



HAMILTON-  
WENTWORTH  
DISTRICT  
SCHOOL  
BOARD

# Safe & Caring SCHOOLS 5

## What to do if your child is facing **EXPULSION**

Hamilton-Wentworth District School Board is committed to making each and every one of its schools a caring place that is safe for learning.



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*Every student deserves to feel and be safe in school, on the school grounds, on the school bus and at school events and activities. At Hamilton-Wentworth District School Board (HWDSB), we know safety is essential to good learning. Students learn and teachers teach more successfully when schools are safe. If a student misbehaves, the Principal decides on what steps to take to help the student improve his or her behaviour.*

***Certain misbehaviours may mean a student is expelled.***

## What is an expulsion?

An expulsion is a response to a serious misbehaviour by a student in a Hamilton-Wentworth District School Board school. A student may be expelled from the school he or she is attending, or from all schools in the Board.

## When and why is a student expelled?

Sometimes a Board must consider expelling a student. This happens only when a student has committed a serious infraction of the Code of Conduct or other Board or school policies.

## What is the difference between a school expulsion and a board expulsion?

Students involved in serious misbehaviours may receive one of two types of expulsions. Students can be expelled from the school he or she was attending at the time of the incident. This student will attend another school. A student who is expelled from all schools across the Board will be referred to the Gateway Program.

## How long do expulsions last?

An expulsion lasts until a student successfully completes the requirements outlined in his or her Student Action Plan, which is developed in consultation with the Safe Schools Principal. A decision to exit this program will be determined by the Principal and staff of the Gateway Program. More information on the Gateway Program can be found on page five.

## What serious misbehaviours can lead to an expulsion?

A Principal will recommend expulsion for students who they believe engaged in any of the following activities while at school, at a school-related activity or in other cases where there has been a negative impact on the school climate:

### EDUCATION ACT

- Possessing a weapon, including a firearm
- Using a weapon to either cause or threaten to hurt another person
- Physically hurting another person that causes them to need medical attention
- Harming someone sexually (sexual assault)
- Selling or handing out weapons or illegal drugs (trafficking)
- Committing theft or robbery (theft with violence)
- Selling or providing alcohol to someone under the age of 19

### HWDSB POLICY

- Engaging in a pattern of behaviour that if the student were to continue at school would be harmful to the learning and working conditions of others
- Behaviour in a way that requires suspension under HWDSB policies
- Bullying
- Any act motivated by bias, prejudice, or hate under subsection 306(1) of the Education Act
- Acts of vandalism that causes extensive damage to Board property
- Acting in a way that would be considered by the principal to be contrary to the Board or School's code of conduct

For the exact legal definitions, please see the HWDSB Expulsion of Students Policy which can be found on the HWDSB Web site at [www.hwdsb.on.ca](http://www.hwdsb.on.ca)

## How will I know if my child has been recommended for expulsion?

When a Principal believes a student has engaged in a serious misbehaviour, the student will be suspended while the Principal thoroughly investigates what took place. At that time, the Principal will make every effort to contact you to let you know that your child has been suspended with the possibility of expulsion. The Principal will inform all of your child's teachers. Within 48 hours, the Principal will also provide you with a letter outlining the reason for the suspension, how long it will last, as well as information about the Board's Gateway Program.

## What is the Gateway Program?

The Gateway Program is HWDSB's system level support program for students who are on long-term suspension (six days or more) or expulsion.

Open to both elementary and secondary school aged students; the Gateway Program offers academic support, allowing students to complete assigned homework and/or independent learning modules leading to high school credits.

Classes run during the school week from 9:00 am to 2:00 pm and students are supported by a qualified teacher as well as an educational assistant to complete their studies in a classroom environment.

Through a social worker, the Program may also provide students with social, emotional and behavioural support, helping them deal with issues such as anger management, substance abuse and bullying prevention. The social worker can help students and families connect with community agencies when needed or requested.

## What takes place during the Principal's investigation?

The Principal will begin an investigation once the student has been suspended. This involves speaking to witnesses, interviewing staff and gathering information that might be relevant to the investigation, including *mitigating circumstances*. Depending on the seriousness of the misbehaviour, the Principal may need to complete a Violent Incident Form. The Principal will also want to speak with both you and your child. Based on the outcome of the investigation the Principal may recommend to the Board that a student be expelled.

## What are mitigating circumstances?

When the Principal is conducting the investigation they will look at any mitigating circumstances that may have been contributed to the student's behaviour at the time of the incident. These factors include whether the student has the ability to control his or her behaviour or to understand the consequences. A Principal will also consider whether a student's presence in the school creates an unacceptable risk to either themselves or others in the school. Other mitigating factors the Principal might consider include the following:

- A student's history
- If progressive discipline has been used with the student
- Whether the student was a victim of harassment
- How the suspension will affect the student's education
- The student's age
- Any factors that are addressed for students with an Individual Education Plan (IEP)

All factors will be taken into consideration to determine both the length of the suspension and if the student will be recommended for expulsion.

## What is progressive discipline?

Progressive discipline is a series of proactive interventions that take place in a school to help students change their behaviour. For example, peer mediation or individual/group counselling might take place over time to ensure a student is provided with every opportunity to modify his or her behaviour. For more information on progressive discipline, please refer to the Progressive Discipline brochure, part of the Safe & Caring School series.

## What happens if my child is recommended for expulsion?

Once the Principal thoroughly investigates what has happened and there is a decision to recommend expulsion, the student and parent will be asked to attend an Expulsion Hearing. This hearing will take place before the Discipline Committee, which is made up of Trustees. The hearing will take place within 20 school days of the student's initial suspension.

Written notice will be provided to parents within 24 hours of the decision to move to an Expulsion Hearing. The notice will provide parents with:

- A summary of the Principal's investigation
- Whether the Principal is recommending a school expulsion or a Board expulsion
- A recommendation of what schools or program would best meet the student's needs if the student is expelled.
- The date and time of the expulsion hearing
- A copy of the Expulsion of Students policy
- A copy of this brochure, What to do if your Child is Facing Expulsion

Parents will also be informed that they may respond in writing to the Principal's report as well as receiving the contact name for the Superintendent of Student Achievement to discuss anything about the expulsion hearing.

## What takes place during the Expulsion Hearing?

The Discipline Committee hears evidence and recommendations about the incident that took place. As a parent, you are expected to attend this hearing along with your child. The Principal, the Superintendent of Student Achievement and anyone that you wish to advocate for your child may attend the hearing.

During the hearing you and your child have the opportunity to speak to trustees about what happened. You can also submit a written statement during the hearing. Trustees will review the Principal's report and may ask everyone involved to answer questions. Your advocate is there to speak on your behalf, if necessary.

The Expulsion Hearing is confidential and is not open to the public.

## What happens if the Discipline Committee does not recommend my child for expulsion?

If the Discipline Committee decides not to recommend your child for expulsion they will do one of the following:

- Confirm the current suspension and its length
- Confirm the suspension and shorten its length
- Withdraw the suspension and remove all record of it from your child's file
- Consider whether a return to school, a placement in an alternative school, or an alternative discipline is appropriate in the circumstances

The committee's decision regarding the suspension is final. This decision cannot be appealed.

## What happens if the Discipline Committee does recommend my child for expulsion?

If the Discipline Committee decides to recommend your child for expulsion they may do one of the following:

- Expel your child from his or her school. If this happens, then the Superintendent of Student Achievement will assign your child to another school.
- Expel your child from all HWDSB schools. If this happens, the Board will refer your child to the Gateway Program.

This decision will be followed by a written notice outlining the reason for the expulsion, information about the school or program your child will be attending and information about how to appeal the Discipline Committee's decision.

## How do I appeal the Discipline Committee's decision to expel my child?

As a parent, you have the right to appeal the Board's decision to expel your child. This must be done in writing within 30 days of the Discipline Committee's decision to the Child and Family Services Review Board (CFSRB). For more information on this process, please contact 1-888-728-8823.

Once the CFSRB receives written notice of appeal, they have 30 days to set up a hearing for your child. The decision of the CFSRB on this appeal is final.

## If my child is expelled from all schools, does this mean he or she is no longer a student of HWDSB?

Your child will continue to be a student of HWDSB as long as he or she attends the Gateway Program; however, if your child chooses not to attend the program or registers at another Board, he or she is no longer considered an HWDSB student.

## When can my child return to school?

If your child has been expelled from all HWDSB schools, he or she will be entitled to be readmitted on the following grounds:

- Successful completion of the Gateway Program
- Meeting the criteria for returning to school

The Safe Schools Principal will determine if the re-entry criteria has been met.

## Where can I get more support for my child?

The local school can give you information and help to provide support for your child. The Gateway Program will also provide academic, emotional and social support while your child is on expulsion. A social worker is also available for additional support.

Here are some of the supports that may be available to your child:

- Conflict resolution programs
- Social skills programs
- After school recreational programs
- Drug and alcohol education
- Anger management programs
- Public health nurse
- School liaison officer
- Student Services Personnel

## Is there help for parents and families?

In some cases a student's difficulties may be a symptom of problems faced by the student's entire family. If so, you may also wish to ask the Gateway Program to recommend agencies or community support programs that can help both your family and child.

## How do I get more information on expulsions?

You can read other pamphlets in the Safe & Caring Schools Initiative. They are available in your school office, or you can download them from [www.hwdsb.on.ca](http://www.hwdsb.on.ca).

You can contact the Principal or Vice Principal at your child's school or you can phone your schools' Superintendent. Contact information for your school Superintendent is available from the school office, or from HWDSB's website at [www.hwdsb.on.ca](http://www.hwdsb.on.ca)

*Please note: This pamphlet is intended for information purposes. It is not a substitute for legal advice and is subject to all applicable laws and Hamilton-Wentworth District School Board policies.*



# Safe & Caring SCHOOLS 5

## SAFE & CARING BOOKLET SERIES:

1. Code of Conduct
2. Progressive Discipline
3. Bullying
4. Suspension
5. Expulsion
6. Gateway
7. Appropriate Dress
8. Safe Arrival Check



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