

Guidelines  
For Educational Programs for  
Students In Government Approved  
Care and/or  
Treatment, Custody and Correctional  
(CTCC) Facilities  
2016-17

Une publication équivalente est disponible en français sous le titre suivant : Lignes directrices concernant les programmes d'éducation destinés aux élèves dans les établissements de soins, de traitement, de services de garde et de services correctionnels approuvés par le gouvernement, 2016-2017

**This publication is available on the [Ministry of Education's website](#).**

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## **A. A New Vision for Education Programs in Care and/or Treatment, Custody and Correctional (CTCC) Facilities**

Ontario remains committed to the success and well-being of every student and child. In 2011, the Ministry of Education began a process of reviewing and transforming CTCC education programs. This transformation is taking place within the evolution of the broader education system where the capacity of schools to accommodate the diverse needs of learners within the classroom is increasing. Additionally, the care and treatment and Youth Justice and correctional systems are also evolving. We will need to continue to work to align CTCC education programs within this new context.

The vision for CTCC education programs continues to be refined alongside the release of the Ministry of Education's *Achieving Excellence: A Renewed Vision for Education in Ontario*. The renewed goals of Achieving Excellence, Ensuring Equity, Promoting Well-being and Enhancing Public Confidence are relevant for education programs in CTCC facilities. In particular, the goal of Ensuring Equity, with its focus on providing the best possible learning opportunities and supports for students who may be at risk of not succeeding, is essential for students in CTCC programs.

The transformation seeks to achieve the following vision for CTCC programs:

**As an integrated part of Ontario's education system, CTCC programs provide critical support to meet the needs of students unable to attend regular schools and facilitate specific pathways to ensure future educational success.**

In order to achieve this vision, three priority areas have been identified:

- Modernize governance, funding, accountability and increasing ownership for these students
- Improve Student Learning, Achievement and Well-Being
- Improve collaboration across all systems to provide seamless programs and services for students

The ongoing transformation of CTCC programs provides an opportunity to test new programs, remove existing or potential barriers to effective service delivery, provide more tailored and personalized learning environments to better meet student needs and improve educational outcomes.

## **B. Purpose**

These Guidelines are designed to provide direction to school boards regarding the approval and delivery of educational programs for students who are clients of a government approved CTCC facility.

These Guidelines consolidate and replace the following documents:

- a) GUIDELINES 2005-06; For Approval of Educational Programs for Pupils In Government Approved Care and/or Treatment, Custody and Correctional Facilities
- b) Policy/Program Memorandum No. 85 – Educational Programs for Pupils in Government Approved Care and/or Treatment Facilities
- c) Ministry of Education Essential Elements for Education Programs for Pupils in Government Approved Care and/or Treatment, Custody and Correctional Facilities (February 2009)

## **C. Sharing of Personal Student Information**

Throughout these Guidelines there are numerous references to collaboration, in the best interests of the students, between the school board employees providing the education programs and the staff members working at the facility providing the care, treatment, or rehabilitation. To this end, any collection or disclosure of personal information by school boards that is recommended in these Guidelines is subject to the limitations set out in section 266 of the Education Act and in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Some of the protections of the Youth Criminal Justice Act may also apply.

Prior to actually sharing this sensitive personal information, school boards must ensure that the appropriate protocols, collection and use statements, as well as consent forms have been reviewed so that they reflect the requirements of these acts. When sharing personal information, only that amount of information pertaining to the purpose of the sharing may be disclosed. Additional information on the interaction between the Education Act and MFIPPA, can be found in [\*A Guide to Ontario Legislation Covering The Release of Student's Personal Information \(revised: June 2011\) published by the Information and Privacy Commissioner.\*](#)

## **D. Provision of Educational Programs in Care and/or Treatment, Custody and Correctional (CTCC) Facilities**

A school board may enter into a written agreement with a government approved CTCC facility, within its jurisdiction, to provide educational programs for those students who cannot attend local schools because of their need for care, treatment or rehabilitation. A school board shall employ one or more qualified teachers to provide such educational programs in the facility. Where a school board and a government approved care and/or treatment facility enter into an agreement for the provision of an

educational program, the facility must provide one or more suitable classrooms for the educational program, as well as the necessary support staff to maintain the CTCC programs, as required, while the student is in the educational program.

The Ministry of Education believes that the education goals of school-age students should continue to be supported when they are required to attend government approved facilities for care, treatment or rehabilitative purposes. As much as possible, these students should attend regular or special education classes in local schools. However, in cases where students cannot attend local schools because of their need for care, treatment or rehabilitation, suitable educational programs which recognize the primacy of the care, treatment and rehabilitation needs may be provided by the school board within the program. It is a fundamental belief that all students can succeed when given the appropriate supports. Educators that work in CTCC educational programs cannot do this in isolation. Arrangements for the provision of such educational programs should be developed jointly by the staff of these agencies and school board personnel.

CTCC education programs are based on a collaborative model between the school board and the facility. The school board provides the educational programming and the facility provides the care, treatment and/or rehabilitation outcomes.

As such, joint planning and multi-disciplinary teams should be used to ensure consistent and continuous support for student in these programs in achieving their learning and care, treatment and/or rehabilitation outcomes.

Supervision, guidance and learning can only be accomplished through the co-operative development of individual plans for each student. In both preparing and applying these plans, education often becomes interwoven with the social and medical programs provided.

Students in CTCC education programs may be among the most vulnerable and at risk of not completing elementary and/or secondary education. Although some of the students served within these programs have primary needs other than education, there is recognition and agreement that maintaining continuity of education during periods of care, treatment and/or rehabilitation complements and supports treatment objectives and supports improved life outcomes.

Research also indicates that the education that these students receive not only impacts learning outcomes, but positively impacts behavior, self-management of mental health issues, peer and familial relationships, and long-term prognosis for sustainable transitions to adulthood and personal autonomy. Educational outcomes of these students are also influenced by the skills and experience of both facility and education staff working in these programs (Gharabaghi, 2012).

CTCC education programs have been the focus of numerous reports and reviews over the past several years. These reviews have identified that while there are a number of effective programs and promising practices, more can be done to move

the system forward towards a stronger focus on student achievement, well-being, equity, accountability and collaboration. These revised Guidelines will be reviewed and updated on an annual basis, providing the Ministry with the medium to support the transformation of CTCC education programs in the coming years.

### **E. The Essential Elements of CTCC Education Programs**

While the students who access CTCC programs are not “pupils of the board” for funding purposes, these programs are still delivered by the board, and do not operate in a vacuum. With the appropriate modifications, many of the policies and resources for day schools are relevant to CTCC programs.

Due to the unique needs of students in CTCC programs, the Ministry has identified four essential elements for these programs. The four essential elements are:

1. Assessment, Evaluation and Reporting on Student Achievement
2. Instruction and Intervention
3. Transition Planning
4. Information Management and Reporting to the Ministry of Education

These elements provide the conditions to improve student achievement; reduce gaps in student achievement; and increase public confidence in the publicly funded education system. These elements also provide the framework for Ministry monitoring of programs. The elements are as follows:

#### **1. Assessment, Evaluation and Reporting on Student Achievement**

- a. It is expected that assessment, evaluation and reporting of learning and achievement for students in CTCC programs will be consistent with and informed by Ministry of Education policies, and procedures detailed in *Growing Success, Assessment, Evaluation and Reporting in Ontario Schools, First Edition covering Grades 1-12, 2010*. [Growing Success, Assessment, Evaluation and Reporting in Ontario Schools, First Edition covering Grades 1- 12, 2010.](#)
- b. Teachers use practices and procedures outlined in the fundamental principles in *Growing Success* to ensure that assessment, evaluation, and reporting are valid and reliable, and that they lead to the improvement of learning for all students.
- c. [Learning for All: A Guide to Effective Assessment and Instruction for All Students, Kindergarten to Grade 12 \(2013\)](#) describes a set of beliefs, based on research, that should guide all educational program planning for students enrolled in CTCC education programs. When planning educational programs, teachers pay particular attention to these beliefs, which are as follows:



- i. All students can succeed.
- ii. Each student has his or her own unique patterns of learning.
- iii. Successful instructional practices are founded on evidence-based research, tempered by experience.
- iv. Universal design and differentiated instruction are effective and interconnected means of meeting the learning or productivity needs of any group of students.
- v. Classroom teachers are the key educators for a student's literacy and numeracy development.
- vi. Classroom teachers need the support of the larger community to create a learning environment that supports students with special education needs.
- vii. Fairness is not sameness.

In any program setting, students may demonstrate a wide range of strengths, interests and needs. Teachers plan programs that recognize this diversity and give students performance tasks that respect their particular abilities so that all students can derive the greatest possible benefit from the teaching and learning process. The use of flexible groupings for instruction and the provision of ongoing assessment are important elements of programs that accommodate a diversity of learning needs.

- d. The appropriate assessment should occur upon admission and demission to the CTCC education program to confirm or inform the education plan and transition plan for that student.
- e. Information about student learning and achievement gathered through on-going assessment, and evaluation results should be shared on a continuous basis with students and parents/guardians.
- f. It is expected that students will participate in board or Provincial tests/assessments as determined by the Ministry of Education or school board.
- g. Policies and procedures regarding access to as well as retention, storage, use, transfer and disposal of documentation related to the educational history and progress of a student, including but not limited to Provincial Report Cards and the Ontario Student Transcripts (OST), must comply with the provisions of The Ontario Student Record (OSR) Guideline and Section I of these Guidelines.
- h. A complete record of student achievement, including achievement of elementary curriculum expectations, secondary credits earned and documentation regarding work completed toward secondary credits will be provided upon demission from the program.

## **2. Instruction and Intervention**

- a. Students receive instruction based on individual strengths, interests and needs,

student achievement and wellbeing.

- b. In order for students to access the Ontario curriculum appropriate learning resources should be available to students.
- c. The education program is based on the [Ontario Curriculum](#) or board determined alternative education program and/or course. Instruction is differentiated based on students' strengths, interests and needs.
- d. The use of accommodations, modifications and/or alternative programming is reflected in the education plan.
- e. The strategies for instruction recognize the benefits of the multidisciplinary approach.
- f. The education staff have access to and use:
  - i) curriculum and related policy documents, resource guides, professional learning materials etc. to support their planning and delivery of the education program;
  - ii) professional development activities provided by the school board; and
  - iii) appropriate training led by the facility to support the unique needs of their students.
- g. Consideration is given to staff with relevant knowledge, classroom teaching experience and understanding of the unique needs of students in CTCC education programs to develop, deliver and support the effectiveness of the programs.
- h. The principals and superintendents responsible for CTCC education programs work with and provide support and guidance to staff assigned to the facility on a regular basis.

### **3. Transition Planning**

- a. Effective transition planning is important for all students, especially for students transitioning into or out of CTCC education programs. School board and facility staff plan and facilitate effective transitions so that students receive continuous programs and services with a minimum of disruption when they are admitted to and/or demitted from CTCC education programs. Personalized and precise student transition plans reflect the individual students' strengths, interests and needs and provide the foundation for successful transition experiences. Effective transition planning supports increased student achievement and well-being and improves the continuity of programs and services for students.
- b. Elements of the transition planning include sharing of documentation and records (in keeping with the OSR Guidelines), regular communication with parents/guardians and gradual reintegration where appropriate.

- c. The educational strengths, interests and needs are identified through appropriate assessment procedures, where possible, before admission to the CTCC education program. Various educational alternatives may need to be considered when supporting integration of students into a new educational setting.
- d. Transition plans are to be developed and monitored by multidisciplinary teams, which may include but are not limited to, parents/guardians, students (where appropriate), educators, facility staff and community service partners, to address the students' strengths, interests and needs and support a seamless transition into and out of the CTCC education program.
- e. Every transition plan will identify specific transition goals, support needs, the actions required to achieve the goals, roles and responsibilities, and timelines for the implementation and/or completion of each of the identified actions. The transition plan must be stored in the OSR folder.
- f. When a student enters into a CTCC educational program, the teacher from the CTCC educational program has access to information about each student's education plan and needs and, as appropriate, attends a transition planning meeting with the day school that the student is transitioning from.
- g. When a student leaves a CTCC educational program and enters into a day school, the receiving teacher(s) has access to information about each student's education plan and needs and, as appropriate, attends a transition planning meeting with the CTCC education staff to inform program planning and delivery in the regular school system.
- h. Where the multi-disciplinary staff in the facility agree, and on-going assessment indicates the student's readiness, admission to a school of a board may be appropriate. The facility and the school board providing the educational program shall work co-operatively with community agencies and the receiving school to create a plan for the successful transition of the student.
- i. The student is supported by CTCC education staff during the transition period from the facility into the appropriate school-based program or post-secondary setting through informal liaison, if possible and appropriate. Until this transition time is completed, usually a few weeks to a few months, the student shall remain on the program register, since this provides protection for the student in case of regression. A student shall not be included on the register of the program and the register of a day school at the same time.

Resources, practices and samples to support transition planning processes and plans may be found in [Individual Education Plans: A Resource Guide, 2004](#), and [Effective Practices for Students with Autism Spectrum Disorder, 2007](#).

#### **4. Information Management and Reporting to the Ministry of Education**

- a. The appropriate protocols and procedures are in place for the gathering and storage of all relevant documentation.
- b. The confidentiality of personal information is protected by section 266 of the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Youth Criminal Justice Act*, depending upon the location and type of information. Refer to the section I of these Guidelines for more details regarding the privacy obligations of CTCC education programs.
- c. Data from CTCC education programs is collected as part of the programs approval process. Specific information regarding data requirements and deadlines associated with the program approvals process are included in the [Program Approval Package for 2016-17](#).
- d. In addition, the Education Statistics and Analysis Branch collects information from these programs as part of the annual OnSIS data collection process. Detailed instructions regarding the process are posted on the password protected OnSIS website.
- e. The information requested through the Ministry of Education monitoring process is provided as requested at the time of the monitoring visit by staff from the Regional Offices of the Ministry of Education.

## **F. Role and Responsibilities**

### **1. Teacher**

Due to the unique circumstances of CTCC education programs, teachers may be required to perform any or all of the following duties:

- a. Collect information about the student from the school and/or school board and transmit it to staff of the facility
- b. Act as an education representative on a diagnostic, assessment, and treatment team
- c. Provide care and/or treatment, custody and correctional staff with information regarding the school system which may assist in making decisions pertaining to discharge, program development, and relevant contacts
- d. Develop transition plans for students in co-operation with the staff of the facility and staff of the receiving school
- e. Provide and interpret information to school officials based upon the findings of the staff of the facility
- f. Participate in Ministry monitoring as requested
- g. Facilitate transitions by maintaining close relationships with the home school.

### **2. Supervisory Officer**

The Supervisory Officer of the school board (or a designate) and the Director of the facility will communicate as required to ensure that the needs of each student are

being met as effectively as possible. Additional roles and responsibilities of the Supervisory Officer (or a designate) are outlined in the *Education Act*.

### **G. Memorandum of Understanding**

The Memorandum of Understanding is the formal agreement between the school board and the facility that is required by the Grant regulation. It outlines the roles, responsibilities and relationship of the school board and the facility.

Due to the relationship between facility staff and educational staff, full and frank discussions about philosophies, policies, staffing arrangements and care and/or treatment, custody and correctional programs should take place. These discussions should lead to the development of the Memorandum of Understanding.

School boards and agencies should consult with their own legal counsel when preparing their agreements.

When planning a CTCC education program, the location, size, and type of classroom(s) should be discussed by all parties as early in the process as possible, and as soon as the needs of the students to be served and their educational requirements are established. It is the responsibility of the CTCC facility to provide adequate and appropriate classroom(s) for the educational program. The educational program may be located within the facility, or in an accommodation leased elsewhere in the community, including a school of the school board, as best meets the needs of the students.

When planning for the educational program, the following should be considered:

1. sufficient space for the provision of support from care and/or treatment, custody and correctional services staff
2. support for the teacher(s)
3. adequate additional space for any necessary supervisory staff
4. sufficient, accessible washroom facilities
5. proper building maintenance
6. appropriate insurance
7. access to adequate playground or gymnasium, resource centre and other facilities
8. the costs of leasing the space

Where conflicts develop between educators and CTCC personnel, it is anticipated that they will be resolved through the normal consultation process among the professional staff involved. Occasionally, however, issues may develop that cannot be resolved successfully in this manner.

A process for resolving conflict should be agreed upon in advance by the facility and the school board and should become a part of the Memorandum of Understanding.

Grants For Student Needs - Legislative Grants For The 2016-2017 School Board Fiscal Year set out the mandatory components of the Memorandum of Understanding, which are:

1. A staffing plan that sets out the number of teachers and teacher assistants to be employed by the school board for the purposes of the program.
2. The responsibilities of the school board and the facility.
3. The number of student places in the program.

The following serves as a guide for additional components of the Memorandum:

**Components of a Memorandum of Understanding for CTCC Programs**

Heading and Introduction	<ol style="list-style-type: none"> <li>a. names of facility and school board</li> <li>b. name of Act under which the facility is licensed</li> <li>c. type of clientele, referral sources, catchment area, location of program (address)</li> <li>d. geographic area serviced by facility</li> <li>e. pupil teacher ratio, total number of students</li> <li>f. duration of agreement, timelines for review or termination of agreement</li> <li>g. philosophy of CTCC program in conjunction with the school board's educational program</li> <li>h. procedure for termination of contract</li> </ol>
Facility Responsibilities	<ol style="list-style-type: none"> <li>a. criteria for admission and demission to the facility</li> <li>b. description of what will be provided for the appropriate accommodation of the educational program</li> <li>c. description of nature and frequency of care, treatment or therapeutic support services to be provided during school hours</li> <li>d. confirmation that the facility will hire and pay the salaries of facility staff</li> <li>e. name and title of person responsible for the supervision of the facility staff</li> <li>f. confirmation that treatment plan, plan of care or case management plan will be developed for each student</li> <li>g. copy of site plan (physical location)</li> <li>h. description of the facility component of the program</li> <li>i. confirmation that a timetable for the educational program will be retained on file at the facility confirmation that the facility will maintain security</li> </ol>
School Board Responsibilities	<ol style="list-style-type: none"> <li>a. assign teachers and educational assistants for the provision of the educational program</li> </ol>

	<ul style="list-style-type: none"> <li>b. supervise the educational program and staff</li> <li>c. apply the appropriate school board's collective agreement (s)</li> <li>d. provide furniture, equipment and instructional supplies</li> <li>e. schedule for the operation of the educational program within the facility</li> <li>f. provide professional development for educational staff</li> <li>g. assess and evaluate the educational program</li> <li>h. maintain the students' OSR in keeping with the OSR Guidelines</li> <li>i. maintain daily attendance record</li> <li>j. description of educational program</li> </ul>
Mutual Responsibilities	<ul style="list-style-type: none"> <li>a. establish conflict resolution process</li> <li>b. maintain confidentiality</li> <li>c. interpret and implement the Occupational Health and Safety Act as it relates to both parties named in the agreement</li> <li>d. provide and maintain equipment</li> <li>e. develop a violence prevention policy and a code of conduct</li> <li>f. multi-disciplinary planning of student's program</li> <li>g. identify roles of educational and facility supervisory personnel</li> <li>h. plan and co-ordinate transition process to and from facility educational program to community schools</li> <li>i. design, review and evaluate individual programs</li> <li>j. establish procedures for transfer to and from an facility to a local school</li> <li>k. determine criteria and process for the removal of a student from the education program</li> </ul>
Signatures	Signatures of signing officials of each party required

## H. Funding

### 1. Proposed Funding Regulation

It is proposed that a regulation be made under s. 234 of the *Education Act* that would provide funding for educational programs provided by school boards for students who are in CTCC education programs.

As proposed, school boards that have a CTCC program approved by the Ministry of Education would be reimbursed under the provisions of such a regulation for:

- a) the salary of the teacher and related employee benefits;
- b) the salary of the educational assistant, if applicable, and related employee benefits;
- c) an additional program amount per teacher and educational assistant in respect of the expenditure incurred by the school board for administrative, consultative and supervisory services for the purchase of instructional supplies. As per the proposed regulation, the program amount is calculated as follows:
  - 1. Multiply the number of full-time equivalent teachers employed by the board to provide the program by \$2,666;
  - 2. If the program has teacher assistants, multiply the number of full-time equivalent teacher assistants employed by the board to assist teachers in providing the program by \$1,302;
- d) an amount for the approved portion of the expenditure for a facility's classroom furniture and equipment. This amount shall not exceed \$3,523 unless the board obtains the Minister's approval. This amount is a start-up grant for new and/or expanded programs; and
- e) in the case of EET programs funding for health professionals, regulated social service professionals and paraprofessionals.

A student in a CTCC educational program must not be recorded as a pupil of a school board and is not eligible for funding, on either a full-time or part-time basis, as a pupil of the school board. These students must be reported only on the program attendance register.

## **2. Funding of Teachers**

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

- a) the mandate of the facility and the total number of clients currently being served and/or currently in an admission/demotion process with respect to care and/or treatment, custody and correction who require education;
- b) the attendance patterns evidenced in any previous annual agreement(s) between the school board and the facility;
- c) short-term enrolment fluctuations;
- d) an indication of the amount of time during the school day required for care or treatment activities;
- e) a comprehensive analysis of the educational needs of the students;
- f) the nature of the multi-disciplinary service delivery; and
- g) the need for cost effectiveness and fiscal accountability.

## **3. Funding of Educational Assistants**

In unique situations, where careful analysis of the delivery of the total program indicates that the education component cannot be delivered appropriately for a



particular grouping of students without greater individualization, request should be submitted with the Program Approval Package for funding of an educational assistant position.

It must be stressed that an educational assistant is employed only for educational purposes under the direction of a teacher and must not be confused with the need for an addition to care and/or treatment, custody and correctional staffing. Support staff must be allocated and funded by another ministry to fulfil the various facility mandates and to address the primary care and/or treatment, custody and correctional needs of these students.

#### **4. Funding of Liaison/Administrators**

Various staffing arrangements could accommodate the provision of some administrative, assessment or liaison functions. The Ministry of Education proposes to recognize that there may be a need for one full time non-teaching position where there are 16 full time equivalent teaching positions. In addition to this, there may be exceptional circumstances where by special consideration is given to a school board that requires additional staffing supports. These requests should be included in the Program Approval Package.

#### **5. Calculating Enrolment**

It is recognized that enrolment can fluctuate with temporary highs and lows. The grant amount for staffing these programs would be based on student enrolment. Student enrolment would be calculated based on the following criteria:

- a) Students must be enrolled in the CTCC educational program;
- b) An educational program is composed of both instructional and blended activities. Blended activities occur when both the teaching and facility staff are working with students at the same time. The educational program will not include student withdrawal where the student is under the exclusive supervision of facility staff;
- c) Students aged 21 and over by December 31, 2016-17 shall not be included in the enrolment reported in the program approval package for 2016-17;
- d) A CTCC student's enrolment status shall be determined in the same manner as students in day schools. The calculation of full-time and part-time FTE should be done in the same manner as is done for day school pupils as set out in any enrolment register instructions for schools for 2016-17 that may be issued;
- e) The FTE may be reported by adding the number of days of attendance of all the students and dividing it by the number of instructional days in that month.

School boards are responsible for keeping accurate records of enrolment and attendance for grant purposes. The FTE reported for a student must be supported

by student timetables, teacher timetables or education plans and attendance and reported on the Application Form.

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

## **6. Program Details**

CTCC education programs must indicate whether the program is designed for the student to attend:

- i. For an average of 210 minutes or more per school day
- ii. For an average of less than 210 minutes per school day
- iii. On an independent study basis (defined in Ontario Schools K-12, 2011) as “an arrangement by which a student is excused from attending some or all classes in a course in order to study independently but under the supervision of a teacher”.
- iv. A combination of the above (please specify)
- v. Other (please specify)

## **7. Determining Pupil Teacher Ratio (PTR)**

In calculating the PTR, the Ministry will take the following factors into consideration:

- the overall needs of the facility as they relate to educational programming.
- the opinion of facility staff about treatment requirements.
- the rules found in R.R.O. 1990, Reg. 298, Section 31 governing the maximum enrolment in self-contained special education classes for pupils of the board, which would be adopted for this purpose.

## **8. Base School Operations Amount**

CTCC educational programs operating in a school board-owned space are eligible for Base School Operations Amount.

In calculating the Base School Operations Amount, please refer to the *Technical Paper on Education Funding for 2016/17*.

For the purposes of this calculation CTCC educational programs that are operated in a school board-owned space are treated in the same manner as Continuing Education.

### **I. Confidentiality: Record Keeping**

The facility in which the students are receiving their education may be governed by

different pieces of privacy legislation such as the *Personal Health Information Protection Act*, the *Youth Criminal Justice Act* and the *Provincial Offences Act (Part VI)*. Section 266 of the *Education Act* (Pupil Records) and the *Municipal Freedom of Information and Protection of Privacy Act* also must be complied with. When attempting to determine the privacy obligations of a particular facility, school boards should ensure that the correct sources have been reviewed.

The *Youth Criminal Justice Act (YCJA)* prohibits the identification of young persons in conflict with the law. This is intended to promote rehabilitation by avoiding stigmatization or premature labelling of the young person. Subsection 110(1) of the *YCJA* prohibits the publication of the name of a young person or any other information related to a young person, if it would identify them as a young person dealt with under the *YCJA*.

Therefore, every principal will ensure that no OSR discloses

- (a) that the student is or was a young person in conflict with the law; or
- (b) the disposition of any proceedings brought under the *Youth Criminal Justice Act*.

If an entry in an OSR does disclose such information, the principal of the school or the educational program in which the student is enrolled must ensure that the entry is altered appropriately or deleted from the OSR.

School boards must also ensure that all documents, including the Ontario Student Transcript and the Ontario Secondary School Diploma, do not disclose that a student was in an education program in a CTCC facility. In cases where the facility is not governed by the provisions of the *YCJA*, the adult student or parent/guardian of a student may request that the CTCC facility be identified.

It is recommended that the school board providing the education program designate a school(s) to act as the credit granting institution so that the OSR, the OST and other applicable documents do not reveal the fact that the student was in a CTCC program.

The school board that provides the education program must establish procedures for obtaining and securely transferring the OSR within the timelines specified in the OSR Guidelines.

The OSR should be requested by the school board offering the education program in the CTCC facility.

## **J. Transportation**

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

- A centre classified as a Group K hospital under the *Public Hospitals Act*,
- A facility designated under the *Developmental Services Act*,
- A psychiatric facility designated under the *Mental Health Act*,
- A place where an agency approved under subsection 8(1) of Part 1 (Flexible Services) of the *Child and Family Services Act* provides child development service, a child treatment service, or a child and family intervention service,
- A supported living group residence under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*.

#### **K. Program Changes After the Program has been Approved:**

School boards are required to inform their CTCC Regional Office contact about any program changes that occur after the program has been approved. Changes include staffing adjustments, agency changes, location change, changes to program description, change of school Board, closing of the program etc. The following information is required to be submitted:

- A detailed rationale and explanation of the change; and
- An amended Application Form for Educational Programs: Care and/or Treatment, Custody and Correctional (CTCC) Facilities.

In the case of a program moving to another Board, both the new Board and the old Board are required to submit the information regarding program change.

#### **L. Regional Office Staff Contact Information**

For additional information pertaining to CTCC programs, contact the Regional Office staff in your area. Regional Office staff contact information is available [here](#).