hands on - that want to micro-manage the board. There are other trustees like me who believe if I'm receiving advice from an educator who has been involved in with a professional educator for 25 or 30 years, she is a better judge of talent than I am.

My basic philosophy as a trustee is that I am first of all working for parents and children in their interactions with in the school system. To try to be an arbiter to try to listen empathetically to their problems and hopefully sort them out. And secondly, as an oversight body that the director of education is carrying out his or her job to the best of their ability and steering the board in a clear direction. My job is not to appoint principals. It is the director's job to appoint superintendents to hire the right principal.

What then is the proper role of a trustee? During consultations, the Panel was advised of instances where trustees had involved themselves in day-to-day operations of a school. The Panel was advised of situations where a Trustee tried to influence a principal's decision on the appropriate punishment for student misconduct and whether to notify the police of potential criminal activity. This level of interference in school operational decisions troubled some of the people with whom the Panel consulted. Interventions in school discipline are further complicated by the role trustees play in the appeal of a decision to suspend or expel a student. Clearly, a trustee who advocated for or against a suspension or expulsion to a principal should not then sit on the appeal of that decision.

The confusion with respect to the role of Trustee is not unique to the TDSB. In 1997, the Education Improvement Commission ("EIC") released its second report entitled "A Report on the Role of School Boards and Trustees". The report described the province-wide problems as follows:

Throughout the province, individual Trustees have defined their role according to their personal beliefs, the expectations of the community and issues they face. While individual Trustees do not have legislative power, they perform many important roles in their communities.

While the *Education Act* is silent on the duties and functions of individual trustees, it does provide some guidance on limitations to a trustee's power.

The *Education Act* clearly sets out the duties of principals. Section 265 of the *Education Act* details the duties of a principal which include the maintaining of proper order and discipline in the school. Where the principal's power is subject to review or revision, the *Education Act* explicitly states as such. For example, section 265(1)(g) of the *Education Act* obligates a principal, subject to revision by an appropriate supervisory officer, to promote students as the principal considers proper. Section 265 does not explicitly allow for a trustee to interfere with the obligations of a principal. As such, it can be said that a trustee should not directly or indirectly interfere with a principal's obligations under the *Education Act*. In particular, a trustee should not interfere with the duty of a principal to maintain discipline in the school and the corresponding power to suspend and expel students as a method of maintaining order and discipline in a school.

Similarly, a trustee should not directly or indirectly interfere with a teacher's duties as detailed in section 264 of the *Education Act*. As with section 265 of the *Act*, section 264 explicitly states where a duty or power of a teacher is curtailed by another individual. For example, section 264(1)(e) obligates a teacher to maintain, under the direction of a principal, proper order and discipline in the teacher's classroom and while on duty in the school and on the school ground. Section 264 of the *Act* does not explicitly provide for a trustee to interfere with the power and duties of a teacher.

Ontario Regulation 298, "Operation of Schools –General", further elaborates on the role of teachers and principals in the operation of a school. Section 11(1) of the Regulation 298 states that the principal, subject to the authority of the appropriate supervisory officer, is in charge of: (a) the instruction and the discipline of pupils in the school, and, (b) the organization and management of the school. Absent from the Regulations is any reference to a principal's power being subject to trustee intervention. There are sections in the Regulations that require the principal to report to the Board of Trustees and to accept directions from the Board; however, these sections refer to the Board as a corporate body, not to a single trustee.

In light of the foregoing, the Panel is of the view that trustees should not interfere with the instruction, discipline, organization or management of a school. The Principal should be free to exercise his or her statutory authority in these areas without fear of interference from a trustee. A trustee's duties should be designed in a manner that is consistent with their role as a member of the Board of Trustees and their position as a locally-elected representative.

Recommendation 65: The TDSB should develop a job description for all trustees. The job description should detail the distinction between policy decisions and school operational decisions.

Recommendation 66: The TDSB design a code of conduct for trustees. The code of conduct should include, at minimum, the following prohibitions:

- (a) Trustees are prohibited from involving themselves in matters of internal school discipline;***
- (b) Trustees are prohibited from engaging in operational decisions of any particular school;***
- (c) Trustees are prohibited from engaging in any conduct intended to embarrass or intimidate other trustees or staff of the TDSB;***
- (d) Trustees agree to respect the confidentiality of in-camera discussions in accordance with relevant statutes and Board policies; and,***
- (e) Individual Trustees are prohibited from acting in any way that usurps the authority of the Board of Trustees.***

The Waterloo District School Board has developed a series of sanctions when its Trustee Code of Conduct is violated by a Board member who expresses abusive commentary, refuses to conform to the trustee Code of Conduct or other Board policies or exhibits unacceptable behaviours. The trustee will be dealt with in the following manner:

- 1st offence – verbal warning from the Chair;
- 2nd offence – a statement outlining the infraction and the name of the trustee involved will be made during the next scheduled in-camera meeting and recorded in the minutes of that meeting;
- Subsequent offences – a statement outlining the infraction and the name of the trustee involved will be made during the next scheduled public meeting and recorded in the minutes of that meeting.

Depending on the type and extent of the infraction, a public statement may take the form of a *Motion to Censure* and may incorporate measures such as:

- being asked by the Chair to leave a meeting immediately or the meeting can be terminated;
- restrictions on rights to attend in-camera meetings or receive in-camera materials;
- removal of membership from a Board Committee;
- withholding of trustee honoraria under the *Education Act*;
- other actions taken by the Chair and supported by the Board of Trustees.

In circumstances whereby the actions of an individual trustee lead to concern about corporate liability, the Board may consider a *Motion to Disassociate* and to publicly state that the trustee in question must take personal responsibility for his/her actions.

Motions to Censure or Disassociate require a mover and seconder and must be supported by a two-thirds majority of the Trustees present at the meeting.

The lack of a coherent job description and code of conduct is compounded by the fact that there is very little ongoing training provided to trustees on their proper roles and their duties. Chris Bolton, trustee for Ward 10 Trinity-Spadina, advised the Panel that there was no training provided to the six new trustees who joined the Board in December, 2006. He further confirmed to the Panel that there was very little initial and ongoing mandatory training for trustees. As a result, new trustees were not provided with adequate guidance on their roles and duties. Initial and ongoing mandatory training is necessary to ensure that individual trustees know exactly what their job entails and how best to achieve the goals of the Board.

Recommendation 67: Upon election, trustees should be obligated to complete a training course that details their job description and advises them of their obligations pursuant to the code of conduct. During their term of office, trustees should receive refresher training every year.

Recommendation 68: The Ministry of Education should include in its funding formula adequate funding for the orientation and training of trustees.

The remuneration of trustees has long been an issue for school boards. Trustee remuneration was drastically reduced after Bill 104. As a result of Bill 104, trustee's salaries were capped at \$5,000. The Chair of the Trustees received an additional 25 percent. Thus, the cut to trustee pay reduced the position from a paid political office such as a city councillor, to one that was essentially done on a volunteer basis.

Subsequently, the Regulations passed pursuant to the *Act* were amended to provide for larger honoraria. The amendments to the Regulations, however, have not set the salaries of the trustees to their pre-Bill 104 amounts (i.e. \$48,000). On July 16, 2006 the TDSB passed a resolution setting the trustee and Chair honoraria at the maximum allowable amounts as set out in Ontario Regulation 375/06. On July 19, 2007 the TDSB set the honorarium for trustees at \$25,993 and the Chairs honorarium at \$35,993. The Panel is of the view that the honorarium provided to the Chair is inadequate. The Chair of the Board is a unique position that is akin to a full-time position. The EIC report detailed the importance of the Chair of the Board:

Board chairs provide leadership to their colleagues on the board. They also act as spokespersons for their boards on policy matters. Board chairs also work with directors of education to set agendas and establish priorities....

Given the importance of the Chair position, the need to attract high quality candidates is integral. Many qualified candidates may choose not to run for the Chair position because the time commitment required would prohibit them from seeking additional employment to offset the low salary. In order to ensure that qualified candidates are not deterred from running for the Chair position, the Panel finds that the salary of the Chair should be increased.

Recommendation 69: The Chair of the TDSB should be paid a salary commensurate with the full-time nature of the position, the level of responsibility, and public expectations involved.

Lastly the Panel is concerned with the lack of public and community consultation with respect to the appointment of the Director. The Panel is of the opinion that the position is of such high importance, especially in a board as large as the TDSB, that such consultation is necessary and advisable.

Recommendation 70: The Director and Associate Director of the TDSB should be selected by means of a process that includes a broad range of community consultations around the qualifications, background and perspectives of potential candidates.

3.06.07: Disciplinary Measures in Schools

I think as we in society are discovering as well, that the more you punish, the more bad behaviour you see. It doesn't extinguish anything, it doesn't decrease the frequency of bad behaviour, it just highlights it, and reminds you of it every time. And for some of our students, you know, if this is the only place where they have consistency and it's the only place where they have a chance to have a positive experience, if we are continually highlighting all the bad things that they do, why would they want to be here? I don't think any of us would want to be somewhere where we're being reminded of our shortcomings all the time.

Teacher speaking of "zero tolerance" discipline,
Toward an Equitable Education: Poverty, Diversity and Students at Risk, pg. 49

Pursuant to the *Education Act*, administrators and school boards are provided with four legislative tools that can be used to ensure school safety:

1. denial of access to a school pursuant to [s. 305(1)] of the *Act* and Ontario Regulation 474/00;

2. principal's exclusion of a person whose presence in the school or classroom would, in the principal's judgment, be detrimental to the physical or mental well-being of the pupils (s. 265(m));¹⁴⁹
3. suspensions whether discretionary (s. 307) or mandatory (s. 306) subject to the mitigating circumstances set out in the (s. 1) of Ontario Regulation 106/01; and
4. expulsions, whether discretionary(s. 310) or mandatory (s. 309) subject to mitigating circumstances set out in Ontario Regulation 37/01.

In addition to the legislative tools set out in the *Education Act*, the TDSB has enacted Safe School and Administrative Transfer policies that allow for the transfer of students from one school to another. There is no legislative authority for the transfer of a student. In the case of safe school transfers, the student is transferred as a result of misconduct committed on or off school property. It should be noted that safe school transfers and administrative transfers are not set out in the *Education Act*. Another tool used by administrators to ensure safety is in the trespass provisions of the *Trespass Act*.

It should be noted that the Bill 212 amendments, which come into effect on February 1, 2008, will change the tools that can be used by administrators and school boards to ensure safety at schools. These amendments and the possible effects of these amendments will be addressed in this Chapter. Briefly, the amendments remove mandatory expulsions, limit the breadth of mandatory suspensions and remove the ability of a principal to rely on section 305 of the *Education Act* to exclude a student who is currently enrolled as a student at the school.

Safe School Transfers

In the Interim Report, the Panel identified safe school transfers as a recurring theme in school safety. Briefly, safe school transfers involve the transfers of students who:

- (1) are subject to interim release conditions that prohibit them from returning to their school;
- (2) are returning from a limited or full expulsion; or
- (3) are subject to Denial of Access notices pursuant to section 306 of the *Education Act* or a principal exclusion pursuant to section 265(m) of the *Education Act*.

¹⁴⁹ Section 265(1)(m) also provides for an appeal of the principle's exclusion. Section 265(1)(m) reads as follows:

access to school or class

(m) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils;

Safe School Transfers at Westview

During the 2006-2007 academic school year, Westview was considered a “net sending school”. Westview sent out 22 safe school transfers and received 13 safe school transfers. In reviewing the reasons for the transfers, it is apparent that most of the situations involved students with some form of interim release conditions (police undertaking or bail conditions). Based on the data provided by the TDSB, it is not possible to determine whether or not the incidents that led to the interim release conditions occurred on, or off school property. In the current school year, Westview has sent out nine safe school transfers and has received five safe school transfers. Westview consistently sends out the most safe school transfers in the NW2 family-of-schools and is generally in the top 10 every year in system wide data.

Trend Analysis for Safe School Transfers

The TDSB has provided the Panel with safe schools data from the 2002-2003, 2003-2004, 2004-2005, 2006-2007 and 2007-2008 school years. Of these years, the highest total of safe school transfers (sending) was 840 (2005-2006 academic school year). The lowest total was 419 (sending) in the 2002-2003 school year. From September 2007 to November 26, 2007, the total number of safe school transfers was 383 (sending). In September 2007, there were a total of 236 transfers (sending). This obscenely high number can be explained by two factors: (1) during the summer months students were charged criminally and released on conditions that required them to move schools; and (2) at the beginning of the school year students were returning from limited or full expulsions. The following charts reflect a quadrant breakdown for safe school transfers for the 2002-2003, 2003-2004, 2004-2005, 2006-2007 and 2007-2008 school years:

2002 - 2003								
Quadrant	Sending Secondary	Receiving Secondary	Sending Elementary	Receiving Elementary	Sending JHS	Receiving JHS	Total Sending	Total Receiving
NE	69	74	16	4	9	4	94	82
SE	80	68	30	11	NA	NA	110	79
NW	108	140	9	7	1	0	118	147
SW	92	99	5	1	NA	NA	97	100
Total	349	381	60	23	10	4	419	408

2003 - 2004								
Quadrant	Sending Secondary	Receiving Secondary	Sending Elementary	Receiving Elementary	Sending JHS	Receiving JHS	Total Sending	Total Receiving
NE	72	64	19	17	6	8	97	89
SE	53	36	26	19	NA	NA	79	55
NW	169	171	18	22	0	1	187	194
SW	183	149	7	5	NA	NA	190	154
Total	477	420	70	63	6	9	553	492

2004 - 2005								
Quadrant	Sending Secondary	Receiving Secondary	Sending Elementary	Receiving Elementary	Sending JHS	Receiving JHS	Total Sending	Total Receiving
NE	112	80	15	3	9	2	136	85
SE	90	89	17	11	4	0	111	100
NW	137	143	27	26	1	0	165	169
SW	226	200	14	9	NA	NA	240	209
Total	565	512	73	49	14	2	652	563

2005 - 2006								
Quadrant	Sending Secondary	Receiving Secondary	Sending Elementary	Receiving Elementary	Sending JHS	Receiving JHS	Total Sending	Total Receiving
NE	119	93	20	7	8	4	147	104
SE	197	92	14	17	NA	NA	211	109
NW	173	169	51	48	2	1	226	218
SW	225	212	31	19	NA	NA	256	231
Total	714	566	116	91	10	5	840	662

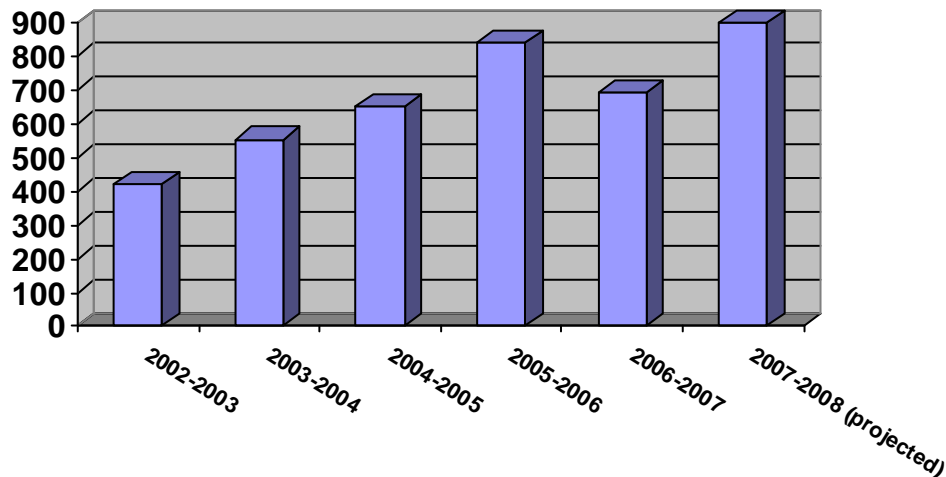
2006 - 2007								
Quadrant	Sending Secondary	Receiving Secondary	Sending Elementary	Receiving Elementary	Sending JHS	Receiving JHS	Total Sending	Total Receiving
NE	75	68	18	14	9	3	102	85
SE	105	89	8	8	NA	NA	113	97
NW	208	201	62	51	NA	NA	270	252
SW	179	151	27	22	NA	NA	206	173
Total	567	509	115	95	9	3	691	607

September 2007 - November 26, 2008								
Quadrant	Sending Secondary	Receiving Secondary	Sending Elementary	Receiving Elementary	Sending JHS	Receiving JHS	Total Sending	Total Receiving
NE	34	48	2	1	7	3	43	52
SE	68	62	3	3	0	0	71	65
NW	111	117	22	18	3	0	136	135
SW	118	109	15	6	0	0	133	115
Total	331	336	42	28	10	3	383	367

In reviewing the above data, it is clear that schools in the SW and NW region generally have the most safe school transfers sent. In the 2006-2007 school year, approximately 37% of all safe school transfers occurred in the NW quadrant. The over representation of SW schools is not surprising given that there are significantly more secondary schools in the SW quadrant (43) than the other quadrants (SE- 18, NE- 21, and NW- 28). The fact

that NW and SW schools have a higher number of safe school transfers is not surprising, as many of the schools in these regions are located in “complex needs communities”. For example, of the 60 highest ranked Learning Opportunities Index (“LOI”) schools, 45 of them belong to the SW and NW quadrants. The LOI is used to determine the distribution of the Learning Opportunities Grant provided by the Ministry of Education. It is also used to determine staffing allocations and used as one of many factors in determining the allocation of safety based resources (e.g. allocations of cameras and school safety based monitors). The LOI components include the following demographics of a school’s catchment area: (1) median income; (2) average mean income; (3) lone-parent families; (4) single detached houses; (5) apartment buildings; (6) people with low education; (7) people with university degrees; (8) students in the school who arrived in Canada in the past five years; (9) recent immigrants in the neighbourhood where the students live; and (10) student mobility. Westview, Emery and C.W. Jefferys (all of whom are in the NW2 family-of-schools) are ranked 1, 2, and 16 on the LOI, respectively.

The following is a graph of system totals for safe school transfers (sending):



With the exception of the 2006-2007 school year, safe school transfers have steadily increased. There are some historical factors that lend some added perspective to the safe school transfer data. The *Safe Schools Act* was passed by the provincial legislature in June 2000. The *Safe School Act* amended the *Education Act* to include mandatory suspensions and expulsions for certain enumerated conduct. The amendments came into effect in September 2001. The provincial Code of Conduct also mandated police involvement, in accordance with the police/school protocol, for all mandatory suspension and expulsion conduct, except for uttering a threat, possession of drugs and acts of vandalism, where police involvement is “as required” and swearing and being in possession or under the influence of alcohol, where police involvement is not mandatory. The TDSB exercised its option to add to the list of infractions for which suspension or expulsion is mandatory and to create a list of infractions for which suspension or expulsion is discretionary. It also constructed a Consequences of Inappropriate Student Behaviour Chart, (the “Consequences Chart”) which lists all the infractions, the minimum number of days for which a student must be suspended or expelled and whether

the principal “may” or “shall” notify the police. The Consequences Chart mandated administrators to notify police in cases where a student uttered a threat to inflict serious bodily harm. In removing the discretion to call in the police, the TDSB created a situation where it was more likely for safe school transfers to occur. Without a doubt, the “zero tolerance” mentality that infused the *Safe Schools Act* created an environment where police were more likely to be called and conditions were more likely to be imposed. It is no wonder that safe school transfers have increased over the last 5 years.

In addition, on July 7th, 2005, the Ontario Human Rights Commissioner initiated a complaint, in the public interest and on behalf of racialized students and students with disabilities, alleging that the application of the *Safe Schools Act* and the TDSB policies on discipline are disproportionately impacting racial minority students and students with disabilities. The complaint alleged that the TDSB had failed to meet its duty to accommodate racialized students and students with disabilities in the application of discipline, including the provision of adequate alternative education services for racial minority students and students with disabilities who were being suspended or expelled. The complaint further alleged that the TDSB’s conduct amounted to a failure on the part of the TDSB to provide equal access to education services and that this constituted discrimination. On November 20, 2005, the TDSB and the OHRC entered into a settlement where, amongst other things, the TDSB agreed to the following:

- (3) The TDSB will rewrite its grid of consequences and all related documents to ensure that the use of discretion and the use of mitigating factors are emphasized. The TDSB will ensure that school principals and all other staff are fully informed of, and in compliance with, this directive. The parties note that nowhere in the *Safe Schools Act*, regulations, or related policies, do the words “zero tolerance” occur.

- 8 (f) The TDSB will implement a procedure for student discipline with the goal of avoiding suspensions or expulsions. This procedure will be based on the principles of progressive discipline and will include but is not limited to: detention; peer mediation; restorative justice; referrals for consultation; and transfer.

Potential Misuse of Safe School Transfers

During the consultation process there were some people who expressed concerns to the Panel that safe school transfers were being used to remove problematic students without increasing suspension numbers. For example, the Toronto Star reported that teachers at C.W. Jefferys had advised the Star that Westview was using safe school transfers to remove students who were gang members.¹⁵⁰ The Panel was also advised that the staff at the TDSB, during a training session on Bill 212 sponsored by Borden Ladner Gervais LLP, were told that they should transfer more students as an alternative to formal

¹⁵⁰ Kristin Rushowy and Iain Marlow, “Student transfer policy spreads gang ills: Panel”, Toronto Star, August 30, 2007.

suspensions or expulsions. During one consultation, a deputant advised the Panel that she was told by a Superintendent that a student was not disciplined for a violent fight that erupted in class because the Superintendent wanted to reduce suspension and expulsion levels at the school. The deputant advised the Panel that this was due to the pressure caused by the OHRC decision. In the Interim Report, the Panel detailed the concerns expressed by teachers and administrators about the pressure to reduce suspensions and expulsions:

In the Fall of 2005, the TDSB settled a complaint brought by the Human Rights Commission about the application of the *Safe Schools Act* in TDSB schools. Elementary and secondary Principals attended a series of meetings during which they heard criticism of the way in which particular groups of students were perceived to have been disciplined for misbehaviours using the TDSB grid of consequences. Subsequent to those meetings, the grid of consequences was revised, safe schools procedures were revised and the practice of progressive discipline was emphasized. One of the goals of the TDSB was to reduce suspension and expulsion rates. These rates have come down; however the costs have been significant. In order to reduce the rates, students are often left in the schools who pose a significant risk to others. Many Principals felt pressure from supervisory officers, trustees and parents to forgo suspensions, expulsions and other consequences when these were in many cases the appropriate responses to specific student behaviours. In many cases, Principals were faced with opposition when they tried to deal with serious offences committed by some students. Principals felt trapped between opposing forces and interests. This uncertainty has led to an increase in negative and destructive behaviour in many schools and in many cases it is starting at an earlier age and in earlier grades than ever before.¹⁵¹

There is no question that there would be a strong motivation for administrators to use the Safe School Transfer Policy as a tool to remove problematic students without having to rely on suspensions or expulsions. This is particularly the case when teachers, administrators, superintendents and trustees are misinterpreting the settlement with the OHRC. Progressive discipline does not mean that a student's misbehavior is ignored; rather it is a recognition that suspensions and/or expulsions should be used as a last resort when other methods of addressing behavioural issues are ineffective.

During the 2005-2006 school year, safe school transfers increased by nearly 200 students. Suspensions, on the other hand, were significantly reduced. In the 2004-2005 school year there were 25,164 suspensions across the TDSB. In the 2005-2006 school year (the year of the settlement with the OHRC) the number of suspensions across the TDSB was drastically reduced to 17,591. This data, in and of itself, is not sufficient to demonstrate that safe school transfers are being used an alternative to suspensions; however, the inverse relationship between safe school transfers and suspensions does raise some

¹⁵¹ TSAA written submission dated August 2, 2007, presented to the Panel at a consultation with TSSA chair Ami Trefler, Former Chair Karl Sprogis, and Vice Chair Don Stuart.

concerns and a clear policy statement from the TDSB is necessary to ensure that safe school transfers are not used as an alternative to suspensions.

In investigating the school transfer process, the Panel attempted to ascertain whether the conditions imposed on students were at the behest of administrators, imposed by police upon release, or judicially mandated. In attempting to ascertain this answer, the Panel consulted with participants in the criminal justice system, including some Justices and Justices of the Peace. Unfortunately, the answers the Panel received were inconsistent.

Members of the Toronto Police Service indicated that in most cases the conditions were part of judicial interim conditions imposed by a Judge or a Justice of the Peace. Detective Peter Duncan advised the Panel that at 31 Division, the conditions relating to non-attendance at school were generated at the request of the administration. During consultations with stakeholders from the criminal justice system, the Panel was advised that judges would rarely be involved in imposing these conditions, as it is the general practice in Toronto to have Justices of the Peace preside over bail hearings. One judge queried whether students were being released by police at the station with an undertaking that either explicitly required the students to stay away from the school or had the effect of requiring them to change schools (e.g. a condition requiring a student not to be within 100 meters of a student at the same school). Similarly, the principal of Westview, Randy Palermo, advised the Panel that in many cases the police were releasing students from the station with conditions that precluded them from attending at the school. Mr. Palermo further advised the Panel that he was not requesting these conditions from the police.¹⁵²

In reviewing the files of three of the nine Westview safe school transfers, the Panel found two cases where judicial interim release conditions had the effect of removing the students from Westview. In one case, the condition explicitly forbade the student from returning to Westview. In the other case, the student was to stay 100 meters away from the alleged victim (also a Westview student). In both cases, the student was a safe school transfer away from Westview.

The Panel is unable to determine whether administrators are requesting that the police impose conditions on students that require them to transfer from their home school. Frankly, the records kept by administrators, the TDSB and the Toronto Police Service do not allow for this analysis. As such, at this point in time, there has not been enough evidence presented to the Panel to make a final determination on this issue, nor has there been enough evidence to determine whether the Safe School Transfer Policy is being abused. Irrespective, the Panel is of the belief that the Safe Schools Transfer Policy is open to abuse. The potential for abuse can come in many forms, including the following:

¹⁵² Pursuant to section 503 of the *Criminal Code of Canada*, a police officer may release a person charged of a criminal offence on certain conditions, including conditions requiring the accused person to abstain from communicating, directly or indirectly, with any victim or other person and from going to any place specified by the officer.

1. calling the police to intervene in situations with the ulterior purpose of having a student charged criminally and placed under a condition not to communicate with a student victim or student co-accused (the condition would require transfer);
2. issuing a Notice Denying Access (students returning from a Notice Denying Access can be transferred);¹⁵³ and
3. encouraging police to impose conditions requiring a student to transfer from his/her home school.

Recommendation 71: The TDSB should enact a formal policy advising administrators they are not to engage in the activities detailed above. The policy should explicitly state that Safe School Transfers are not to be used as an alternative to discipline and should only be used in exceptional circumstances. The policy should advise administrators that they are not to encourage police or the judiciary to impose conditions on a student that would require the student to be transferred from his/her home school.

Much of the concern regarding safe school transfers is derived from the fact that there is no legislative authority for the transfer of students. The Panel recognizes that it may be necessary, in very limited circumstance, to have a student transferred from his/her home school. The Board should be empowered to transfer the student in accordance with a legislative framework that provides appeal rights and limits the potential of abuse.

Recommendation 72: The Education Act should be amended to provide statutory authority for a School Board to transfer a student from one school to another. The transfer provisions should only allow for a transfer in the following situation:

- a. *Where the student requests the transfer;*
- b. *Where the student is subject to a principal's exclusion order pursuant to section 265(1)(m); or,*
- c. *When a student is subject to interim release conditions that require a transfer and the administrator is of the opinion that the student poses a direct and real threat, physically or otherwise, to other students at the school.*

If an administrator is not of the opinion that a student poses a direct and real threat, physically or otherwise, to other students at the school, then the legislation should obligate an administrator to contact a court liaison worker to assist the student in revising the interim release conditions. The legislation should include an appeal procedure as well as obligating school boards to provide programming to students prior to their transfer.

¹⁵³ A Notice of Denial was used in the K.D. Case referred to in the Interim Report.

In addition, the Panel's experience in attempting to fully understand this issue has pointed to the apparent lack of communication among all stakeholders. This lack of communication is having a detrimental effect on the education of students who have come into contact with the criminal justice system. To increase communications a standing committee should be created with all relevant stakeholders so as to ensure that there is adequate communication on issues regarding the criminal justice system and youth education. In addition, in order to facilitate better communications between the Toronto Police Service and the TDSB, the TPS should create a staff position with responsibility for liaising and working with the TDSB.

Recommendation 73: A Standing Education-Justice Committee, made up of high-level representatives from all Toronto school boards, Youth Court Judges, Youth Court Justices of the Peace, the Criminal Defense Bar, Crown Attorneys, the Toronto Police Service as well as a representative of a court liaison officer should be established. The committee should meet twice a year to analyze and take action on issues relevant to the interplay between youth education and the criminal justice system, including the issue of Safe School Transfers. The committee should meet within 60 days of the date of this report.

Recommendation 74: The Toronto Police Service should create a position of Staff Superintendent –School Safety, with the responsibility for liaising and working with the TDSB with respect to policing issues that affect students.

The TDSB Response to “Programless” Safe School Transfer

In the Interim Report, the panel noted that parents, teachers, administrators and community organizations were concerned that safe school transfer students were not receiving transitional programming and counselling when it was clear that these students were troubled. The Panel identified these students as “programless” safe school transfers.

In the Interim Report, the Panel detailed the concerns shared by various members of the C.W. Jefferys staff with respect to issues surrounding safe school transfers. In particular, staff at C.W. Jefferys advised the Panel that in many cases, safe school transfers had anger management problems and received little to no counselling prior to transfer. Ms Tennant and Ms Kojima explained to the Panel that matching the student timetable was often times difficult and would lead to spares in which the student had no classes scheduled. As such, the student would become a “hallway wanderer”. Ms Tennant further advised the Panel that students, who are transferred within the same family-of-schools are still exposed to the same bad influences or connections that may have contributed to the conduct that made the student a safe school transfer.

Since the release of the Interim Report, the TDSB has taken steps to address the problem of “programless” safe school transfers. This is an important first step, as it would appear

that the number of safe school transfers is rising at a drastic rate. The Panel has been advised by the TDSB that since the publication of the Interim Report, students who are transferred as a result of conduct that arose on school property are given access to alternative to suspension (“A2S”) and limited expulsion (“SPES”) programming. This programming would be available to a student who received interim release conditions arising from an incident that occurred on school property or that resulted in a principal either suspending or expelling (limited) the student. In a consultation with various members of the Safe and Caring Schools Department, it was acknowledged that in the case of a student who received a minor suspension (e.g. less than five days), it would not be beneficial to access these programs. A2S programs are generally beneficial to a student who has received a longer suspension (e.g. greater than five days).

For students who are transferred as a result of conduct that occurred off school property (where there is no suspension or expulsion that could attach to the conduct), the same type of programming is not offered. The Panel was advised by the Safe and Caring Schools Department that depending on the severity of the incident, the student would be offered programming and Child and Youth Counsellor (“CYC”) support. This would occur at the receiving school. The nature of the programming is not clear. The TDSB has proposed that each safe schools quadrant office have a dedicated CYC who would be responsible for enabling transition success (during the first six weeks) for students who have been safe school transferred. In addition, the TDSB is currently reviewing and assessing the safe school transfer policy. The TDSB has further advised the Panel that criteria will be developed to better determine transfer locations, conditions and supports. The TDSB has advised the Panel that there are, “plans underway to completely revise and/or redesign the procedure and intended outcome. Stakeholder voices will be sought in the near future”. The Panel commends the TDSB on acting in an expedient manner to address some of the problems caused by “programless” safe school transfers.

In addition to the actions taken by the TDSB, the Panel believes that further action is required in three areas. The first area of concern relates to programming available for students who are safe school transferred as a result of activity that occurs off school property. The Panel recommends that there be no distinction, for the purposes of programming offered, between students who received interim conditions for conduct on or off school property. By offering A2S and SPES programming to students who received interim conditions as a result of activity that occurred on school property, the TDSB has acknowledged that the programming is beneficial to the well-being of the students. If the programming is beneficial to these students, then there is no principled reason why it would not also be beneficial for students who received interim conditions as a result of activity that occurred off school property.

Recommendation 75: The TDSB should offer A2S, the Support Program for Expelled Students and Strict Discipline School programs (or the equivalent after Bill 212 comes into force) for all Safe School Transfers irrespective of whether the interim conditions requiring the transfer were a result of conduct that occurred on or off school property.

The second area of concern for the Panel is the level of support provided to students upon entering a new school. The steps taken by the TDSB to ensure that each quadrant has a CYC to assist in the transition of a safe school transfer is commendable but is not sufficient to address this problem. Upon entering a school, a safe school transfer may need more than just CYC support. The support of a social worker and the help of a child and youth worker (“CYW”) may be necessary as well. A multi-disciplinary approach may be necessary to address the many needs of a student who has come into conflict with the law.

Recommendation 76: All schools should set up a Safe School Transfer Team that would meet prior to receiving a Safe School Transfer to determine the needs of the students. The Safe School Transfer team should include the administration of the school, the head guidance counsellor, school social worker, youth counsellor, or Child and Youth Worker (“CYW”). Parents of the students should be invited to a safe school transfer team meeting so as to assist in developing a plan for addressing the needs of the students. The needs of the student will include determining whether the student requires alternative education programming and/or access to a social worker, psychologist, and/or psychiatrist.

Recommendation 77: Where a safe school transfer is required, the transferred student, prior to attending classes, should be placed into an orientation program, so as, to better acclimatize the student to the new surroundings. This orientation program should include explaining the rules of the school to the student and discussing with the student the plan developed by the safe school transfer team.

Transferring a student from one school to another school can have a negative impact on a student’s education. This point, however, does not seem to resonate with educators and members of the criminal justice system. Indeed, if the negative impacts were understood, then one would hardly expect to see the alarming increase in safe school transfers since 2002-2003. Too often, crown attorneys (at bail hearings), justices of the peace (at bail hearings), police and TDSB administrators do not critically evaluate whether a condition requiring a student to transfer from their home school to another school is beneficial to the student’s education.

The Cohort Study, detailed earlier in this Chapter, found that transferring a student from one school to another, significantly increases the likelihood of the student dropping out. The study found that students who changed schools but remained in the same residence had a much lower graduation rate (45%) and a much higher dropout rate (34%) than their counterparts who stayed in the same residence and same school (84% graduated and 10% dropped out).¹⁵⁴ Transferring a student is not beneficial to a student’s education. This must be understood by all stakeholders when they are deciding matters that affect the

¹⁵⁴ Robert S. Brown in April, 2006 entitled, “The TDSB Grade 9 Cohort Study: A Five Year Analysis, 2000-2005”

education of a student. Conditions that explicitly require a student to transfer from their home school should be avoided and only granted in exceptional cases. Conditions that require a student not to communicate with an alleged victim or co-accused should also include an explicit statement that the condition does not require a student to transfer schools. Conditions that require a student to be at least 100 meters away from an alleged victim or co-accused should be followed by the following or similar statement: “except for the purposes of attending school”. The condition could also be crafted in certain circumstances to ensure that the student is not in the same class as the alleged victim or co-accused. Transferring a student should only occur in exceptional cases and as a last resort.

Recommendation 78: When considering whether to release a young person who has been charged with a criminal offence, police officers, Justices of the Peace and Judges should consider the impact that the proposed conditions, such as “no-contact with co-accused”, will have on the young person’s education. Conditions that have the effect of impairing a student’s ability to attend school should be avoided unless they are necessary in the public interest. A condition that requires a student to be removed from his/her home school should only be imposed in extreme circumstances, where the student poses a direct and real threat, physical or otherwise, to other students at the school.

Recommendation 79: The Federal Department of Justice should study the feasibility and advisability of creating judicial interim release provisions specific to the Youth Criminal Justice Act, which would require a court to consider the impact that the decision may have on an young person’s access to education.

Recommendation 80: There should be education provided to Crown Attorneys, Justices of the Peace and Judges to inform them regarding the impact of the criminal justice system, including judicial interim release and sentencing dispositions, on access to education.

In addition, the TDSB should act as an advocate for children and youth who have conditions imposed on them by police or a Justice of the Peace. The Panel, through its consultations with various TDSB employees, have been left with the sense that administrators and the Safe School Department feel that they cannot interfere with conditions and that they must follow the interim release conditions irrespective of whether a transfer is in the best interest of the student. The Panel finds this unacceptable. Administrators at a school stand in *loco parentis* for their students. In this role, the administration, and indeed the TDSB, should advocate on behalf of a student who may be detrimentally affected by a transfer. As such the Panel recommends the following:

Recommendation 81: Where a student is required to transfer schools because of conditions imposed by a police undertaking or judicial interim release, the administrator at the home school should determine whether a transfer is in the best interest of the student. The principal should start from the presumption that a transfer is not beneficial to the student. Where it is determined that a student should not be transferred, the administrator should contact the TDSB court liaison officer to assist the student in varying the police undertaking or judicial interim release conditions, as soon as possible.

Recommendation 82: The TDSB should allocate at least one court liaison officer for each of the three Toronto youth courts. The role of the court liaison officers should be expanded beyond issues of judicial interim release to restorative justice.

Suspensions and Expulsions

The two main forms of discipline used by educators are suspensions and expulsions. Of the tools mentioned at the onset of this section, suspensions and expulsion are the only items found in the “Discipline” section of the *Education Act*. The TDSB has provided the Panel with suppressed suspension and expulsion data for the 2004-2005, 2005-2006 and 2006-2007 academic school years. Generally, the trend is that suspensions have decreased drastically during this period of time, while expulsions have varied.

History of Suspensions and Expulsions

Prior to amalgamation, the first steps taken toward a zero tolerance approach to discipline occurred in 1993, when the Scarborough Board of Education adopted a Safe School Policy on violence and weapons. Post amalgamation, the Progressive Conservative party, during the 1999 provincial election, included in its party platform a zero tolerance policy for delinquent behaviour in schools. In April 2000, Education Minister Janet Ecker released a code of conduct for Ontario schools. One month later, the Minister introduced the *Safe Schools Act*. The *Safe Schools Act* proposed to amend the *Education Act* to give force to the provincial *Code of Conduct* and provide principals and teachers with more authority to suspend and expel students. The *Safe Schools Act* was passed by the legislature in June 2000, and the amendments to the *Education Act* took force in September 2001.

Prior to the enactment of the *Safe Schools Act*, section 23 of the *Education Act* regulated the suspension and expulsion of students. The authority to suspend students was limited to principals and the authority to expel students was limited to school boards. In both cases, the exercise of authority was discretionary. The grounds for suspensions were fairly limited and a student could only be expelled from all the schools in a board if his or her conduct was “so refractory that the pupil’s presence was injurious to other pupils or persons”.

Suspensions and Expulsions

The suspension and expulsion data at Westview is alarming. As detailed earlier in this chapter, in the 2004-2005 school year, Westview had 292 suspensions, representing 13.69% of its student population. In the same year, Westview had nine expulsions. In the 2005-2006 school year, Westview had 518 suspensions, representing 20.68% of the student population. In the same year, Westview had nine expulsions. In the 2006-2007 school year, Westview had 450 suspensions, representing approximately 20.82% percent of the student population. In the same year, Westview had less than six expulsions. During a consultation with the principal of Westview, Mr. Palermo, the Panel was advised that the increased number of suspensions at the school could be a sign that the school was getting healthier:

I think suspension data can also be taken, suspension data that is high can also be taken as a positive in regards to the health of the school. I'll explain what I mean. If we are using a progressive discipline model... some students who are not attending or not doing what they need to do, may receive the suspension for neglect of duty or habitual neglect of duty and that may be a simple one day suspension that is another tool to say, "Hey, we need to make a change here". It will involve connections with the parents and if at all possible a chance for the parent to come back in and meet with the Vice Principal or teacher and have a discussion around what is happening with this child. And I think, if we are using progressive discipline models in getting to those kinds of suspensions more often, which I believe we are, it shows that we're addressing students in need. We're not ignoring that one day suspension or we are not getting to the students we need, who are not doing the right things, who need to be addressed... again through that progressive model ... so it's not necessarily a negative indicator.

This increasing trend in suspensions (by percentage of student population suspended) stands in stark contrast to the rapid decrease in overall suspensions in the TDSB during the same period of time. In the 2004-2005 school year, 5.6% of all students in the TDSB were suspended. In the 2005-2006 school year, the total percentage of students suspended in the TDSB was 4.12%. Last year, the total percentage of students suspended in the TDSB was even lower, at approximately 3.65%.

Compared to other secondary schools that have a student population of over 800 students, Westview consistently has one of the highest percentages of students suspended. In the 2004-2005 school year, Westview was fifth out of the 67 schools with over 800 students. In the 2005-2006 and 2006-2007 school year, Westview had the highest percentage of students suspended. The following charts compare the percentage of students suspended at secondary schools with over 800 students for the 2004-2005, 2005-2006, and 2006-2007 academic school years (top ten detailed):

Name of School (2004-2005)	% of Students Suspended Per Enrolment
North Albion Collegiate Institute	18.78
Rosedale Heights School of the Arts	18.09
Western Technical –Commercial School	14.07
Danforth Collegiate Institute	13.75
Westview Centennial Secondary School	13.69
Lakeshore Collegiate Institute	13.23
Sir Wilfrid Laurier Collegiate Institute	12.51
Northview Heights Secondary School	12.40
Winston Churchill Collegiate Institute	12.33
Georges Vanier Secondary School	12.00
Name of School (2005-2006)	% of Students Suspended Per Enrolment
Westview Centennial Secondary School	20.67
Lakeshore Collegiate Institute	16.37
Danforth Collegiate Institute	14.84
Sir Wilfrid Laurier Collegiate Institute	14.37
Winston Churchill Collegiate Institute	13.60
Northview Heights Secondary School	10.52
George Harvey Collegiate Institute	10.28
Sir John A Macdonald Collegiate Institute	9.47
Western Technical –Commercial School	8.79
Weston Collegiate Institute	8.77
Name of School (2006-2007)	% of Students Suspended Per Enrolment
Westview Centennial Secondary School	20.82
Lakeshore Collegiate Institute	15.78
George Harvey Collegiate Institute	15.23
Sir Wilfrid Laurier Collegiate Institute	13.08
Danforth Collegiate Institute	11.02
Birchmount Park Collegiate Institute	8.97
Winston Churchill Collegiate Institute	8.94
Lester B Pearson Collegiate Institute	8.91
Western Technical –Commercial School	8.88
Weston Collegiate Institute	8.80

Westview's high ranking is part of a general trend of high rankings in the NW2 family-of-schools. The following charts detail the total number of suspensions in each family-of-schools. In the 2005-2006 school year, NW2 was considerably higher than the other families-of-schools. In the 2006-2007 school year, NW2 had the second highest total number of suspensions. The following two charts detail the total suspension numbers by family of schools for the 2005-2006 and 2006-2007 academic school years.

Family of Schools (2005-2006)	Total # of Suspensions	Family of Schools (2006-2007)	Total # of Suspensions
NW2	1,661	NW1	1,178
NW1	1,188	NW2	1,036
NW4	1,087	NW4	1,028
NW5	1,017	NW5	881
SW1	957	SW4	770
SW4	931	SW5	692
SE4	894	SE4	683
SW5	887	SW1	663
NW3	834	SE2	652
SE2	819	SE5	645
SW2	754	NW6	642
NW6	753	NE5	608
NE2	752	NW3	605
SE1	737	SW2	591
NE5	700	NE4	585
SE6	652	SW6	548
SE5	651	NE2	519
NE4	625	SE6	468
NE6	500	NE6	420
SW3	500	NE1	381
SW6	483	SE3	371
NE1	428	SW3	339
NE3	345	NE3	301
SE3	336	SE1	120

The above data further details the disproportionate number of suspensions in the NW quadrant. The NW quadrant consistently has the highest percentage of students suspended. Below are charts that detail the percentage of students suspended by quadrant for the 2002-2003, 2003-2004, 2004-2005, 2005-2006 and 2006-2007 school years:

2002-2003

NW	6.7%
SE	6.6%
SW	5.3%
NE	3.7%

2003-2004

NW	6.52%
SE	6.13%
SW	5.1%
NE	3.8%

2004-2005

NW	7.1%
SE	6.1%
SW	5.3%
NE	3.9%

2005-2006

NW	4.95%
SE	3.8%
SW	3.6%
NE	2.5%

As noted in the charts above, the total number of suspensions in all quadrants has decreased significantly over time. Westview's increase over the last three academic school years is surprising given the reduction in suspension numbers over the last few years. Below is a chart detailing the system wide totals for the last five academic school years:

Year	Enrolment (Head Count)	Total # of Suspensions	Total # of Students Suspended	% of Students Suspended Per Enrolment
2002-2003	294,567	26,418	16,550	5.6%
2003-2004	284,272	24,583	15,255	5.36%
2004-2005	280,412	25,164	15,664	5.59%
2005-2006	276,507	17,915	11,818	4.27%
2006-2007	272,035	14,756	9,923	3.65%

The expulsion data also reflects this same decreasing trend with the exception of this recent school, year in which there was a drastic increase in expulsions:

Year	Enrolment (Head Count)	Total # of Expulsions	% of Total Expulsions Per Enrolment
2002-2003	294,567	360	.121%
2003-2004	284,272	304	.107%
2004-2005	280,412	271	.09 %
2005-2006	276,507	184	.07 %
2006-2007	272,035	258	.10 %

Both student enrolment and the number of total suspensions in the TDSB have decreased significantly over the last three academic school years. A reduction in enrolment could partly explain the reduction in suspensions over the last three academic school years; however, it could hardly explain the full extent of the reduced suspension numbers. For example, from 2004 to 2006, enrolment at the TDSB dropped by 3,905 students. During that same period of time, the total number of suspensions in the TDSB dropped by 7249 and the total number of students suspended dropped by 3,846 students. Clearly, the reduction in suspensions is too high to be solely attributable to the reduction in student enrolment. Furthermore, the percentage of students suspended per enrolment dropped by 1.32 % during the same period of time.

The reduction in student enrolment may have played a more significant role in decreasing suspensions from the 2005-2006 to 2006-2007 academic school year. During that time period, student enrolment was reduced by 4,472 students (larger reduction than previous year). In that same period of time, the total number of suspensions dropped by 3,159 (less of a decrease compared to the previous year) and 1,895 fewer students were suspended (less of a decrease compared to the previous year). Furthermore, the decrease in students suspended per enrolment for the same period of time is less than 1% (.62%). As a result, it is likely that the reduction in enrolment during this period of time played a larger role

in decreasing suspensions than in previous years. A similar analysis can be applied to the decrease that occurred during the 2002-2003 and 2003-2004 academic school years.

What explains the high percentages from 2001-2005 and the drastic reduction and decreasing trend since the 2005-2006 school year?

Without having the benefit of adequate pre-*Safe Schools Act* data, it is impossible to do a full trend analysis to determine conclusively whether the amendments to the *Education Act*, creating mandatory suspensions and expulsions, caused an increase, significant or otherwise, in suspension and expulsion data. Despite the lack of complete historical data, the Panel is of the view that the *Safe Schools Act* amendments significantly contributed to the increase in the number of suspensions during the 2001-2005 academic school years.

The Panel has been provided system wide suspension data by the Ministry of Education that includes the 2000-2001 and 2002-2003 academic school years. This data does not include a breakdown per school at the TDSB. The data illustrates that for the academic school year prior to the *Safe Schools Act* amendments, the percentage of students suspended was significantly lower than the subsequent school year. In the 2000-2001 school year, there was a total of 11,795 students suspended in the TDSB (student enrollment was 296,031 – total percentage of students suspended was 3%). The following year, after the *Safe School Act* amendments were applicable, the total number of suspensions jumped to 15, 431 students (student enrollment was 297,148 – total percentage of students suspended was 5.2%). Clearly the data suggests that the amendments significantly contributed to the increase in suspensions.

It is without a doubt that the *Safe School Act* amendments to the *Education Act* came very close to implementing a zero tolerance policy in schools across Ontario. While mitigating circumstances were provided in the regulations, they were not very broad. The mitigating circumstances, as found in Ontario Regulation 37/01 and Ontario Regulation 106/01 read as follows:

- (a) the pupil does not have the ability to control his or her behaviour;
- (b) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour; or
- (c) the pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

If read strictly, these mitigating circumstances would very rarely be used. Noticeably absent from the mitigating circumstances is any reflection of what is in the best interest of students. It should also be noted that while the *Safe Schools Act* amendments created mandatory suspensions and expulsions for some forms of conduct, the TDSB decided to add to the list of conduct that would lead to automatic suspensions and expulsions. As a result, it does not come as a surprise to the Panel that the suspension rates experienced between 2001-2004 were significantly higher than the rates experienced pre- *Safe*

Schools Act amendments (2000-2001). The entire thrust of the amendments was to remove discretion from administrators and facilitate the orderly removal of students from schools. What then has caused the decrease in the number of suspensions from the 2005-2006 school year ?

Without a doubt, part of the reduction can be explained by the OHRC settlement with the TDSB. As detailed above, the OHRC settlement required the TDSB to engage in progressive discipline measures and to use suspensions and expulsions as last resorts. Subsequent to the OHRC settlement, administrators, teachers, trustees and superintendents were all given training on the effect of the OHRC settlement and on how to engage in progressive discipline. This training and the OHRC's tireless efforts to educate staff at the TDSB is, in part, responsible for the decrease in suspension and expulsions rates. In addition, the work of the Safe School Task Force, in highlighting the high number of suspensions and expulsions and discriminatory aspects of the disciplinary procedures at TDSB, clearly had an effect on the suspension numbers. As one senior superintendant at the TDSB advised the Panel, "the culture went from 'thou shall suspend' to 'thou shall not suspend'". As noted above, it has also been suggested by some community organizations, student advocacy groups and staff at the TDSB that some administrators have relied upon procedure not typically meant as a form of discipline (i.e. Safe School Transfer, Denial of Access and Principal Exclusions) to avoid increasing suspension and expulsion statistics. Lastly, the culture at the TDSB, as detailed in the Interim Report, supported the reduction of suspension and expulsion numbers.

While it is clear that the number of suspensions has decreased, it is not clear whether this has correspondingly made schools safer. Does a reduction in suspensions lead to safer schools? As a general proposition, it is obvious to the Panel that a reduction in suspensions and expulsions is beneficial to the school community and the students it serves. The question becomes, how does one lower suspensions and expulsions and does the process by which one lowers suspensions and expulsions have an effect on the safety of a school?

The Perception of Leniency

In the Interim Report, the Panel described the sentiment shared by many staff members at C.W. Jefferys that the administration was not adequately disciplining students who were misbehaving:

There have been a few times however, when I didn't feel that they were dealt with in a serious enough manner. I didn't think the consequences matched the behaviour, for example. Yes, something was done about it but... Or I was feeling like a student who would be so infamous in the school that it was less likely something would be done about him because he was always in trouble. So even though I would take action there, nothing happened in that regard, even after writing a letter, after being asked to write a letter, and so on. But I have been lucky in one way,

because I don't have a lot of run-ins with students except for in the hallways, perhaps, but in the class room I don't have problems, so when I do have a problem they take it seriously.... However, for a lot of my colleagues it has not been the same, and I can see that.

And, when looking at these issues, there are a number of reasons as to why I feel this has been happening. One of them is that there is a lack of consequences. If a student is caught in an act that they should not be doing and he or she is referred to the vice principal, often times the teacher would have to write out a very lengthy report, would have to come see the vice principal to prove it, and have the student there if that. The student would, at most times in my experience, deny it and nothing would be done. The student would be reprimanded and that's about as far as it would go.

There have also been times in my experience when I've referred a student down to the vice principal and the vice principal didn't know what to do regarding the discipline of that student. I actually had one vice principal [name omitted] say, "What should I do? What do you want me to do? What can I do? I don't know what to do? Do you have any suggestions?" When I made that suggestion, the vice principal was very reluctant to follow-up on it.

The results from the teachers' survey, as detailed in Chapter 2 of the Report, further elaborate on this concern. For example, 60.8 % of the teachers surveyed at C.W. Jefferys strongly agreed with the statement that C.W. Jefferys has become too lenient over the past few years. 25.5 % of the teachers agreed with the statement. In addition, 58.8% of the teachers surveyed at C.W. Jefferys strongly disagreed with the statement that administrators at the school support teachers who try to punish badly behaved students, while 21.6% agreed with the statement.

The data from Westview shows a similar perception, albeit to a lesser extent. 18 of the 37 Westview staff (48.6%) agreed that discipline at Westview has become too lenient over the past few years. 15 of the 37 Westview staff (40.5%) disagreed that they are always supported by the administrators when they try to punish students. It should be noted, that during the consultations, many of the Westview teachers supported the administration. In a few consultations, teachers explained that discipline and enforcement of school rules were better now than they were two or three years previously. Once again, the anonymous surveys paint a picture that was not expressed to the Panel during the consultation process.

"Quick fixes" to the reduction of suspensions and expulsions data does not create a healthy environment. Ignoring a student's misconduct does not create a safe school. Progressive discipline does not mean a principal or teacher should ignore misbehaviour. It means addressing the bad behaviour without relying on suspensions or expulsions as a first choice. Similarly, relying too heavily on suspensions and expulsions as a form of

deterrence against delinquent behaviour does not address the issues causing a student's misconduct, nor does it create a safe school. Suspending one in every five students does not lead to a safe school.

Suspensions are not an effective tool in creating a healthy school. This is particularly the case in "priority neighbourhoods". Suspensions are based on the premise that a student who is not allowed to return to school for a certain period of time will receive the supports and discipline necessary at home to ensure that the student's misbehaviour is deterred and corrected. This is particularly the case when a student who is suspended does not have the proper supports to make the suspension an effective tool to deter and correct misbehaviour. Equally as sad is the fact that students in "priority neighbourhoods" are less likely to have adequate supports at home. The entire TDSB has not recognized this reality. As a result, suspension numbers in "priority neighbourhoods" are generally higher.

In stark contrast to the comments made by Mr. Palermo, the Panel was advised by another principal, Wayne Kodje, that suspensions do not assist in addressing the needs of students. Rather, Mr. Kodje explained that suspensions are given because the expectation from teachers and parents is that this conduct should warrant a suspension:

***Wayne Kodje:** We have some high needs students here. Some very high needs. But, I felt that there was something that we needed to do to be able to try to address the problem, and it was a problem that was, and to a certain extent still is, quite chronic. What we do with kids who are engaging in a lot of violence. And so, anything that they engaged in that ... consisted of a violent nature, we had been giving consequences for – not necessarily suspensions – and it did not seem to be addressing, didn't seem to be stopping them. So after having repeatedly visiting the problems with the same students over and over again, I began suspending. A lot of the students are the same students repeated, some of them got 3, 4, 5 suspensions. And of course I had discussions with their families about this as well as supports services [including TDSB social workers, Special Ed., Safe Schools]. And, I started suspending. And after awhile we realized that these kids ... it was just not stopping. They were being suspended and coming back and they're still engaging in the same kinds of behaviours that they were suspended for.*

Panel Member: *Doesn't that tell you suspensions do not work?*

***Wayne Kodje:** Oh, I know that....There is an expectation that when a certain kind of behaviour happens, when there is violence towards a staff person or if a student is hurt - not just attacked but when they are attacked and hurt. There is an expectation that the recourse will be the parents will be informed and the child will be suspended. Discipline at a school must be enforced. It is the manner of enforcement that helps build a safe and caring school. Suspensions are only effective when there are supports at*

home and at school that assist the student. For a variety of reasons, students in “priority neighbourhoods” do not have the proper supports at home and at school to make suspension an effective tool. Unfortunately, based on the data above, it would appear that the high priority neighbourhoods have higher rates of suspension. Suspensions should not be used as a primary tool of discipline. They are simply not effective. That does not mean that student misbehaviour should go unpunished; rather, the punishment should be focused on the root causes of the misbehaviour. Suspensions do not address the root causes of a student’s misbehavior.

The Panel completely agrees with Mr. Kodje’s analysis on the effectiveness of suspensions, particularly as it applies to schools in “priority neighbourhoods”. As such, the Panel finds that suspensions are not an effective tool to ensuring the health of a school and where suspension rates are high, the TDSB should react immediately.

Recommendation 83: The Panel recommends that Board Policies be amended to provide that where a school has a suspension rate of 10% or higher, the Superintendent responsible for the school must report the school to the “Well-Being and Equity Department” (see recommendations 112-113). Working in concert with the Superintendent, and the Administrators, the Well-Being and Equity Department is to conduct a Needs Assessment and provide the school with an integrated multi-disciplinary support team to assist in addressing whatever health issues may present themselves in respect of the school environment. The support team will consider whether it is necessary to conduct anonymous student and teacher surveys to identify safety concerns at the school.

Suspensions Interrupt the Education of a Student

Suspensions interrupt the education of a student. The vast majority of suspensions are short in duration, not exceeding five days. In the 2006-2007 school year, 91% of all suspensions (13,655) lasted five days or less in duration. 41.2% of all suspensions lasted one day in length and only 3.7 % of all suspensions lasted longer than 10 days. Approximately 5% of all suspensions were between five and seven days in length. In cases where a student is suspended for five days or longer, the student should be referred to an A2S site where they can continue their education in a setting that may assist them in addressing other issues that may have led to the suspension. It should be noted that Bill 212 obligates school boards to offer alternative to suspension programming for all suspensions that are greater than six days in length.

While a large percentage of suspensions are only a day or two in length, a significant amount of school time can nonetheless be missed when a student is suspended several times in one school year. In the case of a one or two day suspension, it makes little sense for a student to attend an A2S site. The Panel consulted with parents in the “Jane Finch Community” who described to the Panel the difficulties that they, on behalf of their

children, have had in trying to obtain school work for their child while he or she serves a suspension. The Panel consulted with front line student counsellors from PEACH who confirmed this difficulty. The student counsellors at PEACH described to the Panel their difficulties in collecting homework for suspended students. This academic school year, PEACH has been designated as an A2S site. Hopefully this will assist the counsellors in obtaining full co-operation from school staff. That being said, the Panel had been advised that staff at A2S sites also have difficulty obtaining school work for suspended students attending the program.

Recommendation 84: Once a student has been suspended, a student's guidance counsellor should be responsible for ensuring that the student receives his or her school work during the suspension. If the student has entered an A2S site, then the teacher at the A2S site should liaison with the guidance counsellor.

Recommendation 85: Upon a student's second suspension, a multi-disciplinary team of administrators, social workers, teachers, CYC and CYW should meet with the student and his or her parent(s) to determine whether the student requires alternative education measures and/or counselling. For students who habitually misbehave, the multi-disciplinary team should consider whether the student should be placed in an A2S site for a full semester or longer depending on the needs of the student and their progress in the alternative education program.

The Possible Effect of Bill 212

The recent amendments to the *Education Act* should reduce the number of suspensions and expulsions across the TDSB. After February 1 2008, the *Education Act* will be amended so as to remove from principals the power to expel students and to place this power in the hands of the Board. In addition, mandatory expulsions will be replaced by mandatory suspensions. In the place of the "zero tolerance" mentality of the *Safe Schools Act* amendments, Bill 212 amends the *Education Act* to include, what has been coined by some, as the "progressive discipline" provisions.

Section 309 of the *Education Act* (mandatory expulsions) will be repealed on February 1, 2008, and will be replaced with the provisions with respect to the appeal of a suspension. In addition, s.308 of the *Education Act* has been repealed and replaced with provisions requiring a principal to inform the pupil's teacher of the suspension and make reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed. The notice must be provided to the pupil and pupil's parents and must detail the reasons for suspension, the duration of the suspension and information and programs for suspended pupils along with information with respect to the right of appeal.

The discretionary expulsion section of the *Education Act* (s.310) will be repealed and replaced with a provision requiring mandatory suspension for those activities that were

once considered mandatory grounds for expulsion. Under the new s. 310, a principal must suspend a student for up to 20 days, taking into account any mitigating factors or other factors described by the regulation and is required to assign the pupil to a program for suspended pupils in accordance with any policies or guidelines issued by the Minister. Ontario Regulation 427/07 (which comes into force on February 1, 2008) adopts the mitigating circumstances as set out in Ontario Regulation 37/01 and Ontario Regulation 106/01 and expands upon the list of mitigating circumstances to include the following:

- s. 3. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be, or is being, suspended or expelled:
 - (1) The pupil's history.
 - (2) whether a progressive discipline approach has been used with the pupil.
 - (3) Whether the activity for which the pupil may be, or is being, suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation, or to any other harassment.
 - (4) How the suspension or expulsion would affect the pupil's ongoing education.
 - (5) The age of the pupil.
 - (6) In the case of a pupil for whom an individual education plan has been developed,
 - i. whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
 - ii. whether appropriate individualized accommodation has been provided, and
 - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct

The expansion of mitigating circumstances reflects the settlement between the Ministry of Education and the OHRC. In the settlement, the Ministry agreed that the mitigating circumstances as set out in Ontario Regulation 37/01 and Ontario Regulation 106/01 were

broad enough to include many of the above noted circumstances, as well as a few that were not included in Ontario Regulation 427/07. Sections 11 and 11.1 of the settlement read as follows:

- s. 11. Pending the Ministry's review of the safe schools provisions of the Education Act, but in any case no longer than 120 days from the signing of these Minutes of Settlement, the Minister of Education will request through the Cabinet's regulation process, amendments to Regulations 37/01 and 106/01, so that:
 - i. the following mitigating factors proposed by the OHRC are represented in the regulations:
 - b. whether racial or other harassment was a factor in the student's behaviour;
 - c. whether the principles of progressive discipline have first been attempted;
 - d. the impact of the suspension or expulsion on the student's continued education;
 - e. whether the imposition of suspension (or expulsion) would likely result in an aggravation or worsening of the student's behaviour or conduct;
 - f. the age of the student;
 - g. in the case of a student with a disability, whether the behaviour was a manifestation of the disability and whether appropriate accommodation, based on the principle of individualization, had first been provided; and
 - h. the safety of other students.
 - ii. principals and school boards are required to consider the mitigating factors prior to suspending or expelling any student.
- s.11.1. The Ministry will issue a Policy/Program Memorandum requiring principals and boards to consider the following prior to suspending or expelling a student with a disability:
 - a. not suspending or expelling a student where the student's behaviour was directly caused by a disability;
 - b. the provision of alternative education where a student with a disability must be removed from the classroom for health, safety or other reasons;
 - c. the return of the student to his/her regular classroom;
 - d. consultation with parents around the management of behaviour arising from a disability; and
 - e. the application of progressive discipline.

The Panel commends the Ministry of Education for honouring the settlement with the OHRC and amending the *Education Act* and relevant regulations to reflect a commitment to keep students in school and for attempting to address misbehavior through progressive discipline. Progressive discipline was recognized as a positive approach to changing student behaviour by the Safe Schools Action Team in its Report entitled, “Safe Schools Policy and Practice: An Agenda for Action:

Schools should employ early interventions as a way of fostering and supporting appropriate student behaviour. A wide range of established interventions and strategies should be attempted as common practice within the context of a Progressive Discipline continuum. Teachers and administrators should be encouraged to consider all relevant factors when investigating an incident. These might include the age of the student, and/or the student’s family situation, and/or appropriate accommodation(s) for students with special needs as well as circumstances surrounding the incident itself (e.g. whether it is provoked by harassment or bullying). All mitigating factors should be taken into consideration when determining the appropriate disciplinary approach.

School boards need to clearly understand the intent of legislation, policies, and regulations and ensure that they are applied in a consistent and equitable manner. Clearer direction is needed in many areas from the broader concept of Progressive Discipline to the implementation of specific regulations; for example, the proper use of a reduction in length of the instructional program on a school day for students with special needs

The Progressive Discipline continuum is a stepped approach to support a positive change in behaviour. However, it should be noted that if an incident is serious in nature and after full consideration of circumstances affecting a student’s behaviour, it may be felt that a step, such as suspension, which is further along in the Progressive Discipline continuum, may be necessary. Expulsions should be used only as a last resort. It is noted that supports should be also provided to students affected by bullying or acts of violence, and to their families; restorative justice practices, reparations, restitution, and healing circles are possible supports. In order to support and protect students who have been bullied or affected by violence, school boards need to ensure that safe reporting processes and initiatives are in place so that students feel safe from reprisal.¹⁵⁵

The progressive discipline approach is further exemplified by the revisions to the expulsion provisions in the *Education Act*. The new amendments make it far more difficult to expel a student. Pursuant to the new section 311.1, where a student is suspended under the mandatory suspension provisions, the principal must conduct an

¹⁵⁵ Safe Schools Action Team, *Safe Schools Policy and Practice: An Agenda for Action*, at pg. 8

investigation to determine whether or not to recommend to the Board that the pupil be expelled. If a principal decides not to recommend expulsion, the principal must either:

- a) confirm suspension and the duration of the suspension;
- b) confirm the suspension and shorten its duration, even if the suspension has already been served, and amend the record of suspension accordingly; or
- c) withdraw the suspension and expunge the record of the suspension even if the suspension has already been served.

If the principal recommends to the Board that the student be expelled, the Board is required to hold an expulsion hearing. An expulsion can not occur if the Board does not make a decision within 20 days after the pupil was suspended, unless the parties to the expulsion agree on a later deadline. In addition, the new expulsion provisions remove the distinction between limited expulsions and full expulsions. Instead, the Board, upon deciding to expel the student, will decide whether the pupil is to be expelled from his or her school or from all schools in the Board. Pursuant to the new section 311.5, if a Board expels a pupil the Board shall assign a student, in the case of a student expelled from their school only, to another school of the Board, or in a case of pupil expelled from all schools of the Board program, a program for expelled pupils. Appeals from the decision of the Board are made to a Tribunal designated under the regulations.

Under current TDSB policy, in the case of an expulsion from a school the student would become a safe school transfer. Under the current regime, a limited expulsion student would be referred to a SPES program until the end of the limited expulsion. After completing the limited expulsion, the student may be returned to his/her home school or may be transferred to another school. As of February 1, 2008 there will no longer be any limited expulsions. The Panel fears that students who are expelled from their school may be transferred to another school without any form of support or programming prior to being transferred.

Recommendation 86: After February 1, 2008, the TDSB, upon a decision to expel a student, should refer the student to a Support Program for Expelled Students site for a transitional period prior to returning to a non-Support Program for Expelled Students site.

The recent amendments will also reduce the potential misuse of the Denial of Access provisions of the *Education Act*. Section 305(1) of the *Act* still stipulates that a principal may direct a person to leave the school premise; however, Ontario Regulation 474/00 has been amended so as to ensure that a principal can not exclude a pupil enrolled in the school or a pupil attending a program for suspended or expelled students on the premises. In addition, s.4 of the Regulations states that a pupil who was excluded from a school pursuant to the old regulations will be permitted to be on, and remain on school premises in accordance with the regulation after February 1, 2008. The Panel commends the Ministry of Education for amending this provision of the *Education Act* and corresponding regulations. The Panel finds that the Denial of Access provision, when applied to enrolled students, can be abused by principals to remove students without

providing them with any procedural safeguards. This is particularly the case when a principal can, pursuant to section 265(1)(m), exclude a student who is an immediate threat to school safety. Section 265(1)(m) also provides a student with the ability to appeal the exclusion order, thus providing an appropriate safeguard to protect a student's right to an education. Section 265(1)(m) has not been repealed and will remain in effect after February 1, 2008.

Informal Punishment

The Panel has also been advised by a community student advocacy organization that some students have been sent home from Westview without any formal suspension or expulsion. The Panel was advised that the students were not suspended, expelled, subject to a Denial of Access, or subject to a Principal Exclusion. Rather, the student was sent home for a few days. The Panel was further advised that these students were not provided any form of supports or access to A2S schools. The Panel was advised by another community organization that the same type of informal discipline has been used in a handful of cases at C.W. Jefferys (last academic school year). This form of informal discipline does not afford any procedural rights to the student (e.g. appeal rights) and does not address the student's misbehaviour in any method. In addition, this form of informal discipline does not involve notification of a student's parents. The Panel finds that students are being sent home from school without being formally disciplined. This is unacceptable.

Recommendation 87: The TDSB should enact a policy prohibiting principals and teachers from sending children home as a form of punishment.

3.06.08: Detection and Deterrence

The Panel's research has revealed that there are firearms and other weapons, such as knives and tasers, in non-trivial numbers in some TDSB schools, including at the two schools that were the subject of student survey work. At C.W. Jefferys, 11 percent of respondents reported that they had been assaulted with a weapon at school within the previous two years. Twelve percent reported having a gun pointed at them on school property over the past two years. The reports from Westview were even higher where 23 percent of students reported that they know someone who brought a gun to school in the past two years; 5.5 percent had been threatened with a gun at school and 2.8 percent claimed that someone has tried to shoot them at school in the past two years.

The survey results, as well as other academic literature, reflect that gun assault is highly concentrated amongst those who claim gang involvement.¹⁵⁶ According to a 2000 survey in Toronto high schools, four percent of Toronto high school students reported current

¹⁵⁶ P.M. Kingery, M.B. Coggeshall and A.A. Alford (1999), "Weapon carrying by youth: Risk factors and prevention," *Education and Urban Society* v. 31(3) 309.

membership in a “criminal” gang.¹⁵⁷ Such an estimate represents a much lower level of gang involvement amongst students than estimates of current gang activity amongst high school students in the United States. Nonetheless, gang presence in schools contributes to the presence of weapons in schools. Almost seventy percent of “criminal” gang members reported that they had carried a knife or gun with them during the past year, in sharp contrast to eleven percent of “social” gang members and twelve percent of non-gang youth.

Membership in a criminal gang also dramatically increases the risk of victimization. Gang membership puts one at an increased risk of being assaulted with a weapon and, particularly for female members, a higher risk of sexual assault.¹⁵⁸ Thus, the carrying of weapons by gang members may also reflect a desire to protect themselves from violent victimization.

Apart from gang involvement, other factors related to the presence of guns in schools include fear of victimization by other students carrying weapons and the weapon-carrying practices of peers.¹⁵⁹ When some students are known to carry guns, other students may arm themselves as a defensive measure.

Schools are not separate entities from the communities that surround them. No matter how safe students feel within the school itself, fear of violence outside of the school itself can also lead some students to carry weapons. Along these lines, Marilyn Eisenstat, Executive Director at the North York-based youth-serving agency “Promoting Economic Action and Community Health” (“PEACH”), made the following comment to the Panel: “How do we address the needs of a child to be armed on their way to and from school?” Eisenstat’s comment provocatively highlights the fact that unless students feel safe both inside and outside of school, it will be difficult to convince students that they do not need to carry weapons. Administrators at Westview agreed that fear of violence on the way to and from school is a significant reason for the carrying of weapons.

¹⁵⁷ S. Wortley and J. Tanner (2004), “Criminal Organizations or Social Groups? An Exploration of the Myths and Realities of Youth Gangs in Toronto” (unpublished manuscript) “Criminal” gangs were classified as those in which members indicated that they had either sold drugs, stolen property or fought against other gangs as part of their regular gang activities. When the definition was expanded to include “social” gang membership, in which members did not engage in regular criminal activity, the percentage of high school students who were classified as gang members rose to six percent. However, the differences in offending between “social” gang members and non-gang members were rarely statistically significant. Many youth who identify themselves as “gang members” are not overly involved in deviant or criminal activities.

¹⁵⁸ S. Wortley and J. Tanner (2004), “Criminal Organizations or Social Groups? An Exploration of the Myths and Realities of Youth Gangs in Toronto” (unpublished manuscript) “Criminal” gangs were classified as those in which members indicated that they had either sold drugs, stolen property or fought against other gangs as part of their regular gang activities. When the definition was expanded to include “social” gang membership, in which members did not engage in regular criminal activity, the percentage of high school students who were classified as gang members rose to six percent. However, the differences in offending between “social” gang members and non-gang members were rarely statistically significant. Many youth who identify themselves as “gang members” are not overly involved in deviant or criminal activities.

¹⁵⁹ P.M. Kingery, M.B. Coggeshall and A.A. Alford (1999), “Weapon carrying by youth: Risk factors and prevention”, *Education and Urban Society* v. 31(3) 309.

The Panel anticipates that there will be great public concern expressed over the number of weapons in schools, as well as the large number of gun-related incident reports to the Safe Schools Department over the past several years. There will undoubtedly be calls for increased law and order measures, such as metal detectors and security guards, in order to make schools safer. However, the impact of such measures on school cultures should also be considered. As Gallagher and Fusco, faculty with the University of Toronto, wrote in a recent article: “Students and school personnel, too, have a right to be free from harassment, but how we go about making safer and more humane school corridors and classrooms for young people is of equal importance.”¹⁶⁰

Ultimately, it is the Panel’s view that there are no short-term solutions to resolve this problem. Increased violence in schools is ultimately a reflection of the TDSB’s inability to adequately serve and engage our most marginalized youth. As Kurt McIntosh, TDSB Coordinating Principal (Programs), commented to the Panel, “the problem was not created in a day and will not be solved in a day”. The Panel agrees. A preventive package based on principles of equity and designed to ameliorate the conditions that marginalized youth face are the primary imperatives. The benefit of short-term strategies such as detection devices must be balanced against their cost, and, in particular, against the effect that such strategies can have by diverting resources from long-term solutions.

A Model for School Safety Measures: Deter, Detect and Deny

The Panel met with security experts with the Toronto Police Service in order to examine security options and alternatives for improving school safety. Detective Phillip Devine, a detective with the Intelligence Division (Security Operations Section), described an analytic approach to determining the types of security interventions that are appropriate to address threats to safety in schools:

The first question I would have to ask the committee is ... Have you addressed or itemized your functional requirements? ...Because to implement security strategies and just say, “that’s the problem, we’ll stick the solution onto it,” it may actually impede and enhance the problem of their normal use of the space. So you don’t want to look at strategies that are over the top because they’re going to impede your functional requirements of the space and the staff, i.e., normal use.

...My next question: What is the level of threat? And quite specifically and clearly you’ve identified through the student surveys that there are weapons in the school. So we’re not talking about explosions, we’re not talking about terrorist threats, we’re not talking about strategies that would encourage astronomical costs and round table discussions with various stakeholders. It is very specific; it is very manageable. And you want then to focus your discussion on addressing that issue and any other that seems to be a vulnerability, a risk, or a threat. Basically the security the three “d’s” are to deter, detect and deny.

¹⁶⁰ K. Gallagher and C. Fusco (2006), “I.D.ology and the technologies of public (school) space: an ethnographic inquiry into the neo-liberal tactics of social (re)production,” *Ethnography and Education* V.1(3) 301 at 313.

“Deterrence” includes policies and practices that support the “legitimate use of space” such as cameras and signs. “Detection” refers to methods for detecting threats to safety and includes devices such as metal detectors and search policies. “Deny” refers to methods for controlling access such as lockdown policies and locked doors. In addition to considering appropriate deterrence, detection and denial strategies, schools must also have policies for responding when threats, such as firearms, have been identified.

The functional requirements of public schools are significant. Students must be able to move with some degree of freedom both, into and out of the school at different times of the day. School should be welcoming, safe havens that facilitate a sense of community and promote learning. Security strategies that undermine these fundamental requirements may well come at too great a cost. On the other hand, the loss of life that could have been prevented is the greatest possible costs. Decisions of this magnitude should be assessed in partnership with students, staff and parents.

Metal Detectors

Metal detectors have a common sense appeal, in the sense that they have the capacity to detect metal weapons and prevent their entry into schools. They could also deter students from bringing weapons to school.

There is very little Canadian experience with the use of metal detectors in schools. In order to fully understand this issue, the Panel conducted a literature review of the experience of metal detectors in the United States, where some jurisdictions such as New York City, Chicago and Boston have a significant history with the devices in schools.¹⁶¹

The research, mainly from the U.S., on the effectiveness of metal detectors in schools has been inconclusive, in part, due to a lack of rigorous research methodologies.¹⁶² Research that supports strategies such as metal detectors tends to be drawn from case studies which makes it difficult to generalize beyond the individually studied school. Most of the studies that identify positive outcomes with metal detectors were also co-related with other steps being taken in the school, making it difficult to attribute change to the metal detectors alone.

In one study of such devices in 15 U.S. states, less than half of the School Safety Administrators felt that metal detectors had been effective in minimizing violent crime.¹⁶³ Another study found that attempts to protect students using tactics such as metal detectors

¹⁶¹ Boston Public Schools (September 1, 2007), “Superintendent’s Circular, School Year 2007-2008, Metal Detectors”; Chicago Public Schools (February 27, 2002), “Procedures for Search, Seizure, and the Use of Metal Detectors at School Facilities”; K. Gallagher, *The Threatre of Urban: Youth and Schooling in Dangerous Times* (Toronto: University of Toronto Press, 2007).

The Panel has reviewed policies relating to metal detectors in Boston Public Schools and Chicago Public Schools. In Boston, administrators have the option to utilize “metal detection devices”. Any such policy must be developed in consultation with the School Site Council. The decision to use metal detection devices should be based on incidents of weapons in the school or one serious incident.

In Chicago, school officials are authorized to conduct metal-detector screenings of students. Most of the high schools and several other schools in the Chicago Public School system are equipped with walk-through metal detectors, and several more schools have hand-held “wand” metal detectors, either in addition to or in lieu of walk-through units. Portable walk-through units are available on request. The Chicago policy provides for random screenings, “as needed” screenings and daily screenings. Daily screenings require the majority approval of the Local School Council.

¹⁶² L. O’Neil and J.M McGloin (2007), “Considering the efficacy of situational crime prevention in schools,” *Journal of Criminal Justice* v. 35 at 511.

¹⁶³ C.A. Garcia (2003), “School Safety Technology in America: Current Use and Perceived Effectiveness,” *Criminal Justice Policy Review* Vol. 14(1), p.p. 30-54.

and security guards were consistently unsuccessful at influencing the risk of victimization.¹⁶⁴

Metal detectors clearly cannot completely eradicate weapons in schools. They are not foolproof and, given the multiple entrances and windows to TDSB schools, someone who was determined to bring a weapon into the school could easily find a way to do so. School doors, while locked from the outside to prevent persons from entering without going through a metal detector, must be capable of being opened from the inside for fire safety reasons. Students, once in the school, can easily open other doors to allow their peers to enter the school without encountering metal detectors.

Beyond questions about the effectiveness of metal detectors, there are some serious drawbacks to the use of metal detectors. First and foremost, metal detectors are expensive. The Toronto Police Service provided the Panel with some estimates on the cost of equipment associated with metal detection. Hand-held wands cost approximately \$120 per unit. Walk-through metal detectors cost \$22,500 per unit. An X-ray machine costs approximately \$145,000. Security guards must be hired to operate the device, and there are issues concerning exposure to radiation and workplace safety associated with such a unit. Investing in metal detectors and scanners for all TDSB schools is clearly beyond the current resource base. Implementing the detectors in only select schools carries with it the problem of the stigmatization of students and neighbourhood, and concerns about equity.

Metal detectors also represent a costly output for a resource that will not do anything to address other school safety concerns that have been highlighted in the report, including sexual assaults, sexual harassment and other non-weapon related offences. Furthermore, given the enormous financial commitment required to install metal detectors, it is difficult to imagine that they could be employed as a short-term solution. Once installed, it would be very difficult to take them out.

Most significantly, metal detectors raise considerable practical difficulties and can interfere with the normal functioning of a school building. Dr. Kathleen Gallagher, faculty at the Ontario Institute for Studies in Education, described her observations of a scanning system at a New York City School in 2002, which included x-rays, metal wand, a metal detector, an identity swipe card and a private security desk. Students had to begin to arrive by 7 a.m., as it took an hour and a half to process all 3,000 students through the system. There were safety concerns that arose due to the bottleneck of students lined up outside of the school. Once inside the school, the students were forced to wait in the auditorium, what Gallagher described as a “holding pen”, until classes were to begin, in order to prevent large numbers of students wandering through the halls.

Police officers who advised the Panel on security measures stated that there is simply no way to move people quickly through metal detectors and scanning devices. Even with fewer students and a less elaborate process, it takes a considerable length of time for

¹⁶⁴ C.J. Schreck, J.M. Miller and C.L. Gibson (2003), “Trouble in the School Yard: A study of the risk factors of victimization at school,” *Crime and Delinquency* Vol 49(3), p.p. 460-484.

students to make their way through the metal detectors, causing problems both, outside with the line up of students and then, inside with students who have arrived early, so that they can get through the metal detectors on time. Moving over a thousand students in and out of a school building several times a day would be a logistical nightmare and would most certainly cause some students to be late for class.

The race and gender dimensions of metal detector processes should also be considered. In a study of an urban school in New York, McCormack found that participants felt that security guards "...can get closer than they can ever get in a normal way..." and that young women often build up a "shield" to protect themselves from these routine procedures. Young women regularly experience sexism and racism during these kinds of security activities that both criminalize and sexualize.¹⁶⁵

One of the Panel's greatest concerns is that investing in scanning devices such as metal detectors takes resources away from other medium to long-term program initiatives designed to improve school safety and school discipline. This report has highlighted the important inter-relationships between equity and safety. A recognition that poverty, racism, sexism and marginalization are major contributing factors to school safety concerns suggests that long-term measures aimed at equitable reform are necessary. These measures cannot occur if resources are diverted to short-term, expensive and inefficient security devices.

We need to maintain order and safety without being excessively intrusive. If security measures become so intrusive that the schools cannot operate, they have limited value. The Panel has determined that this is the case with metal detectors.

Searches

A rejection of metal detectors is not to say that nothing should be done to detect firearms or deter their presence in schools. Firearms pose a significant safety threat in Toronto school, and, as such, schools have an obligation to protect students. A Pollyanna vision of "Toronto the Good" is not helpful. Toronto is a large urban centre and experiences many of the safety concerns that are endemic to such centres. Given the alarming numbers of firearms that are in our schools, the Panel believes that it is essential that schools take steps to monitor and search those areas in the school where firearms could be secreted, such as lockers.

There are legal limitations on the extent to which teachers and administrators can search students and their belongings. However, both the law and TDSB policy permit Principals or their designates to conduct a search where there are reasonable grounds to believe that a student or visitor is in possession of an object or substance that is prohibited by school policies or regulations.¹⁶⁶ Thus, when school officials become aware of credible information that there are firearms or other weapons in the school, they have the power to

¹⁶⁵ J. McCormack (2003), "Drag Me to the Asylum: Disguising and Asserting Identities in an Urban School," *Urban Review* 35(2) 111 at 117.

¹⁶⁶ TDSB, "PR.524 SCH: Search and Seizure" (February 29, 2000).

search for such items and seize them if they are found. Students should be made aware that for the purposes of the seizure of contraband, they, as well as their lockers, can be searched by school administrators without warrant, at any time.¹⁶⁷

The TDSB has had occasion to turn to the Toronto Police Service's canine unit for assistance in detecting firearms in areas such as lockers, when schools have received credible information that there is a firearm on the premises.¹⁶⁸ The Toronto Police Service uses small dogs, such as spaniels, that are trained to identify gun powder and gun oil. Two to three dogs with their handlers can conduct a search of a typical school in approximately two or three hours.

The security experts from the Toronto Police Service with whom the Panel consulted suggested that random canine sweeps could well be a useful way to detect firearms in spaces such as lockers and could also deter students from keeping firearms in those spaces. However, anytime random searches are contemplated, there must be a consideration of whether or not the search is in compliance with section 8 of the *Charter of Rights and Freedoms* which protects individuals from an unreasonable search and seizure. The jurisprudence is fairly clear that police do not have the power to use canines to randomly sweep schools for weapons or other contraband¹⁶⁹, nor would it be feasible for the Toronto Police Service to do so.

School officials have a broader power to search students and school property than police officers because of their responsibility and authority to maintain order, discipline and safety within the school.¹⁷⁰ However, it is unclear whether that broader power extends to random searches, including those conducted by dogs.

A 2006 Ontario Court of Appeal case, *R. v. A.M.*, suggests that school officials may not have such a power. The fact situation in that case is not entirely on point, in that it involved a search by police officers. A school principal had issued a standing invitation to police officers to bring drug-sniffing dogs into the school. During a random canine sweep, the dogs signalled that there was contraband in a student's backpack which was then searched by a police officer. Thus, the search involved a police search of an individual's personal belongings. Nonetheless, the Court of Appeal did question whether school officials would have had the power themselves to bring in dogs for random searches:

Even if this was a search by school authorities through the agency of the police, there is nothing in the *Education Act* and the subsidiary policies articulated in the other documents that gives the required authority to conduct such a search.

¹⁶⁷ *R. v. G.(J.M.)* (1986), 29 C.C.C. (3d) 455 (Ont. C.A.).

¹⁶⁸ The members of the canine unit consulted emphasized that their team is primarily involved in searching property, not persons or personal belongings.

¹⁶⁹ *R. v. A.M.* (2006), 79 O.R. (3d) 481 (Ont. C.A.).

¹⁷⁰ *R. v. M.(M.R.)*, [1998] 3 S.C.R. 393.

Neither the *Education Act* nor the subsidiary policies provide for warrantless, random searches. Mr. Bristo, the principal, testified that the school authorities could not have legally conducted the search that was carried out by the police in this case.¹⁷¹

Thus, the courts have expressed reservations about random searches by school officials for the purposes of detecting narcotics, particularly without specific legislative authority. On the other hand, the Court of Appeal has expressed grave concern over firearms in schools and expressed a willingness to recognize more intrusive powers in order to address this threat. Though random canine sweeps for the sole purpose of detecting firearms would be on the frontier of what is permitted by the *Charter*, such a step would be entirely in keeping with the obligation on school authorities to protect students. Legislative change to the *Education Act* could assist to clarify the issue.

Given the seriousness of the threat that firearms pose and the evidence that they are in some TDSB schools in non-trivial numbers, the TDSB must take due diligence measures to minimize the places in which firearms can be hidden in schools. Random searches, possibly with the use of canines, are a simple and relatively unobtrusive manner in which to carry out that obligation. If random searches are to be employed, steps must be taken to ensure that they are conducted in a fair and equitable manner, that they are not based on discriminatory racial profiling and that they are as non-intrusive as possible.

Recommendation 88: The Toronto District School Board should take immediate steps to ensure that adequate security measures are employed to ensure all potential storage areas for weapons (including lockers) are the subject of regular non-intrusive searches, including consideration being given to the random usage of TDSB-owned canine units that specialize in firearms detection. The manner of selection of schools must be random and must be based on express policy input from the equity experts from the TDSB.

Controlling Access Doors

During the course of its consultations, Panel members had the opportunity to visit a number of TDSB schools. The Panel discovered that it is quite easy simply to walk into a TDSB school without any school authority questioning the presence of an unknown adult in the school. In many schools, the main office is not located within viewing distance of front doors. In an urban school environment, it is difficult to understand how schools can continue to operate on the premise that doors will be kept unlocked, unmonitored and accessible to anyone. Unlocked access doors are not uniform policy across the TDSB but it appears at present, that there is no clear policy directing school administrators one way or the other.

During a consultation with the Toronto School Administrators' Association (TSAA), concerns were expressed about the impact of locking doors:

¹⁷¹ *R. v. A.M.* (2006), 79 O.R. (3d) 481 (Ont. C.A.) at paras. 53-54.

Many schools have adopted the practice of locking access doors to the school building except for the main entrance, once the school day begins. In many elementary schools, it is the practice to lock even the main entry door and to have a bell or a camera monitoring the entrance. When someone has to enter the building they must ring the bell and someone then opens the door. This is an effective way to prevent intruders from entering the building but it also has its drawbacks. It is certainly not a very welcoming system for parents who wish to enter the school. Students who are late for school may have a problem getting in and that may create an unsafe situation for elementary age students. Access problems are created when teachers take their class outside for other activities. These are reasonable solutions to securing a school building but certainly do not create a sense that the school has a positive and welcoming environment. TSAA¹⁷².

There are some potential drawbacks to locked doors. However, overall, the Panel is of the view that the balance weighs strongly in favour of, at minimum, controlling access to the school by ensuring all doors, apart from the front entry door, are locked from the outside. All students would be expected to enter and leave through one door that can be monitored by school personnel to ensure that only students of that school are admitted to school property.

Recommendation 89: All Toronto District School Board school doors, apart from the front door, should be locked from the outside. Entry and exit from the school doors should be monitored by an adult, at all times, that the school is in use.

Identification and School Uniforms

One clear and certain method of controlling the flow of contraband into schools is to ensure that only students of a particular school are allowed on the premises. The use of visible school identification (“lanyards”) and school uniforms are both effective methods by which school personnel can quickly identify intruders.

There is very little methodologically sound research about the effect of school uniforms on student discipline, school climate or perceptions of safety. Some studies find that school uniforms had a positive impact on school safety¹⁷³ while others found school uniforms to have either no effect or a detrimental effect on school safety.¹⁷⁴ The Panel’s

¹⁷² Toronto School Administrators’ Association (August 2, 2007), “Submission to School Safety Panel” at p. 1.

¹⁷³ For example, see A. Bodine (2003), “School uniforms, academic achievement and uses of research” *Journal of Educational Research* 93(2) 67;

¹⁷⁴ For example, see D.L. Brunsma and K.A. Rockquomore (1998), “Statistics, sound bites, and school uniforms: A reply to Bodine,” *Journal of Educational Research* V. 93(2) 72.

literature review found that what research exists is often anecdotal, not peer-reviewed or contradicts the findings of previous research. One recurring difficulty is the inability to isolate completely school uniform policies, as the main cause of any positive or negative differences in school safety.¹⁷⁵

Nevertheless, regardless of whether uniforms are of assistance in student discipline, they are undoubtedly of assistance in identifying outsiders in the school. While outsiders could certainly either borrow a uniform or wear clothing sufficiently similar to permit their entry into the school, the uniform requirement would present a barrier to accessing the school and would deter outsiders from entering.

At present, each TDSB school must have an appropriate dress code that has been developed in consultation with the School Council.¹⁷⁶ The dress codes may include a uniform, but must comply with the *Ontario Human Rights Code*. The Board defines “inappropriate dress” as:

Inappropriate dress: does not meet the school community standards of decency and includes language and/or representations on attire that indicates gang affiliation, that depicts violence, profanity, racial or gender discrimination or discrimination of any kind whatsoever, or that otherwise demeans an identifiable individual or group.¹⁷⁷

The policy presumes that there will be no uniforms unless the School Council has approved their use in the school. The TDSB is alive to the concern that school uniforms could be prohibitively expensive. Its dress code specifically provides that “No school shall introduce a school uniform that creates a financial hardship for any parents. There must be a process to address issues of affordability.”¹⁷⁸

In order to encourage schools to adopt uniforms but to also include parents in the decision, the Panel recommends that the presumption shift to one in which there are uniforms unless School Councils vote otherwise. There are sufficient benefits associated with uniforms to justify such a policy shift and there is no evidence that they are harmful or will interfere with the functionality of the school.

Recommendation 90: The Toronto District School Board should amend “Policy P.042 SCH: Appropriate Dress” such that school uniforms are presumed unless School Councils opt out. School uniforms should comply with the Ontario Human Rights Code and should be affordable. The Toronto District School Board should have an easily accessible program for subsidizing the cost of school uniforms, where necessary.

¹⁷⁵ See L.S. Bollinger (2002), “The effects of a mandatory school uniform policy on school climate and student discipline in an urban middle school,” (Doctoral Dissertation, University of Houston) *Dissertation Abstracts International* 63(6), p. 2052.

¹⁷⁶ *Education Act*, R.S.O. 1990, c. E.2. s. 302(8); Toronto District School Board, “Policy P.042 SCH: Appropriate Dress.”

¹⁷⁷ Toronto District School Board, “Policy P.042 SCH: Appropriate Dress.”

¹⁷⁸ Toronto District School Board, “Policy P.042 SCH: Appropriate Dress.”

Lanyards can be created at the beginning of each year and would include a student's photo to assist in identification. Lanyards are simple and cost-effective. While outsiders could certainly use another student's lanyard to gain access to a school, school authorities would be able to check their identity against the photo. As a result, lanyards have the potential to be even more effective than uniforms.

Recommendation 91: All Toronto District School Board secondary schools should implement a student identification card ("lanyards") system. Students should be required to wear identification cards around their necks for the purposes of quickly identifying students and intruders.

Cameras

Cameras offer another, fairly unobtrusive method by which to detect and deter unsafe situations in schools. Many TDSB schools already have this technology and TDSB policy permits video surveillance to be used to provide general surveillance without limiting general public activities. The goal of video surveillance is to reduce criminal and other illegal activities and to act as a deterrent to such activities.¹⁷⁹

Prior to the installation of the system, students, School Councils, parents and the broader school community are to be consulted. Cameras are to be installed in public areas only, though they may be installed in classrooms with large inventories of equipment, as well as labs, shops, offices, receiving and reception areas. Signs are to be posted in visible locations to notify the public of the presence of the cameras.¹⁸⁰

The usefulness of video surveillance should not be overstated. TDSB schools do not have the capacity to assign personnel to monitor camera images at all times. The TSAA has noted that the greatest use to which video surveillance in schools can be put, is in detecting offenders when offences are captured on video:

By viewing an incident that has occurred, it is sometimes possible to identify those involved and then a resolution can be implemented and future problems averted. Sometimes an opportune monitoring system can reveal a problem that is starting and again intervention can take place before the problem escalates. A camera system can also be useful in identifying intruders.¹⁸¹

Cameras are very useful in the aftermath of an incident but they should not create a false sense of security. Other methods will be necessary in order to detect and prevent incidents from occurring.

¹⁷⁹ Toronto District School Board, "PR.694 SCH, Video Surveillance" (November 5, 2005).

¹⁸⁰ Toronto District School Board, "PR.694 SCH, Video Surveillance" (November 5, 2005).

¹⁸¹ Toronto School Administrators' Association (August 2, 2007), "Submission to School Safety Panel" at p. 4.

Conclusion

Schools have an obligation to exercise due diligence to prevent weapons from being brought into the school. Detection and deterrence strategies should only be implemented if they do not have an adverse impact on the use and enjoyment of the school. While some measures, such as metal detectors, have an appeal, they do not meet this test. Nonetheless, there are immediate steps that schools can take to detect and deter unsafe activities which will not have undue impact on the schools. Cameras, visible student identification, uniforms, controlled access and random canine detection strategies, when coupled with other long-term measures, can assist to decrease the number of weapons in schools. In the end, a multi-faceted approach to building security must be employed which includes an understanding of the necessity for adults to reclaim ownership of schools and all of the long-term and equity strategies detailed elsewhere in this report.

The TDSB should not take a “one-size fits all” approach to building security. TDSB schools come in variety of building designs, student populations, locations and cultures. What works in one school may be unnecessary or even ineffective in another.

In order to make informed judgments about the kinds of security interventions that are needed at particular schools, the TDSB must have the ability to monitor changing patterns and trends. The Toronto Police Service can be an invaluable partner in this process. The Toronto Police Service currently stores data on police involvement at schools. Although information from a particular school can be extracted from the police database, it would be easier to track trends if police data were stored by school name. During a consultation with the Toronto Police Service, Staff Sergeant Federico agreed that this was something that could be done. This type of individualized information, when considered along with the information the TDSB already collects, is necessary in order to ensure that interventions to detect, deter and deny are directed where they are needed.

Recommendation 92: The Toronto Police Service should ensure that its data recording system can categorize incidents by school name to allow for ease of extraction and analysis of trends at individual schools.

Schools did not create the poverty, racism and the marginalization or violence, which are so prevalent in our society. Schools do have an opportunity to shelter the youth, ameliorate the effects of poverty and soften the impacts of racism. Resources must be aimed in a coordinated way to detect, deter and deny the entry of unsafe weapons and intruders into the school environment. Such initiatives must be part of a larger strategy for creating safe spaces and neighbourhoods for youth that will result in their choosing not to carry weapons.

3.06.09: Support Services for Student Success

After the release of the Provincial Supervisor's budget in 2002, many of the support staff necessary to address the needs of marginalized students were either substantially reduced or entirely removed. Ken Jeffers, President of the Professional Student Services Personnel (District 12), described the cuts that occurred as a result of the Provincial Supervisor's budget as follows:

In 2002-2003, we were under Provincial Supervision and everything that wasn't being absolutely necessary or important was being turfed out the door. So within my unit we lost valuable members almost 30 attendance counsellors, our street workers, our youth counsellors...all of the student equity program advisors were also up on slate to be cut but the Supervisor as moved out of the Board just prior to officially going to the Board with the student equity cuts.

As detailed in chapter 2 of the Final Report, the following support staff positions were lost as a result of the 2002 budget:

1. The TDSB eliminated 13 CYCs;
2. Attendance counsellors were reduced from 32 to 8;
3. Multilingual team leaders were reduced from 9 to 4;
4. All school community advisors were eliminated.

The support staff cuts detailed above had a significantly negative impact on marginalized students who were in need of the services of social workers, child and youth counsellors, and attendance counsellors. Despite the increase in funding that had occurred subsequent to the Supervisor's cuts, the TDSB has not completely restored the support staff lost in 2002.

The 2002-2003 school year was particularly difficult on marginalized students. Not only was there an elimination of valuable support staff, but it was also the first year in which the SSA amendments applied to schools across Ontario. Students who clearly had behavioural problems, that prior to the 2002-2003 school year, may have been addressed by a CYC or attendance counsellor were now left without supports. Instead of support, these students were met with mandatory suspensions. The tools required to address the needs of students were eliminated and replaced by a blunt object aimed solely at punishment and deterrence. As Mr. Jeffers explained to the panel, the 2002-2003 school year will be remembered as the year where the culture at the Board shifted away from a preventative safe schools model to a reactionary safe schools model focused on crime and punishment.

As a result of the drastic cuts to support staff, many of the remaining support staff were often asked to fill in the gap left by the eliminated positions. For example, in the fall of 2006, a grievance was launched by CYWs claiming that they were being asked to

perform the duties of CYCs¹⁸². As a result of the grievance, the TDSB agreed to restructure the CYW positions to become CYC positions. This, however, is not a recovery of the lost positions.

The gap caused by the elimination of 24 attendance counsellor positions had the effect of burdening social workers with the responsibilities of the eliminated attendance counsellor positions. With the increase in responsibilities, social workers were unable to fulfil adequately their traditional preventative functions. This additional responsibility was not offset by a corresponding increase in staff hired:

Since 2002, Social Workers have been overseeing an attendance function for all elementary and middle school students in the TDSB (those under the age of 14). This is a job which was previously managed by a team of 32 attendance counsellors dedicated to the attendance function exclusively. This additional responsibility was downloaded to Social Work staff with no additional workers hired to offset the workload. This has resulted in a significant decrease in the amount of time available for individual/group and family counselling, with the number of schools to be serviced, including the attendance function, steadily increasing and the areas of distance between schools becoming larger.

The impact of this additional attendance function on Social Workers resulted in the preventative function of SW services being seriously curtailed and compromised. This has resulted in a greater reliance of external agency programs to enhance the changing roles of Social Workers. However, the skills and expertise to provide services targeted specifically to the TDSB population and within the context and knowledge of TDSB operational procedures, is best delivered via the Social Work staff. Now because of the way in which the current workload is distributed there is much less time to focus on preventative interventions and often the demand to provide immediate crisis and intervention services is spread too thinly over too many schools.¹⁸³

The importance of these extra support staff cannot be undervalued. In a recent survey of staff at the TDSB, many placed a high value on the services provided by support staff (e.g. child and youth workers, social workers and attendance counsellors).

Overwhelmingly, the TDSB staff who were polled indicated that they place high or very high value on the services provided (91.8% endorsed, across services). They also reported that they find the strategies and recommendations from the professionals of Support Services to be highly or very highly useful (93.2% endorsed, across services). Professional

¹⁸² CWCs and CYWs receive different training and require different post secondary certificates.

¹⁸³ PSSP Submission "Implementing Support Services for Learning to 18 at the TDSB", June 20, 2007 at pg. 3

reports were also well rated, with 93.2% of respondents indicating that they highly or very highly valued them.¹⁸⁴

The same survey detailed the function of social workers and attendance counsellors that were most valued by TDSB staff:

The Social Work & Attendance services most valued and ranked high or very high (by 70% or more respondents) are:

1. Service
2. Counselling Individual/Family
3. Crisis Response
4. Consultation with School Staff
5. School Support Team Participation
6. Liaison/Referral to Community Resources
7. Communication/Mediation (with parents, staff, admin)
8. Information Provision (e.g., re Mental Health)
9. Risk Assessment and Management Reviews
10. Advising re Abuse Policy/Procedures
11. Counselling – Group¹⁸⁵

The Community Health System Resource Group and the Hospital for Sick Children, in the “Early School Leavers” report, noted that a constant theme amongst educators was the need to hire more teachers, counselling staff, drug counsellors, social workers and special education individuals to re-engage students “at risk” of leaving school:

Staff is required so that schools can help high risk kids re-engage whether immediately or in the future. For example, five attendance counsellors in one community for 116 schools is insufficient and ineffective, when one-on-one, personalized service is needed. The system requires a dedicated person in each school to deal strictly with high risk students. This person would identify kids, intervene, and act as mentors and advocates. In a school with 1300 students, a specialized staff person would have a case load of 130 students.¹⁸⁶

Recognizing the benefit of support services for students, the Ministry of Education provided extra funding to school boards for safe school initiatives. Boards were allocated \$33.5 million that were divided into two main initiatives: (1) \$10.5 million annually to fund 170 psychologists, social workers, child and youth workers, and attendance counsellors; and (2) \$23 million annually for programs and supports to address inappropriate behaviour and programs for all expelled students and students serving long-

¹⁸⁴ Support Services’ Service Evaluation Results Executive Summary May 2007 at pg. 2

¹⁸⁵ Support Services’ Service Evaluation Results Executive Summary May 2007 at pg. 5

¹⁸⁶ Community Health Systems Resource Group and The Hospital for Sick Children, “Early School Leavers: Understanding the Lived Reality of Student Disengagement from Secondary School”, May 30, 2005 at pg. 49

term suspensions. The Panel is of the view that this additional funding should be allocated to employ additional support staff as directed in the Panel's recommendations below.

There can be little doubt that support services are essential for all students and in particular, for marginalized students. One teacher at Westview described the need for these support services as follows:

We need a full-time psychologist here, we need full-time social workers here again, blatant reality, its obvious to me, and nothing happens.

Schools with a significant population of marginalized students or students "at risk" of leaving school need full-time dedicated support staff.

The Panel was advised that, prior to the current academic school year, C.W. Jefferys had two part-time social workers, both of whom were responsible for anywhere from 5-7 schools (approximately 3,500 students). Lori Hoffman, a social worker at C.W. Jefferys advised the Panel that given her current work load she was only able to dedicate one full day to C.W. Jefferys. Eggerton Blackwood, also a social worker at the TDSB, was only able to attend C.W. Jefferys once a week for half a day. This level of support for a school that has a significant population of marginalized students and students "at risk" of leaving school is insufficient. Both acknowledged to the Panel that spending more time at the school would be beneficial:

If you're saying do I think that we should have less schools – we need to spend more time our schools. Obviously, I think that would obviously be a better thing because we need to have as much services, you know, bodies available. We would be obviously be able to handle 3 – 4 schools. Lets say if I have 3-4 schools - my schools would get a million times more service from me. Obviously. You have 7 schools - work 5 days in a week right? You do the math - that's hard. We also have limited resources like social workers, we don't have counsellors, we definitely need to have more of them. Unfortunately with all the cuts that are given and the schools that are removed and closures - its problematic.

The PSSP also recognized the impact of too few social workers responsible for too many schools:

Full-time Social Workers in the TDSB have a minimum assignment of six schools—many carry several additional schools. Caseloads vary on average from 40 to 60 students/families, many have considerably more. Social Workers run groups, do individual and family counselling, provide community referrals, liaison and advocacy. They spend considerable hours in consultation with teachers, parents, administration, and special education personnel. Abuse allegations and investigations are overseen by Social work staff. For any school based crisis Social Workers are expected

to provide guidance and crisis counselling and follow up to staff, community and students/parents. Frequently the nature of a crisis requires a team of 4-7 social workers to be on site for several days to provide enough support for the school and community. (For example 4 SW attending a crisis for 4 days means at least 23 schools will not receive an onsite visit that week, however the SW will still be following up and managing on-going case priorities while attending the crisis call).

As a result of the above, the Panel finds that schools with a significant population of marginalized students or students “at risk” of leaving school require additional supports. Schools that require the extra support should receive dedicated support services.

Recommendation 93: Schools with high suspension/expulsion rates, high drop-out rates, high absenteeism rates and a high number of grade nine students who have achieved less than 7 credits, should be staffed with a full time social worker, a full time child and youth worker (“CYW”) and a full time child and youth counsellor (“CYC”).

Recommendation 94: The TDSB should hire 20 new full-time social workers.

Recommendation 95: 20 new full-time social workers be dedicated to high priority schools determined by the Board based on criteria that include high drop-out rates, high absenteeism, suspension/expulsion data, LOI ranking and number of Safety Incident Reports.

Recommendation 96: 20 new full-time social workers dedicated to high priority schools should not be assigned to more than 2 schools each.

Recommendation 97: The TDSB should hire 20 additional child and youth counsellors.

Recommendation 98: The 20 youth counsellors be dedicated to high priority schools determined by the Board based on criteria that include high drop-out rates, high absenteeism, suspension/expulsion data, LOI ranking, and number of Safety Incident Reports.

Recommendation 99: The 20 additional youth counsellors dedicated to high priority schools should not be assigned to more than 2 schools each.

As detailed earlier in this chapter, attendance counsellors are vital for recognizing “complex needs” students and attempting to address the needs of these students before they are lost. The loss of 24 attendance counsellors also had a profound effect on social workers. As a result of Bill 52’s new mandatory learning to 18 requirements, the demand for attendance counsellors will increase significantly. The current staffing of the position

will not be sufficient to meet the increased demands caused by Bill 52. Currently, attendance counsellors average from 90 to 150 student referrals annually. A great deal of the referrals are the most high risk and needy students in the system¹⁸⁷. The PSSP has estimated the number of referrals could double as a result of the Bill 52. The Board has directed that students age 16 to 18 be referred to attendance counsellors and social workers:

In December 2006, Bill 52, an amendment to the *Education Act* raising the ceiling of compulsory school age from 16 to 18 years, was proclaimed. The intent of this amendment the government contends, is to address the high student drop-out rate. This is expected to have a significant impact on systems accountability for this age group. In response to this amendment, the Board has directed that these students be referred to Attendance Counsellors and Social Workers. At the present time there is neither government policy to guide an intervention strategy for these students nor any clarity on how the unique needs of this student group are going to be resourced from the perspective of school services.

Attendance caseloads cannot be effectively managed with current staffing levels – as it creates unrealistic expectations from the schools and most importantly parents and students that cannot be delivered. Yet the Ministry persists in stipulating that students must be given every opportunity and intervention needed to stay in school until age 18. In fact several un-proclaimed areas of the Bill lay out detailed punitive measures that a Board may take against the student or Parents of a student for truancy. However, very little in the way of support has been offered on the proactive and preventative side of the equation other than external and dual credit options – seemingly leaving the solutions for social, emotional support up to individual Boards.¹⁸⁸

Without an increase in attendance counsellors, the social workers will bear the brunt of the increased referrals thereby further diminishing their availability to effectively perform their traditional functions.

The role of an attendance counsellors and social workers in preventing marginalized students from leaving school is of vital importance. To that end, the Panel is of the view that both positions must be adequately staffed.

As detailed above, the Panel has recommended that the TDSB hire 20 additional social workers. This was not recommended in a hope that the additional social workers would address the increase in student referrals caused by Bill 52. Social workers should not be used as a substitute for attendance counsellors. To do so would hamper the ability of social workers to engage properly in their preventative function. As such, the TDSB must hire additional attendance counsellors too.

¹⁸⁷ *Ibid.*, at pg. 4

¹⁸⁸ *Ibid.*, at pg. 4

Recommendation 100: The TDSB hire 24 additional attendance counsellors to meet the needs created by the mandatory learning to 18 provisions of Bill 52.

3.07 Aboriginal Education in the Toronto District School Board

The Panel has taken a holistic approach to issues of school safety and takes the view that a healthy school is a safe school. There are a number of red flags that can indicate when a school is in poor health. Among them are high suspension numbers and poor academic performance. It was with this approach in mind, that the Panel noted two disturbing realities at the First Nations School of Toronto. First, that the school occupies the lowest rung in academic standing amongst the 451 elementary schools in the TDSB. Second, that over the last three years, the First Nations School of Toronto has suspended an average of 33.44 percent of its students.

In view of these two realities, it became important from the Panel's perspective to examine how the Toronto District School Board is responding to the needs of Aboriginal students.¹⁸⁹ The Panel conducted consultations with teachers, parents, administrative staff and the Principal of the First Nations School of Toronto, as well as the TDSB Equity Team and external Aboriginal service providers. Part of the Panel's mandate has included an examination of the efficacy of TDSB equity policies. The realities at the First Nations School of Toronto send a strong signal that the current TDSB policies are failing Aboriginal students.

3.07.01: The "Achievement" Gap

Ontario's Aboriginal population is the largest and most diverse in Canada, with distinct needs and rights. Centuries of dispossession of lands, broken treaty promises, racism and assimilationist policies have resulted in understandable distrust of the Crown by Aboriginal peoples. In the realm of education, Aboriginal peoples were, until the very recent past, forced into residential schools that sought to erase their identities, their culture and their very existence. The impact of the residential schools has been felt by subsequent generations and whole communities continue to experience that legacy. This deplorable history is the backdrop against which Aboriginal students interact with the education system in Ontario.

According to conventional educational indicators, Aboriginal students experience profound disadvantages relative to the general population. It is widely acknowledged that many Aboriginal students are achieving at a much lower rate than other students in the

¹⁸⁹ Perhaps the most obvious connection to safety issues is to be found in the comment by the Principal of the First Nations School of Toronto, Wayne Kodje, that the vast majority of suspensions related to violent incidents.

province. In fact, this is a nation-wide problem.¹⁹⁰ According to a 2001 census, 48 percent of the Aboriginal population aged 15 years and older in Canada had not completed high school, compared with 31 percent of the non-Aboriginal population.¹⁹¹ In the TDSB, according to pre-amalgamation statistics, Aboriginal students were the highest risk group to drop out of school.¹⁹² Although the TDSB has not kept “race-based” statistics with respect to suspensions and expulsions, there is a widespread perception by Aboriginal students, parents and legal workers that Aboriginal students are suspended and expelled at proportionally higher rates.¹⁹³ It is clear that there is an urgent need to address educational outcomes amongst Aboriginal students.

There are many recognized barriers to Aboriginal student success in Ontario. Aboriginal communities in Ontario are amongst the most marginalized communities, with high rates of poverty and a significant over-representation in the criminal justice system. As discussed elsewhere in this report, these forms of marginalization can seriously impact on educational performance. In order to succeed, students must be ready to learn, in the sense that their physical, emotional and spiritual needs have been met. Urban Aboriginal children and youth, who experience higher rates of poverty, violence and racism, face significant obstacles to learning.

Apart from these issues of marginalization, which affect other communities in Toronto, there are barriers in the education system that are unique to Aboriginal students. There is a lack of awareness amongst teachers of the particular learning styles of Aboriginal students and a lack of understanding within schools and schools boards of Aboriginal cultures, histories and perspectives.¹⁹⁴ As a result, there is a need for effective counselling and outreach and a school environment that encourages Aboriginal student and parent engagement.

Aboriginal communities have long raised concerns about the treatment of Aboriginal children and youth in the public education system. In 1994, the Ontario Royal Commission on Learning reported that such concerns were brought to their attention through the consultation process:

Aboriginal parents and educators also feel that their students will be more successful if teaching and evaluation methods used in schools are more sensitive to their cultures and learning styles. **They are concerned that Aboriginal students are being suspended and expelled out of all proportion to their numbers.** They feel that teachers and other students do not understand the problems and expectations of Native students. They

¹⁹⁰ Ontario (2005), *Ontario's New Approach to Aboriginal Affairs*.

¹⁹¹ J.A. Brzozowski, A. Taylor-Butts and S. Johnson (2006), “Victimization and Offending Among the Aboriginal Population in Canada” *Juristat* Vol. 6(3) at p. 2.

¹⁹² Toronto District School Board (October 2005), “Closing the Achievement Gap: improving results for students who are not achieving success in school.”

¹⁹³ K. Bhattacharjee (2003), *The Ontario Safe Schools Act: School Discipline and Discrimination* (Toronto: Ontario Human Rights Commission).

¹⁹⁴ Ontario (2007), *Ontario First Nation, Métis, and Inuit Education Policy Framework* (Aboriginal Education Office, Ministry of Education), p. 6.

also worry about outright racism that sometimes reveals itself in a school's lack of willingness to work with Aboriginal students and help them gain dignity and a more positive sense of themselves [emphasis added].¹⁹⁵

In recognition of these issues, the Ontario government has publicly committed itself to building a new relationship with Aboriginal peoples, based on principles of government-to-government negotiation and respect. *Ontario's New Approach to Aboriginal Affairs* commits the government to ensuring that Aboriginal peoples have greater involvement in matters that directly affect their communities, including the delivery of programs and services.

With respect to education, the province has agreed to work with Aboriginal leaders and organizations to improve education outcomes for Aboriginal students. There have also been announcements of funding and programming initiatives designed to improve the curriculum to more accurately reflect Aboriginal issues and history, as well as a commitment to programs designed to increase the success of Aboriginal students.¹⁹⁶ For example, curriculum policy documents have been developed for teaching Native Studies in grades 9 through 12, and Native Languages in grades one to twelve. Support documents have been developed for teaching the language patterns of six Aboriginal languages.¹⁹⁷ Native languages are offered as an alternative to French-as-a-Second-Language.¹⁹⁸ Curricula are being revised to include Aboriginal perspectives "where relevant".¹⁹⁹

3.07.02: Aboriginal Education at the TDSB

The Toronto District School Board serves the largest urban Aboriginal population in Canada. As positive as recent government announcements are, in the TDSB at least, there is an unfortunate disparity between government announcements and the situation on the ground. While there is considerable talent and potential amongst Aboriginal students in the Toronto District School Board, many Aboriginal students continue to struggle due to a lack of resources to meet their unique needs. During a consultation with the TDSB Equity Team, it was revealed that the achievement gap for Aboriginal students has increased, rather than decreased, over the past five years.²⁰⁰

Amongst Grade 7 to 12 TDSB students, 0.3 percent self-identify as Aboriginal.²⁰¹ The TDSB Equity team believes that this number is likely an under-representation of the

¹⁹⁵ Royal Commission on Learning (2004), *For the Love of Learning* (Queen's Printer).

¹⁹⁶ Ontario (2005), *Ontario's New Approach to Aboriginal Affairs*.

¹⁹⁷ Ontario (2005), *Ontario's New Approach to Aboriginal Affairs*.

¹⁹⁸ Ontario (2007), *Ontario First Nation, Métis, and Inuit Education Policy Framework* (Aboriginal Education Office, Ministry of Education), p. 27.

¹⁹⁹ Ontario (2005), *Ontario's New Approach to Aboriginal Affairs*.

²⁰⁰ Although the TDSB refers to an "Equity Department", this department find no place on the TDSB organizational charts. The Panel met with an "Equity Team", made up of TDSB staff from different departments who work together to further principles of equity in education.

²⁰¹ Toronto District School Board (2007), 2006 Student Census, Grades 7-12: Research Report", p. 10.

actual number of Aboriginal students in the Board, as children and youth may not know about their background or may be reluctant to self-identify.

The assertion that the numbers are not reflective of the population is supported by the fact that more students reported victimization based on their Aboriginal background than identified as Aboriginal when asked to self-identify. For example, one percent of grade nine to twelve students reported that they felt that they had been treated differently because of their Aboriginal background.²⁰² Two percent of students in grades seven through twelve reported that they felt they have been threatened, bullied or harmed by someone at school because of their Aboriginal background.²⁰³ These reports of student victimization suggest that Aboriginal students are at a disproportionate risk of victimization at school. Such reports are consistent with research more broadly, which indicates that Aboriginal people are three times more likely to be the victims of violence than non-Aboriginal people. Young Aboriginal people between the ages of 15 and 34 are more likely to be victims of violence than their older counterparts.²⁰⁴

One factor that may contribute to victimization of Aboriginal students is a lack of awareness amongst non-Aboriginal students about Aboriginal histories and cultures. Although the Ministry has developed a curriculum for Native Studies at the secondary level, these are elective courses and very few TDSB secondary schools offer the courses.²⁰⁵ This is unfortunate for both Aboriginal and non-Aboriginal students. As the Royal Commission on Learning noted in 1994, “All students and teachers must be more knowledgeable about and sensitive to Aboriginal culture and history. Not only will this help all schools become more hospitable places for Aboriginal students, but it will ensure also that Ontario society as a whole has a better understanding of Aboriginal peoples.”²⁰⁶

Despite moves to include more instruction concerning Aboriginal peoples in curricula, only 49 percent of grade seven and eight TDSB students report having learned about Aboriginal people at school and the situation is worse for those in grades nine to twelve, where only 21 percent of students had learned about Aboriginal people. All students should be learning about Aboriginal peoples at school. It is hoped that these statistics will improve as the implementation of the new curriculum continues across the province.

Preservation of languages is essential to preserving culture and identity. The TDSB has recognized the importance of Native Language through a Native Languages program that offers Ojibwa language instruction in addition to or as an alternative to French. Students who wish to participate in the Native Language program can access free transportation to the closest school that offers the program. However, this policy is very poorly communicated to students and parents.²⁰⁷ There is no written policy to this effect, and its

²⁰² Toronto District School Board (2007), 2006 Student Census, Grades 7-12: Research Report”, p. 82.

²⁰³ Toronto District School Board (2007), 2006 Student Census, Grades 7-12: Research Report”, p. 83.

²⁰⁴ J.A. Brzozowski, A. Taylor-Butts and S. Johnson (2006), “Victimization and Offending Among the Aboriginal Population in Canada” *Juristat* Vol. 6(3) at p. 1.

²⁰⁵ Consultation with TDSB Equity Team, November 30, 2007.

²⁰⁶ Royal Commission on Learning (2004), *For the Love of Learning* (Queen’s Printer).

²⁰⁷ Consultation with TDSB Equity Team, November 30, 2007.

implementation relies upon informal and uneven arrangements. According to the Equity Team, the TDSB has had considerable difficulty attracting a strong cadre of teachers for the Native Language program and does not provide these teachers with adequate classroom resources or staff development. This has resulted in low enrolment in the program, which then justifies again a reduction of resources, resulting in a cycle to the bottom.²⁰⁸

The Panel is concerned that the Native Language program, which is so essential to preserving Aboriginal cultures and engaging Aboriginal students, is at risk. The program cannot be revitalized unless more parents and students are aware that it is available.

Recommendation 101: The Toronto District School Board should ensure that all students and parents are informed that the Board offers Native Language instruction as an alternative to French, and that all students who wish to enroll in Native Language education have the right to transportation to the closest school that offers that course of instruction.

In addition to these curriculum developments, there are several specialized programs in the TDSB for Aboriginal students. At the elementary level, the First Nations School of Toronto (hereinafter “First Nations School”) has been operating for nearly 30 years. In 1977, the school was called Wandering Spirit Survival School and was designated as an alternative school. In 1983, the school was recognized by the Toronto Board of Education as a “Cultural Survival School” rather than an alternative school. In 1989, the school was renamed First Nations School of Toronto. Today the school is a complete elementary school, offering education from Junior Kindergarten to Grade 8. Students are taught Ojibwa instead of French and receive an education on the cultures and traditions of the Woodland peoples. The school shares space with the Dundas Street School.

The Native Learning Centre is a secondary school program that is affiliated with Jarvis Collegiate. It represents a partnership between the Toronto District School Board and Native Child and Family Services of Toronto. The TDSB provides teachers and Native Child and Family Services provides the facility for the school, a full-time Program Coordinator and services such as cultural outreach, counselling, addictions counselling, employment counselling and housing assistance. The program is normally at capacity with a waiting list.

There are four to five other TDSB schools with a large Aboriginal student population and which offer Aboriginal programming. For example, at Eastview Junior Public School (hereinafter “Eastview”), one quarter of the student population is Aboriginal. Eastview offers the Native Language program, a Native pre-school program and a Native parenting centre.

²⁰⁸ Consultation with TDSB Equity Team, November 30, 2007.

3.07.03: First Nations School of Toronto

Nowhere is the lack of appropriate resources for Aboriginal education more apparent than at the First Nations School of Toronto, where suspensions are at an extraordinary level for an elementary school, and where a majority of students show signs that they are seriously struggling academically.

That is not to say that there are not also positive initiatives that have been undertaken at the First Nations School. The school provides a unique program of cultural teachings and traditions, which are so essential for young Aboriginal people. As Catherine Pawis, TDSB Central Principal of Aboriginal Education noted, “knowing who they are is so critical to our students.”

The school has instituted an “Honour Feather Society”. At the end of each term, the school assembles to hear the announcement of the names of students who have been granted a feather. The feathers are small, metal pins that can be attached to a coat or hat. Students who earn three feathers are entitled to have their name engraved upon a small metal plate that is attached to a “clan staff of honour”. An Honour Feather is attached to the staff, so that students can see that they have honoured their clan. Students earn feathers through good performance in the areas of academics, attendance, behaviour, promotion of traditional values, or the promotion of traditional language and culture. Students with feathers on their hats are allowed to wear their hats in school.

Despite these positive programs, consultations with the school’s administration, teachers and parents revealed that many of the students at the First Nations School have very high and complex needs that are not being addressed. Some of the students at the First Nations School come from very challenging backgrounds and require a great deal of culturally-appropriate social, behavioural, academic and emotional support.²⁰⁹ In recognition of these needs, the TDSB has provided a full-time Special Education teacher and a well-resourced language lab. According to Ministry funding formulas, the school is richly resourced. Nonetheless, those consulted about the school were unanimous that current resources are insufficient and that there are significant limitations, both in terms of physical space and human resources. As a result, the First Nations School displays many of the markers of a school that is in poor health.

Students at the school rank last in the Board on Education Quality and Accountability Office (“EQAO”) testing results.²¹⁰ In the 2006-2007 EQAO standardized testing, none of the grade three students were at or above provincial standards in reading, writing or arithmetic. While 50 percent of the grade six students were at or above provincial

²⁰⁹ M. Siegrist (2007), “Literacy and Numeracy Secretariat Diagnostic Summary Report Draft: First Nations Public School.”

²¹⁰ Education Quality and Accountability Office (EQAO) assessments of reading, writing, and mathematics are administered to all students in Grades 3 and 6. The assessments measure how well students have met the provincial expectations in the Ontario Curriculum, Grades 1-8. Each assessment covers the knowledge and skills that students are expected to have acquired by the end of the grade being assessed.

standard last year with respect to reading, only 25 percent met provincial standards in mathematics and none of the students met provincial standards in writing.

The Panel was told to be cautious with these test scores, as the small number of students has the effect of skewing the results. With a small number of students, one or two students who are doing very poorly can pull down the average school score. The student population is highly transient, with students entering and leaving the program throughout the year, lowering overall academic performance. On the other hand, the Principal told the Panel that these results are typical of performance in other grades at the school. According to testing done in October/November 2007, the entire grade one class is performing at the lowest level with respect to literacy. Half of the grade two and three classes, two thirds of the grade five and six classes and half of the grade seven and eight classes are demonstrating serious academic difficulty.

As a result of the low EQAO scores, an Ontario Focused Initiatives Partnership (OFIP) team has been working with the school for two years to provide specific strategies and intensive professional development. Nonetheless, the students continue to struggle.

Messenger Hawk, the Chair of the School Council, commented that the low academic performance is not surprising, given the oppressive history of educational policy and Aboriginal peoples. The First Nations School is a unique program, and as a result, comparing it to other schools is not always appropriate, or may overlook realities that Aboriginal students face: "In a positive way, there is no other First Nations school. So we are doing number one." Messenger Hawk noted that many of the parents of the school's children are injured by traumatic pasts and are not educated themselves. As a result, they cannot provide their children with academic assistance in the home. Strategies for improving the academic performance of Aboriginal children will likely require the inclusion of services for families.

The Panel heard that the teachers at the First Nations School are committed and caring teachers. The caring professionalism and commitment of the teachers from the school was obvious to the Panel during its consultations at the school. On the other hand, only two of the six teachers at the school are Aboriginal. While the Panel believes that non-Aboriginal teachers who are sensitive to Aboriginal traditions and issues can provide Aboriginal students with a quality education, Aboriginal students can benefit significantly from having Aboriginal role models in the classroom. Unfortunately, as a system, the TDSB is not attracting experienced Aboriginal educators. There is a limited pool from which to choose. For this reason, the Panel proposes that the Ontario College of Teachers take steps to ensure that all teacher candidates are prepared to work with Aboriginal students. In fact, there are many college and university programs that lead to careers in educational settings, such as Child and Youth Workers, Educational Assistants and administrative staff. All of these school board personnel should be better prepared to work with Aboriginal students.

Recommendation 102: The Ontario College of Teachers should require faculties of education to enhance the knowledge and skills of teacher candidates and teachers in the field to better prepare them to work with Aboriginal students.

According to the school's principal, Wayne Kodje, one of the school's greatest needs at present is a full-time, qualified counsellor with Aboriginal ancestry. However, the school does not have funding for such a position. When short-term funding was provided for a Child and Youth Worker last year, no qualified Aboriginal candidates applied for the position.

It has long been recognized that counsellors with the skills to properly serve Aboriginal students are a necessity in the education system. The "Native Counsellor Training Program" was initially established in 1976. The program was established to address the need for Aboriginal Education Counsellors who would provide counselling services to First Nation, Métis and Inuit students attending elementary and secondary schools both within and outside First Nation communities. The Ministry of Education withdrew its support for the program in 1995 and provincial funding was not renewed until 2006.²¹¹ Although the Ministry of Education has encouraged the Ontario College of Teachers to implement a qualification program for Aboriginal Education Counsellors, there is no such program yet in place.

Active recruitment and outreach with appropriate incentives are needed. For example, some northern Ontario communities and Band Councils have underwritten the post secondary educational cost of potential candidates in exchange for a 5-year commitment by the candidate to work with a designated group of Aboriginal students upon graduation.

Recommendation 103: The Ontario College of Teachers should develop a Native Counsellors Qualification Program.

Recommendation 104: The Toronto District School Board should work with the Ontario College of Teachers towards providing full-time Native Counsellors in all elementary and secondary schools that have a five percent or greater Aboriginal student population, within two years.²¹²

To truly serve the Aboriginal elementary students in the Toronto District School Board, the First Nations School must be a centre of academic excellence with a strong cultural and traditional curriculum. It cannot be that centre of excellence without an infusion of

²¹¹ Ontario (2007), *Ontario First Nation, Métis, and Inuit Education Policy Framework* (Aboriginal Education Office, Ministry of Education), p. 28.

²¹² The Native Learning Centre at Jarvis Collegiate Institute has 30 to 40 students at a time. If it is treated as a part of the Jarvis Collegiate Institute, which has a population of over 1000 students, it would not qualify for a Native Counsellor. However, the Panel recognizes that the Native Learning Centre provides a separate program, and thus should be treated as a "school" for the purposes of this recommendation. Similar programs should be treated in the same manner.

support services for its complex needs students. The Panel has concluded that the First Nations School would benefit from having full-time assistance from a culturally appropriate counsellor. The Panel concludes that given the limited internal pool, the TDSB should recruit externally for a culturally appropriate Family and Youth Counsellor in order to ensure that someone is found to fill the position as soon as possible. The Panel has concluded that the First Nations School would also benefit from the addition of a Vice-Principal dedicated to addressing the academic needs of the school.²¹³

Recommendation 105: The Board should immediately recruit, from external sources, a full-time Family and Youth Counsellor, with expertise in serving the Aboriginal community, to co-ordinate and provide culturally sensitive, healing, counseling and support to the students and families of the First Nations School of Toronto. Preference should be given to Aboriginal candidates.

Recommendation 106: The Toronto District School Board should fund a Vice-Principal position to be assigned to the First Nations School of Toronto. The new Vice-Principal position should have responsibility for curriculum and student academic success, and should have knowledge of, and sensitivity to Aboriginal issues, with a preference given to Aboriginal candidates.

3.07.04: Disciplinary Measures and Aboriginal Justice at the First Nations School

One of the greatest challenges the First Nations School faces is the need to immediately address disciplinary issues in the school. In 2004-2005, 45 of 85 students were suspended at least once (52.95 percent). The Safe Schools Department met with the First Nations School to address these results. In response the Principal instituted a school discipline policy that recognizes the need for progressive discipline. Suspensions were reduced to 22.97 percent in 2005-2006, and then increased in the 2006-2007 school year to 27.4 percent.²¹⁴ Despite the improvements, these statistics are a clear indicator of the school's ill health, and a red flag that the TDSB is failing its Aboriginal students.

The Principal told the Panel that although he does not believe that suspensions are helping, he feels that his hands are tied:

²¹³ Unfortunately, the Panel did not conduct consultations at some of the other schools that have a high number of Aboriginal students. For example, the number of Aboriginal students at Eastview is roughly the same size as the entire population at the First Nations School. On top of the approximately 80 Aboriginal students at Eastview, there are almost 250 non-Aboriginal students. The school is allocated one Principal, and no Vice-Principal. The Panel was told that the Toronto District School Board has temporarily re-assigned a part-time Vice Principal from another school to Eastview. Not having consulted at the school, the Panel cannot evaluate whether a Vice Principal should be permanently assigned to the school. In view of the systemic realities facing Aboriginal students, the Panel urges the TDSB to consider whether the temporary Vice-Principal at Eastview should be made permanent.

²¹⁴ The school did not expel any students during that time.

Wayne Kodje: *We have some high needs students here. Some very high needs. But, I felt that there was something that we needed to do to be able to try to address the problem, and it was a problem that was, and to a certain extent still is, quite chronic. What do we do with kids who are engaging in a lot of violence? And so, anything that they engaged in that ... consisted of a violent nature, we had been giving consequences for – not necessarily suspensions – and it did not seem to be addressing, didn't seem to be stopping them. So after having repeatedly visiting the problems with the same students over and over again, I began suspending. A lot of the students are the same students repeated, some of them got three, four, five suspensions. And of course I had discussions with their families about this as well as support services [including TDSB social workers, Special Ed., Safe Schools]. And, I started suspending.*

And after awhile realized that these kids ... it was just not stopping. They were being suspended and coming back and they're still engaging in the same kinds of behaviours that they were suspended for. And I got a lot of attention of course from the Board, my Superintendent, social work, Safe Schools. So we met about it and they said suspensions are not working you need to change. They talked to me and other principals as well. They talked to me about other ways of handling the situation. Looking at mitigation, mitigating circumstances. Seeing if there are other things that can be done. They obtained for part of the year a Child and Youth worker who was brought in to work with the students but also to show the staff other techniques that maybe they had not considered in terms of dealing with troubled kids. That worker was here for several months but it was a term position and she left.

And the suspensions went down, I would say in large part because I was mitigating quite a bit. I also drafted up a policy with the staff on handling discipline – a discipline and consequences policy so everyone was working in the same way, on the same page, a common approach.

...

It all depends on who is in our population in any given year ... Last year, the last two years and into this year, ...the greatest concern has been the grade three, four, five class. Those grades, three, four, and five, we have some very high needs kids. But as they move on, then it becomes the grade six class is very concerning. As the kids move up and they do not get the help that they need.

Julian Falconer: *Doesn't that tell you suspensions do not work?*

Wayne Kodje: *Oh, I know that....There is an expectation that when a certain kind of behaviour happens, when there is violence towards a staff person or if a student is hurt – not just attacked but when they are*

attacked and hurt. There is an expectation that the recourse will be the parents will be informed and the child will be suspended.

Kodje estimated that approximately two thirds of the school's suspensions are a result of serious violence by a student, which is a reflection of the fact that approximately twenty percent of the students at the school are "very high needs." Due to the absence of counselling and services for his students, he has few tools to respond to behavioural issues in the school.

Teachers from the school observed that although the number of suspensions has dropped in the last two years, the behavioural issues have not declined. The school has simply responded to such behaviours differently, sometimes through in-school detentions or other measures that do not involve sending students home when they act out. The school is in desperate need of alternatives for both responding when students act out, and for teaching students to behave in different ways. Early intervention is essential in order to change behaviours and improve outcomes for Aboriginal students.

Although there are problems in general with the Board's current approach to suspensions and expulsions (as discussed elsewhere in this Report), there are unique issues raised when disciplining Aboriginal students. Aboriginal students, parents and legal workers have raised concerns about the failure of the current disciplinary regime to incorporate Aboriginal perspectives. For example, in a report to the Ontario Human Rights Commission on the *Safe Schools Act*, Bhattacharjee noted that the failure of the *Act* to incorporate an Aboriginal perspective, such as collective decision-making and community response, was cited as evidence of systemic factors leading to the disproportionate impact on Aboriginal students.²¹⁵ The report quoted a youth court worker working with Aboriginal youth as saying:

[I]t is punitive, while from an Aboriginal perspective, it should be more of a collective decision. The vice-principal or whoever is in charge puts the onus on the young person. It is not collective at all and makes no sense from an Aboriginal perspective. Aboriginal kids are used to a community response.²¹⁶

Given the cultural beliefs and traditions of Aboriginal peoples, disciplinary regimes based on punitive responses may well be ineffective. The Ontario Human Rights Commission report suggested that a disciplinary regime applied to Aboriginal students should take into account systemic factors, similar to the way in which the Canadian criminal sentencing system is now required to consider the background and history of Aboriginal offenders.²¹⁷

²¹⁵ K. Bhattacharjee (2003), *The Ontario Safe Schools Act: School Discipline and Discrimination* (Toronto: Ontario Human Rights Commission) a p. viii.

²¹⁶ K. Bhattacharjee (2003), *The Ontario Safe Schools Act: School Discipline and Discrimination* (Toronto: Ontario Human Rights Commission) a p. 48.

²¹⁷ Section 718.2(e) of the *Code* requires judges to consider all available sanctions other than imprisonment and to pay particular attention to the circumstances of Aboriginal offenders. It is designed to ameliorate the serious problem of overrepresentation of Aboriginal people in prisons. Section 718.2(e) directs judges to

In the last decade, there have been developments in the criminal justice system designed to recognize the unique needs of Aboriginal peoples. Internationally, Aboriginal justice concepts have been developed in order to try to reduce the high numbers of Aboriginal peoples in conflict with the law. Common elements of Aboriginal justice programs include an informal process, non-legal facilitators, the inclusion of offenders, victims and their supporters, an emphasis on victims describing how the crime has affected them, offenders taking responsibility for their acts and consensual decision-making in deciding a penalty, which is centered on “repairing the harm” caused by the crime.²¹⁸

Some school boards in Ontario have experimented or even implemented “restorative justice” principles into school discipline. Restorative justice concepts, although often associated with the criminal justice system, have also been used in non-criminal decision-making contexts such as child protection and school discipline.²¹⁹

In the TDSB, some staff have been trained in restorative justice principles and the Panel sees great potential in this approach to school discipline in appropriate circumstances. However, concepts of “restorative justice” should not be conflated with Aboriginal justice practices. Although non-Aboriginal restorative justice advocates often claim that restorative justice is drawn from Aboriginal practices, this “glosses over the histories and particularities of Indigenous social organization before and after colonial conquest.”²²⁰ Unless Aboriginal peoples are involved in developing the process and opportunities are incorporated that respond to the needs of their unique communities, such practices should not be termed Aboriginal justice.

One such program is run by Aboriginal Legal Services of Toronto (ALST).²²¹ ALST’s “Community Council” program accepts adults who have been charged with an offence under the *Criminal Code of Canada* or *Narcotic Control Act* and who have been diverted from the court system. Community Council members are recruited from the Aboriginal community. ALST arranges a hearing for the individual with the Community Council members, who draw on Aboriginal cultural values to begin the healing process necessary to reintegrate the individual into the community. In deciding how best to accomplish this healing, the Council will make a decision requiring the individual to do certain things.

undertake the sentencing of such offenders individually, but also *differently*, because the circumstances of Aboriginal people are unique. In sentencing an Aboriginal offender, the judge must consider: (a) the unique *systemic or background factors* which may have played a part in bringing the particular Aboriginal offender before the courts; and (b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular Aboriginal heritage or connection. For particularly violent and serious offences, imprisonment would likely result, but for less serious offences, an offender may receive a non-custodial sentence with an emphasis on restorative justice.

²¹⁸ E. Marchetti and K. Daly, “Indigenous Sentencing Courts: Towards a Theoretical and Jurisprudential Model,” *Sydney Law Review*, Vol. 29, pp. 415-443 at p. 425.

²¹⁹ E. Marchetti and K. Daly, “Indigenous Sentencing Courts: Towards a Theoretical and Jurisprudential Model,” *Sydney Law Review*, Vol. 29, pp. 415-443 at p. 424-425.

²²⁰ E. Marchetti and K. Daly, “Indigenous Sentencing Courts: Towards a Theoretical and Jurisprudential Model,” *Sydney Law Review*, Vol. 29, pp. 415-443 at p. 429.

²²¹ In the interests of transparency and accountability, it should be noted that the Chair of the Panel’s law firm currently acts as counsel to ALST in matters unrelated to school safety.

Any option, except jail, is available to them in making this decision. Some options include counselling, restitution, community service, treatment suggestions or a combination of the above. The program is responsible for providing the needed supports to the client to assist him or her to fulfill their conditions and for monitoring this process until its completion.

An evaluation of the program in 2000 found that there had been a decrease in criminal behaviour and that the program overall represented a meaningful alternative to the criminal justice system.²²² ALST is currently developing a “Child Welfare Community Council” (CWCC), which will focus on resolving child welfare matters involving Aboriginal families.

The concept of the Community Council is not new. Such a collaborative approach to justice was characteristic of Aboriginal communities in Central and Eastern Canada for centuries before the arrival of Europeans to North America. It is also the way that disputes continue to be informally resolved in many reserve communities across the country.

Given that Aboriginal students, families and community members have expressed concern that mainstream approaches to discipline are not culturally appropriate for Aboriginal students and result in the disproportionate suspension of Aboriginal students, the Panel concludes that the TDSB should consider alternative approaches. Aboriginal justice and conflict resolution practices, which involve the engagement and participation of Aboriginal communities, have the potential to empower Aboriginal students and their communities, and thus have an impact beyond the individuals involved.²²³ In addition to community participation, Aboriginal justice and conflict resolution processes would embrace a genuine respect for, and meaningful cooperation with, Aboriginal law and justice values and processes.²²⁴ For example, reliance on Elders, Respected Persons or other members of the local Aboriginal community in the process can shift the focus from a punitive one, to one that is negotiated, rehabilitative and conciliatory.²²⁵

Thus, there are models for Aboriginal-specific conflict resolution and justice programs that have been directed towards young people to address conflict both in family and school settings. An Aboriginal school discipline program emphasizing community-involvement, healing, access to resources and reconciliation could make an enormous difference for the students at the First Nations School. Intervention at the elementary level has a greater chance of succeeding by placing Aboriginal students on a path that can help them to stay in school, achieve at higher levels, connect with their communities and stay out of conflict with the law as they become older.

²²² Campbell Research Associates, “Evaluation of the Aboriginal Legal Services of Toronto Community Council Program: Final Report” (April 2000) at p. 7.

²²³ R. Gordon Green, *Justice in Aboriginal Communities: Sentencing Alternatives* (1998) at 72.

²²⁴ L. McNamara, “The Locus of Decision-Making Authority in Circle Sentencing: The Significance of Criteria and Guidelines” (2000) 18 *Windsor Yearbook of Access to Justice* 60 at 61.

²²⁵ E. Marchetti and K. Daly, “Indigenous Sentencing Courts: Towards a Theoretical and Jurisprudential Model, *Sydney Law Review*, Vol. 29, pp. 415-443 at p. 440.

Recommendation 107: The Toronto District School Board should immediately hire an external consulting agency to examine the needs of the students at the First Nations School and to develop an Aboriginal-specific conflict resolution and restorative justice program for the school. The external consulting agency should be a community Aboriginal agency with expertise and experience providing culturally appropriate conflict resolution programming for young Aboriginal people.

The measures contemplated by the Panel to improve outcomes for the children and students at the First Nations School, including an Aboriginal justice and conflict resolution program, are not possible in the current building. The First Nations School is housed in the wing of another, larger school and as a result it must compete for limited space with a much larger student body. For example, access to the gym facilities are limited and the school has little room to spare. Many of the resources that the school has obtained over the past few years, including a new library and computer equipment, were obtained through outside funding grants rather than TDSB dollars.

It was apparent to the Panel that there are significant space limitations that impede the expansion of programming at the school. For example, one of the barriers to implementing a breakfast program is the fact that the conversion of a classroom into a lunchroom for the 75 students remains incomplete, although work began on the renovations in May 2007. Parents and teachers expressed frustration that many of the school's students come to school hungry, and that many of the behavioural and academic problems arise from a problem as simple to fix as hunger.

The Panel finds that the school would benefit from the independence and status associated with having its own building. The choice of site should be a collaborative process with the Aboriginal Community.

Recommendation 108: The Toronto District School Board should move the First Nations School of Toronto into its own building, so that it need not share space with another school.

3.07.05: Oversight of Aboriginal Education in the TDSB

As indicated at the outset, the provincial government has committed to building new relationships with Aboriginal people, and involving Aboriginal leadership in the education system. This new direction places an onus on the Toronto District School Board to work in partnership with Aboriginal leadership to find solutions to the Aboriginal student achievement gap and to ensure that all students learn to respect and value Aboriginal peoples.

On a systems level, the TDSB has taken two major steps over the past several years to address Aboriginal education: the creation of a Central Principal responsible for

Aboriginal education and the establishment of an Advisory Committee. While both of these initiatives are positive, there are significant limitations.

The Central Principal (Aboriginal Education) serves as a resource for the community, schools and the Board. The Central Principal can assist the community in accessing resources, bringing awareness to new curriculum initiatives and developing partnerships with community agencies.

Unfortunately, the “Aboriginal Education” portfolio was not accompanied by the resources required to make the position a success. For example, the Central Principal does not have any administrative support, nor does she have a budget for something as simple as distributing resource materials at workshops. The position, like many other Aboriginal programs in the TDSB, was established through outside grants and does not have stable funding. In fact, the position of Central Principal has not been funded beyond this year. The lack of administrative support, budget or stable funding gives the impression that the position was created as a token gesture that was set up to fail. The instability that arises from dependency on outside funding, rather than committed support from the TDSB, is a concern that requires resolution.

Recommendation 109: The Toronto District School Board should establish the position of “Central Principal - Aboriginal Education” as a permanent position and should provide a budget sufficient to allow the Principal to develop curriculum and programming initiatives and to liaise with community Aboriginal agencies.

An additional problem that has arisen as a result of the creation of a Central Principal position is confusion concerning lines of authority over Aboriginal education. As a result of funding announcements from the provincial government, there appears to be a perception by some that there is a considerable amount of money available for Aboriginal programming. As a result, some departments tend to assume that the Central Principal of Aboriginal Education will have the resources necessary to address the particular needs of Aboriginal students and that other TDSB departments are not responsible for Aboriginal education initiatives. This perception is inaccurate. Despite the funding announcements, when monies announced for Aboriginal education have been rolled out to the TDSB, they have not been specifically tied to Aboriginal education initiatives. As a result, the TDSB is free to use these monies as they wish.

Although the creation of the position of Central Principal of Aboriginal Education is a positive step, to the extent that other TDSB departments have abdicated their responsibility to ensure all departments meet the needs of Aboriginal students to the Central Principal, the position has actually resulted in a step backwards.

The Central Principal for Aboriginal Education does not have the authority or the budget to implement strategies or programs for Aboriginal students. She can do little apart from serving as a resource for the TDSB and an advocate for Aboriginal students and parents.

As important as this role is, much more must be done for Aboriginal education in Toronto.

In March 2006, the TDSB approved the formation of an Aboriginal Advisory Committee. The Committee was formed in April 2006 and advises the Board on policies and programs concerning the education of Aboriginal students. The Advisory Committee includes parent representatives and community agencies. There are TDSB staff representatives, such as the Central Principal of Aboriginal Education, who sit on the Committee. These staff representatives have no voting rights, but can bring issues to the attention of the group and make recommendations for directions in Aboriginal education.

The Aboriginal Advisory Committee is certainly a step in the right direction; however the powers of this Committee are advisory only. The Committee should be given a greater voice in the governance and management of the education of the students, and steps should be taken to ensure that this Committee has consistent representation from Aboriginal leaders. The Committee could be a useful basis upon which the TDSB could create a genuine and respectful partnership with Aboriginal communities.

One of the central concerns identified by the Committee is the perception that provincial grants for Aboriginal education are not being spent on initiatives to improve educational outcomes for Aboriginal students. One significant step that the Committee has taken to date is a motion to the trustees concerning the use of funds granted for Aboriginal education. The Advisory Committee is quite concerned that these funds are used for other purposes, and that the money does not trickle down to support Aboriginal students. The Panel shares this concern.

Recommendation 110: The Ontario Ministry of Education should “sweater” all funding allocated for Aboriginal education initiatives.

3.07.06: Conclusion

The extraordinarily high suspension rates, drop out and victimization rates and the extraordinarily low academic results for Aboriginal students in the TDSB are signals that the TDSB is failing one of our most marginalized and vulnerable communities. The achievement gap for Aboriginal students has been a well-known problem for decades. The fact that we are failing yet another generation of Aboriginal students is not a secret. It is well known to the TDSB and it is well known to the teachers, parents and students in schools such as the First Nations School. Although promises have been made, for example of provincial funding for Aboriginal education initiatives, in practice these promises have not been upheld, leading to cynicism and distrust from Aboriginal communities.

The inability of the TDSB to actually implement its equity policy is amply reflected in the experience of its Aboriginal students. Significant and immediate changes, led by Aboriginal communities and leaders, students, parents and teachers, are necessary in

order to reverse a long-term trend that has excluded Aboriginal students, with the goal of creating an educational system that genuinely serves the needs of Aboriginal children and youth.

3.08: A Return to Equity

3.08.01 Equity Explained

The Panel has operated on the central premise that the evolution of safety issues in TDSB schools is best understood through analysis of the history of the Board's efforts to respond to and manage its most marginalized and/or complex-needs youth. The real change that is essential to making headway on issues of safety involves abandoning the failed philosophy of addressing safety through discipline/enforcement mechanisms. It does not work. While there will always be a place for discipline in identifying standards of behaviour, the reality is that marginalized youth cannot be punished/suspended into becoming engaged. In its consultations the Panel has heard time and again that healthy school environments will be achieved by re-engaging youth whose needs are currently not being met.

Therefore, the fundamental challenge for the TDSB involves identifying and employing key strategies aimed at re-engaging youth. As simple as this statement is to make, the TDSB (along with many other agencies in the Province of Ontario) has been wholly unsuccessful at meeting the challenge. Key elements to any successful strategy will be initiatives aimed at inclusion. In other words, the TDSB cannot hope to re-engage youth if its programs and initiatives are not geared towards accommodating their special challenges. Youth who come to school unable to learn because of their challenging lives outside of school have needs that must be addressed through social services supports as well as inclusive curriculum aimed at their realities. Zanana Akande put it best, "we can't preach delayed gratification and course credit building to youth who have little hope of ever seeing the career opportunities we are trying to sell."

Strategies geared to inclusion involve adopting approaches and programs meant to recognize and acknowledge the diversity of the student population. These are the principles upon which equity initiatives are built upon. That is, that one size does not fit all. It is useful to consider a working definition of equity in the education context:

In the education context, equity refers to an inclusive atmosphere of learning where all students are treated fairly. Equity includes a recognition that students have different needs, experiences and ethno-cultural backgrounds and that a "one size fits all approach" to addressing students' needs, experiences and ethno-cultural backgrounds does not create an environment where all students are afforded the opportunity to succeed.

Equity in education includes ensuring the following (as stated in the Equity Foundation Statement):

- (1) that the curriculum of our schools accurately reflects and uses the variety of knowledge of all peoples as the basis for instruction;
- (2) that all students are provided with fair opportunities to be successful
- (3) that all institutional barriers to success are identified and removed;
- (4) that all learners are provided with supports and rewards to develop their abilities and achieve their aspirations;
- (5) that all students are treated equally with respect to discipline;
- (6) that the hiring and promotion practices are bias-free, and promote equal representation of our diversity at all levels of the school system; that all our employees have equitable opportunities for advancement; that their skills and knowledge are valued and used appropriately; and that they have equitable access to available support for their professional development needs; and
- (7) that students, employees, parents, and community partners are provided with effective procedures for resolving concerns and complaints that may arise from their experiences of unfair or inequitable treatment within the school system.

3.08.02: The Relationship Between Safety and Equity

In the words of one member of the TDSB's Equity Policy Advisory Committee: "Equity practice is violence prevention." The Panel agrees wholeheartedly with this sentiment. If there is any theme that has come through consistently in its consultations, it is the close relationship between safety and equity. Regrettably, the Panel has found that the TDSB's institutional structure, policies, practices and resource allocations have treated these two related concepts as separate and in some respects as incompatible. The sad result for our complex needs students and communities is that very little progress has been made toward either safety or equity.

3.08.03: The Equity Foundation Statement

The Equity Foundation Statement and Commitments to Equity Policy Implementation ("EFS") is the starting point for any evaluation of the TDSB's success in advancing equity. The Panel is struck by the near-unanimous support for the document's language and the broad consultative process that led to its adoption in 1999.

The EFS represents a recognition by the TDSB that certain groups in our society are treated inequitably because of individual and systemic biases based on, among other things, race and culture, gender, sexual orientation, socio-economic class, and disability; and that such inequitable treatment leads to educational, social and career outcomes that do not accurately reflect the abilities, experiences and contributions of TDSB students, employees and the wider school community. The EFS commits the TDSB to ensuring that "fairness, equity, and inclusion" are essential principles of our school system and are integrated into all of our policies, programs, operations and practices.

The EFS represented nothing less than a commitment to re-orient every aspect of the TDSB's activities toward the goal of equity for marginalized groups; in essence, the very "culture shift" that the Panel has identified as a necessary first step on the path to achieving safety for students, teachers and staff.

3.08.04: Implementation Failures

The individuals and organizations consulted by the Panel, including many current TDSB staff and trustees, have been virtually unanimous in their respective views that the TDSB has failed to implement the Equity Foundation Statement in any meaningful sense. This failure to implement has had four aspects.

First, there is no "action plan" on the part of the TDSB to implement the EFS, as one would expect any large and sophisticated public or private institution to create when implementing a significant policy or strategic plan. There is no document or planning process that sets out specific and measurable targets and outcomes for various aspects of the EFS, the timeframes for the achievement of such targets, or the departments or individuals who are responsible for meeting them. In addition, there is no process by which the organization holds itself publicly accountable for the implementation of the EFS to its stakeholders and members of the public.

The Panel was provided with a draft "Action Plan" that was apparently developed in and around 2002. The Panel was advised that this document and the commitments to implementation that it entailed, became a casualty of the Supervisor's tenure. TDSB Equity staff has candidly told the Panel that it has not been re-instituted or replaced. As matters presently stand, the EFS, said to represent "essential principles of our school system", exists only on paper with virtually no impact on the TDSB's day-to-day operations.

Second, the deep cuts to the non-teacher professional resources implemented in 2002-03 (as described elsewhere in this Report) were, in effect, cuts to the TDSB's equity resources. Leaving aside whether there was the requisite institutional will to implement the EFS, these cuts significantly undermined the TDSB's capacity to do so. It is evident that cuts to Youth Counsellors, Attendance Counsellors and Community Outreach Workers have had a disparate impact on complex needs youth and disadvantaged communities.

Third, there appears to be no central authority within the TDSB to take carriage of implementing the EFS. While the TDSB does have personnel responsible for equity initiatives and programming, these human resources are dispersed throughout the organization without any central department or authority. For example, the Student Equity Program Workers who once were part of an Equity Department were transferred in 2002 to the Safe and Caring Schools Department and their student advocacy function was removed. Similarly, the Supervising Principal, Equity and Inner City, along with the four Instructional Leaders responsible for developing and delivering equity curriculum

and professional development, were transferred in September 2006 from the Executive Officer, Student and Community Equity to the jurisdiction of the System Superintendent, Programs.

The Executive Officer responsible for Student and Community Equity has no “department” at his disposal through which the TDSB’s equity initiatives are implemented centrally in a manner consistent with the EFS. Rather, the Executive Officer, Student and Community Equity assumes a passive role of supporting equity initiatives that are brought forward in an *ad hoc* fashion by individual Superintendents, Principals or other TDSB employees. There is no function, as one would expect, for systematically identifying “best practices” in equity that have been developed in one part of the organization and disseminating them to other parts of the organization; with turnover amongst equity personnel, these best practices were often lost to the organization. These observations should not be seen as criticism of the individual equity personnel with whom the Panel has consulted. The Panel was impressed with the dedication and commitment of all of these individuals but was troubled by the lack of institutional commitment to equity that would permit them to work effectively within the TDSB.

While the TDSB has instituted an Equity Policy Advisory Committee (EPAC) to provide oversight to its equity initiatives, it is clear that this body does not enjoy the degree of authority that would compensate for the absence of a central Equity Department. EPAC is composed of representatives of a broad spectrum of community based equity seeking groups, parents and designated TDSB staff and trustees. Its role is to provide guidance and advice to the TDSB on the implementation of the Board’s equity policies and commitments. As its name suggests, EPAC is limited to an advisory function and lacks the mandate to direct and coordinate the TDSB’s implementation of the EFS. When the Panel met with EPAC, its members candidly expressed doubts about how effective they were and their frustration with how far they were removed from the real decision-making affecting equity. EPAC’s submission that the Panel recommend an equity auditing procedure to monitor the TDSB’s compliance with its equity commitments is perhaps testament to its ineffectiveness in its stated role.

Fourth, the Panel has been told about a general level of cultural resistance within the organization to the principle of equity and its institutional implications. One of the TDSB’s equity personnel described this as “pushback”. This resistance or pushback can be seen throughout the TDSB from the executive ranks right down to front-line teaching staff. The Panel was told by the Equity Policy Advisory Committee that it advocated strongly for the retention of Youth Counsellors and Community Outreach Workers when these positions were in jeopardy, but that its pleas fell on deaf ears.

One front-line teacher described a level of “animosity” against the anti-racism work that she had undertaken on her own initiative. Other TDSB employees described a culture in which leaders were focused on their personal fiefdoms and presented obstacles to the Board’s equity personnel doing their jobs. Another TDSB employee working in equity acknowledged that the system neglected racialized students. He felt that a lot of the work

he did simply failed to make these students successful. He also observed that many of the principals he encountered had issues with respect to understanding and accepting “otherness”. One Vice-Principal expressed frustration that the implementation of the Equity Policy Foundation seemed to be “still up for debate and discussion” more than seven years after its introduction.

In view of the above, an essential step toward achieving real progress on issues of school safety is a revitalization and renewed commitment to creating a real and vibrant equity department. In the sections that follow, the panel provides its interpretation on how safety and equity must co-exist in order to ensure a healthy school environment.

3.08.05: Discipline without Equity – The Safe Schools Act

As part of the historical overview section of this Report, the Panel discusses the realities of the late 1990’s Conservative government strategy that saw a concerted effort to purge progressive notions of equity from government policy. Of course, this was not only reflected in the repeal of employment equity legislation but in all corners of government policy as “equity” became a “bad word” and an abandoned concept. The passage of the *Safe Schools Act* was no exception to this reality. Chair Sheila Ward stated the following concerning the legislation:

It [the Safe Schools Act] was done deliberately. I think it was punitive against the black community. I think it was part of the law and order mentality of that government, a government that had no understanding whatsoever of that community or the challenges that visible minorities have in our society. It was an attempt to try and put them into some place and keep them there and keep them segregated from, you know, the rest of us.²²⁶

Whether or not Chair Ward is accurate in the motives behind the *Safe Schools Act*, the Panel agrees with the Chair on the flagrantly discriminatory effect of the legislation²²⁷. In respect of the Safe Schools Culture, a common theme has emerged from both confidential and public consultations with those communities that have felt the brunt of the Conservative driven policy. They plead “REPEAL THE *SAFE SCHOOLS ACT*”. The Legislature passed the Act in June 2000 and it came into effect in September 2001. The amended *Education Act* continued to be the source of authority for school discipline.

The fact that those significantly affected by the Safe Schools culture have called for its dismantling is not new. The introduction of the *Safe Schools Act* created a reality that the

²²⁶ Consultation with Chair Sheila Ward, August 23, 2007

²²⁷ This is, no doubt, why the TDSB recognized the importance and validity of becoming a signatory to a settlement with the Ontario Human Rights Commission in respect of the discriminatory impacts of the discipline regime flowing from the *Safe Schools Act*.

new emphasis was to be on discipline. Reference to a concept known as “zero tolerance” that finds its roots in the Scarborough Board of Education became a mantra. While there is no legislative reflection of the words zero tolerance, it animated and controlled a philosophy that was determinant of how the TDSB managed its most at-risk population of youth.²²⁸ The call to “repeal the *Safe Schools Act*” should be interpreted more meaningfully. The message is loud and clear from those on the ground who experience the “Safe Schools culture” on a daily basis. **THEY WANT IT TO STOP.** Nothing short of a dismantling of the Safe School culture will address these pleas for action.

As reflected in the Historical Overview section, by late 2004, the Bolton-Akande report voiced a plethora of community concerns around the impacts on their youth. This controversial report focused extensive attention on the effects of the safe schools legislation and safe schools culture. By July 2005, Keith Norton, the Chief Commissioner of the Ontario Human Rights Commission initiated a complaint against both the Toronto District School Board and the Ministry of Education in respects of allegations of racism in respect of how the TDSB disciplines its youth. In November 2005 the TDSB became a signatory to a Human Rights Commission settlement setting out the various initiatives and intended to implement and address the systemic deficiencies identified in the Human Rights Commission complaint. In April 2007 the Province, through the Ministry of Education, followed suit and also became a signatory to a settlement with the Human Rights Commission.

Each one of the above-noted stages represents a key benchmark in understanding the context for how the TDSB copes with its most marginalized youth.

Sadly, the acknowledgment by the TDSB as reflected in the OHRC agreement has not translated into a significant change in culture. In respect of those populations for whom the largest cries of injustice arose, suspension numbers and the health of the schools remain in disarray. Correspondingly, violence and safety concerns in these schools continue to plague the community. The children deserve better. The youth deserve better. The TDSB is capable of better.

3.08.06: Reuniting Safety with Equity - The Well-Being and Equity Department

For far too long the TDSB has attempted to manage and respond to the needs of its most marginalized youth without the benefit of the lens of equity. This has created a world in which youth from the specified marginalized communities are suspended in “droves” (for example see suspension rate of Westview in the last two years, 21% for each successive year). There is a direct relationship between the ability to re-engage these youth and the ability to ensure the long term health and safety of our schools. In view of the critical nature of the problem, it is essential that the equity be rooted with the former Safe Schools Department to ensure that necessary elements of an effective and humane strategy towards re-engagement are employed.

²²⁸ It bears note that the “zero tolerance” language did exist in the predecessor TDSB Safe Schools Foundation Statement Policy.

As described above, the equity initiatives at the Toronto District School Board are weak. In order to infuse equity into how the Board responds to complex-needs youth, it is essential that the disbursed equity resources be transformed into a formal department which is recognized as an equal partner with the Safe and Caring Schools Department. It is recommended that the corporate structure of the TDSB be reorganized, such that Safe and Caring Schools Department is combined with the Board's equity resources to create a new department known as the Well-Being and Equity Department. The Organizational Chart set out as at Appendix G to this report depicts the Panel's view of how this restructuring should be accomplished.

The Panel's conception of the Well-Being and Equity department is based on the following principles:

- 1) There is no prospect of meaningful progress in efforts to respond to complex-needs youth as long as the Safe School culture continues to exist in its present form. The discipline/enforcement approach inherent in the original Safe Schools doctrine is a vestige of the past and can only be left behind through a complete dismantling and reinvention of the Safe and Caring Schools Department.
- 2) The ability of the Well-Being and Equity Department to restore health to TDSB schools is a function of its ability to mete out discipline and address the needs of marginalized youth through the lens of equity.
- 3) The TDSB's equity personnel have been demoralized by a denial of the recognition, funding and clout that their positions properly warrant in a modern public education system. The creation of the Well-Being and Equity Department is essential to reinvigorate the TDSB's equity personnel so that the Board can take full advantage of their talents, energy and commitment to the education of marginalized youth.
- 4) The Well-Being and Equity Department should report to the Director of Education. This reporting relationship would send an important signal throughout the organization as to the central role that this reinvented department must play in a larger reorientation of the TDSB toward principles of equity.

Recommendation 111: The Panel recommends the dismantling of the "Safe School culture" and the removal of the "Safe Schools" moniker from all of its policies and department designations. It is imperative that the TDSB send the clear message to affected communities that the vestiges of the past, in the form of safe school/zero tolerance initiatives have been truly abandoned.

Recommendation 112: The Panel recommends that the personnel who staff the current Safe and Caring Schools Department be part of a new department known as the Well-Being and Equity Department. This Well-Being and Equity Department will represent a partnership with the current equity team at the Board. The purpose of this reorganization is to ensure that equity considerations properly infuse all of the Board's decision making concerning the discipline and safety of students. The Well-Being and Equity Department would combine the expertise of both the Board's Safe Schools and Equity personnel, and would constitute an institutional recognition of the relationship between safety and equity. The Panel recommends that the organization of the Well-Being and Equity Department be in accordance with the proposed organizational chart as set out in the Final Report [see Appendix "G"].

Recommendation 113: In order to fulfill the mandate envisioned by the herein recommendations, it is essential that the Well-Being and Equity Department be understood as a partnership between safety and equity. Accordingly, the Panel recommends that steps be taken by the Board to reunite the various equity specialists in the Board with a view to reinventing the Equity team in a fashion that it is capable of fulfilling the mandate contemplated for the Well-Being and Equity Department.

Recommendation 114: The TDSB should publish an annual report setting out its progress in implementing the Equity Foundation Statement with reference to the Action Plan, and the results of its Equity auditing procedure.

Recommendation 115: The Board's Equity personnel be charged with the responsibility of identifying best practices that emerge at the school and district level and disseminating them throughout the Board. The Board should dedicate sufficient resources, including human resources, to ensure that it takes full advantage of the initiative and expertise of its staff, who implement equity at the local level.

Recommendation 116: The TDSB should ensure that all schools have a School Equity Committee made up of staff, students, parents/guardians, and community representatives. This committee will develop an equity focus of school improvement planning and identify the policies and practices that act as barriers to inclusion.

Recommendation 117: The TDSB should recognize and support the development of a professional association of African-Canadian educators. The purpose of the association would be to promote opportunities for professional development, mentoring and networking and career counselling and support.

Recommendation 118: The Panel recommends that the TDSB 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’. The Ombudsperson Office should have staff 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 to vet complaints and advocate on behalf of students and their families. There should be an assessment of this office after two years.

3.09: Provincial Advocate for Children and Youth

The Provincial Advocate for Children and Youth is an independent office of the Legislature of the Province of Ontario. In 2007, this office succeeded the Office for Child and Family Service Advocacy, which was established in 1979 and operated within the Ministry of Children and Youth Services.

The purpose of the Provincial Advocate for Children and Youth is to provide an independent voice for children and youth, including First Nations children and youth and children with special needs, by partnering with them to bring issues forward; to encourage communication and understanding among children and families and those who provide them with services; and to educate children, youth and their caregivers regarding the rights of children and youth.²²⁹

In light of the role of the Provincial Advocate, Agnes Samler, we consulted with her in preparing our recommendations. We also had the benefit of a consultation with Judy Finlay who was the Chief Advocate of the Office of Child and Family Service Advocacy from 1991 to 2007. Both have expressed their support for those Panel recommendations that are directed to the Provincial Advocate’s Office.

In a groundbreaking 1982 article on child abuse, Eliana Gil identified the concepts of “program abuse” and “system abuse”,²³⁰ both of which resonated with the Panel. Program abuse occurs when programs operate below acceptable standards or rely upon harsh or unacceptable methods to control behaviour. In the United States, a number of class action suits have been filed for various forms of program abuse including the rights to receive or refuse treatment, to have access to counsel and courts, to receive and make phone calls, visits, etc.

According to Gil, system abuse is not committed by a single individual or a single agency, but rather occurs when the entire childcare system is stretched beyond its limits. This type of maltreatment is often related to shortcomings of agencies responsible for the

²²⁹ *Provincial Advocate for Children and Youth Act, 2007, S.O. 2007, Chapter 9, s. 1.*

²³⁰ Eliana Gil (1982), “Institutional abuse of children in out-of-home care”, *Child & Youth Services*, Vol 4 (1-2).

care and well being of children. Prolonged treatment, unnecessary removal from the home, misplacement and misdiagnosis due to inadequate assessment resources all may be viewed as forms of system abuse. Similar to other forms of abuse, the impact of system abuse may be devastating.²³¹

A recurring theme throughout this report has been the ill health of many of Toronto's schools, as marked by high suspension and expulsion rates, poor attendance, low academic performance, disengagement and violence. Guns are in some schools in alarming numbers. Sexual assault and sexual harassment are endemic. By failing to approach school safety through the lens of equity, the TDSB has allowed a layer of marginalized youth to fall through the cracks. This failure takes its most extreme form in the plight of the students at Westview and at the First Nations School of Toronto, but the harmful effects are not limited to these schools. The impact on the entire school community is devastating. The failure of the education system to address the needs of its most vulnerable youth is nothing short of system abuse.

The Panel sees a role for the Provincial Advocate for Children and Youth in intervening to ensure that the needs of vulnerable students are met, their rights are protected and their voices are heard at the highest levels of power in the province. The Provincial Advocate has the power to conduct a "systemic review", which involves providing advocacy to a group of children or youth; and to review facilities, systems, agencies or service providers.²³² The plight of the children at the First Nations School of Toronto and the youth at Westview falls squarely into the core of the Provincial Advocate's mandate. Although the Provincial Advocate takes the position that she has the statutory power to conduct such reviews at Westview and the First Nations School of Toronto, an explicit expansion of the Advocate's role in the education sector would be beneficial.

Recommendation 119: The Provincial Advocate for Children and Youth should conduct a "systemic review" (as defined in the Provincial Advocate for Children and Youth Act, 2007) of the First Nations School of Toronto, to provide an independent voice for its students, to elevate their voice and to provide a vehicle for concerns to be brought forward to the Legislature of Ontario. This systemic review should be done in collaboration with Aboriginal community-based agencies providing programs for Aboriginal students and youth.

²³¹ D.A. Wolfe, P.G. Jaffe, J. J. Jette & S.E. Poisson. *Child Abuse in Community Institutions and Organizations: Improving Public and Professional Understanding* (Ottawa: Law Commission of Canada), at page 3.

²³² *Provincial Advocate for Children and Youth Act, 2007*, S.O. 2007, Chapter 9, s. 1.

Recommendation 120: The Provincial Advocate for Children and Youth should conduct a “systemic review” (as defined in the Provincial Advocate for Children and Youth Act, 2007) of Westview Centennial Secondary School, to provide an independent voice for Westview students, to elevate their voice and to provide a vehicle for concerns to be brought forward to the Legislature of Ontario. This systemic review should be done in collaboration with community-based agencies providing programs to students and youth in the neighbourhood surrounding the school.

Recommendation 121: The Provincial Advocate for Children and Youth and the Implementation Task Force should work together to propose regulatory changes to the Provincial Advocate for Children and Youth Act, 2007 that would extend advocacy services to the education sector, for children and youth who already have a right of access to advocacy services pursuant to paragraphs for 15 (a) – (e) of the Provincial Advocate for Children and Youth Act, 2007.

Article 12 of the U.N. Convention on the Rights of the Child emphasizes the right of children to express their views about issues that affect them and to be given the opportunity to be heard. Article 12 states:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The voices of children and youth are too often ignored, at enormous cost. The Panel was struck throughout its consultations with young people (who admittedly were not as fulsome as they ought to have been) by the intelligence and insight that young people have to offer about the educational system. It is essential that processes and solutions to school safety and equity involve a genuine partnership and respect for children and youth.

Recommendation 122: Schools boards, legislators and educators need to develop mechanisms to enhance and encourage meaningful participation of children and youth in the creation and maintenance of a safe school environment and to elevate the voice of children and youth in the school in accordance with Article 12 of the U.N. Convention on the Rights of the Child.

If there was one concern that united virtually all of the consultations of the past six months, it was the concern that the Panel would produce yet another report that would sit on a shelf gathering dust. This cynicism is understandable. There have been many studies, reports and recommendations made over the past decades, all making similar findings and similar suggestions, yet nothing seems to change.

With the publication of this Report, the pressure to create change and respond to what is without question a crisis for the most vulnerable young people in our schools will fall to communities. The Panel's recommendations are not binding and there are no mechanisms in place to monitor their implementation.

The former Chief Advocate and the current Provincial Advocate can play a significant role in monitoring the extent to which the TDSB and other educational players take up the challenge posed by the Panel's recommendations. Most importantly, they can ensure that children and youth are part of that process. It is the Panel's hope that by ensuring oversight by advocates, community leaders and young people, sufficient pressure can be brought to bear to ensure that real change can begin to take place.

Recommendation 123: The Ontario Minister of Education should strike an independent Implementation Task Force to respond to the recommendations of this report, to oversee their implementation and to, where appropriate, apply the principles and recommendations Province-wide. The implementation group will report quarterly to the Minister of Education. The independent Task Force shall be comprised of the following membership:

- (a) Chair: Professor Judith Finlay;***
- (b) Member: Current Provincial Advocate for Children and Youth, Agnes Samler;***
- (c) The remaining membership to reflect a broad section of respected community members and youth academics.***

3.10: The Need for a Coordinating Body

It is not lost on the Panel that issues of school safety go beyond the jurisdiction of the TDSB and beyond the capacity of the TDSB to resolve on its own. Addressing issues of school safety will require a coordinated effort amongst the three levels of government and the various government, private and voluntary sector agencies that provide resources or services to marginalized youth and communities.

The consultations revealed a strong perception that there is a lack of coordination in this regard and that this failure has compromised the delivery of services to marginalized youth and communities and ultimately the safety of our schools. This perception is held not only by community members frustrated by the lack of action by government but by many individuals within government.

In recent years, there have been laudable City of Toronto led initiatives aimed at fulfilling this much needed coordination function with a specific focus on community development in marginalized communities. In 2004, Mayor David Miller established the Mayor's Advisory Panel on Community Safety which included representatives from the Federal and Provincial levels of government (including cabinet level representatives), the City of Toronto, the Toronto Police Service, community and youth, as well as private and not-for-profit organizations. The Mayor's Advisory Panel developed a Community Safety Plan, a comprehensive strategic plan aimed at improving public safety and building on existing strengths in Toronto's communities. The Community Safety Plan is comprised of four pillars:

1. **Strong Neighbourhoods Strategy:** 13 priority neighbourhoods were identified for focused investment to strengthen neighbourhood supports. Supports to these neighbourhoods were to be delivered through partnerships among the three levels of government, police, community groups and residents.
2. **Crisis Response:** coordinated program of City services to help communities and neighbourhoods to deal with traumatic incidents.
3. **Youth Opportunities:** Youth employment, education, training and mentorship, and engagement opportunities through partnerships with the three levels of government, the community and the private sector.
4. **Youth Justice:** intervention programs to engage youth who are in conflict with the law.

The City of Toronto has developed an infrastructure of "on the ground" human resources to implement the Community Safety Plan including Neighbourhood Action Teams for each of the 13 priority neighbourhoods. The Mayor has also created a Community Safety Secretariat to support the implementation of the Plan. It is the municipal government, by its nature, that necessarily must play a central role in any exercise in localized community development.

There have been a number of problems associated with the Community Safety Plan as a means of providing a much needed coordination function. The City on its own simply lacks the necessary resources to fully implement the Community Safety Plan and therefore must rely on partnerships with the provincial and federal levels of government. There has been an unfortunate level of ambivalence on the part of these levels of government to fully commit to this City-led coordinated approach.

While the Mayor's Advisory Panel enjoyed broad participation from all of the relevant levels of government, public and private institutions and community representatives in the consultation and planning stage, that same level of coordination has not carried through in the implementation phase. In particular, the Federal and Provincial levels of government have been reluctant to commit the necessary financial resources (which they alone can command) to this City-led initiative. In fact, the Province, after participating

for two years in the Mayor's Advisory Panel, chose to implement its Youth Challenge Fund through the United Way of Greater Toronto.

Mayor Miller told the Panel that the Province's failure to work through the City's already-established process led to duplication and delays in the allotted resources actually reaching the marginalized youth and communities on the ground. In particular, the Province had to create a new infrastructure, including 31 new outreach workers, to deliver its resources through the Youth Challenge Fund. This was at a time when the City already had an infrastructure on the ground to deliver these resources to the priority communities. In fairness, Mayor Miller did express some optimism as to the prospects for better cooperation in the future.

There has also been some criticism of the efficacy of the Community Safety Secretariat. Some within government have referred disparagingly to the Secretariat as "a desk", without any real power or resources. Councillor Joe Mihevic, who chairs the Community Development and Recreation Committee of Toronto City Council, candidly acknowledged that his Committee had very little interaction with the Secretariat, despite the fact that there is substantial overlap between their respective responsibilities. Councillor Mihevic shared the perception that the Secretariat was "one person and a desk, functionally".

The Interdivisional Committee on Integrated Responses to Priority Neighbourhoods is another City-led effort at the delivery of resources to marginalized youth and communities. Meeting once every two months, it also has a broad level of representation from all levels of government and a myriad of City of Toronto departments. The list of participants on the Interdivisional Committee is impressive: Children's Services; the City Manager; City Planning; Human Resources; EMS; the Mayor's Office; Municipal Licensing and Standards; Parks, Forestry and Recreation; Shelter, Support and Housing Administration and Social Services; Strategic Communications; the Toronto Catholic District School Board; the TDSB; Toronto Community Housing; Toronto Police Services; Toronto Public Health; Toronto Public Library; Transportation Services; Service Canada; and the Ministry of Children and Youth Services (Ontario).

The Interdivisional Committee process shares the weaknesses of the Community Safety Plan process; there is a lack of full participation from the levels of government who have the resources to tackle the problems of marginalized youth. Mayor Miller told the Panel that, while there are Provincial and Federal government representatives on the Interdivisional Committee, they are present in an observer role only.

The Panel sees little merit in any body that lacks access to the resources necessary to carry out whatever plans or strategies are developed by such a body. Coordination and planning without resources are not only ineffective, they hold out the false hope that governments are making significant progress toward addressing the conditions of marginalized youth and communities.

The Panel encountered a significant degree of cynicism about the true commitment of our governments and institutions to address the needs of marginalized communities. The communities are, to put it bluntly, fed up with being studied, consulted and reported on by commissions, task forces and panels. This Panel understands and agrees with this sentiment. There is no lack of understanding about what needs to be done; there have been enough reports and commissions to tell us this. What is required is real political will, backed up by real resources.

The Panel recognizes that the commitment of resources must be directed in a coordinated fashion and that all levels of government and a myriad of institutions must necessarily be involved. The Panel is of the view that some form of body is essential, based on the model of the Interdivisional Committee, but that those with the resources must be full participants in the process. This would include not just the development of a strategic plan, but also in the implementation phase. Accordingly, the Panel makes the following recommendations:

Recommendation 124: The Panel recommends that an effective inter-agency body, including representatives from the TDSB and other school boards, the City of Toronto, the Toronto Police Service, the United Way of Greater Toronto, Toronto Community Housing Corporation and the Province of Ontario, be instituted to coordinate the institutional response to marginalized youth and communities. The representatives to the inter-agency body should be the institutional heads or their designates, to ensure that it is invested with full decision-making authority for member agencies. The inter-agency body would have line authority to make decisions binding on its member agencies. The Panel recognizes that the Interdivisional Committee on Integrated Responses to Priority Neighbourhoods was intended to satisfy a coordination function. The Panel recommends that this Committee be re-invented, such that the membership is streamlined and its powers to allocate resources enhanced.

Recommendation 125: The inter-agency body develop a Strategic Plan, along with measurable goals, accountabilities and timetables. The Panel is of the view that this Plan can be developed through a review of existing reports, studies and past consultation processes, as opposed to a fresh round of community consultations. If additional public consultations are considered advisable, the Panel urges that any such consultation not delay immediate and necessary action.

3.11: Vision of Hope

3.11.01 Brookview Middle School

Students in the hallways and not in classrooms learning. Demoralized teachers and support staff. Dirty school corridors. Garbage strewn inside and outside the building. Little pride of place. The highest rate of elementary school suspensions in the TDSB. These were the phrases to describe the conditions that greeted the new Brookview Middle School staff as the 2006-2007 school year opened.

And then, within this same school year, a major turnaround began. Suspensions dropped from a high of 190 in 2005-2006 to 26 a year later (2006-2007). These figures represent an 86% drop in suspensions between two school years. This positive momentum has continued into the current school year as Principal Karl Subban and the staff work toward a renewed vision of what Brookview Middle School and the students can achieve. What accounts for this amazing change in school health?

The Brookview Way

“All students can learn.” is a frequently-spoken and often-seen slogan at Brookview Middle School. Part of this ethos of success is the active engagement of students in academics, in sports, in the arts and in extra-curricular clubs. However, the encouragement and commitment of Principal Karl Subban and all staff are essential to bringing this grade six, seven and eight school of 650 early adolescents to this threshold of learning and then stepping over the threshold to the achievement of each student’s potential.

This is a complex undertaking which involves creative teaching, a core list of values and learning “The Brookview Way”. There is a scroll in the cafeteria which captures key problem-solving strategies governing the interaction of students and staff at the school.

- No hitting.
- Don’t yell or raise your voice.
- Look for a compromise.
- No name-calling or insults.
- Listen to the other person.
- Don’t let your emotions take control.
- Try to understand how the other person is feeling.
- Tell the other person what’s bothering you but do it nicely.

Principal Karl Subban is continuously in the halls and in the classrooms, encouraging students and supporting teachers and staff in “The Brookview Way”. In his consultation with the panel, he passionately stated to us that he is “here for the long haul”. “This is the most fulfillment I’ve ever had!” He greets students and staff as they pass or stops to inquire after or praise someone for a job well done. This kind of respectful role model in a caring adult results in students who greet each other, their teachers, support staff and visitors to the school, like the Panel, with a friendly smile or a shy look but always with recognition one to the other.

Principal Karl Subban is also visible in the neighbourhood: visiting the restaurants, stopping at the bus shelters and talking with people in the community whom he meets. His exuberance is contagious as he comments on the vision for Brookview, “We’re rebuilding the school not with bricks and mortar but with spirit.”

Best Practices

Let’s look at some specific examples of programs to support students and staff in achieving the best that they can be. There’s a breakfast program which supports the principle of the kind and caring school. In winter, students are invited in out of the weather to enjoy the fresh food prepared by volunteers and staff.

Off to a hearty start daily before coming to class, students are further prepared for learning with the fall two-week Training Camp held at the opening of the school year. Stress is placed on organization, use of the student planner to meet deadlines and how to move through the school from class to class or floor to floor. Routines are practised and expectations reviewed for having an orderly school and a vibrant learning environment.

Displays, photographs and paintings abound capturing pride in the African-Canadian experience. The majority of students attending Brookview Middle School are of African-Canadian heritage. African-Canadian leaders and African-Canadian history and culture are showcased from the life-size portrait of Lincoln Alexander to the steel drums for the music program. Alongside these examples of the contributions of African-Canadians to Canadian history and culture, beautiful student art work extols the virtues of:

- Responsibility
- Integrity
- Courage
- Diligence
- Honesty
- Commitment

in looking toward the future. This is the school’s “Road to Success”.

Unique programs help foster basic skill development and excitement in learning both during the school day and after school. Drop Everything and Read (DEAR) promotes literacy as all students and staff take up a book and read at the same time. “You can hear a pin drop.” when the school is engaged regularly in this literacy initiative. A Homework Club and a Science Club are regular after-school learning opportunities. Wouldn’t you love to try Chess in the mathematics program, an offering at Brookview Middle School.

Principal Karl Subban is the leader in reinforcing pride and respect in oneself through building pride of place. He can be found cleaning graffiti off the wall with the spritz bottle of cleaner and accompanying clothe. He picks up garbage wherever he sees it and invites students to do the same after setting the example. You can hear his warm and kind voice ask a student, “Can you pick up that paper for Mr. Subban, please.” Where there might have been food fights in the past, to-day there is respect and care for the building.

Where there was graffiti before, plants have been placed throughout the school tended by caring students. Vandalism has been stopped. Graduates of Brookview Middle School are showcased on the “Follow Your Dream” Board highlighting their professional success as nurses, teachers or firefighters. The entry hall to the gymnasium where the Brookview Bulldogs play is a gallery to celebrate the top male and female athletes and teams.

Principal Subban has a special arrangement with the eatery across the street from the school where many students have lunch. The restaurant owner has agreed to stop serving fifteen minutes before it’s time to return to afternoon classes. To once again demonstrate and reinforce expectations, in this case punctuality, he goes out himself to ring a bell inviting students to return to school on time. The partnership between a community businessperson and the school is but one example of many which encourages students to succeed.

Such unique approaches have resulted in the use of suspension as an almost non-existent practice at Brookview Middle School with calls to the police occurring so infrequently that no one can remember the last time this school year that the Toronto Police Service: 31 Division was contacted. In fact, the police stopped in of their own accord late last year to ask what was happening at the school since there had been no emergency calls. Students and staff don’t talk about suspensions any more; rather, they celebrate positive achievements and student successes. Students are in class and resolving conflicts peacefully.

Brookview Values

This achievement in no small way is owed to the positive actions of students and staff as captured on the other scroll in the cafeteria which states the Brookview Values as:

- Respect
- Responsibility
- Organization
- Punctuality
- Kind and Caring
- High Expectations.

These values infuse “The Brookview Way” and are nurtured by some of the best practices shared above from this school of excellence.

Throughout the school, in addition to the beautifully painted scrolls, there are large poster reminders of the Brookview values. As one listens to teachers and staff, their language is sprinkled with these key words in acknowledging and complimenting students on how respectful they have been to a classmate or what excellent organization they showed in their homework. Visual, oral and auditory references to the Brookview values suffuse interactions daily thereby building a solid foundation for the future success of each student.

Welcome Outcomes

As Karl Subban proudly acknowledged to the panel, “Teachers can now teach and the boys and girls can now learn.” Staff re-affirmed this proud claim in their consultation with the panel. “We are addressing safety by being a kind and caring school. There is less anger and less confrontation.” Staff commented how constant turnover of quality leadership can have a negative impact on a school. As a result, many teachers expressed to the Panel their desire to keep Mr. Subban at Brookview so that his leadership could continue to benefit the school community.

Recommendations 126: The Panel recommends that principals who accept positions at schools in priority communities (municipally defined) do so on the basis that the position involves, at minimum, a five year commitment to remain in the position. Such commitment is subject to the ongoing discretion of the Board on the appropriateness of the administrator’s assignment.

To the students, staff and Principal Karl Subban of Brookview Middle School, a heartfelt congratulations for being an exceptionally successful school in which students learn and grow. The Brookview family is proof positive that fundamental change can happen and all it takes is to learn the fundamental lesson that Principal Subban teaches through action: **“Be kind and caring”**.

3.11.02 *Breaking the Cycle*

Another reason to be hopeful stems from the Panel’s interactions with the youth and staff at the “Breaking the Cycle Program,” a program developed and run by the Canadian Training Institute. The program is open to young people between the ages of 15 and 24 who are or who have been at risk of becoming members of an identified youth gang, and who are not currently employed or in school.

Phase One of the program begins with a two-week training program, followed by a one-week one-to-one case management process. The participants have the opportunity to be linked to meaningful educational and job training opportunities; provided with support in relationships with peers, employers and parents; assisted in resolving conflict non-violently; and supported in securing a placement in an internship program

During Phase Two, youth receive a 25-week “Employment Readiness and Leadership Preparation Program” during which they receive Leadership Training, an educational assessment, and receive certification in First Aid, CPR, Conflict Resolution and Mediation. In both phases, the participants are paid a training salary.

The Panel was privileged to have had the opportunity to meet with a number of young people involved in the program, as well as two key individuals who run the program, John Sawdon and Jabari Lindsay. Participants in this program include youth who, in their own words, have been “kicked out” of school. They spoke eloquently of their experiences of marginalization and exclusion in the education system.

Prior to coming to Breaking the Cycle, many of the youth had been told by educators that they were “going to fail”. They felt that in many cases they had been “set-up for failure” by an education system that “bored” them, “labelled” them, and suspended them for petty reasons. One young man said of his high school, “all that school does is degrade you.” Overwhelmingly, they felt that their teachers did not care about them and expected them to fail academically. Most of them had been transferred from more than one school. They viewed school transfers as an indication that the school system was giving up on them. They described experiences of multiple, involuntary school transfers to increasingly low-quality schools, in a process that they saw as an intentional encouragement to leave school permanently: “If no one cares for me, why should I care for myself?”

The young people described a significant difference in their experiences at Breaking the Cycle, where staff gave them respect, and where they learned not only practical skills but also gained self-awareness, self-esteem and renewed hope. The program and the staff helped them to develop the skills they need to play a positive leadership role in the community. These young people, who are desperate for alternatives, felt validated and valued by “people who care”. It is this caring approach that made a difference and kept them coming back. Many of the youth told the Panel that the key to building trust in the program was through the case management program. They would not have felt comfortable with counselling without having built up trust first. The key to the program’s success has been its small group setting and the one-on-one supports it provides.

There are many important lessons and models to be learned from Breaking the Cycle, the most important of which is that we cannot give up on any student. All students want the opportunity to learn and make a difference in their lives. With the right interventions and supports, all students can do so. The key, however, in the words of one Breaking the Cycle graduate is to “stop excluding and start including.”

3.11.03 Support Program for Expelled Students - Randolph Site

The Panel was also inspired by their visit to the Support Program for Expelled Students (“Support Program”) located at 21 Randolph Avenue (Toronto). On November 29, 2007, the Panel conducted a site visit at the “Randolph school” and met with a focus group of current and former students as well as the teachers, support staff and the supervising principal, Kevin Battaglia. Support Programs are offered to students who are subject to limited expulsions or, in some cases, long term suspensions. The program allows students to continue their education in smaller settings and with significant supports. Support Programs and other similar Alternative Schools are aimed at engaging

students and providing them with the supports necessary to ensure that they do not entirely drop out of the education system.

It was at the Randolph site that the Panel had a first hand view of how students can succeed when they are encouraged to believe in themselves and they are afforded the opportunity to succeed. The school currently has the capacity to accommodate sixteen students, a significantly smaller class size than a typical high school classroom. The class has two teachers (Monika Rzeznizek and Deborah Hamilton) who specialize in Mathematics, Science, English and Social Studies. In addition to teachers, the Randolph site also has an Educational Assistant (Ira Rabinovitch) and a Child and Youth Worker/Counselor (Omaida Ali).

The faculty describe themselves as a “team”. In the Panel’s view, they, along with Principal Kevin Battaglia, represent what is missing in the TDSB conventional school system – a complete and integrated approach to student support and learning.

At Randolph, the Child and Youth Worker/Counselor plays an essential role in ensuring that students are properly supported. Ms Ali provides emotional support to the students as well as assisting them in developing their social skills. The teachers speak of the importance of Omaida’s role as best understood by the anxiety they feel in trying to help the students on a day when Omaida happens to be absent (due to illness etc). “She is indispensable”. Ms Omaida organizes student workshops that address social issues, emotional issues, health issues, safety issues and personal growth. Ms Ali also assists students and their families with the court system. In addition to receiving help in their academic studies, the Support Programs offers nutritional breakfast and lunch services for the students. The meals are prepared by the students who are taught proper nutrition and diet from school staff.

During the Panel’s consultations with current and former students, the Panel heard that the Randolph School offered them everything that was missing from the traditional educational settings. Student and teachers explained to the Panel that the students “buy into” the program and respect the school rules, including removing all gang colours and bandanas at the door of the school. What is noteworthy is how the rules (such as gang paraphernalia) are enforced. Teacher Monika Rzeznizek explains: “It is about making them feel safe enough to make the right choices. You can’t force these issues; they have to believe that the environment doesn’t necessitate [the colors or the weapons]. Once they trust their surroundings, they leave it at the door”.

The Panel was impressed by the success of the Randolph site. The school provides an excellent formula for success in addressing the needs of marginalized students – small class sizes, small teacher/student ratios and substantial educational/emotional supports for students. What is clear is that this formula can be successful for students clinging to the edges of the educational system - bringing them back within the fold. Why then is this formula not used before students find themselves on the way out of the educational system? Surely students should not have to “reach the brink” (or indeed be over the edge) before they are given the supports and educational environment they require.

The system is purely reactive in nature. Help in its purest form seems only to exist when the situation is “critical”. The Panel believes that the TDSB must apply the formula of success used at the Randolph site to engage students before they get to the point that they are expelled or suspended. The Randolph site confirms that complex-needs youths can succeed if they are provided an educational plan that includes appropriate support services. There is no justifiable reason why these supports services cannot be provided by the TDSB at conventional schools. The TDSB must act to ensure student success. The Randolph program demonstrates that there is no lack of best practices.

Perhaps the greatest irony lies in the significant number of students who, according to teaching staff, resist returning to the conventional school system once they have participated in the Randolph Program. The rules do not permit students to stay beyond the set time of their program. While it is certainly an encouraging sign that Randolph is capable of creating the kind of nurturing environment needed to re-engage these youth, it is a sad comment on the conventional system that it is regarded as incapable of being a “safe haven” for our most marginalized youth.

A final note on the Support Program for Expelled Students: The acronym commonly used to describe the type of program is S.P.E.S. site. It is the Panel’s respectful view that this acronym should be reconsidered. The term “SPES Site or SPES School” carries a negative connotation and should be abandoned in favour of terminology more respectful of the important efforts made by staff and students in these programs.

3.11.04 “Promoting Economic Action and Community Health” (PEACH)

“Promoting Economic Action and Community Health” (“PEACH”) is a grassroots, non-profit community agency that offers services to young people and their families in the Jane Finch community. PEACH offers youth the academic, social and economic tools to stay in school, gain employment and make positive life choices. According to a recent PEACH newsletter, “PEACH has always been concerned about ‘youth at the edges’ ... youth who fall through the net of educational possibilities.”²³³ P.E.A.C.H. continuously asks the question, “How can we in the Jane Finch community begin to talk about a network of learning opportunities for youth who are not thriving in school?”²³⁴

PEACH has been at the forefront in developing programs for at-risk students who have been suspended from school. PEACH’s “Suspending and Studying” day program provides suspended students with academic support to complete their school assignments as well as programs designed to assist youth in developing life skills.²³⁵ Program staff also provide support for re-entry to school, and foster continuing relationships with parents through PEACH’s parents group. Former “Suspended and Studying” students are invited to participate in a homework club.

²³³ From the P.E.A.C.H. “One Minute Newsletter”, Autumn, 2007.

²³⁴ From the P.E.A.C.H. “One Minute Newsletter”, Autumn, 2007.

²³⁵ The “Suspended and Studying” program is supported by the United Way and the TDSB.

PEACH has recently entered into a formal partnership with the TDSB and has been designated an “Alternative to Suspension” (“A2S”) site. An “Enhanced Suspended and Studying” Program is facilitated by a TDSB teacher with the counselling assistance of a Child and Youth Counsellor. Students learn during lunchtime food preparation and are eligible to earn a “Food and Nutrition” high school credit. PEACH considers the nutrition aspect of its program to be essential, as “the power of preparing and sharing food with youth is important for health, for life skills, for literacy, for friendship, for caring, for planning, for celebrating.”²³⁶

PEACH also runs a summer “Youth Advocate” program for middle and secondary school students in partnership with the TDSB highlighted by weekly field trips of Toronto, a babysitting certification and a graduation celebration.

PEACH recognizes the importance of providing consistent and long term supports to young people, and thus offers a “Wraparound program” in partnership with Oolagen Community Services. The program employs a facilitator who provides a year-long intervention with individual youth who are experiencing multiple challenges, including failure or violence at school, negative peer relationships, and criminal charges.

The Panel was inspired by the difference that PEACH has made in the lives of many Jane Finch students, and sees PEACH as a model for providing services and hope to young people in other complex needs communities.

3.11.05 Community Contributions

There are numerous other organizations whose contributions clearly demonstrate that they are part of the solution in responding to the needs of marginalized youth in the “Jane-Finch” area and across the city. Their commitment and passion left a mark on Panel members. Time and resources have not permitted full explanation of the countless hours of service and human resources the representatives of these organizations have contributed. The Panel wishes to express its appreciation to the following organizations (in alphabetical order): Aboriginal Legal Services of Toronto; Belka Enrichment Centre; Black Creek Community Health Centre; Big Brothers Big Sisters Canada; Canadian Arab Federation; Canadian Council of Muslim Women; The Caring Village; Chesswood Employment Resources Centre; Coalition of African Canadian Organizations; C.L.A.S.P. (Community & Legal Aid Service Program: Osgoode Hall, York University); Community Development Officers, City of Toronto; Conflict Mediation Services of Downsview; CultureLink; Delta Family Resource Centre; Driftwood Community Centre; Friends in Trouble; Jamaican Canadian Association; “Jane-Finch” Community and Family Centre; “Jane-Finch” Community Legal Services; Justice for Children & Youth; Kenyan Community in Ontario; Metropolitan Action Committee on Violence Against Women and Children; Organization of Parents of Black Children; Pro Bono Law, Ontario; ReAct (Respect in Action); Steering Committee to Implement the Sexual

²³⁶ From the P.E.A.C.H. “One Minute Newsletter”, Autumn, 2007.

Assault Audit (Toronto); San Romanoway Revitalization Association; School Councils of C.W. Jefferys C.I., Westview Centennial S.S. and other schools; South Asian Legal Clinic Ontario; Somali Parents for Education; St. Stephen's Community House; Sergeant Steve Hicks ("Hicksy") and Detective Peter Duncan, Coordinators of the KICKS Program and other community initiatives sponsored by the Toronto Police Service; United Achievers; Youth Association for Academics, Athletics and Character Education; Youth Connect, Griffin Centre; Youth Issues Program, JVS Toronto; Youth Without Shelter; community initiatives of the United Way of Greater Toronto and the Youth Challenge Fund.

CHAPTER 4: BLUEPRINT FOR CHANGE

Throughout its consultation process, the School Community Safety Advisory Panel has experienced a great deal of “report cynicism.” At times this cynicism has bordered on hostility. Students, teachers, parents, community members, school board officials, police officials, union representatives and politicians have all made the following types of comments:

Not another report. What good do these investigations do? What difference do they make?

We don't need another report. There have already been too many reports. We already know what the problems are. We already know what needs to be done. We just need to take action.

These special investigations are a waste of time and money. Nothing is ever done. Recommendations are never implemented.

Money should be spent on making schools and communities safer, not conducting yet another study. Hundreds of good investigations and reports have already been conducted, but nothing real or significant is ever done about these problems.

These issues have already been studied to death!! Why aren't the recommendations ever implemented? This Panel is not going to do any good. It won't make a difference.

Clearly, many community stakeholders have lost all faith in the effectiveness of public inquiries. Nonetheless, the reasoning behind such inquiries is solid. A traumatic event or tragedy first occurs that draws attention to a specific problem or issue. A special body is then formed to research the extent and nature of the problem and develop “evidence-based” policy recommendations. The third stage of the process should, logically, involve the implementation of these recommendations. These recommendations, after all, are based on intense study and independent, expert opinion. Unfortunately, this third, most important stage often never takes place. Reports – along with their recommendations – are frequently left to gather dust on the shelves of policymakers without effecting significant social change. As a result, many people have come to view these special panel investigations as nothing more than public relations exercises. The perception is that, in the wake of tragic events (like the Jordan Manners shooting), governments and/or organizations act quickly to study or investigate the “problem” in order to create the “illusion” that something “real” is being done. In other words, investigative panels serve to buy time for policymakers and actually delay concrete action. Indeed, by the time recommendations are tabled, the crisis that originally led to the panel investigation has often dropped from public consciousness. This delay, therefore, ultimately allows policymakers to ignore recommendations without notice, criticism or accountability.

The purpose of this brief chapter is to identify the barriers or obstacles that often prevent panel recommendations from being translated into policy. Much of the material to be discussed in this section is based on community consultations and a review of the (very limited) academic literature on the topic. Other insights were generated by a special one-day Symposium, organized by the Panel and the Ontario Human Rights Commission, which sought to identify the various reasons recommendations from previous reports have not yet been fully implemented. This Symposium was held on November 21st, 2007 at the Ontario Institute for Studies in Education at the University of Toronto. The symposium was entitled “Breaking the Logjam: A Blueprint for Progress on School Safety.” During this event, Panel members heard opinions and received advice from various politicians, academics, community members and education experts – many of whom were involved in the preparation of previous reports. The primary objective of this conference was to help the Panel develop strategies for ensuring that our own recommendations have a high probability of implementation.

The following pages can be divided into two parts. We first attempt to identify the various obstacles or barriers that sometimes prevent the implementation of report recommendations. We then describe a number of potential strategies for overcoming these barriers and ensuring that the fruits of public inquiries – including the Panel’s own investigation -- are not in vain. The Panel strongly believes that it is only by increasing the implementation of report recommendations that confidence in public inquiries will be restored.

4.01: Barriers to Report Implementation

Below we provide a list of the major barriers to change identified by the Panel. This is by no means an exhaustive list, but it does highlight significant obstacles that were mentioned by a number of different stakeholders. A brief description of each barrier and how it can impede the implementation of recommendations, is provided. The following discussion also makes it clear that many of these barriers are inter-related.

4.01.01: Funding Limitations

Many of the experts we consulted admitted that funding is often a major barrier to report implementation. Recommendations are often expensive. They often call for either the allocation of additional resources – or for the redistribution of existing resources to new program initiatives. Often, if additional resources cannot be located, recommendations languish. Similarly, particular recommendations might be discarded – or implementation delayed – when important institutional players reject the redistribution of existing resources. In sum, successful implementation often involves the acquisition of additional resources or an implementation process that effectively explains and justifies new spending priorities.

4.01.02: Institutional Silos

Many innovative recommendations call for the coordination of activities and the sharing of responsibilities between different organizations or institutions. However, a number of the stakeholders with whom we consulted claimed that many cooperative efforts are resisted. They often referred to the “silo effect.” Individual organizations are often policy islands. They are concerned with securing their own funding, developing their own unique programs and regulations and ensuring their own institutional future. Far from cooperating or activities with other players, individual organizations often *compete* over resources, program mandates and jurisdictional authority. It was interesting to note that many of the institutional leaders we met with, while lamenting the lack of inter-organizational cooperation in dealing with issues of school and community safety, at the same time explained why their own organization should be given more resources and the power to lead future efforts at crime prevention and community development. In sum, unless different organizations, including the three major levels of government, can find a way to work together, some recommendations are doomed to failure.

4.01.03: Institutional Inertia

Change is difficult – especially within large, complex organizations. As Banchoff notes: “One of the core themes of the new institutionalism in political science is the resistance of established institutions to change.”²³⁷ This theme was reiterated by many of the experts we consulted with. For example, at the symposium, Liz Sandals (M.P.P Guelph-Wellington and Parliamentary Assistant to the Minister of Education), identified “institutional inertia” as the primary reason that many previously tabled recommendations had not yet been implemented. It should be noted that the term “institutional inertia” does not necessarily imply aggressive resistance to new policy initiatives. It simply suggests that – unless change is forced, imposed or legislated – institutions will fail to act. Thus, in order to ensure that recommendations are implemented, continued public pressure and accountability is required.

4.01.04: Resistance from Powerful Interest Groups

Recommendations are often designed to change the playing field. As such, they sometimes entail that resources be taken from one group and distributed to another. In order to jump start new initiatives, recommendations can also prevent funding increases for entrenched programs or institutions. At other times, recommendations may call for a change in existing jurisdictions, transform institutional mandates or alter organizational practices. It is not surprising, therefore, that report recommendations are often resisted or rejected by those who benefit from existing power relations. As stated by the United States Agency for International Development:

²³⁷ Banchoff, Thomas (2002), “Institutions, Inertia and European Union Research Policy. *Journal of Common Market Studies* 40 (1): 1-21 at 3.

Policy implementation creates winners and losers. Policies usually involve the imposition of costs on some societal groups as well as advantaging others. This means that policy reforms often become highly politicized. Most often, the winners are those who already benefit from the current state of affairs in the country and who are in a powerful position to defend the status quo and resist change.²³⁸

In sum, powerful interest groups – including professional associations, unions, governmental departments, public institutions and private organizations – often have the resources and organizational capacity (including access to the media) needed to resist policy recommendations that challenge their power or authority. By contrast, disadvantaged and/or disenfranchised groups (who may directly benefit from specific policy recommendations) often do not have the financial resources, political confidence or organization capacity needed to promote their interests. As such, many of the experts we consulted stated that, in the past, many report recommendations have not been implemented because government and organizational leaders did not want to challenge the interests of powerful stakeholders. These same leaders have also known that there are relatively few consequences for ignoring or deflecting the interests of powerless groups who have little voice in political matters.

4.01.05: Resistance to Research

At their core, public inquiries (panels, commissions, inquests, etc.) are research bodies. Their mandate is to conduct research and subsequently formulate recommendations based on their research results. Thus, when report recommendations conflict with the interests of powerful stakeholders, these stakeholders often hire their own “experts” to publicly challenge or discredit the research that these recommendations are based on. As a result, public discourse about policy implementation often devolves into a “debate between academics.” Several of the stakeholders we consulted maintained that debates about the quality or accuracy of research results often leads to policy paralysis. One strategy used by the opponents of specific policy recommendations is to claim that the studies they are based on are old or outdated. Interestingly, it seems that the Panel has already been issued such a challenge. For example, some have argued that the problems identified by the June 2007 student survey at C.W. Jefferys have already been solved. In other words, additional policy implementation is not necessary. Others have argued that research actually causes social problems. This argument is particularly likely to emerge with respect to issues of racism and discrimination. For example, the Panel has heard from several stakeholders that, in their opinion, race-based data collection should be avoided because it draws attention to racial differences and may thus create the impression of discrimination or bias.

²³⁸ USAID. 2001. *Policy Implementation: What USAID Has Learned*. 2001. Washington, DC: Centre for Democracy and Governance at 2.

4.01.06: Inadequate Leadership

Many have commented that report implementation requires strong, courageous leadership. Strong leadership is particularly crucial when report recommendations garner resistance – or lack support -- from powerful interest groups. In the recent past, such leadership has often been lacking. Indeed, many leaders have been “risk adverse.” They are afraid to implement important recommendations because they want to avoid or deflect criticism or political opposition. In other words, it is often seen as easier to delay policy implementation, avoid political confrontation and wait until a report – and its recommendations – have faded.

Strong, courageous leadership is difficult to locate within the modern political and organizational climate. Many leaders are more interested in their immediate career trajectories (the next election, the next promotion, the next performance review) than addressing the long-term needs of disenfranchised populations and promoting positive social change. This is particularly true in the area of community safety and criminal justice. A large number of prestigious research reviews, for example, have determined that crime and violence are more likely to be reduced by intense, well-funded community development initiatives than by increased spending on policing and corrections.²³⁹ Nonetheless, modern politicians are much more likely to increase spending on policing, corrections and other “tough on crime policies” than increase spending on community development. Part of the problem is the political need for immediate results. While the impact of policing initiatives is often immediate (more arrests, dramatic television footage of gang crackdowns, press conferences that show off confiscated drugs and weapons, etc), community development programs sometimes take several years to produce results. Thus, because they are often worried about the next election, politicians may be more attracted to short-term strategies, like increased spending on policing, than strategies that may not bear fruit until their political careers are over. This fact alone highlights the need for courageous leadership.

4.01.07: Leadership Turnover

A number of community members also identified leadership turnover as a major barrier to change. They maintained that, sometimes, report recommendations are not implemented because there has been a major change in power. For example, in 1992, the

²³⁹ Zahn, Margaret, Henry Brownstein and Shelly Jackson. 2004. *Violence: From Theory to Research*. New York, NY: LexisNexis – Anderson Publishing; Waller, Irving. 2006. *Less Law, More Order: The Truth About Reducing Crime*. Westport, Connecticut: Preager; Englander, Elizabeth (2007), *Understanding Violence: Third Edition*. Mahwah, NJ: Lawrence Erlbaum Associates; Chettleburgh, Michael (2007), *Young Thugs: Inside the Dangerous World of Canadian Street Gangs*. Toronto: Harper-Collins; Fergusson, Ross (2007), “Making Sense of the Melting Pot: Multiple Discourses in Youth Justice Policy.” *Youth Justice* 7 (3): 179-194; Sherman, Lawrence, David Farrington, Brandon Welsh and Doris MacKenzie. 2002. *Evidence Based Crime Prevention*. New York, NY: Routledge; Taylor, Ian. 2007. “Discretion and Control in Education: The Teacher as Street-Level Bureaucrat.” *Educational Management Administration and Leadership* 35 (4): 555-572.

Commission on Systemic Racism in the Ontario Criminal Justice System was established by the ruling NDP government. This Commission was co-chaired by Margaret Gittens and David Cole (Commission on Systemic Racism in the Ontario Criminal Justice System 1994).²⁴⁰ The Gittens-Cole Commission was given the mandate to investigate the extent and nature of racial bias against Ontario's black community and make recommendations on how anti-black discrimination could be reduced or eliminated within the province. Two years, and several million dollars later, the Commission produced an extensive report with hundreds of recommendations. There is a consensus that very few of these recommendations have been implemented. Many have argued that this lack of implementation stems from the fact that, shortly after the Commission tabled its report, the Conservative party (under Mike Harris) took power. Allegedly, the Harris government had little interest in implementing policy recommendations from an "NDP" report – especially when they had been elected on a largely "law and order" platform. Clearly, if report recommendations are to be implemented, they must be viewed as non-partisan.

4.01.08: Lack of Follow-up – Limited Monitoring and Evaluation

Public inquires (panels, commissions, inquests, etc.) have a very limited life span. They are first created and given a distinct research mandate. They then conduct research, formulate recommendations and deliver a report. After the delivery of the report they are quickly dissolved. Most often, that is the end of the story. There is no body or organization that examines the impact of the report. There is no independent body that investigates whether the report's recommendations have been implemented. Furthermore, even when recommendations have been implemented, there is no body that evaluates whether implementation has been effective or not. Clearly, this lack of follow-up is a barrier to change. It promotes institutional inertia. If organizations and organizational leaders are not monitored or held accountable for policy implementation, how can we ensure that they will act? If programs are not evaluated, how can we be sure that they are effective and that the public interest is being served? Clearly, after report delivery, if policymakers know that they will be monitored, and are aware that their program initiatives will be evaluated, the likelihood of recommendations being properly implemented will increase.

4.01.09: Public Apathy

The final barrier to policy implementation and meaningful social change is public apathy. Indeed, a number of the community stakeholders that we consulted with identified general public apathy as the most pressing obstacle to reform. Many citizens are only vaguely aware that public inquiries exist in the first place. Fewer still take the time to read final reports or express any kind of interest in the implementation of report

²⁴⁰ Commission on Systemic Racism in the Ontario Criminal Justice System (1994), *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System*. Toronto: Queen's Printer for Ontario.

recommendations. In this kind of environment, the failure of organizations to implement recommendations often flies under the public radar. When the public does not care, policymakers can often become apathetic themselves.

Several experts also recognized that previous report recommendations often target the needs or problems of the poor and disenfranchised. Unfortunately, many citizens do not relate or identify with these problems. They are problems that exist in “other” communities and involve “other” types of people. Some deny responsibility for the plight of others. They claim that people in problem areas should be responsible for their own situations and should not rely on other citizens to assist them. Such views often rise to the surface if recommended policies entail possible tax increases or the redistribution of resources from advantaged to disadvantaged neighbourhoods. Other community members directly link public apathy to racism. They claim that the public often does not care about or support policy recommendations that address the needs of disadvantaged racial minority groups. Some even claim that members of the white majority actually benefit from the relative deprivation of minority citizens. The existence of safety problems in minority communities, they argue, helps white people justify their own privileged position in Canadian society.

Whatever the cause of public apathy, it is clear that it does not promote social or institutional change. As long as the average citizen does not identify community safety problems, and the social conditions that lead to such problems, as their own, change will be slow or, unfortunately, nonexistent.

4.02: Strategies to Promote Change

The Panel scoured the academic literature and consulted with experts from various fields in order to develop a prescription for positive social change. Unfortunately, there are no simple solutions. The political science literature, for example, often documents in exquisite detail how particular bills or policies were eventually translated into legislation. However, the analysis is often historically specific and offers very little with respect to the identification of general, concrete rules for effective policy implementation.²⁴¹ Nonetheless, the Panel has identified a number of general themes or guidelines that could greatly increase the probability that report recommendations are ultimately translated into effective policy.²⁴² These guidelines are described below – often with links to specific Panel recommendations.

²⁴¹ Jensen, Christian. 2007. “Implementing Europe: A Question of Oversight.” *European Union Politics* 8 (4): 451-457.

²⁴² Several of these guidelines or ideas were informed by a publication entitled *Policy Implementation: What USAID has Learned*. This document was produced in 2001 by the Bureau for Global Programs, Field Support and Research, U.S. Agency for International Development.

4.02.01: Legitimization and Advocacy

In order to increase the probability of implementation, a report needs to be first accepted as worthwhile or legitimate. Furthermore, the legitimacy of both research results and recommendations must be effectively communicated to policy members, special interest groups and the general public. Such a task is more easily achieved if a report can identify a well respected “policy champion” or advocate. A policy champion can be defined as an individual, group of individuals or an organization who believes in the report and can take on leadership for subsequent communication and implementation tasks.²⁴³ During her keynote address at the Panel Symposium, Judith Finlay (Professor at Ryerson University and Former Chief Advocate of the Office of Child and Family Service Advocacy) stressed the importance of locating a policy champion. Such a person (or organization) can help build coalitions of support, challenge or confront critics, develop a media strategy and identify important obstacles to implementation.

4.02.02: Constituency Building

Constituency building refers to the steps that policy champions must take to identify and mobilize those that support a report and its recommendations. Constituency building also refers to the development of strategies to confront and deflect criticism.²⁴⁴ Constituency building needs to translate into the commitment, by supporters, to act and ultimately pressure policymakers into report implementation. As stated by USAID: “Constituency building must be pursued throughout reform implementation to assure ongoing support and avoid derailment. Participation is a key element in most constituency building.”²⁴⁵ In order to promote constituency building with respect to the current report, the Panel has recommended that the Ontario Minister of Education should strike an independent Implementation Task Force to respond to the recommendations and oversee their implementation.

4.02.03: Resource Accumulation

Resource accumulation means ensuring that present and future budgets and human resource allocations are sufficient and entrenched enough to support policy implementation requirements.²⁴⁶ Accomplishing this task can involve a variety of

²⁴³ USAID. 2001. *Policy Implementation: What USAID Has Learned*. 2001. Washington, DC: Centre for Democracy and Governance.

²⁴⁴ Victor, Jennifer Nicoll. 2007. “Strategic Lobbying: Demonstrating How Legislative Context Affects Interest Groups Lobbying Tactics.” *American Public Research* 35 (6): 826-845.

²⁴⁵ USAID. 2001. *Policy Implementation: What USAID Has Learned*. 2001. Washington, DC: Centre for Democracy and Governance at p. 2.

²⁴⁶ USAID. 2001. *Policy Implementation: What USAID Has Learned*. 2001. Washington, DC: Centre for Democracy and Governance.

different activities (e.g., lobbying governments, non-governmental organizations and the private sector for resources, negotiating with ministries for budget line item funding, designing new resource allocation systems, or designing novel revenue generating strategies). As discussed above, many report recommendations are never implemented because of funding challenges. Thus, in order to translate report recommendations into reality, the acquisition of adequate financial resources must be a primary objective of both policy champions and policymakers.

4.02.04: Ensuring Inter-Agency Cooperation

As discussed above, institutional silos and competition can often impede effective policy implementation. Thus, changes to basic organizational structures may be required in order to establish objectives and create systems that ensure inter-agency cooperation and coordination. This task may involve the establishment of new organizations, or the revitalization of existing bodies, both formal and informal, that link various entities with a role in policy implementation. The Panel recognizes that at least one organization already exists that might help achieve this goal. The Interdivisional Committee on Integrated Responses to Neighbourhoods was originally created with the very objective of providing a coordination function. The Panel has recommended, therefore, that this Committee be re-invented, such that the membership is streamlined and its powers to allocate resources enhanced.

4.02.05: Monitoring Impact

Considerable effort is required to establish systems that can monitor progress with respect to report implementation and program effectiveness. Effective monitoring systems not only alert decision-makers to implementation problems or snags, but also serve to inform key stakeholders of the intended and unintended impacts of various implementation efforts. In order to fulfill monitoring requirements, the Panel, as discussed above, has recommended that the Ontario Minister of Education first create an independent Implementation Task Force to respond to the report's recommendations and oversee their implementation. Furthermore, the Panel has made numerous recommendations that will further establish a strategic research and monitoring agenda. These recommendations include a call for periodic surveys of both teachers and students on school safety issues. These periodic surveys will not only provide baseline measures of victimization, reporting and other school safety issues, they will ultimately enable longitudinal or trend analysis at the School Board level. The panel also recommends improved record keeping with respect to both school safety incidents and school disciplinary actions (including suspensions, expulsions and safe school transfers). Finally, the Panel recommends independent, high quality evaluations of specific program initiatives. Evaluation protocols will help policymakers identify initiatives that are working and should be continued, programs that are not working and should be discarded and programs that have the potential to work but require further resources or development. Evaluation will ultimately assist in the creation of a healthy school environment for all children.

4.02.06: Reward Effective Leadership

Policymakers and institutional leaders must be recognized and rewarded for implementing report recommendations. Leaders must also be given the institutional support needed to implement innovative ideas and weather criticism from interest groups who oppose report recommendations. It is the opinion of the Panel that the current Director of the TDSB should already be recognized for having the courage to call for an independent investigation into school safety in the first place. We believe that this decision has enabled the issue of school safety to be viewed with “fresh eyes” and an objective spirit. We also believe that this objectivity is reflected in the report’s final policy recommendations. We sincerely hope, therefore, that the TDSB, along with other implicated agencies and institutions, has the courage to implement and evaluate these policy initiatives.

4.02.07: Create a Culture of Caring

As discussed above, public apathy, institutional inertia and resistance from vested interest groups can all impede or derail the implementation of important report recommendations. It is clear that meaningful, positive social change cannot be truly imposed, therefore, without creating an overarching culture of care. Nothing short of a philosophical revolution is needed to “shake-up” the system. A culture of care involves the development of systemic empathy for the disadvantaged and disenfranchised, the acceptance of historical inequalities and oppression (including racism) as factors in the creation of current social problems and public acknowledgement that these problems are not isolated within marginalized communities or neighbourhoods. Problems with community disadvantage, racism, inequality and safety must be recognized as everyone’s problem, everyone’s responsibility. How we deal with such problems is a reflection of who we are as a people. It is the responsibility of all leaders – including politicians, educators, the media, faith leaders and community advocates – to spread this message. It is all of our responsibility to hear this message and be transformed.

In many ways Toronto, as the rest of Canada, is at a crossroads. A recent report by the United Way of Greater Toronto, for example, clearly documents that economic polarization is spreading.²⁴⁷ We are increasingly becoming a society of the haves and the have-nots. If we do not stop or reverse this trend, if we don’t reinforce our traditional social welfare values, if we don’t all start to care about the disadvantaged among us, we may be doomed to the types of violence issues that we typically associate with our neighbour to the south. Thankfully, we have not reached U.S levels of crime and disorder yet. But the warning has been sounded.

²⁴⁷ MacDonnell, Susan, April Lim and Diane Dyson. 2007. *Losing Ground: The Persistent Growth of Family Poverty in Canada’s Largest City*. Toronto: United Way of Greater Toronto.