

WHEN EVERY SECOND MATTERS

SPECIAL INVESTIGATION REPORT | MARCH 2018



Letter of Transmittal



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March 27, 2018

The Honourable Mark Docherty
Speaker of the Legislative Assembly
Legislative Building
2405 Legislative Drive
Regina SK S4S 0B3

Dear Mr. Speaker:

In accordance with sections 12 and 28 of *The Advocate for Children and Youth Act*, it is my duty and privilege to submit to you and members of the Legislative Assembly of Saskatchewan this special investigation report: *When Every Second Matters*.

Respectfully,

Corey O'Soup
Advocate for Children and Youth

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1.0 Executive Summary

This report reflects an examination of the events leading up to the death of Angel, a five-year-old boy who drowned in a nearby pond during recess while attending school. In accordance with our enabling legislation, the Advocate for Children and Youth has decided not to use Angel's real name. Our investigation revealed factors that contravened Angel's rights, well-being and best interests, and that were found to contribute to this tragedy. Consequently, the Advocate has made corresponding recommendations to the Saskatoon Public School Division #13 (the School Division) and the Ministry of Education (the Ministry), which were the subject of our investigation.

Prior to him attending kindergarten at a school operating under the School Division (hereinafter identified as the Saskatoon School or the School), Angel's parents and former school staff emphasized Angel's determination to run toward traffic or water, and Angel was designated as requiring intensive supports due to his diagnosis of autism. The Saskatoon School instituted several measures to integrate Angel into the School, including one-on-one Educational Assistant (EA) support in the classroom as well as constantly holding his hand while outside the classroom. At morning recess on his first full day of school on September 11, 2017, Angel's EA held his hand and accompanied him outside to the School playground. Part way through recess, Angel pulled away and ran to the nearby slide. His EA became briefly distracted and then noticed Angel was missing. Staff began searching and then found him unresponsive in a nearby pond. Angel was pronounced deceased shortly after his arrival in hospital.

Our investigation rendered several findings with respect to the pre-planning for Angel's integration into the Saskatoon School. In the months prior to the start of the 2017-2018 school year, staff worked diligently to prepare for Angel's

arrival at the School. Our investigation, however, revealed that School Division guidelines for students with special needs do not require record sharing or direct communication between sending and receiving schools. We also found that in the days leading up to Angel's first full day of school, staff appropriately raised their growing concerns about safely integrating him into school.

Further to planning prior to the start of the school year, our investigation found that the safety plan, which was devised for Angel's safety while at school, was not formalized in a standard manner as there exists no policy for developing safety plans to address high-risk safety issues for students with special needs. By not fully sharing this safety plan or ample information about Angel's special needs with the EA assigned to Angel for recess, our review found that the EA was placed in an untenable position. Further, and unbeknownst to the EA, certain aspects of the safety plan were not implemented on his first full day of school, and reasonable steps to mitigate this were not taken. These issues, in addition to there not being a robust School policy regarding outdoor student safety in consideration of the nearby pond, compromised the supervision and search efforts when Angel went out for recess.

Based on the findings of this investigation, the Advocate makes the following eleven recommendations:

Recommendation #1: That the Ministry of Education direct that each board of education and conseil scolaire require their schools to create Cumulative Record folders for all children in pre-kindergarten who have special needs.

Recommendation #2: That the Ministry of Education conduct an audit that includes a representative sample of Cumulative Records across all school divisions to assess standards of consistency in practice, and to ensure policy and procedures require that critical information, especially with respect to accommodating students with special needs, is placed into Cumulative Records and shared when students relocate schools.

Recommendation #3: That the Saskatoon Public School Division #13 create policy to ensure that its schools have procedures in place whereby they consistently request Cumulative Records from a student's previous school, and that all its schools have consistent practices of creating Cumulative Record folders for all students.

Recommendation #4: That the Saskatoon Public School Division #13 amend its Transition Handbook to identify steps that should be taken when receiving a student with special needs from another school division, including contacting the most relevant sending school staff.

Recommendation #5: That the Ministry of Education require boards of education and conseils scolaires to develop transition planning policies for students with special needs that include communication requirements between sending and receiving schools and ensures Cumulative Records are consistently requested of sending schools.

Recommendation #6: That the Saskatoon Public School Division #13 review and revise its Administrative Procedure 310 entitled, 'Safety' in consideration of this incident to determine how timely responses can be achieved when risk to the safety of children is identified, and what temporary mitigation steps can be taken when response time is delayed.

Recommendation #7: That the Saskatoon Public School Division #13 develop a Safety Plan protocol for circumstances where safety measures are necessary to address high-risk safety issues for students with special needs. This protocol should include the safety issue, the safety measures, how the plan will be communicated with key staff, and contingency planning considerations in the event the full plan cannot be achieved.

Recommendation #8: That the Saskatoon Public School Division #13 amend its Administrative Procedures to require that any of its schools with surrounding area features that pose added safety risks develop written protocols to mitigate these risks to ensure satisfactory conditions of safety exist for students.

Recommendation #9: That the Saskatoon School develop a written protocol to mitigate the added risks posed by its proximity to the City of Saskatoon park and pond and ensure satisfactory conditions of safety exist for students when participating in school activities while outdoors on school grounds. This should include a map identifying the boundary between the School playground and the City of Saskatoon park, safety measures to mitigate the risks, and protocols for training staff and students.

Recommendation #10: That the Ministry of Education, in conjunction with boards of education and conseils scolaires, conduct a study of all schools under its authority to identify external safety hazards and create plans to sufficiently mitigate those safety hazards and provide such study to the Advocate within one year.

Recommendation #11: That the Saskatoon Public School Division #13, in consultation with its schools, amend relevant documents such as the Transition Handbook and Educational Assistants' Handbook, to outline minimum standards with respect to communicating with key staff, including EAs, in advance of working with assigned students with special needs.

After careful consideration of the circumstances in this case, the Advocate has found that Angel's right to safety while receiving a public service, as required in the United Nations *Convention on the Rights of the Child*, was not sufficiently upheld. The Advocate concludes that, by not fully mitigating the known risks to Angel when he attended recess on September 11, 2017, his was a preventable death.

2.0 Introduction

2.1 Circumstances of Incident

On Monday, September 11, 2017, five-year-old Angel attended his first full day of kindergarten at a school in Saskatoon. It was his first year attending this School. Prior to his arrival, staff at both the School and the Saskatoon Public School Division #13 spent considerable time gathering information about Angel for the purpose of identifying and accommodating his special needs. Angel had been known by those who worked with him to frequently run away every chance he could without regard for his personal safety. Although it had been suspected for some time, it was not until the summer of 2017 that he was diagnosed with autism. By the first day of classes, the School instituted several measures to integrate Angel into the classroom, including arranging an EA to provide one-on-one supervision in the classroom and to hold his hand at all times when outside the classroom.

The EA assigned to Angel for morning recess on September 11th held his hand and accompanied him outside to the School playground. Part way through recess, Angel pulled his hand away and ran to the nearby slide to look at the other students playing on the slide. Shortly after, the EA became briefly distracted and then saw that Angel had gone missing. Staff began searching the area and some minutes later found him unresponsive in a pond located just beyond the school grounds. Staff attempted to resuscitate him until emergency services arrived and took over. Angel was pronounced deceased shortly after his arrival in hospital.

2.2 Mandate of Advocate

The Advocate for Children and Youth (the Advocate) is an independent officer of the Legislative Assembly of Saskatchewan with a broad mandate to work on behalf of children and youth in

Saskatchewan pursuant to *The Advocate for Children and Youth Act*. The core areas of work consist of advocacy, public education, research and investigations.

The Advocate's work is grounded in the United Nations *Convention on the Rights of the Child*¹, an international human rights treaty that was ratified by Canada in 1991 and distilled into the *Saskatchewan Children and Youth First Principles*². Among these Principles are that:

- Children are entitled to safety and protection from all forms of physical, emotional and sexual harm, while in the care of government services;
- Children should have the highest standard of health and education possible to reach their fullest potential; and,
- The rights and interests of the child must be paramount, with their needs at the centre of all planning about their care.

The authority to investigate is derived from *The Advocate for Children and Youth Act*. This Act allows the Advocate to investigate any matter concerning services provided to children and youth by any provincial ministry, agency of the government, or publicly-funded health entity. The purpose of an investigation is to identify outstanding issues or questions regarding services that may require legislative, policy or practice changes to improve the quality of child-serving systems and to prevent deaths or injuries in the future.

After discussion with the Director of Education for the Saskatoon Public School Division #13, the Advocate decided to investigate Angel's death. After an initial review of the circumstances in this case, the Advocate made the decision to include both the Ministry of Education and the School Division in this investigation.

2.3 Scope and Method

The goal of this investigation has been to examine the services leading up to Angel's passing, and to determine whether to make associated recommendations to policy or practices that would ensure that the rights, interests and well-being of children who will receive these government services in the future will be

protected. To this end, the primary focus has been to examine whether planning for Angel was comprehensive, upheld his rights and best interests, and was adequately executed. The Advocate also examined whether, and how, the Ministry of Education directs school divisions with respect to transitioning and supervising children with special needs. We seek to find solutions to identified gaps in services, and not focus on blame.

Our investigation included gathering all relevant file documentation from both the Saskatoon Public School Division #13 and the previous school Angel attended, relevant policies of both the School Division and the Ministry of Education, applicable legislation, the internal review conducted by the School Division, the City of Saskatoon's review of storm ponds near schools, and the report of the Office of the Chief Coroner. Interviews were also conducted with School Division officials, staff from other organizations that worked with Angel, and Angel's family. As per our legislative requirement, the Ministry and School Division were given the opportunity to review a draft version of this report and to make representation on the facts presented.

1. UNICEF. UNICEF Convention on the Rights of the Child. <http://www.unicef.org/crc/>. Accessed September 20, 2016.

2. Saskatchewan Advocate for Children and Youth. Children and Youth First Principles. Available at: <http://www.saskadvocate.ca/children-youth-first/children-youth-first-principles>.



3.0 Chronology of Events

Angel was born two months premature, on **January 5, 2012** at Victoria Hospital, Prince Albert, Saskatchewan. His mother and father worked and attended school in Prince Albert. At the time of his birth Angel had one older sister. A few years later he would become an older brother.

As he was born with several medical needs, Angel received ongoing services through the Prince Albert Parkland Health Region (the Health Region), including feeding, speech and occupational therapy. He received occupational therapy services from **August 2012 until 2017**. His parents informed our office that it was their understanding that once he began kindergarten, these ongoing services would no longer be available to him through the Health Region.

Pre-Kindergarten Summer Program

In the **summer of 2016**, at the age of four, Angel attended a four-week Summer Interactive Preschool Program in Prince Albert, funded through a Community Initiatives Fund grant. With a staff to child ratio of 4:15, it focused on language and interaction skills and included a total of 12 two-hour sessions, three days per week. Program staff were from Prince Albert's Early Childhood Intervention Program and the Health Region's Therapies Department. At the end of **July 2016**, the Program's Speech Language Pathologist prepared a 12-page report which included information about the Program and Angel's experience in it, including information about his likes, his progress, and strategies for working with him and managing his needs. At this time, Angel did not yet have a diagnosis of autism, but displayed symptoms such as a language delay and signs of a developmental delay. Among other things, the Report included activities

Angel enjoyed such as climbing and being chased, cuddling, painting, and singing time. This Report was shared with Angel's parents.

Pre-Kindergarten in Prince Albert

In **September 2016** Angel began attending pre-kindergarten two days per week at a school in Prince Albert (the P.A. School). His parents identified to the P.A. School that Angel had special needs and behaviours that included running away without regard for his own safety. Prior to his first day of school, his teacher and the classroom's EA completed a home visit to learn about Angel's needs. Based on the information provided by Angel's parents at the home visit, the teacher and the EA prepared for his arrival by placing a childproof lock on the classroom door and planned that staff would always be holding hands with him when outside of the classroom. Soon after school started Angel was able to unlock the childproof door lock and staff took further measures to secure the classroom door by using a "double gated" door system. P.A. School staff described Angel as a child who wanted to run – he liked to play tag and be chased, and it seemed that Angel thought of running as a game. The pre-kindergarten classroom was connected to a fenced outdoor play area, and consequently he was unable to run away during recess.

In interviews with our office, staff from the P.A. School described Angel's mother as being very involved and concerned about Angel's safety. As a result, she attended the classroom frequently until she gained confidence in the P.A. School's ability to properly care and supervise her son. She and the Pre-Kindergarten teacher developed a close rapport over the school year. Later in the school year Angel's teacher voluntarily agreed to watch him after school from 3:10 until 4:00 p.m. when his mother could pick him up.

Some weeks into the school year Angel's parents provided a copy of the July 2016 Summer Interactive Preschool Program Report to the P.A. School. The P.A. School also acquired a copy of a September 2016 Assessment Report completed by the Health Region's Occupational

A **Cumulative Record** is a compilation of information held at the school where the student attends, and includes relevant information such as academic progress, marks, diagnostic and other assessments, medical information, attendance, etc.

Therapist who had worked with Angel. It provided an overview of Angel's motor skills and sensory processing, laying out recommendations to assist in working with him. These Reports were placed on Angel's Cumulative Record folder. Although not diagnosed during his pre-kindergarten school year, both his parents and professional staff who worked with Angel strongly suspected he had autism.

During this school year, Angel received additional in-school supports and services through the local School Division. This included speech language therapy, working with an Early Learning Consultant, and receiving occupational therapy with Educational Support staff. A Speech Language Assessment Report from September 2016 and an Early Years Evaluation Assessment from October 2016 were also included in his Cumulative Record folder.

Family move from Prince Albert to Saskatoon

Before the end of the 2016-2017 school year, Angel's parents decided the family would move to Saskatoon after learning that they could obtain appropriate services for Angel through the Kinsmen Children's Centre and Autism Services. This was a significant move for the family given Angel's positive experience in the P.A. School, and that the family was well established in their community, with Angel's father's having long-term employment with good extended benefits.

Sometime in **June 2017**, after locating a new home, the family attended a nearby daycare to learn about its services and discuss Angel's needs. According to the Daycare, Angel's mother shared information about Angel's behaviours and needs, emphasized that he was a runner, and expressed her concerns about the close proximity of a pond located in a

City of Saskatoon park near their new home, the Daycare, and Angel's future elementary school. In August, Angel and his siblings had a trial day at the Daycare, which included an outing to a local zoo and according to the staff, the day went smoothly in spite of Angel's attempts to run. Angel was scheduled to start attending the Daycare regularly once school started in the fall.

After identifying an appropriate school close to their new home in Saskatoon, Angel's mother filled out a registration form to enroll him. In an interview with our office she remembered returning a call to the Resource Room teacher and sharing information about Angel. She also requested Angel's Pre-Kindergarten teacher contact the Resource Room teacher to share information about his needs and explain how they worked to keep him safe, especially since there was no fenced play area at the new Saskatoon School.

The Pre-Kindergarten teacher told our office that she spoke with staff at the Saskatoon School and provided details such as Angel's need for an established routine. She also described the need for one-on-one support for transitions; that he would run in a situation where doors or fences were not closed or locked; how their child safety door knobs and child gates were set up; how, while in the gym, they monitored all exits closely as he would try to leave as part of a "chase game"; and, that he was very sensory and did not like wearing items such as belts. She also reported that she shared information about the therapies Angel received, the activities he liked and disliked, and certain strategies such as using a "wait bin" that included things he enjoyed for quiet times (blocks, puzzles, etc.). The Pre-Kindergarten teacher offered to come to the Saskatoon School if they needed any more information. She had no further contact with the School and hoped the information she had shared had been carefully considered.

The Saskatoon School's Resource Room teacher told our office that she recalled speaking with both the Pre-Kindergarten teacher and Angel's mother just a few days prior to the end of the 2016-2017 school year and began the process to prepare for Angel's transition.

Resource Room teachers work within schools, liaise with other school and school division professionals, and play a key role in identifying and working with Intensive Supports students, and developing plans for transitioning and meeting their needs.

Changes at the Saskatoon School

The last day of work for staff at the Saskatoon School for the 2016-2017 school year was on June 30, 2017. Leading up to this time, several changes had been made or were pending for the School. Of the three Resource Room teachers, two had left, leaving one Resource Room teacher for the start of the 2017-2018 school year, until Resource Room staffing was later increased. Because a new school had been built in the nearby neighborhood, plans had been made to transition approximately 250 of the 750 students from the Saskatoon School to the newly built school for the coming school year. Also, the Saskatoon School was launching its French Immersion program at the start of the 2017-2018 school year. As a result, there were staffing changes, redeployments and reductions. Additionally, the School Principal and Vice Principal were re-assigned to new schools, and a new Principal and Vice Principal were hired to start in the 2017-2018 school year.

According to the incoming Principal, she was aware that these changes had created some unsettled feelings among students and staff. She noted there was a particularly high number of students with special needs, and that it was helpful that the remaining Resource Room teacher and School Counsellor had good historical knowledge of the student population.

School Division Special Education Staffing

The Saskatoon Public School Division #13 operates 49 elementary schools, 10 secondary schools, two associate schools and one affiliate school. The School Division's office is located in downtown Saskatoon and is often referred to as 'Central Office.'

Intensive Supports students (or IS students): refers to students who meet the criteria as having a documented disability for which they require supportive services to accommodate them in the education system.

Under the leadership of one of its seven Superintendents of Education, the Special Education Branch is led by the Coordinator – Special Education Branch (Special Education Coordinator) who oversees the work of three Exceptional Learning Consultants, an Autism Consultant, a Consultant for visually and hearing-impaired students, as well as other related staff. Exceptional Learning Consultants provide services to specific School Division schools however, have no authority over school staff. In part, they provide observational and consultative services to assist in identifying student needs, help determine whether students meet the criteria to be designated as Intensive Supports students and recommend appropriate services and strategies.

Near the end of the 2016-2017 school year, the Special Education Branch experienced several staffing changes. The Special Education Coordinator retired and the Autism Consultant, who had been in her role for over 10 years, was promoted to the role of Special Education Coordinator. Two of the three Exceptional Learning Consultants were new to their roles, including the one assigned to support the School that Angel would attend. Although new in their positions, these professionals brought many years of experience within the School Division and also significant experience relating to students with special needs.

Transition Planning for Angel

On **June 29, 2017** the Resource Room teacher for the Saskatoon School advised the Principal, Vice Principal and Exceptional Learning Consultant via email, of Angel's registration and her conversations with Angel's mother and Pre-Kindergarten teacher the previous day. The email detailed Angel's behaviours

Exceptional Learning Consultants are typically requested to do an observation when a student is expected to be designated as an IS Student, but there is insufficient information or medical documentation to support the designation. They may be requested to do observations of already designated IS students if school staff hope to receive more strategies about how to work with the student.

and needs, some of which included that he was determined to escape from anywhere, he was fascinated by water and traffic, he would go "straight for any body of water" without concern for his own safety, he could unlock childproof locks and doors, and that one-on-one hand holding at recess was necessary. The email further noted that both his mother and the Pre-Kindergarten teacher expressed "great concern" that the School yard did not have a fence, and that Angel would "go straight for the pond." The Resource Room teacher relayed further information about Angel's verbal and social skill levels, indicated she would work on obtaining an EA for him, and expressed her hope that the Exceptional Learning Consultant would be able to do an 'observation' of Angel as soon as possible at the start of the 2017-2018 school year. The Resource Room teacher advised our office that near this same time she verbally shared information with Angel's new Kindergarten teacher, indicating that Angel would be in her classroom, he likely had high needs, and they were working on getting an EA in place.

In some email exchanges between **July 24 and 26, 2017**, the Resource Room teacher advised the Kindergarten teacher that although Angel was not yet designated an Intensive Supports student, she was working toward this and advocating for him to have an EA. She further offered to assist in the Kindergarten teacher's classroom on Angel's first day of school. The Kindergarten teacher said she would be prepared to secure the classroom and, if necessary, get locking or other security type devices on her classroom door,

considering that it was too dangerous to risk him running to the road.

According to the Kindergarten teacher, at some point in July, she sent a letter to Angel's parents with the date, time and information about Angel attending a September 6th 'staggered start' class. Kindergarten students were divided up into one of four groups that would attend for a partial day to give them a chance to become oriented with the new classroom setting and give teaching staff an opportunity to learn more about their students before regular classes began.

On **August 3, 2017** the Resource Room teacher informed her Principal via email that Angel still had no diagnoses and there were no assessments or documentation such as an Inclusion and Intervention Plan, but that she had arranged for the Exceptional Learning Consultant to observe Angel in the classroom on his staggered start day. She offered to provide support to Angel that day if an EA was not assigned by then, and said she hoped to do a home visit with Angel prior to the transition meeting that was scheduled for September 1st. The Principal indicated her support for doing a home visit and for her offer to help with Angel on staggered start day and committed to work on the EA request for Angel.

Inclusion and Intervention

Plan (IIP): Used specifically for designated IS students, it identifies and outlines an individualized education plan to address student areas of need, as well as long and short-term planning for the student.

Transition meetings: for IS students, this is an opportunity for the student and family to visit the school before the start of the school year, meet the teaching staff and, become oriented with the surroundings, and for school staff to learn more about the student.

Angel's mother recalled receiving about three or four calls from the Resource Room teacher in August. During these calls the Resource Room teacher inquired about how the family took care of Angel,

how they kept him safe at home and outside, and what he liked to do at home. Angel's mother explained that when the family went out, Angel's father took charge of holding Angel's hand while she tended to the other children. Angel's mother also stated that she remembered asking if the School had yet developed a plan for one-on-one support for Angel, and that the Resource Room teacher reassured her that if an EA was not assigned, she would personally take care of him. Later this same month, Angel's mother informed the Resource Room teacher of Angel's diagnosis of autism.

On **August 14, 2017** the Resource Room teacher sent an email to the Principal, Kindergarten teacher, Vice Principal and Exceptional Learning Consultant to advise of Angel's autism diagnosis and to indicate that because the family was busy settling into their new home, a home visit would not be scheduled. The Resource Room teacher further relayed information shared by Angel's mother such as supervision tips, and that he must hold an adult's hand at all times except when on a slide, which was his favourite park activity. The Exceptional Learning Consultant responded and, among other things, stated that unless there was an objection, she would cancel her planned observation for September 6th. According to the Exceptional Learning Consultant, having the autism diagnosis negated the need to do the observation, as Angel would be automatically designated an Intensive Supports student and receive corresponding services. Although some were disappointed, no one objected to cancelling the observation.

As part of planning for the new school year, the 'Resource Team' which included the Vice Principal, Principal, Resource Room teacher and school Counsellor, met on August 23, 2017 to discuss Intensive Supports students for the upcoming school year and review whether EA staffing was sufficient to meet their needs. The team brainstormed about matching EAs to students and discussed other items such as the EA substitute plan and scheduled a meeting for the following week between EAs and the Resource Team to make final plans for Intensive Supports students.

August 28, 2017 marked the start of

the 2017-2018 school year for staff at the Saskatoon School, including EA staff. During this first week, students did not attend class. For staff, the week included various meetings, classroom set-up and professional development, in preparation for the first day of classes on September 5th. Members of the Resource Team met with the EAs to share information about Intensive Supports students, schedules, breaks, and to discuss assignments of certain students. The Principal recalled being impressed with the work that had been done by the Resource Room teacher.

On **Friday, September 1, 2017**, Angel's parents brought him to the School for an orientation. Angel's mother recalled that while inside the School, Angel ran away from her and the Resource Room teacher, down the hallway. She then emphasized that running away was a continuous issue with Angel and that if the School was unable to care for him, he could instead stay at his daycare where he had one-on-one supervision. She also expressed concern about Angel escaping from the classroom and remembered being reassured that he would have one-on-one staff to keep him safe.

In her interview with our office, the Resource Room teacher recalled Angel and his family attending the School for a transition meeting on September 1st. She indicated she had not expected them as she had understood from a previous conversation that they would not be attending. However, she was pleased to see them and to meet Angel in person and offered them a shorter tour of the School and classroom. The Resource Room teacher and two other staff recollected Angel running down the hallway away from his family.

On the morning of **Saturday, September 2, 2017** the Resource Room teacher, Principal and Kindergarten teacher exchanged some email communications in which it was confirmed that Angel would have

Safety Plan: a plan to prevent or manage emergencies for students who have medical, behavioural or other issues in which the safety of the student or those around them is a concern.

one-on-one EA support, that he would attend kindergarten on Mondays and Wednesdays, and that due to heightened concerns from the transition meeting day about him running, it was important to ensure that a safety plan was put in place for Angel before he attended his staggered start day.

The School Year Begins

The beginning of the school year started on **September 5, 2017** for grades one to eight, and the following day for kindergarten staggered start classes. When they arrived on **Wednesday, September 6, 2017** for Angel's staggered start day class, his mother asked the teaching staff to meet Angel's one-on-one EA. Not being responsible for the EA schedule, teaching staff redirected her to the Principal who would know the EA assignments.

The Principal accompanied Angel's mother to the kindergarten classroom where she met Angel's teacher, but his one-on-one EA was not there. After waiting for five or ten minutes she then left the School that day without meeting his EA, but nevertheless understood that Angel would have one-on-one support that included constant supervision and hand-holding while outside the classroom. The family had no further contact with the School after September 6th.

According to Angel's Daycare staff, after Angel's mother dropped him off at the School that day, she came to the Daycare and stated she had spoken with the Principal. She described still feeling uneasy, and that she had been reassured that Angel had an EA and if for some reason the EA was not there, the Principal would be in there to help. Daycare staff also recalled Angel's mother expressing concern with the door from the classroom leading out to the park, but that she had been reassured it would be closed. Daycare staff picked up Angel at the end of his staggered start day, and his mother called at lunch to confirm he was there.

The Kindergarten teacher told our office that it was after Angel's first staggered start day that she came to appreciate the level of his care needs, and her concern grew about how they were going to manage and keep him safe. She remembered he was very active –

jumping off furniture, running out the door (and being caught quickly), and running from his assigned EA. The EA assigned to take Angel out for recess that morning was successful in holding his hand and supervising him. However, due to extenuating circumstances a decision was made to change the EA for Angel's first full day of school. In addition, because of her heightened concerns, the Kindergarten teacher recalled discussing with the Resource Room teacher the idea of using some type of tether or cord that could be used to connect an EA to Angel.

At this point, concerns were further raised about how to accommodate Angel's intensive needs within the safety of the classroom. Noted concerns were related to Angel getting out of the classroom door which was near the road. Discussion and consideration was given to locking mechanisms and also the need to reschedule the observation with the Exceptional Learning Consultant.

After some further discussions regarding the concerns for the safety of the door access to the road, it was decided that the building operator would be contacted to consider ways in which the door handles could be safeguarded with a latching mechanism. At this point, the building operator agreed to put in a request immediately and to examine the door in the classroom. The building operator did caution that it was unlikely that they could make changes as it would be a fire hazard. No changes were made to the classroom door in the coming week.

After the staggered start date, staff expressed and discussed concerns about Angel's safety. In follow-up with the facilities supervisor regarding the door locking mechanisms for the classroom,

The request for a solution to door security remained active due to issues with other students in the kindergarten classroom. At the end of November 2017, based on an idea proposed by the School's caretaker, the door to this classroom was weighed heavily with a tension closure, making it nearly impossible for the children to leave on their own.

however, it was determined that such locks were not feasible due to fire codes. Facilities staff suggested School officials approach their Superintendent for guidance. However, in the interim, the School took other measures to prevent the students from getting out of the classroom. Staff also agreed to reaching out again to the Exceptional Learning Consultant, provide a thorough description of Angel's needs, and to reschedule the observation.

On **Thursday, September 7, 2017** the Resource Room teacher sent a follow-up email to the Exceptional Learning Consultant, describing Angel's regular attempts to break away from his EA's hand, get out of the classroom, and the corresponding concern of him wanting to run into traffic or water. She proposed that a 'latch-like lock' be installed on the classroom door, preferably by the next day and before his first full day of kindergarten. She inquired into whether a tether or cord, connected between Angel and his EA, was an appropriate safety strategy during recess. And she requested the Exceptional Learning Consultant schedule an observation to identify other possible safety precautions they could implement.

Later that day, the Exceptional Learning Consultant conferred with her supervisor, the Special Education Coordinator, and they brainstormed some ideas about the concerns raised about Angel. The discussion focused on broad objectives such as trying to incorporate the least stigmatizing and least restrictive options into the plan that did not limit social interaction or create an undesirable perception of the student. Also, they discussed the use of clear visual supports in the classroom environment – like stop signs, and where safety is a risk – to start teaching the student about safety. They

In reflecting on the process to submit requests of facilities to make physical security modifications to address safety issues in schools, some School Division officials commented that it was not nimble enough, and sometimes resulted in staff having to make a "work-around."

discussed gait belts, and that tethers were not available.

After consulting with her supervisor, the Exceptional Learning Consultant emailed the Resource Room teacher a list of suggestions for managing Angel and offered that if they still felt a consultation was necessary, to let her know. The email listed eight suggestions, some of which related to safety strategies in the classroom or goals to teach Angel about safety, while others were for safety during recess: using a gait belt, having him wear a bright vest at recess, and informing all staff to watch out for him at recess. She further indicated that the Principal would need to contact facilities about the request for a door latch.

Gait Belt: Often used in transferring patients in healthcare settings, but sometimes used with students who are "runners." It is a belt with loops or handles, secured to the waist of the child, making it easy for a caregiver to grab on to should the child run away.

Early the following morning, on **Friday, September 8, 2017**, the Resource Room teacher shared the Exceptional Learning Consultant's suggestions with the Principal and Kindergarten teacher. The group agreed with most suggestions and plans were made to contact facilities management about door security, and to reschedule an observation. The team confirmed the availability of a vest for Angel to wear at recess. And, due to privacy concerns, a decision was made that the best way to inform staff about Angel and advise them to watch out for him at recess would be in person at the next staff meeting, which was scheduled for the following Thursday.

Later that day, the Resource Room teacher conferred with Special Education Branch staff about Angel's case, particularly regarding the advantages and disadvantages of using a gait belt given Angel's size and strength. Ultimately, it was decided that using a safety vest would be appropriate, and consideration of the gait belt would not occur until an occupational therapy referral could

be completed. The group also discussed future consideration of having two people hold Angel's hands, and the Exceptional Learning Consultant proposed new observation dates as part of this plan.

At this time, while still subject to change, staff had developed plans for Angel's integration and safety for his first full day of school on Monday. Classroom integration plans included strategies such as one-on-one EA support, teaching him about safety, and preventing him from leaving the classroom. Additionally, a safety plan for recess included having Angel wear a **safety vest**, one-on-one **EA hand-holding** and informing **staff to watch out for him**.

On **Sunday, September 10, 2017**, the Resource Room teacher, Principal and Kindergarten teacher had various email communications about plans for Monday with Angel. The Resource Room teacher dropped off printed 'Stop' and 'Don't Touch' signs, indicated she would work with Angel and another student in the classroom on Monday morning, and suggested having Angel's favourite children's videos available for him. The availability of the safety vest was re-confirmed, and the Principal and Kindergarten teacher expressed appreciation for the Resource Room teacher's efforts.

The Morning of September 11

Monday, September 11, 2017 was Angel's first full day of kindergarten at the Saskatoon School. Angel's mother dropped him off at his Daycare early that morning with the understanding that Daycare staff would walk him to and from school. The Director had reinforced to her staff to ensure Angel was dropped off at school only once he was under his teacher's direct supervision. Two Daycare staff were assigned to walk children to school. One staff walked one-on-one with Angel, and afterwards reported back that the drop off went well.

During class that morning, the Kindergarten teacher recalled going to get the vest out of the classroom closet, in preparation for recess later, but it was gone. These vests are for staff use during recess, and she thought perhaps another staff member had taken it to use. She

stated that she was not in a position to leave her students to try to locate another vest during class, as it would have meant not supervising her classroom.

The Kindergarten teacher described the morning as chaotic and that Angel had some behavioural issues to manage while in the classroom. She recalled Angel's EA never being out of arms reach of him in the classroom that morning. Another EA who was working in the classroom with a different student, also helped Angel's EA at times. Angel's EA that morning was newly assigned to provide one-on-one supervision in the classroom. This EA had not met Angel prior to that morning, but heard he was a runner and had autism. She remembered the Resource Room teacher being in the classroom that morning and sharing more information and tips on how to work with Angel.

Despite feeling as though a good plan was made for Angel, some staff indicated a level of apprehension about the situation. While working in the kindergarten classroom that morning up until recess, the Resource Room teacher shared information about Angel with his new classroom EA. Although she knew that a different EA would be coming to work with Angel at recess, she understood that the Kindergarten teacher would explain the importance of holding his hand, and that he would be wearing a vest. The Resource Room teacher left the kindergarten classroom before recess, and before the new EA arrived. However, the Kindergarten teacher knew that a new EA would arrive to take Angel out for recess, but she was not made aware of who the EA would be.

The EA assigned to take Angel out for recess on September 11th told our office that she had been advised by the Vice Principal the week prior that she would be reassigned to new Intensive Supports students the following week. Upon arriving at the School before the start of classes on the morning of September 11th she found her new EA assignment schedule in her mailbox. For the morning, up until recess, she was assigned to work with one student and was then scheduled to work with Angel during recess. She thought she knew who Angel was, but was somewhat confused as she did not think he needed EA support.

When the EA arrived at the kindergarten classroom to work with Angel at recess, she realized she did not recognize him. Prior to arriving, she had not received information about him. There were only a few minutes from the time she arrived at the kindergarten classroom until they went outside for recess. She remembered being introduced to Angel, taking his hand, and lining up to head outside. She recalled Angel's classroom EA explaining that Angel liked to run to the road and to water, so to make sure she held his hand. Beyond this instruction, the EA stated she did not recall receiving information about his diagnosis and associated limitations, about a safety plan, or that Angel was supposed to wear a vest.

In a written statement, the classroom EA who worked with Angel that morning, prior to the handoff at recess, stated that she had given the new recess EA the instruction to hang on to Angel, because he was a runner.

The Kindergarten teacher recalled that after the new recess EA arrived, as Angel's hand was being passed to the recess EA's hand, Angel broke free, and the Kindergarten teacher grabbed him right away. As the Kindergarten teacher put his hand back into the recess EA's hand she warned that Angel would run to the road

or to the water and instructed her not to let go of his hand.

The Morning Recess

The 10:25 a.m. recess bell had already rung before the kindergarten students emerged from the School building to go to the creative playground near the kindergarten classroom entrance. On the playground, Angel tried to let go of his EA's hand once, but she held on to him. She stated that he tried again, got away, and ran to the slide close by where he stood watching the children go down the slide. The EA remembered the Kindergarten teacher being close by with a few other students. Angel was not running away, and the EA said she continued to watch him closely as he stood at the slide. During this time, a staff member approached her with a student the EA had worked with previously. After a brief conversation the EA and student hugged. When she turned back to Angel, he was missing. She immediately looked for children wearing blue jackets on the playground and she began alerting staff that he was missing.

The EA and other staff began searching, especially at the pond and on the street. Although Angel's EA described him as wearing a blue winter jacket, other

staff involved in the search thought he would be wearing a red vest and described him that way. As a result, some staff were looking for red clothing, and some, blue. During their search, School staff from another class saw a piece of blue clothing in the pond, but at first dismissed it as they were looking for a red vest. In addition, staff noted that it was commonplace to see various items thrown into the pond such as clothing, shopping carts, and other items. Shortly after, through further communication, it was confirmed that Angel was wearing a blue jacket and two staff pulled Angel from the water. Another staff member had already called 911 by this time and staff who were trained in First Aid attempted to resuscitate him until emergency services arrived and took over. Angel was pronounced deceased in hospital shortly after. In the aftermath of this tragedy, Saskatoon Police Services investigated and determined that no charges would be laid.

The Office of the Chief Coroner concluded that Angel's death was an accidental drowning, and a public inquest would not be held.



4.0 The School Division's Internal Review

Shortly after the tragic events of September 11, 2017, the School Division conducted an internal review in an effort to gain insight into and learn from this tragedy.

In its review, the School Division obtained 17 written staff statements; and reviewed Administrative Procedures, recess supervision plans of various School Division schools, and relevant email and file information related to Angel. The internal review outlined steps taken over the summer and leading up to September 11 to accommodate Angel and develop a safety plan. It reviewed Administrative Procedure requirements for playground supervision of students and conducted a comparative analysis of the Saskatoon School in relation to others with respect to staff to student ratios. In its final Report the School Division noted that the City of Saskatoon pond was located approximately 100 metres from the School playground and that until 2005 it was considered a "dry pond." The Report did not delve into historical community discussions about the pond, however noted that the School's Occupational Health and Safety minutes from 2009 to 2017 revealed "no documented discussion of the city pond." The Report also indicated that the Saskatoon Police Services investigation did not lead to any charges.

In its concluding remarks, the Report highlighted that concerns about Angel's desire to run away and the risk that he would run into traffic or water were well known prior to him starting school. Further, it found that ongoing efforts were made to develop a safety plan for Angel's care, and that "those tasked with developing the safety plan ensured that everyone who needed to have information were provided with important data about Angel and the planning being done for him." It found that while School professionals felt confident with their safety plan, it was

"not executed to perfection," when Angel was last seen at the slide without an adult holding his hand.

The Report made eight recommendations, a summary of which are:

1. To establish a safety plan template for the most "critical intensive support students," ideally developed with and signed off by the student's family, and reviewed regularly;
2. When a safety plan cannot be fully implemented, students' entry to the school should be graduated or delayed;
3. Kindergarten students should have an alternative recess time until acclimatized to the school and playground;
4. Safety measures for "runners" should be available to staff such as gait belts, tethers, and reflective vests, as steps toward independent movement, and approved by parents; and where parental approval is not received, alternate arrangements for recess should be made;
5. Safety plans for runners must be shared with all staff members of the school, and may include posting pictures of these students in staff-only available locations;
6. Teachers may need to restrict classroom egress such as when a student is a runner;
7. To limit the use of substitute EAs working with critical intensive support students; and,
8. That the School Division should proactively consult with the City of Saskatoon in future planning where it may affect school usage.

The Advocate is encouraged by these recommendations, which will contribute to increased safety, especially if implemented School Division-wide. As will be discussed further, the Advocate's report compliments some of these internal recommendations, but due to its enabling legislation and scope, makes further findings and recommendations.

5.0 Relevant Legislation, Policy and Practices

Our review examined legislation, regulations, policies and practices that were relevant to the planning and transitioning of Angel into the Saskatoon School. Specifically, we considered:

- **The Education Act, 1995**, which outlines that responsibility for education in Saskatchewan is shared between the Ministry of Education and locally elected boards of education. The Act requires boards of education to exercise general supervision and control over their schools and to make relevant bylaws. It empowers the Minister to create policies and establish assessment guidelines with respect to Intensive Supports students. The Act defines special needs students as, “[...] having a capacity to learn that is compromised by a cognitive, social-emotional, behavioural or physical condition,” and explains responsibilities for assessing and providing services to them.
- **The Education Regulations, 2015**, which authorizes the Minister to give a written directive to a board of education or the conseil scolaire, and outlines requirements related to special education, including students with intensive needs.
- **Intensive Supports Categories**, which is a list of categories developed by the Ministry to collect prevalence rates of student with specific diagnoses for students who have been identified by school divisions as requiring Intensive Supports.
- **Inclusive Education and Actualizing a Needs-Based Model** which are documents created by the Ministry which frame the expectations of the Ministry with regard to inclusive education. Among other things, these documents emphasize that student need, rather than diagnoses, should form the basis of planning for student supports.
- **Inclusion and Intervention Plan**

(IIP), developed by the Ministry, with a template to guide school divisions in creating individualized plans for students with exceptional needs.

- **The Student Cumulative Record Guidelines**, created by the Ministry, this guide, as stated in its introduction, “provides information that boards of education ... may use to establish procedures for the creation, maintenance, storage and transfer of Cumulative Records.” It stresses the benefits of content and procedural consistency.
- **Impact Assessment Profile (IAP)**, which is a template used by the School Division to capture relevant information to determine whether a student meets the criteria to be designated an Intensive Supports student and receive corresponding supportive services.
- **The Saskatoon Public School Division #13 Administrative Procedures (AP):**

AP210 – Students with exceptional needs, which outlines the responsibilities of the Superintendent for Special Education for studying, evaluating and assigning students to programs in special education, and the role played by Principals and schools.

AP320 – Student Records, which requires Principals to “ensure that a cumulative record folder is provided for every student.” Additionally, it requires Principals to request “educational records” of newly enrolled students from the sending school system.

AP350 – Supervision of Students, which identifies the Principal of each school as being responsible for the supervision of students during school authorized activities, whether on the school premises or elsewhere.

AP310 – Safety, which states that the Director of Education is responsible to

prescribe practices and procedures to ensure, among other things, satisfactory standards of safety for students. It places the general responsibility for the safety of students on Principals. It further requires that maintenance and operations respond directly and expeditiously to requests to address safety concerns.

- **Transition Handbook**, which the School Division created as a guiding document for staff most involved with planning and implementing the transition of special needs students. The Handbook identifies several types of transitions possibilities, identifies key steps and responsibilities, and emphasizes a team approach to planning.
- **Positive Behaviour Intervention Support (PBIS) Plan**, which is a School Division template and guide used where student behaviour requires behaviour management. It includes a “Safety Plan” section which lists steps to be taken “in emergency situations where personal/group safety is threatened.”
- **Medical Safety Plan**, which is a School Division template that includes a photo of the student and information about their medical reactions, symptoms, ongoing treatment and emergency medical treatment.
- **Educational Assistants’ Handbook for students with Special Needs**, which is a School Division guideline for EAs. It describes EA support as “one of the essential components in the successful inclusion of students with special needs [...]” This Handbook includes roles and responsibilities between teachers and EAs for working with special needs students. In a section that outlines what is not expected of EAs, under “Non-instructional Duties,” EAs should not “assume full responsibility for supervising and planning activities.”
- **The “zone”**, which is a practice that, according to the Principal, has been in place for several years at the Saskatoon School in which students are taught not to go beyond “the zone,” or cross “the lava.” Each year students are taught about the boundary between the School’s playground and the adjacent City of Saskatoon park.

6.0 Advocate's Findings and Recommendations

Our investigation found that School Division staff made eager and thoughtful efforts to gather information and plan for Angel's arrival to the Saskatoon School in September of 2017. As an understanding developed by key staff as to the severity of Angel's special needs, they continued to collaborate and brainstorm to improve their strategies for his safe integration into the School. However, while certain mitigating steps were taken as plans continued to evolve, not enough was done to put contingency measures in place during the times of highest risk.

6.1 Transition Planning prior to first day of classes at the School

Finding #1: *In preparation for Angel's transition to the Saskatoon School prior to the start of the 2017-2018 school year, staff worked diligently in their planning and followed most requirements and protocols.*

The presiding legislation requires boards of education to assess and accommodate students with special needs. As enabled by the Act, the Ministry has created special needs categories against which students may be assessed to determine if they are Intensive Supports students requiring accommodation. In this case, the process used by the School staff to gather information and begin the planning process for Angel's arrival reflected required legislative expectations, and as outlined in the School Division's Transition Handbook.

Angel was registered at the Saskatoon School just days prior to the end of the 2016-2017 school year, at a time when key personnel changes had occurred within the School and the School Division. In addition to personnel changes, the

School was about to launch its French Immersion program and had an outflux of students to another school. The School also had a particularly high number of Intensive Supports students requiring accommodation. In the face of these changes, the one remaining Resource Room teacher took responsibility for Angel's file and many other students with special needs over her summer break. We found that although not required, the work culture is such that it is not unusual for professional staff, like Resource Room teachers and Principals, to do some work over the summer, especially if it might improve or alleviate workloads at the beginning of the upcoming school year.

The Resource Room teacher's first opportunity to collect information about Angel came when she received a call from the Pre-Kindergarten teacher from Prince Albert and Angel's mother. The following day, the Resource Room teacher laid out a detailed email to disseminate the information to the Resource Team to start the planning for Angel. File documentation shows that in the immediate days after Angel was registered, the Resource Room teacher recognized that Angel had special needs at a significant level, where risks would need to be addressed.

As the summer progressed, the Resource Room teacher continued to work on the plans for Angel by gathering more information through conversations with his mother, requesting medical information, asking to do a home visit, and inviting Angel's family to a transition meeting. She advocated for Angel to have one-on-one EA support before he was officially designated as an Intensive Supports student and offered to personally provide EA support to Angel if the Principal was unable to acquire an EA for him at the start of the school year.

It is clear through a review of the record of email contacts over the summer that the Resource Team engaged in a collaborative approach with the goal of trying to identify Angel's needs, and begin creating a successful plan for his transition. By the time School staff returned to work on August 28, 2017, significant information had been collected over the summer and Angel had received an autism diagnosis. Because of

these diligent efforts, the Resource Team had a good idea about how to approach integrating Angel into the classroom.

On September 1st, when Angel and his family attended the School for the transition meeting, the Resource Room teacher, Principal, and Kindergarten teacher gained a greater appreciation for his ability to run away, but by then they knew that he would have one-on-one EA support in addition to the Resource Room teacher's plan to offer direct support for him on his first day.

Up until September 1st, the School followed protocols for transitioning Angel, except as will be discussed below with respect to acquiring his Cumulative Record.

Finding #2: The Saskatoon School did not have sufficient procedures in place to trigger a request for Angel's Cumulative Record from his former school.

There are no specific requirements in legislation about Cumulative Records. However, the Ministry's Student Cumulative Record Guidelines offer key principles and a model for school divisions to adopt. The School Division's Administrative Policy on 'Student Records' states that it adheres to the Ministry's Guidelines that School principals are responsible for requesting Cumulative Records from sending schools, and that a Cumulative Record folder must be created for each student.

In this case, there was no request by the School to acquire Angel's Cumulative Record from his Prince Albert School. Had it done so, the Saskatoon School would have received several professional assessments that included recommendations about how to work with Angel in consideration of his special needs.

At the Saskatoon School, when a student registers and the school previously attended is known, School administrative staff automatically request the Cumulative Record be sent by the sending school. However, administrative staff do not make this request when students register in kindergarten, as this is the grade when a Cumulative Record folder is first created, and typically pre-kindergarten students do not have Cumulative Records.

Although not an issue in this case, we learned there is inconsistency in what is

placed onto Cumulative Record folders across school divisions. This can result in not receiving all relevant information, especially for students with special needs. As an example, third-party reports, such as educational psychology reports, may not be placed in Cumulative Record folders and may instead reside in a separate 'special education file' only. This has resulted in instances where families advise of certain assessments, but they are not found in the Cumulative Record folder received from the sending school.

Given the importance of sharing key information among educational professionals, especially for accommodating students with special needs, it is critical that schools consistently request Cumulative Records when the receiving school is aware of the last attended school.

Recommendation #1: That the Ministry of Education direct that each board of education and conseil scolaire require their schools to create Cumulative Record folders for all children in pre-kindergarten who have special needs.

Recommendation #2: That the Ministry of Education conduct an audit that includes a representative sample of Cumulative Records across all school divisions to assess standards of consistency in practice, and to ensure policy and procedures require that critical information, especially with respect to accommodating students with special needs, is placed into Cumulative Records and shared when students relocate schools.

Recommendation #3: That the Saskatoon Public School Division #13 create policy to ensure that its schools have procedures in place whereby they consistently request Cumulative Records from a student's previous school, and that all its schools have consistent practices of creating Cumulative Record folders for all students.

Finding #3: Procedures for transitioning Intensive Supports students who arrive from other school divisions are not clearly outlined in the School Division's transition protocols.

The Act imposes responsibility for assessing and providing services to Intensive Supports students on boards of education. The School Division's Administrative Procedure on 'Students with Exceptional Needs,' states its commitment to meeting the needs of these students, and outlines responsibilities and steps for identifying Intensive Supports students that corresponds with legislative requirements.

The School Division's Transition Handbook provides guidance for many types of Intensive Supports student transitions. For example, the section entitled, 'School to School Transitions' specifies the importance of communication between sending and receiving resource teachers and acquiring special education files from schools outside the School Division. However, this section does not appear to be entirely applicable to transitions involving a student from another school division. For instance, the section, 'A Timeline for Planning' contains expectations of a sending school that may not be realistic given the School Division's lack of authority over other school division actions.

Further, we learned there is no requirement that educational professionals communicate with one another when students with special needs transfer between schools. Although some educational professionals interviewed suggested this exchange of information consistently happens, others said it does not occur often. In Angel's case, had the Pre-Kindergarten teacher not reached out,

given the practices of the Resource Room teacher it is almost certain that contact still would have been made. Nevertheless, there is no clear expectation.

Given the valuable information that can be gleaned from a sending school that has had direct experience in working with a student with special needs, it is essential that such an exchange of information not be left to chance.

Boards of education may create bylaws regarding operations of its schools, and the Minister may impose policies on boards of education with respect to Intensive Supports students, as well as directives regarding the coordination of activities with other educational organizations. These powers should be used judiciously, including in cases like this where for the benefit of accommodating Intensive Supports students it is essential that there be consistency in information sharing between receiving and sending schools.

Recommendation #4: That the Saskatoon Public School Division #13 amend its Transition Handbook to identify steps that should be taken when receiving a student with special needs from another school division, including contacting the most relevant sending school staff.

Recommendation #5: That the Ministry of Education require boards of education and conseils scolaires to develop transition planning policies for students with special needs that include communication requirements between sending and receiving schools and ensures Cumulative Records are consistently requested of sending schools.

6.2 Staggered Start day and the evolving safety planning

Finding #4: Staff appropriately raised concerns with School Administration regarding the need to improve planning and safeguards for Angel to successfully integrate into the classroom prior to his first full day of school.

Although the Resource Team believed they had a satisfactory plan in place for Angel's integration into his classroom, the staggered start day on September 6th proved overwise. Even with a one-on-one EA and assistance from the Resource Room teacher, the Kindergarten teacher still described this day as 'chaotic.'

Key steps taken after Angel's staggered start day ended included both the Resource Room and Kindergarten teachers approaching the Principal to describe their observations and express their increased concern about how they would keep him safe in and out of the classroom. This led to a request to facilities to modify the kindergarten classroom door, a request to the Early Learning Consultant to reschedule the observation, and further discussions between School and School Division staff to develop strategies for working with Angel.

Finding #5: The maintenance and operations department did not respond in a timely manner to the request to modify the kindergarten classroom door security.

As a result of their heightened concern about Angel's ability to escape, School staff approached facilities staff about modifying the classroom door to keep him safely inside. They expressed particular worry about whether he might get out of the School building doors which were in close proximity to the street. However, their requests were not expedited due to concerns with contravening fire code or other rules.

The School Division's Administrative Procedures entitled, 'Safety' requires maintenance and operations to "respond directly and expeditiously to requests made by or on behalf of the principal to address safety [...]".

The requests to modify the classroom door occurred on a Wednesday or

Thursday, with the hopes of having changes made for Friday, September 8, 2017. The need for a timely solution was reasonable, although a one or two-day turnaround may not have been operationally realistic. Nevertheless, it was not until at least November 2017 when a solution was found. Although door security did not contribute to the tragic outcome, in the face of the ongoing security concerns, the response time contravened the requirements of the Administrative Procedure on 'Safety,' and resulted in School staff taking security measures that were not ideal.

Recommendation #6: That the Saskatoon Public School Division #13 review and revise its Administrative Procedure 310 entitled, 'Safety' in consideration of this incident to determine how timely responses can be achieved when risk to the safety of children is identified, and what temporary mitigation steps can be taken when response time is delayed.

Finding #6: The School Division lacks a Safety Plan procedure specifically for when measures are necessary to address high-risk safety issues for Intensive Supports students.

As Angel's first full day of school approached, School staff recognized the need to develop safety strategies. During this planning, it was clear that certain safety measures would not be feasible or implemented by September 11th, such as changing door security, using a gait belt, or having a grade eight student accompany the EA to double hand-hold while outside.

Nonetheless, School and School Division staff collaborated and established plans that they believed would sufficiently address their concerns, both inside and outside of the classroom. For instance, the Resource Room teacher planned to assist in the kindergarten classroom on the morning of September 11th, giving Angel's one-on-one EA and the Kindergarten teacher added support. The Resource Room teacher also brought in items to assist, such as a trampoline chair, since he loved to jump, in addition to

printing off stop signs to start with the process of teaching him about safety.

For recess, they had devised a safety plan to address concerns about Angel running. This included: informing all staff to watch out for him at recess, having him wear a bright vest, and having a one-on-one EA continuously hold his hand.

The School Division has practices with respect to developing safety plans where a student's medical or behavioural issues warrant measures about how to prevent and respond to safety related emergencies. However, beyond these circumstances, there are no established guidelines for creating safety plans where safety measures are instituted to keep high-risk Intensive Supports students safe.

The recess safety plan created for Angel was not prepared in a way that was easily sharable with relevant staff, yet was as important as safety protocols that are established for medical or behavioural concerns.

Establishing a safety plan, such as the one created for Angel's high-risk issues, should enable easy transmission of known issues and safety measures with relevant staff, such as an EA. Ensuring relevant staff are fully informed would enable them to ask clarifying questions and act as a quality assurance mechanism, giving them the ability to verify that the safety plan is being fully executed.

6.3 Angel's first full day of school, September 11, 2017

Finding #7: Enhanced plans to ensure Angel's safety during recess on September 11th were not fully implemented. Steps were not taken to mitigate the lack of a fully executed safety plan.

After staggered start day, School staff collaborated with Special Education staff to improve plans for Angel's safe integration on his first full day of school. Some ideas proposed for safety during recess, such as double hand-holding and using a gait belt, were not immediately feasible. School staff then agreed on a plan with what they believed would allow Angel to be included in recess plans, safely. This recess safety plan included three key strategies: having Angel wear a bright vest, informing all staff to watch out for him at

recess, and having one-on-one support by having an EA hold his hand.

In the days preceding September 11th, email discussions among School staff included confirming certain aspects of the plan. With a one-on-one EA having previously been confirmed, the group discussed the vest and how to alert staff about Angel. Vest availability was confirmed, however, the plan to alert staff to watch out for Angel was delayed, the resulting effect being that staff would not be alerted prior to Monday morning recess.

On Monday morning two of the three strategies of the recess safety plan were still in place until School staff was unable to relocate the safety vest that Angel was to wear for recess.

This now left only one of the three recess safety precautions in place when the EA arrived to take Angel out for recess in the School playground, where its features – close proximity to the road and the pond – presented a particularly high-risk situation for Angel. Adding to this, the EA did not have the benefit of knowing the full recess safety plan.

Knowing in advance that the recess safety plan would not be fully implemented offered an opportunity for School staff to pause and consider how to mitigate the high risk, including slowing down the integration process overall and considering other measures such as keeping Angel indoors until sufficient safety precautions were in place. For this reason, a Safety Plan protocol should include communication, as well as contingency planning for circumstances in which critical aspects of the plan cannot be fulfilled.

Recommendation #7: That the Saskatoon Public School Division #13 develop a Safety Plan protocol for circumstances where safety measures are necessary to address high-risk safety issues for students with special needs. This protocol should include the safety issue, the safety measures, how the plan will be communicated with key staff, and contingency planning considerations in the event the full plan cannot be achieved.

Finding #8: The Saskatoon School does not have a clear policy regarding safety on its school grounds, considering its close proximity to the City of Saskatoon pond.

The Act devolves responsibility to boards of education for general supervision and control over its schools and gives it the power to make related bylaws. The School Division's Administrative Procedures on Safety and Student Supervision place responsibility on school principals for the supervision and safety of students engaged in school authorized activities.

The School has a supervision plan for times when students participate in outdoor activities on school grounds. This includes having staff stationed in specific areas, such as the creative playground where kindergarten students play at recess. According to the Principal, prior to this tragedy two staff supervised the creative playground area, but now there are three.

Additionally, the School has had a long-standing practice of teaching students not to go beyond "the zone," or cross "the lava." According to the Principal, each year teachers instruct students about the boundary between the School's playground and the adjacent City of Saskatoon park. Although staff may be aware of these boundaries, there is no map that confirms "the zone."

Given the reality of the pond's proximity to the School grounds and its potential risk (concerns which have been expressed previously by parents), it is incumbent upon the School to ensure a clear plan is in place about how to mitigate the risk posed to students by this body of water. It is difficult to know with certainty whether such a plan would have helped Angel at recess on September 11th, but there is no doubt it would have improved the terms and conditions for student safety, and increased security while in the School playground.

We have learned that the School Division only owns the land on which the Saskatoon School is located, however does not own or control any of the adjacent property, including the student playground areas or the neighbouring park where the pond is located. It is therefore unable to modify or otherwise install structural security measures on these grounds.

As a result, the School Division has been collaborating with the City of Saskatoon during the City's recent review of pond safety. The Advocate is satisfied that the School Division has strongly advocated to the City to modify the park area to increase safety by constructing fencing, reducing the slope grade near the pond, and improving sight lines to the pond by improved weed management. The Advocate agrees that these modifications are important aspects of improving safety in this area. However, the burden of ensuring safety of students rests with the School Division and steps must be taken to examine external safety hazards such as water features or roadways, take into account any existing safety measures, and develop plans to sufficiently mitigate any residual safety issues.

Recommendation #8: That the Saskatoon Public School Division #13 amend its Administrative Procedures to require that any of its schools with surrounding area features that pose added safety risks develop written protocols to mitigate these risks to ensure satisfactory conditions of safety exist for students.

Recommendation #9: That the Saskatoon School develop a written protocol to mitigate the added risks posed by its proximity to the City of Saskatoon park and pond and ensure satisfactory conditions of safety exist for students when participating in school activities while outdoors on school grounds. This should include a map identifying the boundary between the School playground and the City of Saskatoon park, safety measures to mitigate the risks, and protocols for training staff and students.

Recommendation #10: That the Ministry of Education, in conjunction with boards of education and conseils scolaires, conduct a study of all schools under its authority to identify external safety hazards and create plans to sufficiently mitigate those safety hazards and provide such study to the Advocate within one year.

Finding #9: *The School did not share adequate information about Angel's special needs with all Educational Assistants who came to work with him, in advance, contrary to its own best practices.*

The School Division's Administrative Procedure on 'Students with Exceptional Needs' assigns general responsibility for assessing and working with Intensive Supports students, however there are no specific requirements with respect to information sharing with staff who work directly with Intensive Supports students, such as EAs.

Nonetheless, the School Division and the School consider it best practice to share pertinent information about Intensive Supports students with EAs who are assigned to them. School Division documents such as the EA Handbook and Transition Handbook stress the importance of EA support with these students, collaboration and good communication, and including EAs in related processes. In interviews for this investigation, relevant staff indicated the expectation that EAs should be briefed about students with whom they are assigned to work.

Prior to the 2017-2018 school year, meetings were held to match EAs with students and meet with EAs about their assignments. Circumstances during the first week of school required EA re-assignment and as a result, Angel came to work with four different EAs in his two brief days at the School. Although efforts are made to carefully match EAs to students, there is a constant juggling of EAs throughout the year due to factors such as unexpected absences, EA preferences or skill sets, or requests by

parents for certain EAs.

The EA assigned to work with Angel in the classroom on September 11th had limited background information about him, which was mitigated by having the Resource Room teacher there. For the EA assigned to work with Angel at recess, the only advance briefing she received was in the few minutes before recess started when she was instructed to constantly hold his hand because he would run to the road or water. She was not aware of his diagnosis and corresponding issues such as his verbal limitations and how the level of his special needs manifested in him being at particularly high risk.

The School did not adhere to its own standard when it failed to provide advance information to EAs who worked with Angel on September 11th. Pressures on ensuring adequate EA coverage are a reality, and EA assignment changes may be unavoidable. However, such changes should not compromise minimum standards of adequate information sharing to the benefit of students with special needs.

Had the EA received a complete briefing about Angel and fully appreciated the urgency and high risk he posed, the EA may have reacted differently when Angel was able to run to the slide.

Sufficient advance briefing that is commensurate with the degree of responsibility held by EAs will provide a protective benefit to students by ensuring EA staff have a full level of awareness of the student's special needs and concurrently, how they can contribute to the successful integration of these students in their educational setting.

Recommendation #11: That the Saskatoon Public School Division #13, in consultation with its schools, amend relevant documents such as the Transition Handbook and Educational Assistants' Handbook, to outline minimum standards with respect to communicating with key staff, including EAs, in advance of working with assigned students with special needs.

Finding #10: When the School failed to properly equip the EA with sufficient information about Angel and fully implement the recess safety plan, it effectively placed the EA in a position of sole responsibility for Angel at recess, which contravened its own best practices.

At the start of recess on September 11th, two of the three recess safety strategies were not in place: having Angel wear a bright vest to make him more visible and alerting all staff to watch out for him. Additionally, the EA arrived in the classroom without the benefit of an advance briefing about Angel or knowing there were other aspects to the recess safety plan.

The School Division's EA Handbook specifically notes under "non-instructional duties," that EAs should not, "assume full responsibility for supervising and planning activities." Although there were other staff supervising during recess on September 11th, in this very high-risk situation for Angel the EA was left to supervise him without the benefit of the two other recess safeguards in place, without knowing about the recess safety plan, and without critical background information about Angel. This left her unnecessarily isolated.

There is no doubt that the EA was instructed not to let go of Angel during recess. But she did. Angel was known to get away from his caregivers' hands. It should have been anticipated that with him, as with many active five-year-olds, that this would be inevitable. So, when the EA and Angel became separated, ideally this should have triggered the other safety precautions that were ostensibly meant to mitigate the possibility of a situation like this. If the EA had not been in a position of sole responsibility, the other recess safeguards would have likely resulted in staff noticing Angel running toward the pond wearing a bright vest. And if the fail-safes did not cause him to be spotted as he ran toward the pond, once the search for him began, the various staff who noticed blue clothing floating in the pond, but instead kept searching for a red vest, could have identified him more immediately.



7.0 Conclusion

Angel was an active, clever, cuddly five-year-old boy whose parents wanted to access all available resources they could find so that he could achieve his maximum potential. The family was well established in Prince Albert, and Angel had a successful year in pre-kindergarten there. But learning that he would have better access to autism services in Saskatoon, the family took the decision to move. His parents were nervous about introducing him into a new daycare and new school, but based on their positive experiences in Prince Albert, they did their best to share information about Angel in an honest and forthright manner and believed they could place their trust in these services to help Angel grow to his potential in a safe environment.

The Saskatchewan Children and Youth First Principles (adopted by the government of Saskatchewan) are a distillation of rights contained in the UN *Convention on the Rights of the Child*, which Canada has ratified. When undertaking an investigation, the Advocate for Children and Youth considers these as minimum standards against which we adjudicate issues that affect children and youth. Key rights relevant and examined in this case include Angel's right to the highest standard of education possible in order to reach his fullest potential, the right to be free of discrimination, and the right to safety while in the care of government services.

Ingrained in *The Education Act, 1995* and its regulations, which are supported by School Division procedures and Ministry of Education guidelines, are provisions to accommodate children with special

needs in order to ensure they are not the subject of discrimination, attain their fullest potential in education, and address their special needs by integration into the education system in a safe manner. Further, the Advocate recognizes that each day, educational staff work in the best interests of students, toward these goals. Many of the recommendations by the Advocate in this case are not limited to this particular School Division and can be applied across school divisions when examining policy and practices of planning for students with special needs to ensure the highest level of due diligence in these cases.

As the evidence reveals, School and School Division staff made sincere efforts to achieve these goals, and in particular, to collect and assess information about Angel in order to provide him with a safe and meaningful integration into the School. In identifying that he was at high risk to escape and run without regard for his own safety, they collaborated to develop safety strategies.

There is no doubt that the staff involved in Angel's planning cared deeply about his safety and well-being. In as much as these efforts were made in his best interests, on September 11th the new EA was not sufficiently briefed, and the recess safety plan was not fully executed which weakened its integrated back-up plans and resulted in miscommunication when the search for Angel began. In this sense, Angel's right to safety was not upheld. In the Advocate's view, had all of these elements been in place, the EA's reaction may have changed, or Angel would have either been identified while he was running away to the pond or when he was first seen in the pond. Taking the time to mitigate his risk factors mattered most for Angel during his time on the playground that morning. Consequently, the Advocate finds that this was a preventable death.

Through its own internal review of this tragedy, the School Division has gained valuable learnings, including that formalized safety planning is essential. As of the date of this publication the School Division's Special Education Branch had committed to developing and implementing new processes across the School Division based on its internal review findings by the fall of 2018. The

Advocate sees these as important steps to reflecting on and improving its own systems, and ultimately increasing the level of security for children in its care. The Advocate also recognizes the efforts made by the School Division to advocate to the City of Saskatoon for changes to and around the pond located in the park neighbouring the School, in the interests of student safety.

Since this tragedy, the City of Saskatoon has examined the issue of safety around this pond located near the School. At the time of publication of our investigation it was our understanding that the City of Saskatoon had committed to taking added measures to enhance safety based on its review, and community and School Division input. The Advocate urges the City to incorporate the recommendations made by the School Division to install fencing, reduce the sloping near the pond, and eliminate obstructions to improve sight lines from the playground to the pond.

Angel's tragic death has been the impetus for our close examination of how the School, the School Division and the Ministry of Education manage students with special needs, including their safety. It is the Advocate's desire that as a result of our investigation and the recommendations herein, that Angel's family will forever know that critical improvements within the education system have resulted.





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