

Suspension, Expulsion and Programs for Long-Term Suspended or Expelled Students Procedure

RATIONALE:

The Education Amendment Act (Keeping Our Kids Safe at School) came into force in February 2010, amending Part XIII of the Education Act dealing with behaviour discipline, and safety. In 2012, the Accepting Schools Act (Bill 13) made further changes to the legislation with the goal of promoting a positive school climate that is inclusive and accepting of all students. It also strengthens the legislation regarding the prevention of bullying. The following Policy/Program Memoranda (PPM), which form the basis for our policy procedures, changed as well: PPM 145: Progressive Discipline and Promoting Positive Student Behaviour, PPM 141: School Board Programs for Students on Long-term Suspension, and PPM 142: School Board Programs for Expelled Students. Two of the PPMs have many of the same processes related to suspension and expulsion. To align these two policies procedures, they are combined into one policy procedure titled Suspension, Expulsion, and Programs for Long-term Suspended or Expelled Students. Thus, the continuum of prevention (programs), intervention (progressive discipline), and consequence (suspension/expulsion) will be supported by two policy procedures.

Hamilton-Wentworth District School Board recognizes the importance of promoting a positive school climate. HWDSB supports using the curriculum as an integral support for students in developing positive behaviours. Initiatives such as Safe and Caring Schools, Character Development, Program Strategy, Student Success Strategy, Mental Health Strategy, Gay- Straight Alliances (e.g. Positive Space groups), and the Equity and Inclusive Education Strategy are key in promoting and supporting appropriate and positive student behaviours.

Hamilton-Wentworth District School Board recognizes that when inappropriate behaviour occurs, developmentally appropriate action must consistently be taken to address behaviours that are contrary to the Provincial and Board Codes of Conduct. The action should be applied within a framework that shifts the focus from one that is solely punitive, to one that is both corrective and supportive. Hamilton- Wentworth District School Board is committed to a progressive discipline approach that builds and sustains a positive school climate for all students to support their education.

TERMINOLOGY:

Student: As used in this Policy Procedure, refers to *pupil*, as used in the Education Act.

Adult Student: For the purpose of this policy procedure, an “adult student” is a student who is 18 years of age or older or who is 16 or 17 and has withdrawn from parental control.

Bullying: Bullying is defined as aggressive and typically repeated behaviour by a student where the behaviour is intended, or the student ought to know that the behaviour would be likely to have the effect of:

- causing fear or distress to another individual, including physical, psychological, social or academic harm,

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- harm to the person's reputation or property or creating a negative environment at the school for another individual, and the behaviour occurs in a context where there is a real or perceived power imbalance based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education.

Child and Family Services Review Board (CFSR Board): The Child and Family Services Review Board provides a mechanism under the Child and Family Services Act to hear an appeal of a school Board's decision to expel a student. The CFSR Board makes specific decisions on the residential placement of children; refusal of placement by private adoption licensees; rules on licenses for children's residences, adoption placement, day nurseries and private home day care; refusal to disclose adoption information; and applications for the release of children from emergency secure treatment facilities.

Committees:

(i) Expulsion Hearing Committee: A committee of three or more Trustees of Hamilton-Wentworth District School Board, established to hear a recommended expulsion of a student.

(ii) Suspension Appeals Committee: A committee of three or more Trustees of Hamilton-Wentworth District School Board, established to hear an appeal of a principal's decision to suspend a student.

Designated Superintendent: The Designated Superintendent is the Superintendent of Hamilton-Wentworth District School Board responsible for the Board's Safe Schools Portfolio.

Expulsion: A decision made by the Expulsion Hearing Committee of the Board that prohibits a student from attending his/her own school or all schools of the Board, and participating in school-related activities until such time as the requirements of the Student's Action Plan are completed. Expulsions must be 21 days or more.

Individual Education Plan (IEP): Please see Ministry of Education Resource Guide "Individual Education Plan" 2004 – page 6; also available on the Ministry of Education website or in schools.

Medical Cannabis User: as defined by the Education Act, a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal laws.

Positive School Climate: School climate is the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and respected and actively promote positive behaviours and interactions. Principles of equity and inclusive education are embedded in the conditions to promote a positive learning environment to promote a positive school climate and a culture of mutual respect. A positive school climate is a crucial component of the prevention of inappropriate behaviour.

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Parent/ Guardian: Where there is a reference to involving or informing a parent/ guardian it means the custodial parent or guardian of a minor child who is under 18 years of age, or is not 16 or 17 and removed from parental control.

Progressive Discipline: Progressive Discipline is a whole-school approach that utilizes a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student behaviour. This approach builds upon strategies that promote both positive student behaviours and positive school climate. The approach to student discipline must include learning opportunities for students in order to reinforce positive behaviours and help students to make good choices.

School Superintendent/Superintendent: School Superintendent/Superintendent is the Superintendent of Hamilton-Wentworth District School Board responsible for the supervision of the school attended by the student who is subject to expulsion.

Suspension: A decision that prohibits a student from attending school or participating in school-related activities for a period not to exceed 20 days.

Whole-School Approach: A whole-school approach involves all members of the school community and supports efforts to ensure that schools are safe, inclusive and accepting. It involves the development of respectful and caring relationships between staff, between students and between staff and students. All aspects of school life are included in a whole-school approach, such as curriculum, school climate, teaching practices, policies and procedures. A whole-school approach is valuable in addressing issues such as racism, intolerance based on religion or disability, bullying, homophobia and gender-based violence.

PROCEDURES:

1.0 Delegation of Authority Regarding Student Discipline

Whenever possible, at least one administrator is to be present on school property. The Education Act provides a Principal with the authority to delegate power, duties, or functions under Part XIII – “Behaviour, Discipline and Safety” as outlined below.

1.1 The Principal must ensure that:

- the delegate (Vice-Principal or Teacher) is provided with the cell phone and office numbers of the appropriate Supervisory Officer of the school, plus the cell phone and office number of a minimum of one other Supervisory Officer
- if no administrator is present on school property, staff must be notified who has administrative responsibilities, and for what duration
- the delegation of authority to a teacher is in writing outlining what the teacher delegate can, and cannot do.

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- 1.2 Delegation to the Vice-Principal: Delegation may include all authority of the Principal under Part XIII of the Education Act except:
- the final decision regarding a recommendation to the Board to expel a student
 - suspensions for more than six school days.
- 1.3 Delegation to Teachers: The Principal's authority may be delegated to a teacher under Part XIII of the Education Act which states:
- the delegate must respect all collective agreements
 - the delegate may have the authority to initially deal with situations involving activities that must be considered for suspension or expulsion, with the most important consideration being given to safety of those involved
 - the delegate may undertake an initial investigation according to Board direction
 - the delegate must report all details of the initial investigation to the Principal or Vice-Principal as soon as possible
 - the delegate must report to the Principal or Vice-Principal any activities that must be considered for suspension or expulsion, reported to them by other staff members during the Principal's absence (suggest a 'log' be kept)
 - the delegate may be given limited authority to contact the parent/guardian of a student who has been harmed as the result of an activity for which suspension or expulsion must be considered; only the nature of the harm to the student and the nature of the activity that resulted in the harm may be shared
 - if the teacher is not sure if they should call the parent/guardian, the teacher should contact the Principal, Vice-Principal or Supervisory Officer for direction. The Principal is responsible for following up with the parent/guardian as soon as possible
 - teachers may not be delegated authority regarding suspension decisions or recommendations regarding expulsion.

2.0 **Responding by Board Employees to Serious Incidents**

All Board employees who work directly with students must respond to all student behaviour that negatively impacts on the school climate.*

Board employees who work directly with students include administrators, teachers, and non-teaching staff (including staff in social work, child and youth, psychology and related areas, educational assistants, early childhood educators, etc.)

Responding may include: asking a student to stop the inappropriate behaviour, naming the inappropriate behaviour and explaining why it is inappropriate and/or disrespectful, and asking the student to correct the behaviour. (e.g. apologize for a hurtful comment and/or to rephrase a comment).

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***Note:** Board employees are not required to respond to incidents when, in their opinion, responding would cause immediate physical harm to themselves, a student, or to another person.

3.0 Reporting by Board Employees of Serious Incidents

All Board employees who work directly with students must report to the Principal, all student behaviour for which suspension or expulsion may be considered. See Appendix 'A'

The purpose of reporting serious student incidents to the principal is to ensure that the principal is aware of any activities taking place in the school for which suspension or expulsion must be considered and to help ensure a positive school climate.

Board employees who work directly with students include administrators, teachers, early childhood educators, and non-teaching staff (including staff in social work, child and youth, psychology and related areas, educational assistants, etc.). Bus drivers, and employees, and employees and contractors of third party operators providing before/after school programs for Full Day Kindergarten on the school site must also report incidents of bullying.

VERBAL REPORTS: A verbal report must be made to the Principal for incidents in which suspension or expulsion would not be considered. The verbal report is to be made as soon as possible following the incident.

WRITTEN REPORTS: For incidents in which suspension or expulsion must be considered, Board employees must report to the Principal no later than the end of the school day, and confirm their report in writing using the Ministry Safe Schools Incident Reporting Form-Part 1. The written report is to be submitted as soon as possible, and in any case, within 24 hours of the incident.

4.0 Principal Response to Reports

After a report is submitted, the Principal must:

- provide a written acknowledgement of the receipt of the report using the Ministry Safe Schools Incident Reporting Form-Part II to the employee who reported. Information that could identify the student(s) involved must not be part of the acknowledgement
- indicate if the investigation is "completed", or "in progress" if further investigation is needed; particularly for incidents that may lead to suspension or expulsion, including bullying
- once investigation is completed, communicate the results of the investigation to the person who made the report (unless, in the Principal's opinion, it would not be appropriate to do so). Actions taken could include anything on the progressive discipline continuum e.g. warning, contacting parent/guardian, removal of privileges, suspension,

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expulsion, or utilize the Police/Board Protocol for incidents requiring police involvement, or other Board protocols for specific incidents e.g.. CAS protocol

- notify the parent or guardian of a student who the principal believes has been harmed as a result of the specified activity
- notify the parent or guardian of any student who engaged in the activity that resulted in the harm.

If no further action is taken by the Principal, there is no requirement to retain the report and it should be destroyed. The report is not to go in the Ontario School Record (OSR).

If action is taken, the form and documentation must be kept in the student's Ontario School Record (OSR) for a minimum of one year, and:

- the names of all the other students appearing on the form (aggressors and victims) must be removed except the name of the student in whose OSR the form is going,
- nothing about the incident is to go into the victim's OSR unless the victim or parent/guardian of the victim specifically request that this is done
- where the student who has been harmed has also engaged in a serious student incident, information regarding the incident and the action taken and documentation will be placed in the student's OSR for a minimum of one year.

Note: *This formal report does not replace conversations between the employee and the Principal. The Principal and the employee are encouraged to talk about the incident regardless of action taken.*

5.0 Activities Leading to Possible Suspension or Expulsion

Refer to Appendix A

6.0 Factors Principals Must Consider Prior to Suspension or Expulsion (Ontario Regulation 472/07 "Behaviour, Discipline and Safety of Students")

In considering whether to suspend a student for engaging in an activity that may lead to suspension or expulsion, the following mitigating factors shall be taken into account by the Principal:

Mitigating Factors

- the student does not have the ability to control his or her behaviour
- the student does not have the ability to understand the foreseeable consequences of his or her behaviour
- the student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

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Other Mitigating Factors to be Considered

Where the student is able to control his or her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of the suspension and whether further investigation should be undertaken to recommend that the student be expelled:

- the student's history
- whether a progressive discipline approach has been used with the student
- whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment
- how the suspension or expulsion would affect the student's ongoing education
- the student's age
- where in the case of a student for whom an individual education plan has been developed:
 - a) whether the behaviour was a manifestation of a disability identified in the student's individual education plan
 - b) whether appropriate individualized accommodation has been provided; and
 - c) whether a suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.

7.0 Notice to Parent/Guardian of Students Who Have Been Harmed (Section 300.3(3). Ed. Act)

Principals are required to inform the parent/guardian of students **who have been harmed** as a result of any serious student incident for which suspension or expulsion must be considered. Principals shall disclose the following information:

- the nature of the activity that resulted in the harm to the student
- the nature of the harm to the student
- the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response the activity
- the supports that will be provided for the student in response to the harm that resulted from the activity (e.g. safe intervention plan)
- Principals must invite parents/guardians to have a discussion with him/her about the supports that will be provided for their child.

8.0 Notice to Parent/Guardian of Students Who Have Engages in Serious Incidents

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Principals are required to inform the parent/guardian of students **who have engaged in serious student incidents**. Principals shall disclose the following information:

- the nature of the activity that resulted in harm to the other student
- the nature of the harm to the other student
- the nature of any disciplinary measures taken in response to the activity
- the supports that will be provided for the student in response to his/her engagement in the activity (e.g. student services support, support for referral to community agency, etc.)
- Principals must invite parents/guardians to have a discussion with him/her about the supports that will be provided for their child.

9.0 Disclosure

9.1 **Principals are not permitted to inform** the parents/guardians of a victim when, in the Principal's opinion, doing so would put the victim at risk of harm from the parent/ guardian. If the Principal decides not to notify the parent/guardian, the Principal must:

- consult with the manager of student services for further advice
- document the rationale for the decision not to notify the parent/guardian of the student
- inform the school Supervisory Officer of this decision
- if a teacher reported the harm to the principal, inform the teacher of the decision
- if it is determined it is appropriate to do so, inform other Board employees of the decision not to notify a parent/guardian of the student.

9.2 **Principals must not disclose** the name of the aggressor or any other identifying or personal information with the parents/guardians of the victim or harmer beyond what is listed above (e.g. referral to counselling or any other personal information).

9.3 If a staff person has any reasonable grounds to suspect that a student, who is under the age of 16, is or may be in need of protection from the person having charge of him or her, the staff person must report this directly to the CAS, and not rely on any other person to report on his or her behalf.

10.0 Decision

- If the decision is to suspend 1-20 days, refer to Appendix B
- If the decision is to recommend suspension pending expulsion of the student, refer to Appendix C

11.0 Supports for Victims of Serious Student Incidents

(incidents leading to suspension or expulsion: Education Act Subsection 306(1) or 310(1))

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All Board employees must take allegations of gender-based violence, homophobia, transphobia, biphobia, sexual harassment, and inappropriate sexual behaviour (PPM145) and bullying (PPM144) seriously and act in a timely, sensitive, and supportive manner.

Board employees working directly with students must support all students, including those who disclose/report such incidents by:

- providing contact information about professional supports (e.g. community agency)
- developing specific student plans to protect the student (e.g. safe intervention plans)
- making this information readily available to students who may wish to discuss issues of healthy relationships, gender identity, and sexuality (e.g. public health)
- providing parents/guardians with student services pamphlet if they are not satisfied with the supports their child receives
- contacting the manager of student services for assistance in referring students to a community agency for confidential support when his/her parents/guardians are not notified (e.g. Sexual Assault Centre, Kids Help Phone, LGBT Youth Line)
- developing specific student plans to protect the student (e.g. safe intervention plans)

When the Board (in consultation with the Principal) determine that it is necessary to separate students to preserve school safety or to protect a student, it is preferable that the victim not be moved, unless the victim/parent/guardian makes a specific request to do so.

12.0 Supports for Students Who Have Engaged in Serious Incidents

Students who have engaged in a pattern of harmful or hurtful behavior, or in an incident resulting in serious harm, will require support to change the behavior. This support should be planned in consultation with the student and his/her parent/guardian. Supports could be initiated by the parent/guardian, or in some cases may require school resources, such as the school administration or social worker to assist them. For students on long-term suspension or expulsion, students may access the Gateway Program, which provides academic support as well as support to help the student change his/her behavior. Community partnerships can also be considered as sources for obtaining help or support for the student.

13.0 Supports for Bystanders

Students who witness harm being done to others need support to ensure they understand that our schools are safe. In elementary schools, teachers are often able to debrief playground incidents with students to help them understand what happened, why it happened, and how it can be prevented from happening again. There are more serious incidents however, that require a school or community response. In these serious incidents, Student Services is able to provide guidance on how to handle situations or discuss the incidents. In extreme cases, the Board provides a response team that can assist directly in the school.

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14.0 Partnerships

Hamilton-Wentworth District School Board works in collaboration with community agencies to address the needs of students. Building these partnerships will be ongoing.

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Activities Leading to Possible Suspension or Expulsion

APPENDIX A

SUSPENSION (1 to 20 days)	EXPULSION Consult with School's Superintendent; Issue 20-day suspension pending expulsion; Conduct investigation; Determine suspension or referral to expulsion hearing
<p>A principal <u>shall consider whether to suspend</u> a student if he or she has reasonable grounds to believe that the student has engaged in any of the following activities while at school, at a school-related event, or in other circumstances where engaging in the activity will have an impact on the school climate:</p> <p>Education Act</p> <ol style="list-style-type: none"> uttering a threat to inflict serious bodily harm on another person possessing alcohol, illegal drugs or cannabis (unless the individual has been authorized to use cannabis for medical purposes) being under the influence of alcohol, or cannabis (unless the individual has been authorized to use cannabis for medical purposes) swearing at a teacher or at another person in a position of authority committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school bullying non-consensual sharing of intimate image(s) any other activity that is an activity for which a principal may suspend a student under a policy of the Board <p>HWDSB</p> <ol style="list-style-type: none"> an activity in violation of the Equity Policy; e.g. racist, sexist, hate-motivated or derogatory comments violations of the Code of Conduct, school and Board policy, e.g. repeated disrespect of authority. using social media in such a way that negatively impacts others or school climate. inappropriate behaviours, including biting, spitting, kicking, etc. physical fighting and assault (not requiring medical treatment). 	<p>A principal <u>shall expel</u> a student if he or she has reasonable grounds to believe that the student has engaged in any of the following activities while at school, at a school-related activity or event, or in other circumstances where engaging in the activity will have an impact on the school climate:</p> <p>Education Act:</p> <ol style="list-style-type: none"> possessing a weapon, including possessing a firearm using a weapon to cause or to threaten bodily harm to another person committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner committing sexual assault trafficking in weapons or in illegal drugs committing robbery bullying (<i>if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person</i>) any activity listed in Ed Act Subsection 306(1) that is motivated by bias, prejudice, or hate giving alcohol or cannabis to a minor any other activity for which a student may be expelled under Board policy <p>HWDSB</p> <ol style="list-style-type: none"> serious violations of the Standards of Behaviour in the Code of Conduct, e.g. Repeated disrespect of authority committing an act of vandalism that causes extensive damage to Board property continuous pattern of behaviour injurious to the learning or safety. his/her presence constituting an unacceptable risk.

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| <ul style="list-style-type: none">14. an act harmful to one's physical/mental well-being.15. being under the influence of drugs.16. making a bomb threat | |
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APPENDIX B

SUSPENSION PROCEDURES:

1.0 Duration of Suspension

The minimum duration of a suspension is one school day and the maximum is 20 school days.

When determining the length of a suspension, a principal shall consider any mitigating or other factors prescribed by the regulations.

If the principal has identified the incident as violent, and if the student engaged in the incident is a student of the school, the Violent Incident Reporting form must be retained in that student's OSR for:

- one year, if the student's suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period
- three years, if the student was suspended for the violent incident.

1.1 Short-term suspension (one to five days)

For suspensions of five school days or less:

- attempt to contact the parent, prior to the student being suspended
- must provide school work packages for students to complete at home while serving the suspension to assist students to continue their academic studies
- the school work must be available to the adult student's designate or the student's parent/ guardian or designate no later than one day following the suspension being issued.

1.2 Consultation with the School's Superintendent for suspensions of six days or more

Consultation with the School's Superintendent is required for suspensions of six or more school days to discuss:

- the investigation undertaken
- the circumstances of the incident;
- whether or not one or more of the mitigating factors are applicable in the circumstances; and
- the appropriate length of the suspension.

1.3 Long-term Suspensions (11-20 days)

For suspensions of 11-20 days, the Board will provide a program for students who make a commitment to attend the program.

- a Student Action Plan (SAP) will be developed for every student on a long-term suspension who makes a commitment to attend the Board's program for suspended students

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- for six to 10 days suspension, the SAP will include an academic component to continue his/her education
- for 11-20 days suspension, the SAP will contain both an academic component to support the student in continuing his or her education and non-academic component to assist the student in the development of positive behaviours and attitudes
- A SAP must be developed for every student on a long-term suspension who makes a commitment to attend the Board program for suspended students.

2.0 Notice of Suspension

The principal must make all reasonable efforts to inform the adult student and/or parent/guardian of the suspension from school and from engaging in school related activities, and in any case, within 24 hours.

- 2.1 In all cases, an attempt must be made to contact the parent/guardian and/or the adult student immediately to apprise them of the suspension and inform them that the letter of suspension is being forwarded. It is important to highlight information regarding the suspension program referral, the Student Action Plan, and the availability of the School Superintendent for consultation.
- 2.2 Within 24 hours of the decision, the principal shall send written notification of the decision to suspend. Notification is to be given to the student's teachers, parent/guardian for students under the age of 18. Notification is given to the student for those 18 years of age and over, or for those 16 to 17 years old who has withdrawn from parental control.
- 2.3 The notification letter must include the following: the reason for the suspension, a one line explanation of the reason, the duration of the suspension, information pertaining to any suspension program to which the student may be assigned, the right to consult with the school superintendent, and information about the right to appeal. A copy of the Board's suspension policy shall be attached
- 2.4 Copies of the letter of suspension shall be forwarded to the School Superintendent of Education, Manager of Social Work Services, teacher(s) of the student, and in the Ontario School Record folder.

3.0 Suspension Appeal

- 3.1 A parent/guardian/ or; student 18 years or older who wishes to appeal a suspension may contact the School Superintendent of Education to discuss any matter relating to the suspension and/or appeal of the suspension.

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- 3.2 Where a student has been suspended, the parent/guardian of a student who is less than 18 years of age, or an adult student, or a student who is 16 or 17 and has withdrawn from parental control may appeal the suspension. The appeal must be made in writing and delivered to the Superintendent of the School within 10 school days of the start of the suspension.
- 3.3 When a written notice of a suspension appeal is received, the Appeals committee of the Board will promptly contact every person entitled to appeal the suspension and inform them that the written notice of appeal has been received.
- 3.4 The parties to the appeal shall be the parent/guardian if the student is under the age of 18, or the student if 16 or 17 years of age and withdrawn from parental control, or student if aged 18 years or older, the principal who suspended the student, the person who appealed the decision if other than the student or parent/guardian and such other parties whom the Appeals committee may direct.
- 3.5 A student who (under 18 years of age and still under parent control) is not a party to the appeal has the right to be present at the appeal and to make a statement on his or her own behalf.
- 3.6 An appeal to the Board does not stay the suspension.

4.0 Suspension Appeal Hearing

- 4.1 The Board may delegate its powers and the duties of the Board under the Education Act, as amended, and its Regulations, in respect to appeal to a committee of the Board comprised of three or more members of the Board. Such committee shall be referred to as the Appeals committee of the Board.
- 4.2 The Appeals committee of the Board shall hear and determine the appeal within 15 school days of receiving written notice of the appeal under Section 6.1 above, unless the parties agree on a later deadline. The Board shall not refuse the appeal if the receipt of the notice is delayed.
- 4.3 The hearing shall be conducted in-camera with a recorder present, and called to order by the Chair or designate of the Board, who shall explain the process, including any or all of the following:
 - introduction of all present
 - chair of the committee will outline the process to be followed
 - presentation by the principal of the reasons for the suspension
 - presentation by the suspended student
 - presentation by the parent/guardian

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- after all parties have been heard, all presenting parties will leave the hearing room while the Appeals committee considers the information and reaches a decision
- should the Appeals committee require clarification, all parties must be called back into the room
- following the committee's deliberation, all parties are called back to hear the decision, announced by the Chair of the committee.

4.4 The hearing shall be conducted in camera.

5.0 The Decision by the Appeals Committee of the Board

The appeals committee may:

- confirm the suspension and the duration of the suspension
- shorten the duration of the suspension and amend the record of suspension accordingly
- quash the suspension and expunge the record of suspension.

6.0 Notice of the Decision of the Appeals Committee

- the chair of the committee will ensure that the decision is communicated by registered mail to all parties to the appeal.
- the decision of the Board on a suspension appeal is final.

7.0 Re-Entry Following Suspension

A re-entry meeting shall be held to facilitate the suspended student's transition back to school. The parent/guardian(s), in the case of a student who is not an adult student (as defined in this policy) the principal (or designate), the teacher(s) and the student should attend the meeting.

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APPENDIX C

EXPULSION PROCEDURES:

1.0 Procedures for Suspension Pending Possible Expulsion

- 1.1 A Principal who believes a student may have committed an infraction for which the student must be expelled shall, in consultation with their School Superintendent, suspend the student for 20 school days.
- 1.2 During an investigation to determine whether the student will be recommended for expulsion, the student shall be assigned to a program for long-term suspended students.
- 1.3 When imposing a suspension pending possible expulsion:
 - the principal must make all reasonable efforts to verbally notify the adult student or the parent/guardian of the suspension, and in any case, within 24 hours
 - the principal must inform the student's teacher(s) of the suspension.
 - the principal must provide written notice of the suspension to the adult student or the parent/guardian and student, the Superintendent of Student Achievement, the Designated Superintendent, and Social Work Services within 48 hours.
 - the written notice of suspension pending possible expulsion must include the following:
 1. the reason for the suspension
 2. the duration of the suspension
 3. information about the program for suspended students to which the student is assigned
 4. information about the investigation the principal will conduct to determine whether to recommend expulsion to the Appeals committee of the Board; and
 5. a statement indicating that:
 - there is no immediate right to appeal the suspension; and
 - following the investigation, if the principal does not recommend an expulsion, and confirms the suspension, the suspension may be appealed to the Suspension Appeal Committee of the Board.
- 1.4 **Duration of Suspension:** A principal may suspend a student under this section for up to 20 school days pending recommendation for expulsion. A student who is suspended under this section is suspended from his or her own school and from engaging in all school related activities. A student may not be suspended more than once for the same occurrence.
- 1.5 If the student is suspended for 20 school days pending possible expulsion, the principal must undertake an investigation to determine whether to recommend to the Expulsion Hearing Committee that the student be expelled. Ensure parent/guardian is notified.

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1.6 The school Principal is responsible to ensure the student has a homework package within 24 hours if the student does not to attend the Gateway program.

1.7 If the student commits to the Gateway program, the school Principal is responsible to ensure the student action plan (SAP) is provided to the Gateway principal within 48 hours.

2.0 Principal Investigation

In order to ensure that the decision in a potential expulsion is fair and that the Principal's or Board's impartiality is apparent, it is essential that staff keep the details of the subject matter confidential.

2.1 The inquiry should be completed within 5 school days, if possible, from the date of the commencement of the suspension and include consideration of mitigating circumstances, and other factors, as well as the criteria for recommending expulsion.

2.2 As part of the investigation, the principal will:

- complete the Principal's Inquiry for Alleged Expulsion Infraction
- consult the Superintendent of the School regarding any issues of process and/or timing for conducting the investigation.
- make all reasonable efforts to speak with the adult student or the parent guardian and student
- include interviews with witnesses who the principal determines can contribute relevant information to the investigation as outlined in the *Principal's Inquiry for Alleged Expulsion Infraction*
- demonstrate that the mitigating and other factors prescribed by Ministry Regulations and outlined in the *Principal's Checklist for Alleged Suspension* have been considered when determining whether to recommend to the Board that the student be expelled.

2.3 If the principal has identified the incident as violent, and if the student engaged in the incident is a student of the school, the Violent Incident Reporting form must be retained in that student's OSR for five years, if the student was expelled for the violent incident.

3.0 Decision NOT TO Recommend Expulsion

3.1 If, on concluding the investigation, the principal decides not to recommend to the Board that the student be expelled, the principal shall:

- confirm the suspension and its duration
- confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record accordingly; or

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- withdraw the suspension and expunge the record, even if the suspension has already been served
- consult with the school superintendent to consider whether a return to school, a placement in an alternative school, or an alternative discipline is appropriate in the circumstances
- in all cases, a re-entry plan must be in place.

3.2 Written Notice:

If the principal does not recommend to the Board that the student be expelled, the principal will provide written notice to the adult student or the parent/guardian and student, the School Superintendent, and Student Services. The notice will include:

- a statement that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension
- a statement indicating whether the principal has confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension
- unless the suspension was withdrawn, information about the right to appeal the suspension to the Discipline Committee, including the following: · a copy of the Board policies and guidelines regarding suspension appeals
- the name and contact information of the Superintendent of Safe Schools
- a statement that written notice of intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion
- if the suspension has been shortened, notice that the appeal is of the shortened length of the suspension, not the original suspension
- date, time, location, of the re-entry plan must be in place.

4.0 Decision TO Recommend Expulsion to the Board

4.1 Referral by Principal

Where the Principal, in consultation with the Superintendent of the School decides to refer a matter to the Board for an expulsion hearing, the Superintendent shall immediately notify the Discipline Committee and shall provide him/her with a copy of the notice of referral (Appendix C-2) provided to the adult student or the parent/guardian and student.

4.2 Timeline for Hearing

The Discipline Committee must hear the recommendation for expulsion within twenty (20) school days from the date of suspension unless the parties to the expulsion hearing agree upon a later date.

4.3 Principal's Report and Written Notice

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For the purposes of the expulsion hearing, the principal will:

1. Prepare a report(s) to be provided within 24 hours to:
 - the adult student or the parent/guardian and student (if the student is 18 or older or 16 or 17 and has withdrawn from parental control)
 - the School Superintendent.

The report will include:

- a summary of the findings the principal made in the investigation
- the principal's recommendation as to whether the student should be expelled from his or her school only or from all schools of the Board, and
- a recommendation regarding the type of school that might benefit the student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.

2. Provide written notice of the expulsion hearing to the adult student or to the parent/guardian.

The notice shall include:

- a statement that the student is being referred to the Discipline Committee to determine whether the student will be expelled for the activity that resulted in the suspension
- a copy of the Board's policies and guidelines governing the expulsion hearing before the Discipline Committee
- a copy of the parent brochure which includes, but is not limited to information explaining that:
 - I. if the Expulsion Hearing Committee does not expel the student, it will, with respect to the suspension imposed, confirm it and its duration, confirm and shorten its duration, or withdraw the suspension
 - II. the parties have the right, during the expulsion hearing, to make submissions as to whether, if the student is not expelled, the suspension imposed should be confirmed, reduced or withdrawn
 - III. any decision of the Board made at the expulsion hearing with respect to suspension imposed is final and not subject to appeal
 - IV. if the Board expels the student from his or her school only, the Board will direct the Superintendent of Safe Schools to assign the student to another school
 - V. if the Board expels the student from all schools of the Board, the Board will assign the student to a program for expelled students, and
 - VI. if the student is expelled, there is a right of appeal to the Child and Family Services Review Board
- a statement that the student and /or his or her parent/guardian has the right to respond in writing to the principal's report

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- the name and contact information of the Designated Superintendent whom the person may contact to discuss any matter respecting the expulsion hearing.

4.4 School Superintendent's Support

The Superintendent may arrange a meeting with the adult student or the parent/guardian and student and the principal, as appropriate. In this meeting, the Safe Schools Superintendent will review the expulsion hearing process, as well as respond to any questions or concerns the student or parent/guardian may have regarding the process or incident. During the meeting, the Safe Schools Superintendent may assist to narrow the issues and identify agreed upon facts.

5.0 Expulsion Hearing at the Discipline Committee

If the principal recommends to the Board that a student be expelled, the Discipline Committee of the Board shall hold an expulsion hearing and, for that purpose, the Expulsion Hearing Committee has the powers and duties specified by Board policy.

The expulsion hearing shall be conducted in accordance with Board policy at a time specified by the Discipline Committee. A recorder will take minutes of all Discipline Committee Hearings.

5.1 Parties to the Expulsion Hearing are:

- the principal
- the adult student or the parent/guardian of a student who is under 18 and has not withdrawn from parental control
- the Superintendent of the School • if a student is not a party, he or she has the right to be present at the expulsion hearing and to make submissions on his or her own behalf.
- Counsel: All parties may have counsel present at the hearing. Counsel is not required.
- Witnesses can be called by the Principal, Superintendent, student, parent or Counsel.

5.2 Hearing Held In-Camera

The hearing is held "in-camera" and is chaired by the Chair of the Discipline Committee of the Board. Discipline Committee members must be present for the commencement of the hearing and may not leave the hearing. The Board must have a qualified recorder. Breaks may be called at the discretion of the Chair.

5.3 Meeting Process

The hearing will be conducted in accordance with the rules of the Expulsion Hearing Committee outlined in Board policy.

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At the hearing, the expulsion Hearing Committee shall:

- consider the submissions of each party in the form the party chooses to deliver his or her submissions, whether orally, in writing, or both
- solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion
- solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, confirmed and shortened, or withdrawn; and
- such other matters as the Expulsion Hearing Committee considers appropriate.

5.4 Mitigating Factors

In determining whether to impose an expulsion the Expulsion Hearing Committee shall consider the following mitigating or other factors:

- whether the student has the ability to control his or her behaviour
- whether the student has the ability to understand the foreseeable consequences of his or her behaviour; or
- whether the student's continuing presence in the school does or does not create an unacceptable risk to self or any other individual in the school
- the student's academic, discipline and personal history
- whether progressive discipline and preventative interventions have been attempted with the student, and if so, the approach(es) that has/have been attempted and any success or failure (see Principal's Checklist for Alleged Suspension)
- whether the infraction for which the student might be disciplined was related to any bullying, harassment or discrimination of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason
- the impact of the discipline on the student's prospects for further education
- the student's age
- where the student has an IEP or disability related needs:
 1. whether the behaviour causing the incident was a manifestation
 2. whether the appropriate individualized accommodation has been provided; and
 3. whether a suspension is likely to result in aggravating or worsening the student's behavior or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
- whether or not the student's continuing presence in the school creates an unacceptable risk to the safety of self or any other individual in the school.

6.0 Decision of the Discipline Committee

The Discipline Committee shall decide:

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- whether to expel the student
- if the student is to be expelled, whether the student is expelled from his or her school or from all schools of the Board.

7.0 Restriction on Expulsion

The Board shall not expel a student if more than 20 school days have expired since the student was suspended, unless the parties to the expulsion hearing agree on a later deadline.

8.0 Failure of Party to Attend Hearing After Due Notice

Where a notice of a hearing has been given to a party to the hearing in accordance with this procedure, and that party fails to attend the hearing, the Discipline Committee may proceed in the absence of the party and the party is not entitled to any further notice of the proceeding.

9.0 Conflict of Evidence

Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the infraction, the Discipline Committee may request further evidence or the Committee may assess the evidence and determine whether, on balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.

10.0 Decision NOT TO Expel the Student

If the Expulsion Hearing Committee decides not to expel, the Board shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

- confirm the suspension and its duration
- confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record accordingly; or
- withdraw the suspension and expunge the record, even if the suspension has already been served;
- consider whether a return to school, a placement in an alternative school, or an alternative discipline is appropriate in the circumstances; in all cases, a re-entry plan must be in place.

The Expulsion Hearing Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

The Expulsion Hearing Committee's decision with respect to the suspension is final.

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11.0 Decision TO Expel the Student

If the Expulsion Hearing Committee decides to impose an expulsion on the student, it must decide whether to impose a Board Expulsion or a School Expulsion. In determining the type of expulsion, the committee shall consider the mitigating and other factors listed in section 6.4 all submissions and views of the parties, any written response to the principal's report provided before the completion of the hearing, and such other matters as the Expulsion Hearing Committee considers appropriate.

1. If the Board expels the student from his or her school only, the Board will assign the student to another school.
2. If the Board expels the student from all schools of the Board, the Board will assign the student to a program for expelled students.

Written Notice of Expulsion:

A Board that expels a student shall ensure that written notice of the expulsion is given promptly to:

- all parties to the expulsion hearing
- the student, if the student was not a party to the expulsion hearing.

The written notice shall include:

- the reason for the expulsion
- a statement indicating whether the expulsion is a school expulsion or a Board expulsion
- information about the school or program for expelled students to which the student has been assigned; and
- information about the right to appeal the expulsion, including the steps to be taken.

12.0 Appeal of a Board Decision to Expel a Student

- The adult student or the parent/guardian may appeal a Board decision to expel a student to the Child and Family Services Review Board (CFSRB) in accordance with the procedures set out by the Ministry of Education. An appeal of the decision of the Board to expel a student does not stay the expulsion.
- The adult student or the parent/guardian has 30 days from the date of the decision to request an appeal. The CFSRB also has the authority to extend this period where circumstances warrant.
- The Child and Family Services Review Board has 30 days after receiving a written notice of appeal
- To convene a hearing. The Board is authorized to extend the period of time for convening a hearing at the request of any party to the appeal.
- The decision of the Child and Family Services Review Board on an appeal under this section is final.

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13.0 Status of an Expelled Student

An expelled student continues to be a student of the Board that expelled him or her if the student attends a program for expelled students:

- offered by that Board; or
- offered by another Board under the agreement between that Board and the Board that expelled the student.

An expelled student ceases to be a student of the Board that expelled him or her if:

- the student is assigned by that Board to a program for expelled students and does not attend the program; or
- the student registers as a student of another Board.

14.0 Ontario Student Record

14.1 Nothing in this policy prevents the use of a record in respect of a student by the Principal of the school attended by the student, or the Board that operates the school, for the purposes of a disciplinary proceeding instituted by the principal at in respect of conduct for which the student is responsible to the Principal.

14.2 The following information will be included in the Ontario Student Record:

- Violent Incident Reporting Form
- A copy of all letters and notices tendered under this policy.

14.3 The information relating to expulsion shall be removed five years after the date on which the student was expelled. Where an expelled student has been readmitted to school by a school Board, and is expelled again, the information relating to the expulsions shall not be removed from the OSR until five consecutive years have passed without any other expulsions. If the student transfers to another school, the information in the OSR relating to the serious violent incident that led to the expulsion will remain in the OSR unless removed under the guidelines in the previous paragraph. The transfer will occur in accordance with section 6 of the Ontario Student Record (OSR) Guideline, 2000.

15.0 Powers of Other Boards

If a student who has been expelled from one Board registers as a student of another Board, the other Board may assign the student to a program for expelled students, unless the student satisfies the requirements of completion of the program as determined by a person who provides a program.

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16.0 Readmission Requirements

A student who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once he or she has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the Principal of the Program.

If the student satisfies the requirements of these clauses, the Board shall readmit the expelled student to a school of the Board and promptly inform the student in writing of his or her admittance.

17.0 Return to School After Expulsion

A student who has been expelled from all schools of a Board is entitled to be readmitted to a school of the Board if the student has, since being expelled:

- successfully completed a program for expelled students; or
- satisfied the objectives required for the successful completion of a program for expelled students.

18.0 Return to Original School After Expulsion

A student who has been expelled from one school of the Board, but not from all schools of the Board, may apply in writing to a person designated by the Board to be re-assigned to the school from which he or she was expelled.