

COMPLIANCE DETERMINATION

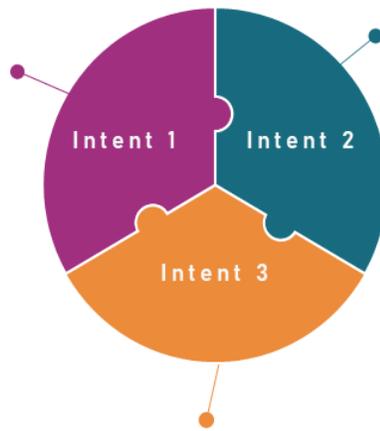
Circling Star – Recommendation 2

Recommendation Summary: Conduct a review and develop a province-wide strategy to limit exclusionary practices.

Primary Public Body: Manitoba Education and Early Childhood Learning

1. Conduct a review of the current use of out-of-school suspensions and expulsions

The draft policy directive provided includes provisions that “School Division policy and procedures must identify a process to collate, monitor, evaluate, and review data related to the use of suspensions (both in-school and out-of-school) and expulsion. Information gathered must be reviewed annually or sooner.” This data must also be reported to the province, with Manitoba Education anticipating aggregated data as of 2024.



2. Develop a province-wide strategy to limit, reduce and phase-out exclusionary practices except in situations of imminent safety risk

A draft of a policy directive on minimizing the use of suspensions and expulsions in Manitoba schools was provided with the response to this recommendation. This draft policy directive will be implemented in fall 2022, with the expectation that schools/school divisions draft or update policies in line with the directive throughout the 2022-2023 school year.

3. The review and strategy should be disciplinary alternatives that are: a. evidence-based, b. in line with the best interests of the child, and c. respect the right of children and youth to education

The policy directive identifies the importance of alternatives to suspension/expulsion, and that they must be considered before the use of suspension.

COMPLIANCE DETERMINATION



Fully Compliant

Recommendation Compliance Summary

In accordance with subsection 11(1) clause (d) of *The Advocate for Children and Youth Act (ACYA)*, the Advocate retains the responsibility "to monitor the implementation of recommendations included in reports made under section 27 (investigation) or special reports made under section 31."

This form details the assessment of implementation of compliance made under the referenced subsection of the ACYA. MACY assesses implementation of compliance with recommendations once a year but receives updates from public bodies every six months.

1. Recommendation Information	
Special Report Name:	Documenting the Decline: The Dangerous Space Between Good Intentions and Meaningful Interventions
Date Released:	10/19/2018
Full Recommendation: (including details)	<p>Recommendation Two: The Manitoba Advocate for Children and Youth recommends that the Department of Education and Training through Healthy Child Manitoba (HCM), and with participation from all school divisions, conduct an urgent review of the current use of out-of-school suspensions and expulsions, and develop a province-wide strategy to limit, reduce, and phase-out exclusionary practices, except in situations of imminent safety risk to students and staff. This review and strategy should provide evidence-informed disciplinary alternatives that are in line with the best interests of the child and respect the right of children and youth to education.</p> <p>DETAILS:</p> <ul style="list-style-type: none"> • The Department of Education and Training will develop quality assurance and information management processes to: (1) define "imminent safety risk to students and staff," (2) assess the prevalence, duration, and nature of school suspensions and expulsions in Manitoba, (3) analyze and ensure compliance with standards and best practices, (4) provide school boards with the necessary information to develop strategies to reduce and end school suspensions and exclusionary practices, and evaluate initiatives. Changes should be data-informed and made considering the unique dynamics in Manitoba. • The Department of Education and Training will implement province-wide and evidence-informed suspension and exclusion prevention policies and procedures for Manitoba schools. This is to then, in turn, inform training for: <ul style="list-style-type: none"> ○ School division training for teachers, principals, and superintendents; ○ Mentorship programs; and, ○ Alternative approaches to suspension.
Intent(s) of Recommendation:	<p>The intents of the recommendation are to:</p> <ol style="list-style-type: none"> 1. Conduct a review of the current use of out-of-school suspensions and expulsions. 2. Develop a province-wide strategy to limit, reduce and phase-out exclusionary practices except in situations of imminent safety risk.

	3. The review and strategy should provide disciplinary alternatives that are: evidence-based, in line with the best interests of the child, and respect the right of children and youth to education.
Issue:	Suspensions and Expulsions
Primary Department:	Manitoba Education
Dates of Previous Official Updates from Public Body:	June 30, 2022
	May 26, 2021
	June 30, 2020
	December 31, 2019
	June 27, 2019
	April 23, 2019
2. Compliance Determination	
Fully Compliant 1.0	Actions taken fully implement the recommendation
Self-Assessment	Fully Compliant
Previous Compliance Determination	Partially Compliant
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
Intent 1: Conduct a review of the current use of out-of-school suspensions and expulsions. 2022	
<ul style="list-style-type: none"> Manitoba Education and Early Childhood Learning (EECL) reported that consultations regarding data collection on suspensions/expulsions have remained ongoing, and jurisdictional scans continue to occur to understand the issue across Manitoba. This information has been used to inform the best practice policy directive on using suspensions/expulsions. The draft policy directive provided includes provisions that “School Division policy and procedures must identify a process to collate, monitor, evaluate, and review data related to the use of suspensions (both in-school and out-of-school) and expulsion. Information gathered must be reviewed annually or sooner.” In addition to internal school division review, the policy directive states that, “Data related to out-of-school suspension and expulsion will be collected provincially.” The response indicates that the timeline for provincial data collection is as follows: pilot data collection in 2022-2023 as schools develop policies in line with Policy Directive, and by June 2024, EECL will have begun the first provincial aggregate collection of suspension/expulsion data. As the intention for review in our recommendation was to understand who suspension/expulsion is affecting, MACY received confirmation that data will be analyzed by the province, with the expectation that concerning trends in the data will be addressed by individual schools and school divisions through the revision of policies, or the addition of supports. 	
2021	
<ul style="list-style-type: none"> The collection of data relating to the use of out-of-school suspensions and expulsions will be part of the policy directive currently in development to understand the use of out-of-school suspensions and expulsions. Data collection was attempted in 2020. Responses from school divisions varied due to different means of collecting information and non-consistent definitions of school suspensions or expulsions which affected the ability to understand the scope of the issue. The policy directive intends to correct this variation and align data-tracking of this issue across school divisions. 	

- Since the release of the *Better Education Starts Today* strategy, the focus of addressing this recommendation has shifted to being accounted for in priority action 3.2 of the strategy, which states, “Review and update Manitoba’s Provincial Code of Conduct: Appropriate Interventions and Disciplinary Consequences (2017) and develop a policy on the use of exclusionary practices (i.e., seclusion, suspension, and expulsion) for all students.” It was identified that the work of the group mentioned in the previous response from June 2020, is no longer moving forward. The template for reporting on suspensions, expulsions, and absenteeism did not get developed or put into use in Manitoba schools. The working group mentioned in June 2020 has been disbanded and is no longer meeting.

2020

- The Response from MACY-RAP indicated a commitment to achieving the intent of the recommendation. An established working group received feedback from school divisions related to how the divisions are tracking suspension and chronic absenteeism. The information is intended to form the basis of a template that can be used universally across school divisions to report on suspension and chronic absenteeism rates.
- The data collected are intended to provide an evidence base to inform strategies to identify trends and reduce the use of suspensions. Work on this initiative will resume in the fall of 2020 with the return to in-class instruction.
- The examination on how school divisions track suspensions and chronic absenteeism and the use of a single tracking forms is a promising and necessary first step for reviewing the current use of out-of-school suspensions and expulsions. A review of the use of suspensions and chronic absenteeism, however, is not yet completed.

Intent 2: Develop a province-wide strategy to limit, reduce, and phase-out exclusionary practices except in situations of imminent safety risk.

2022

- A draft of a policy directive on minimizing the use of suspension and expulsions in Manitoba schools was provided with the response to this recommendation. This draft policy directive will be implemented in Fall 2022, with the expectation that schools/school divisions draft or update policies in line with the directive throughout the 2022-23 school year.
- In line with other responses from EECL regarding their role in the education system in relation to school divisions and schools, the suspension/expulsion policy directive lays out the goals that schools should be striving towards, but does not provide direct instruction on what schools “must” do.
- Manitoba schools are intended to use the policy directive in conjunction with the *Safe and Caring Schools* guiding document and the *Manitoba Provincial Code of Conduct*, to create positive, healthy, and safe schools where problems are identified and solved early, therefore preventing the need for managing difficulties through suspension and expulsion (as schools utilize these documents in a fulsome way, the use of suspensions/expulsions will be limited, reduced, and ultimately eliminated).
- The policy directive indicates that all schools need to update policies to be in line with the guidelines. There are 12 guidelines that policies must address: Enhancing Proactive and Preventative Practices, Definitions and Terminology, Alternatives to Suspension, Access to Appropriate Educational Programming, Scope of Authority, Discretion and Consideration, Suspension Process, Expulsion Process, Communication and Documentation, Appeal Process, Re-Entry Process, Monitoring and Review.

2021

- Based on the directives included in *Better Education Starts Today*, the development and writing of a new provincial policy directive on the use of exclusionary practices is under way. The Student Services Inclusive Education Committee has been tasked with completing this work. Manitoba Education recently released a policy directive on seclusion, and it is intended for the exclusionary practice policy directive to follow the same format. A stakeholder presentation was provided that sought feedback on what the content and format should look like for such a policy directive.
- Policy directives are used by Manitoba Education to identify to school divisions and schools what policies they should have in place and what those policies should include. It is the expectation that all schools update existing policies or create new policies to be in line with a policy directive. A mechanism for understanding whether school divisions and schools have appropriate policies in place is part of the review and report structure undertaken by the Inclusion Support Branch of Manitoba Education.
- The fulfillment of this intent will be based upon the content of the policy directive currently in development. Significant work has been shifted towards stakeholder engagement and creating a committee to develop this policy.

2020

- As of yet, work on a province-wide strategy has not been developed, and activities are focused on the development of reliable data on chronic absenteeism and suspensions.

Intent 3: The review and strategy should provide disciplinary alternatives that are: evidence-based, in line with the best interests of the child, and respect the right of children and youth to education.

2022

- The policy directive identifies the importance of alternatives to suspension/expulsion, and that they must be considered before the use of suspension. For example, it states, "Schools are encouraged to access all available resources in implementing intervention and mediation strategies in resolving behavioural issues and take a restorative approach to discipline."
- The directive does not identify specific alternatives, but directs schools to the Provincial Code of Conduct, which identifies the steps to be taken before suspension, after which, by using resources and current research, schools are intended to utilize the alternatives to promote students' and teachers' understanding of behaviour and responding to behaviour in ways that support a safe, caring, and inclusive school community. Interventions before suspension in the Provincial Code of Conduct include: Informal Discussion, Parental Involvement, Refer to School Counsellor, Withdrawal from Classroom Setting, Removal of Privileges, Detention, Restitution, Behavioural Contract, Outside Agency Involvement, etc.
- The policy directive identifies the best interests of the child should be guiding all school policies regarding suspension/expulsion and must always take into account students' right to appropriate educational programming.
- Overall, the policy directive aims for schools to look at incidents through an individual and student-specific lens, while also having the mechanisms, policies, and resources in place for consistency and equity in how discipline is applied.

2021

- The fulfillment of this intent will be based upon the content of the policy directive currently in development.

2020

- At the time of the release of the 2020 compliance report, a strategy had not been developed because the public body was collecting data.

Analysis Summary: Based on limitations to data collection, and the varied way school divisions have collected suspension/expulsion information to date, the response to this recommendation has relied on the creation of a suspension/expulsion policy directive. Issuing policy directives is a tool utilized by Manitoba Education and Early Childhood Learning to set parameters on how school divisions and individual schools should create policies on important topics. While school divisions and schools must utilize these directives to ensure their policies are in line, they also have the opportunity to tailor policies to the individual needs or circumstances of a school. The suspension/expulsion policy directive strongly supports the notion that suspensions and expulsions are a last resort disciplinary tool to be utilized in schools only when the safety of students or staff is at risk. With the upcoming release of this policy directive confirmed, all intents of this recommendation have been met fully or met in an alternate format, resulting in a fully compliant determination.