

# COMPLIANCE DETERMINATION

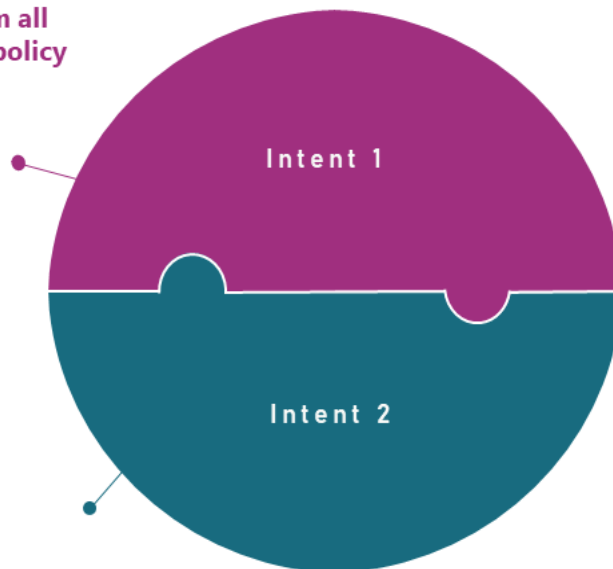
## Matthew – Recommendation 2

**Recommendation Summary:** Develop a province-wide strategy to limit, reduce, and phase out exclusionary practices.

**Primary Public Body:** Manitoba Education and Early Childhood Learning

**1. Develop, with participation from all school divisions, a province-wide policy to limit, reduce, and phase-out exclusionary practices.**

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 2022-2023 school year.



**2. This policy 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.**

The policy directive identifies the importance of alternatives to suspension/expulsion, and that they must be considered before the use of suspension. The policy directive also identifies that best interests of the child should be guiding all school policies regarding suspension/expulsion, and must always take into account a student's right to appropriate educational programming.

### 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	
<b>Special Report Name:</b>	<b>The Slow Disappearance of Matthew: A Family's Fight for Youth Mental Health Care in the Wake of Bullying and Mental Illness</b>
<b>Date Released</b>	2/27/2020
<b>Full Recommendation:</b> (including details)	<b>Recommendation Two:</b> The Manitoba Advocate for Children and Youth recommends that the Department of Education, with participation from all school divisions, develop a province-wide policy to limit, reduce, and phase-out exclusionary practices, except in situations of imminent safety risk to students and staff. This policy 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.
<b>Intent(s) of Recommendation:</b>	The intents of the recommendation are to: <ol style="list-style-type: none"> <li><b>1. Develop, with participation from all school divisions, a province-wide policy to limit, reduce, and phase-out exclusionary practices.</b></li> <li><b>2. This policy 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.</b></li> </ol>
<b>Issue:</b>	Suspensions and Expulsions
<b>Primary Department:</b>	Manitoba Education
<b>Dates of Previous Official Updates from Public Body:</b>	June 30, 2022
	May 26, 2021
2. Compliance Determination	
<b>Fully Compliant 1.0</b>	Actions taken fully implement the recommendation
<b>Self-Assessment</b>	Fully Compliant
<b>Previous Compliance Determination</b>	Partially Compliant
3. Rationale for Determination <i>(How did you reach this compliance determination)</i>	
<b>Intent 1: Develop, with participation from all school divisions, a province-wide policy to limit, reduce, and phase-out exclusionary practices.</b> <b>2022</b> <ul style="list-style-type: none"> <li>• 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 to be in line with the directive throughout the 2022-23 school year.</li> <li>• In line with other responses from Manitoba Education and Early Childhood Learning (EECL)</li> </ul>	

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

- The *Better Education Starts Today* strategy addressed this recommendation 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.”
- 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 what policies school divisions and schools 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. Understanding whether school divisions and schools have appropriate policies in place is a mechanism of the review and report structure undertaken by the Inclusion Support Branch of Manitoba Education.

**Intent 2: This policy 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.**

## 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. Work is underway towards stakeholder engagement and creating a committee to develop this policy.

**Analysis Summary:** The draft policy directive on suspension and expulsions was provided with the response to this recommendation, with the commitment that it will be finalized for the Fall of the 2022 school year. Throughout 2022-23, schools will be expected to update and draft policies which are in line with the directive, with finalization for the beginning of the 2023 school year. The policy directive identifies suspension/expulsion as a means of discipline that is to be limited, reduced, and phased out through the use of the directive in conjunction with the *Safe and Caring Schools* guiding document in which schools emphasize collective well-being and safety for all students and staff. With the finalization and implementation of this policy directive, this recommendation is considered fully compliant.