



## STUDENT DISCIPLINE PROCEDURE

Responsibility:	<b>Executive Officer;</b> <i>Executive Superintendent of Education.</i>
Legal References:	<i>Education Act. as amended;</i> <i>Ontario Human Rights Code;</i> <i>Canadian Charter of Rights and Freedoms;</i> <i>Provincial Code of Conduct;</i>
Related References:	<i>Ontario Regulation 472/07;</i> <i>Ministry of Education Policy/Procedure Memorandum 144 – Bullying Prevention and Intervention;</i> <i>Ministry of Education Policy/Procedure Memorandum 145 – Progressive Discipline and Promoting Positive Student Behaviour;</i> <i>Policy 6001 – Code of Conduct;</i> <i>Policy 6008 – Student Discipline;</i> <i>Policy 6009 – Student Bullying Prevention and Intervention;</i> <i>IS-12-03 – Safe Schools Incident Tracking Form, Parts 1 &amp; 2;</i> <i>IS-01-S-05 – Event Log Form;</i> <i>IS-02-S-10 – Expulsion Information for Trustees;</i> <i>IS-01-S-04 – Incident Report;</i> <i>IS-08-S-01 – Suspension Letter;</i> <i>IS-08-S-02 – Suspension Pending Possible Expulsion;</i> <i>IS-08-S-03 – Notice of Suspension Review;</i> <i>IS-08-S-04 – Suspension Review Decision;</i> <i>IS-08-S-05 – Notice of Suspension Appeal;</i> <i>IS-08-S-06 – Suspension Appeal Decision;</i> <i>IS-08-S-07 – Working Copy;</i> <i>IS-08-E-01 – Decision to Not Recommend Expulsion;</i> <i>IS-08-E-02 – Recommendation to Expel;</i> <i>IS-08-E-03 – Expulsion Decision Letter;</i> <i>IS-08-E-04 – Expulsion Hearing Outcome;</i> <i>IS-08-E-05 – Declaration of Performance;</i> <i>IS-08-E-06 – Consultation;</i> <i>IS-08-E-07 – Expulsion Flowchart</i>
Effective Date:	February 1, 2008
Revisions:	February 2014

### 1. Definitions:

The following definitions apply for the purposes of student discipline.

- 1.1 **Adult Student** – is a student who is 18 years or older, OR 16 or 17 and has removed him/herself from parental control.

1.2 **Board Expulsion** – is an expulsion from all schools of the Board.

- 1.3 **Bullying** – Refer to WRDSB Bullying Prevention & Intervention Policy 6009 and related procedure AP1200 for definitions, means, forms and other information about bullying.
- 1.4 **Daily Care** – a person with daily care is an adult person (18 years or older) who is not the custodial parent/guardian of a student who is less than 18 years old, but is a person who cares for the student on a daily basis and is known by the school to provide daily care, for example a grandparent, aunt, uncle, older brother or sister.
- 1.5 **Discipline Committee** – a committee of three (3) Trustees designated to determine suspension appeals and recommendations for expulsion.
- 1.6 **Harassment** – words, conduct or action that is directed at an individual and serves no legitimate purpose and which annoys, alarms or causes that individual emotional distress.
- 1.7 **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 not an Adult Student.
- 1.8 **Impact on School Climate** - an incident or activity which has a negative impact on the school community.
- 1.9 **School Climate** – the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.
- 1.10 **School Community** - the school community is composed of staff, students and parents of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.
- 1.11 **School Expulsion** – is an expulsion from the school of the Board that the student was attending at the time of the incident.
- 1.12 **Weapon** – is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

## 2. Progressive Discipline

- 2.1 Progressive discipline is a non-punitive, whole-school approach that uses a continuum of corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting students to make good choices.
- 2.2 Prevention and early intervention are important for assisting students to achieve their potential and for maintaining a positive school environment. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, and civic responsibility, which encourage positive participation of the school community in the life of the school.
- 2.3 Each school is required to develop and implement a school-wide progressive discipline policy, consistent with the Board Student Discipline Policy and Student Discipline Procedures.
- 2.4 The teacher, principal or designate should select the most appropriate response to address the student's behaviour. Where a student has special education and/or disability related needs, the interventions, supports and consequences must be consistent with the expectations for the student, including those in the student's Individual Education Plan or Behaviour Management Plan.
- 2.5 Progressive discipline includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour. Students' parent(s)/guardian(s) should be

actively engaged in the progressive discipline approach.

### **3. Early and Ongoing Intervention Strategies**

- 3.1 A teacher or the principal or designate, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:
- 3.1.1 Contact with student's parent(s)/guardian(s);
  - 3.1.2 Verbal reminders;
  - 3.1.3 Visual Cues to the desired behaviour;
  - 3.1.4 Review of expectations set out in the school's Code of Conduct;
  - 3.1.5 Written work assignments addressing the behaviour, related to the incident;
  - 3.1.6 Behaviour Contract;
  - 3.1.7 Volunteer services to the school community;
  - 3.1.8 Conflict mediation and resolution;
  - 3.1.9 Peer mentoring;
  - 3.1.10 Restorative Interventions;
  - 3.1.11 Referral to the Child Youth Worker;
  - 3.1.12 Referral to a community agency for counselling;
  - 3.1.13 Review of Program needs; and
  - 3.1.14 Consultation with school and/or board support staff.
- 3.2 The teacher, principal or designate should keep a record for each student with whom intervention strategies are utilized when appropriate. The record could include:
- 3.2.1 Name of the student;
  - 3.2.2 Date of the incident or behaviour;
  - 3.2.3 Nature of the incident or behaviour;
  - 3.2.4 Progressive discipline approach used;
  - 3.2.5 Outcome; and/or
  - 3.2.6 Contact with the student's parent/guardian (unless the student is an adult student).

### **4. Addressing Inappropriate Behaviour**

- 4.1 If a student has displayed inappropriate behaviour the principal or designate may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for students to focus on improving their behaviour.
- 4.2 Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.
- 4.3 Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed:
- 4.3.1 Any act considered by the principal to be injurious to the moral tone of the school;
  - 4.3.2 Any act considered by the principal to be injurious to the physical, emotional or mental well-being of any member of the school community; and
  - 4.3.3 Any act considered by the principal to be contrary to the Board or school Code of Conduct.
- 4.4 If a student has engaged in inappropriate behaviour, the principal or designate may choose to use a progressive discipline strategy to address the infraction.
- 4.5 Interventions may include:
- 4.5.1 Meeting with the student's parent(s)/guardian(s), student and principal;
  - 4.5.2 Referral to a community agency for anger management or substance abuse, counselling/intervention;
  - 4.5.3 Detentions;
  - 4.5.4 Withdrawal of privileges;
  - 4.5.5 Withdrawal from class;
  - 4.5.6 Restitution for damages;
  - 4.5.7 Restorative practices; and

- 4.5.8 Transfer with full disclosure to the receiving school. The receiving school must ensure appropriate supports are implemented. The sending school must contact their Superintendent of Education prior to the transfer.
- 4.5.9 In some cases, suspension may also be considered a useful progressive discipline approach.

## **5. Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach to Address Inappropriate Behaviour**

- 5.1 In all cases where progressive discipline is being considered to address an inappropriate behaviour, the principal or designate must:
  - 5.1.1 Consider the particular student and circumstances, including considering the mitigating and other factors;
  - 5.1.2 Consider the nature and severity of the behaviour;
  - 5.1.3 Consider the impact of the inappropriate behaviour on the school climate; and
  - 5.1.4 Consult with the student's parent(s)/guardian (unless the student is an adult student).
- 5.2 Mitigating Factors  
The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:
  - 5.2.1 Whether the student has the ability to control his or her behaviour;
  - 5.2.2 Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
  - 5.2.3 Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 5.3 Other Factors to be Considered
  - 5.3.1 The student's academic, discipline and personal history
  - 5.3.2 Whether a progressive discipline approach has been used with the student;
  - 5.3.3 Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
  - 5.3.4 The impact of the discipline on the student's prospects for further education;
  - 5.3.5 The student's age;
  - 5.3.6 Where the student has an IEP or disability related needs,
    - Whether the behaviour causing the incident was a manifestation of the student's disability;
    - Whether appropriate individualized accommodation has been provided; and
    - Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
  - 5.3.7 Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

If the student's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate. (The severity of the offense may result in suspension/exclusion/or a recommendation for expulsion.)

## **6. Suspension of Students - Suspension Infractions**

- 6.1 When a principal's investigation of an incident, which should include consultation with the adult student or the student's parent/guardian and student, determines that a student has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, a principal will consider whether that student should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.
- 6.2 The principal will also contact the police consistent with the School Police Protocol if the

infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent.

6.3 The infractions for which a suspension may be imposed by the principal include:

- 6.3.1 Uttering a threat to inflict serious bodily harm on another person;
- 6.3.2 Possessing alcohol, illegal and/or restricted drugs;
- 6.3.3 Being under the influence of alcohol and/or illegal drugs;
- 6.3.4 Swearing at a teacher or at another person in a position of authority;
- 6.3.5 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;
- 6.3.6 Bullying;
- 6.3.7 Any act considered by the principal to be injurious to the moral tone of the school;
- 6.3.8 Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
- 6.3.9 Any act considered by the principal to be contrary to the Board or school Code of Conduct.

6.4 A student may be suspended only once per incident of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

6.5 Factors to Consider Before Deciding to Impose a Suspension

- 6.5.1 Before deciding whether to impose a suspension, or some other form of discipline, a principal will make every effort to consult with the student, where appropriate, and the student's parent(s)/guardian(s) (if the student is not an adult student) to identify whether any mitigating and/or other factors might apply in the circumstances.

6.6 Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:

- 6.6.1 Whether the student has the ability to control his or her behaviour;
- 6.6.2 Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
- 6.6.3 Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

6.7 If a student does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the principal will not suspend the student. Alternative discipline and/or other intervention may be considered by the principal in such circumstances. If the student poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of students, staff, and others in the school. The principal will consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the student:

- 6.8.1 The student's academic, discipline and personal history;
- 6.8.2 Whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- 6.8.3 Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
- 6.8.4 The impact of the discipline on the student's prospects for ongoing education;
- 6.8.5 The student's age;
- 6.8.6 Where the student has an IEP or disability related needs,
  - Whether the behaviour causing the incident was a manifestation of the student's disability;
  - Whether appropriate individualized accommodation has been provided; and
  - Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of

- further inappropriate conduct; and
- 6.8.7 Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
- 6.8.8 **Factors Mitigating Decision to Suspend**  
In circumstances where one or more of the factors above mitigate the decision to apply a suspension as a form of discipline for the student, the principal may consider whether alternative discipline and/or other intervention is appropriate in the circumstances.

## 6.9 Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider the following:

- 6.9.1 Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
- Contact with the student's parent(s)/guardian(s);
  - Verbal reminders;
  - Review of expectations;
  - Written work assignments with a learning component;
  - Assigning the student to volunteer services to the community;
  - Conflict mediation and resolution;
  - Peer mentoring;
  - Referral to counseling;
  - Consultation;
  - Restorative practices.
- 6.9.2 Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
- Meeting(s) with the student's parent(s)/guardian(s), student, and principal;
  - Referral of student to a community agency for anger management or substance abuse counseling;
  - Detentions;
  - Withdrawal of privileges;
  - Withdrawal from class with planned learning activities;
  - Restitution for damages;
  - Restorative practices;
  - Transfer with full disclosure to the receiving school. The receiving school must ensure appropriate supports are implemented. The sending school must contact their Superintendent of Education prior to the transfer.

### 6.9.3 Consultation

Before imposing a suspension of eleven (11) or more school days, the principal will consult with their Superintendent of Education regarding:

- The investigation undertaken;
- The circumstances of the incident;
- Whether or not one or more of the factors outlined above are applicable in the circumstances;
- The appropriate length of the suspension.

### 6.9.4 School Work

A student who is subject to a suspension of 2-5 days must be provided with school work to complete at home while serving the suspension. The school work must be available to the adult student's designate or the student's parent/guardian or designate the 2<sup>nd</sup> day of the student's suspension. The student must be given an opportunity to catch up on missed school work as part of the re-entry process.

In addition to receiving school work during the first five (5) school days of suspension, a student who is subject to a suspension of six (6) or more school days must be assigned an

alternative program for students subject to lengthy suspension (ASP). Depending on the circumstances, a student may be assigned to an ASP during a 2 – 5 day suspension to develop the social skills which were lacking at the time of suspension. A student participating in an ASP is not considered to be engaging in school or school-related activities.

## **6.10 Procedural Steps When Imposing a Suspension**

Where a principal has determined that it is appropriate in the circumstances to impose a suspension, the principal is required to effect the following procedural steps:

- 6.10.1 Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult student or the student's parent/guardian of the suspension;
- 6.10.2 The principal must inform the student's teacher(s) of the suspension;
- 6.10.3 The principal in conjunction with the student's teacher(s) must organize school work to be provided for the student to be completed during the duration of the student's suspension;
- 6.10.4 Within 48 hours of the suspension decision, the principal must provide written notice to the student and if the student is a minor, to the student's parent or guardian. (Note: the Superintendent of Education will receive electronic notice of the suspension.)  
The written notice of suspension will include:
  - The reason for suspension;
  - The duration of the suspension;
  - Information about the ASP the student is assigned to, where the student is suspended for six (6) or more school days;
  - Information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the respective Superintendent of Education. (Suspension Letter template – Form IS-08-S-01)
- 6.10.5 A copy of the Suspension Letter will be placed in the student's OSR.  
This letter will be kept in the OSR indefinitely. Other documentation related to the investigation of the incident will not be kept in the OSR. This information may be kept in a separate file;
- 6.10.6 Where the incident is a serious violent incident as identified in the Ministry of Education's PPM 120, such as possession of weapons, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or threaten bodily harm, extortion or hate and/or bias-motivated violence, a Violent Incident Form must be completed and filed in the student's Ontario Student Record.

## **7. Alternative Suspension Program**

- 7.1 Where a student has been suspended for six (6) or more school days the student will be provided with school work until the Student Action Plan (SAP) is implemented and will be assigned an alternative program for students subject to lengthy suspension (Alternative Suspension Program or ASP).
  - 7.1.1 A student cannot be compelled to participate in an ASP. Should the adult student or a student's parent/guardian choose not to have the student participate in an ASP, the student will continue to be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult student's designate or the student's parent/guardian or designate at regular intervals during the suspension period. (where the school work is not picked up, the school should contact the adult student or the student's parent/guardian to determine whether the school work will be picked up. The principal should record the follow-up and response.)
  - 7.1.2 A Student Action Plan (SAP) will be developed for every student subject to a suspension of six (6) or more school days who agrees to participate in an ASP.
  - 7.1.3 The adult student or the student's parent/guardian may communicate agreement or refusal to participate in an ASP to the school orally. Where the adult student or student's parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

#### 7.1.4 Planning Meeting

For students subject to a suspension of six (6) or more school days who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.

7.1.5 The adult student or student's parent/guardian and the student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.

7.1.6 The planning meeting will be scheduled to occur within two (2) school days of the adult student or the student's parent/guardian informing the school that the student will participate in an ASP.

7.1.7 If the adult student or the student's parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.

7.1.8 During the planning meeting the principal or designate will review the issues to be addressed in the student's SAP.

## 7.2 Student Action Plan

A student subject to suspension for eleven (11) or more school days will be provided with both academic and non-academic supports, which will be identified in the student's SAP. Students subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.

7.2.1 The SAP will be developed under the direction of the principal or designate of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teachers, CYW and/or social worker.

7.2.2 The principal or designate will make every effort to complete the SAP within three (3) school days following SAP Planning meeting.

- This timeline will be communicated to the adult student and/or the student's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- The principal must ensure that the student is provided with school work until the SAP is in place.

7.2.3 Once completed, the SAP will be shared with the adult student, or the student's parent/guardian and the student and all necessary staff to facilitate implementation.

7.2.4 A copy of the SAP will be stored in the student's Ontario Student Record.

7.2.5 The SAP will identify:

- The incident for which the student was suspended;
- The progressive discipline steps taken prior to the suspension, if any;
- Any alternative discipline measures imposed in addition to the suspension;
- Any other disciplinary issues regarding the student that have been identified by the school;
- Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
- Any program(s) or service(s) that might be provided to address those learning or other needs;
- The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student; accommodations/modifications of the student's academic program will be provided during the period of suspension;
- The non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
- The measurable goals the student will be striving to achieve during the period of suspension.

### 7.3 Suspension Appeal Process

- 7.3.1 The adult student or the student's parent/guardian may appeal a suspension. (the Appellant)
- 7.3.2 All suspension appeals will be received by the Superintendent of Education.
- 7.3.3 An appeal of a suspension does not stay the suspension.
- 7.3.4 A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- 7.3.5 The board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).
- 7.3.6 Upon receipt of written notice of the intention to appeal the suspension, the Superintendent of Education:
- Will promptly advise the school principal of the appeal;
  - Will promptly advise the adult student or the student's parent/guardian that a review of the suspension will take place and invite the appellant to discuss any matter respecting the incident and/or appeal of the suspension; (Suspension Letter template – Form IS-08-S-03)
  - Will review the suspension (reason, duration, any mitigating or other factors);
  - Will consult with the principal regarding modification or expunging the suspension;
  - May request a meeting with the adult student or the student's parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
  - Will, where a settlement is not effected, provide notice of the review decision to the adult student or student's parent/guardian. (Suspension Letter template – Form IS-08-S-04)
- 7.3.7 Where the suspension is upheld on review and the adult student or student's parent/guardian chooses to continue with the appeal, the Superintendent of Education will:
- Coordinate the preparation of a written report for the Board. This report will contain at least the following components:
- 7.3.7.1 The Report prepared by the principal summarizing the incident, the evidence relied upon, and the rationale for the discipline imposed, including the student's disciplinary and academic history, any progressive discipline strategies that have been used, and any mitigating and other factors that may be applicable.
- 7.3.7.2 A copy of the original suspension letter;
- 7.3.7.3 A copy of the letter requesting the Suspension Appeal; and
- 7.3.7.4 A copy of the correspondence with respect to the decision of the Superintendent of Education regarding the suspension review.
- 7.3.7.5 Inform the adult student or the student's parent/guardian of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Discipline Committee. (Suspension Letter template IS-08-S-05)
- 7.3.7.6 Ensure that the item is placed on the Discipline Committee's agenda.
- 7.3.7.7 The parties in an appeal to the Discipline Committee shall be:
- 7.3.7.8 The principal;
- 7.3.7.9 The adult student or the student's parent/guardian, if they appealed the decision;

### 7.4 Suspension Appeal before the Discipline Committee of the Board

- 7.4.1 Suspension appeals will be heard by the Discipline Committee of Trustees.
- 7.4.1.1 Both the principal and the appellant will make oral submissions and/or provide written submissions regarding the reason for the appeal and the result desired.
- 7.4.1.2 The student will be asked to make a statement on his/her own behalf.
- 7.4.1.3 The Discipline Committee may ask any party, or the student, where appropriate, questions of clarification.
- 7.4.2 Legal counsel for the Discipline Committee and/or the principal will be present at the appeal if the appellant is represented by legal counsel or an agent. Prior notice must

be given to the principal and Superintendent of Education if the appellant is bringing legal counsel. If prior notice is not provided, the Suspension Appeal may be rescheduled.

- 7.4.3 The Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- 7.4.4 Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the Discipline Committee will wait for thirty (30) minutes after the time communicated for the commencement of the Suspension Appeal. If the Appellant(s) and/or their representative have not yet attended and notice that they may be late has not been provided, the Discipline Committee may proceed to hear the Appeal or dismiss the Appeal in their absence.
- 7.4.5 The Superintendent of Instruction will invite the parties into the Discipline Committee meeting room and will introduce the parties to the Discipline Committee, indicating that:
  - 7.4.5.1 They have been appointed by the Board to hear the matter;
  - 7.4.5.2 They are not connected as Trustees to the school in question;
  - 7.4.5.3 They have had no prior involvement with the matter that has come before them;
  - 7.4.5.4 This matter will be heard *In Camera* (in private); and
  - 7.4.5.5 The decision of the Discipline Committee is final.
- 7.4.6 The process of the hearing will be:
  - 7.4.6.1 The administration will make a presentation. Either the Principal or Superintendent will review the report to the Discipline Committee and Appellant. Trustees may ask questions of clarification through the Chair.
  - 7.4.6.2 The Appellant will be invited to make a presentation. The Appellant will be invited to respond to the Administration's presentation. Trustees may ask questions of clarification through the Chair.
  - 7.4.6.3 The student will be invited to make a statement on his/her behalf to the Discipline Committee. Trustees may ask questions of clarification through the Chair.
  - 7.4.7.4 The Administration will be invited to respond to the Appellant's and the student's presentation, but only with respect to issues the Administration has not previously addressed.
  - 7.4.7.5 At the conclusion of both presentations, the Appellant and the Administration will be invited to make summary statements but may not introduce new issues. The Discipline committee may choose to have a brief recess prior to hearing the summary statements.
  - 7.4.7.6 Trustees may ask final questions of clarification.
  - 7.4.7.7 The Superintendent of Instruction will explain that:
    - a) all persons, except the Discipline Committee will be asked to leave the room while the Trustees deliberate and make their decision;
    - b) the Superintendent of Instruction will be informed of the decision by the Discipline Committee and will relay this decision to the parties orally at the earliest opportunity.
- 7.4.5 The Discipline Committee will decide, based on the written and/or oral submissions of both parties, that:
  - 7.4.5.1 The suspension was justified and should be upheld; or
  - 7.4.5.2 The suspension was justified but that the number of days imposed was too many or too few, in which case the Discipline Committee may reduce or increase the length of the Suspension and amend the record of suspension accordingly;
  - 7.4.5.3 The suspension was justified, but that the record of suspension be removed after a period of time if there are no further incidents requiring discipline;
  - 7.4.5.4 The suspension was not justified, in which case the record of suspension will be expunged, and the student will be permitted to return to school, if the suspension remains outstanding; or
  - 7.4.5.5 Or such other order as the Discipline Committee considers appropriate.

7.4.5.6. The final decision shall be communicated to the appellant in writing.  
(Suspension Letter template IS-08-S-06)

## 7.5 Re-Entry

Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the student, and the student's parent/guardian (unless the parent/guardian is unable to attend). The purpose of the meeting is to provide positive and constructive redirection for the student. Where the student has participated in an ASP, the student's success in achieving the goals outlined in the SAP will be reviewed with the adult student or the student's parent/guardian and student. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

## 8. Expulsion of Students

8.1 Subject to the factors to consider before deciding to impose a suspension below, reasonable grounds to believe that a student has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the principal will suspend the student.

8.2 The principal must also contact the police consistent with the School Police Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent.

8.3 The enumerated activities are:

8.3.1 Possessing a weapon, including possessing a firearm;

8.3.2 Using a weapon to cause or to threaten bodily harm to another person;

8.3.3 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;

8.3.4 Committing sexual assault;

8.3.5 Trafficking in weapons, illegal and/or restricted drugs;

8.3.6 Committing robbery;

8.3.7 Giving alcohol to a minor;

8.3.8 An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;

8.3.9 A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;

8.3.10 Activities engaged in by the student on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;

8.3.11 Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;

8.3.12 The student has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper; or

8.3.13 Any act considered by the principal to be a serious violation of the Board or School Code of Conduct.

8.4 Factors to Consider Before Deciding to Impose a Suspension

8.4.1 When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the student, where appropriate, and the student's parent/guardian, if the student is not an adult student, to identify whether any mitigating factors might apply in the circumstances.

8.4.2 Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:

- 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; and
  - Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 8.4.3 If a student does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal will not suspend the student. The principal in such circumstances may consider alternative discipline and/or other intervention.
- 8.4.4 If the student does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure student and staff safety.

## **8.5 Suspension Pending Recommendation for Expulsion**

- 8.5.1 If the student is to be suspended pending an investigation, the student should be suspended for (20) twenty school days. If the student has been suspended pending an investigation to determine whether the student will be recommended for expulsion, the principal must assign the student to a program for suspended students (ASP).
- 8.5.2 The principal must follow the Board's procedure for recommendation for expulsion.

## **8.6 Procedural Steps When Imposing a Suspension Pending Recommendation for Expulsion**

When imposing a suspension the principal is required to effect the following procedural steps:

- 8.6.1 Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult student or the student's parent/guardian of the suspension;
- 8.6.2 The principal must inform the student's teacher(s) of the suspension;
- 8.6.3 The principal must provide written notice of the suspension to the adult student or the student's parent/guardian and student and the Superintendent of Education. The written notice of suspension will include:
- The reason for suspension;
  - The duration of the suspension;
  - Information about the program for suspended students the student is assigned to;
  - Information about the investigation the principal is conducting to determine whether to recommend expulsion;
  - A statement that (there is no immediate right to appeal the suspension). Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Discipline Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing. (**see** Suspension Letter template – Form IS-08-S-02)
- 8.6.4 Homework will be provided by the 2<sup>nd</sup> day of the suspension. The letter of suspension to the student and student's parent/guardian (unless the student is an adult student) must be sent by registered mail within 48 hours of the decision to suspend pending expulsion.
- 8.6.5 If notice is sent by registered mail, it will be deemed to have been received on the fifth school day after it was sent.
- 8.6.6 Where the incident is a serious violent incident as identified in the Ministry of Education's PPM 120, such as possession of weapons, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or threaten bodily harm, extortion or hate and/or bias-motivated violence, a Violent Incident Form must be completed and filed in the student's Ontario Student Record.

## **9. Alternative Suspension Program**

- 9.1 Where a student has been suspended pending an investigation to determine whether to recommend an expulsion, the student will be assigned an alternative program for students subject to lengthy suspension (ASP).

9.2 A student cannot be compelled to participate in an ASP. Should the adult student or the student's parent/guardian choose not to have the student participate in an ASP, the student will be provided with school work consistent with the Ontario curriculum or that student's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult student's designate or the student's parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult student or the student's parent/guardian refuses to participate in an ASP.

9.3 **A Student Action Plan (SAP) will be developed for every student who agrees to participate in an ASP.**

9.4 The adult student or the student's parent/guardian may communicate agreement or refusal to participate in an ASP to the school orally. Where the student or his/her parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

### **9.5 Planning Meeting**

9.5.1 For students subject to a suspension pending an investigation to determine whether to recommend an expulsion who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.

9.5.2 The adult student or the student's parent/guardian and student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.

- The planning meeting will be scheduled to occur within two (2) school days of the adult student or the student's parent/guardian informing the school that the student will participate in an ASP.

- If the adult student or the student's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.

9.5.3 During the planning meeting the principal or designate will review the issues to be addressed in the student's SAP.

### **9.6 Student Action Plan**

9.6.1 A student subject to suspension, pending an investigation to determine whether to recommend an expulsion, will be provided with both academic and non-academic supports, which will be identified in the student's SAP.

- The SAP will be developed under the direction of the principal of the school or designate with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teachers, CYW and/or social worker.
- The principal or designate will make every effort to complete the SAP within three (3) school days following the SAP Planning meeting.
- This timeline will be communicated to the adult student or the student's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- Once completed, the SAP will be shared with the adult student or the student's parent/guardian and student and all necessary staff to facilitate implementation.
- A copy of the SAP will be stored in the student's Ontario Student Record.

9.6.2 The SAP will identify:

- The incident for which the student was suspended;
- The progressive discipline steps taken prior to the suspension, if any;
- Any alternative discipline measures imposed in addition to the suspension;
- Any other disciplinary issues regarding the student that have been identified by the school;
- Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
- Any program(s) or service(s) that might be provided to address those learning or

- other needs;
- The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;
- Where the student has an IEP, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
- The non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
- The measurable goals the student will be striving to achieve during the period of suspension.

## **10. Principal's Investigation**

10.1 The principal will conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Discipline Committee that the student be expelled. As part of the investigation, the principal will consult with the Superintendent of Education regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled. Should the decision be made to refer the student to the Discipline Committee with a recommendation for expulsion, the student must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless the parties to the expulsion hearing agree upon a later date by mutual agreement.)

10.2 Any police investigation will be conducted separately from the principal's inquiry.

10.3 As part of the investigation, the principal will:

- 10.3.1 Make all reasonable efforts to speak with the adult student or the student's parent/guardian and the student;
- 10.3.2 Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
- 10.3.3 Make every reasonable effort to interview any witnesses suggested by the student, or the student's parent/guardian; and
- 10.3.4 Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the student be expelled.

## **10.4 Mitigating Factors**

- 10.4.1 The mitigating factors to be considered by the principal before deciding whether to recommend an expulsion are:
  - 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; and
  - Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

## **10.5 Other Factors to be Considered**

- 10.5.1 Where the student is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the student should be referred to the Discipline Committee on a recommendation for expulsion.
  - 10.5.1.1 The student's academic, discipline and personal history;
  - 10.5.1.2 Whether a progressive discipline approach has been used with the pupil
  - 10.5.1.3 Whether the infraction for which the student might be disciplined was related to any harassment 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,
- Whether the behaviour causing the incident was a manifestation of the student's disability;
- Whether appropriate individualized accommodation has been provided; and
- Whether a suspension is likely to result in aggravating or worsening the student's behaviour 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 at the school creates an unacceptable risk to the safety of anyone in the school.

## **10.6 Progressive Discipline**

10.6.1 In reviewing whether progressive discipline approach(es) has/have been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider but not be limited to the following:

10.6.2 Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:

- Contact with the student's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignments with a learning component;
- Assigning the student to volunteer services to the community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counseling; and/or
- Consultation.

10.6.3 Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:

- Meeting(s) with the student's parent(s)/guardian(s), student, and principal;
- Referral of student to a community agency for anger management or substance abuse counseling;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and/or
- Transfer.

## **10.7 Consultation**

10.7.1 Before making a decision the principal will consult with the Superintendent of Education.

10.7.2 Before making a decision the principal will make every effort to consult with the student and the student's parent/guardian (unless the student is an adult student).

## **10.8 Decision Not to Recommend Expulsion**

10.8.1 Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend to the Discipline Committee that the student be expelled, the principal must:

- Consider whether alternative discipline is appropriate in the circumstances;
- Uphold the suspension and its duration;
- Uphold the suspension and shorten its duration and amend the record accordingly; or
- Withdraw the suspension and expunge the record.

10.8.2 If the principal has decided not to recommend an expulsion of the student, the principal will provide written notice of this decision to the adult student or the student's parent/guardian and student. The notice shall include:

- A statement of the principal's decision not to recommend expulsion to the Discipline Committee;

- A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
- If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
- A copy of the Board policies and guidelines regarding suspension appeals;
- Contact information for the Superintendent of Education;
- A statement that written notice of an 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; or
- If the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension. (Expulsion Letter template – Form IS-08-E-01)

## **11. Recommendation to the Board for an Expulsion Hearing**

If a principal, in consultation with the Superintendent of Education, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard within twenty (20) school days from the date the principal suspended the student, unless the parties to the expulsion hearing agree upon a later date.

### **11.1 The principal:**

11.1.1 Will prepare a report to be submitted to the Discipline Committee and provide the report to the student and the student's parent or guardian (unless the student is an adult student) prior to the hearing. The report will include;

- A summary of the findings the principal made in the investigation;
- An analysis of which, if any, mitigating or other factors might be applicable;
- A recommendation of whether the expulsion should be from the school or from the Board; and
- A recommendation regarding the type of school that would 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.

11.1.2 **Will inquire with the Executive Officer as to the date and location of the hearing** and provide written notice of the expulsion hearing to the adult student or the student's parent/guardian and student. The notice shall include:

- a) 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 suspension;
- b) A copy of the Board's guidelines and rules governing the hearing before the Discipline Committee;
- c) A copy of the Board Code of Conduct and School Code of Conduct;
- d) A copy of the Suspension Pending Recommendation For Expulsion letter;
- e) A statement that the student and/or his or her parent/guardian has the right to respond to the principal's report in writing;
- f) Information about the procedures and possible outcomes of the expulsion hearing, including that:
  - g) If the Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
  - h) Parties have the right to make submissions with respect to the suspension;
  - i) Any decision with respect to the suspension is final and cannot be appealed;
  - j) If the student is expelled from the school, they will be assigned to another school;
  - k) If the student is expelled from the Board, they will be assigned to a program for expelled students;
  - l) If the student is expelled there is a right of appeal to the Child and Family Services Review Board.
- n) Arrange a meeting the adult student or the students parent/guardian and the student with principal and Superintendent of Education.
- o) The name and contact information for the Superintendent of Education. (Expulsion Letter template – Form IS-08-E-02)

## **11.2 The Superintendent of Education:**

- 11.2.1 Will attend a meeting with the principal and the adult student or the student's parent/guardian and student.
- 11.2.2 The Superintendent of Education will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the student's parent/guardian may have regarding the process or incident; and
- 11.2.3 During the meeting the Superintendent of Education may assist to narrow the issues and identify agreed upon facts.

## **11.3 The Executive Officer:**

- 11.3.1 Will ensure that the item is placed on the Discipline Committee agenda for the date and time set out on the notice to the adult student or the student's parent/guardian and coordinate the attendance of the Trustees.
- 11.3.2 Will prepare a package of documents for the Discipline Committee, which will include at least the following components (provided by the Principal):
  - 11.3.2.1 Incident report (IS-01-S-4)
  - 11.3.2.2 Event log (IS-01-S-5)
  - 11.3.2.3 A copy of the suspension pending possible expulsion letter sent to the adult student or student's parent/guardian (IS-08-S-02)
  - 11.3.2.4 Recommendation for expulsion (IS-08-E-02)
  - 11.3.2.5 Relevant OSR information
  - 11.3.2.6 Consultation process (IS-08-E-06)
  - 11.3.2.7 Information for trustees (IS-02-S-10)
- 11.3.3 Will confirm with the adult student or the student's parent/guardian the date and location of the expulsion hearing, and a copy of the package to go to the Discipline Committee.

## **12. Hearing before the Discipline Committee**

- 12.1 If the principal recommends expulsion, the Discipline Committee shall hold a hearing.
- 12.2 Parties before the Discipline Committee will be:
  - 12.2.1 The principal and/or designate;
  - 12.2.2 The adult student or the student's parent/guardian;
- 12.3 Legal counsel for the Board will be present at the appeal if the appellant is represented by legal counsel or an agent. Prior notice must be given to the principal and Superintendent of Education if the appellant is bringing legal counsel. The meeting will not proceed if this notice is not provided.
- 12.4 If a student is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the student.
- 12.5 Where any party who has received proper notice of the location, date and time of the hearing fails to attend the hearing or comply with the necessary time lines, the hearing may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
- 12.6 The hearing will be conducted in accordance with the Rules of the Discipline Committee and the Guideline for Expulsion Hearings:
  - 12.6.2 The Discipline Committee shall consider oral and written submissions, if any, of all parties;
  - 12.6.3 The Discipline Committee shall 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; and
  - 12.6.4 The Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn.
- 12.7 In determining whether to impose an expulsion the Discipline Committee shall consider the

following factors:

The mitigating and other factors are:

- 12.7.1 Whether the student has the ability to control his or her behaviour;
- 12.7.2 Whether the student has the ability to understand the foreseeable consequences of his or her behaviour;
- 12.7.3 Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
- 12.7.4 The student's academic, discipline and personal history;
- 12.7.5 Whether a progressive discipline approach has been used with the student;
- 12.7.6 Whether the infraction for which the student might be disciplined was related to any harassment 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;
- 12.7.7 The impact of the discipline on the student's prospects for further education;
- 12.7.8 The student's age;
- 12.7.9 Where the student has an IEP or disability related needs,
  - Whether the behaviour causing the incident was a manifestation of the student's disability;
  - Whether appropriate individualized accommodation has been provided; and
  - Whether an expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
- 12.7.10 Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
- 12.7.11 The submissions and views of the parties; and
- 12.7.12 Any written response to the principal's report provided before the completion of the hearing.

12.8 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 as set out in the Expulsion Hearing Rules, subject to the requirement that the hearing take place within 20 school days, or the Discipline Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.

### **12.9 No Expulsion**

- 12.9.1 If the Discipline Committee decides not to expel the student, the Discipline Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:
  - Consider whether alternative discipline is appropriate in the circumstances;
  - Uphold the suspension and its duration;
  - Uphold the suspension and shorten its duration and amend the record accordingly;
  - Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record.
- 12.9.2 The Discipline Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.
- 12.9.3 The Discipline Committee's decision with respect to the suspension is final.

### **12.10 Expulsion**

In the event the Discipline Committee decides to impose an expulsion on the student, the Discipline Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Discipline Committee shall consider the following factors:

The mitigating and other factors:

- 12.10.1 Whether the student has the ability to control his or her behaviour;
- 12.10.2 Whether the student has the ability to understand the foreseeable consequences of his or her behaviour;
- 12.10.3 Whether the student's continuing presence in the school does or does not create an

- unacceptable risk to the safety of any other individual at the school;
  - 12.10.4 The student's academic, discipline and personal history;
  - 12.10.5 Whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
  - 12.10.6 Whether the infraction for which the student might be disciplined was related to any harassment 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;
  - 12.10.7 The impact of the discipline on the student's prospects for further education;
  - 12.10.8 The student's age;
  - 12.10.9 Where the student has an IEP or disability related needs,
    - i. Whether the behaviour causing the incident was a manifestation of the student's disability;
    - ii. Whether appropriate individualized accommodation has been provided; and
    - iii. Whether a school or Board expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct; and
  - 12.10.10 Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
  - 12.10.11 All submissions and views of the parties;
  - 12.10.12 Any written response to the principal's report provided before the completion of the hearing.
- 12.11 Where the Discipline Committee decides to impose a school expulsion, then the Discipline Committee must direct the Superintendent of Education to assign the student to another school.
- 12.12 Where the Discipline Committee decides to impose a Board expulsion, then the Discipline Committee must assign the student to a program for expelled students.
- 12.13 The Discipline Committee must promptly provide written notice of the decision to expel the student to all parties, and the student, if he or she was not a party. The written notice shall include:
- 12.13.1 A statement indicating whether the expulsion is a school expulsion or a Board expulsion;
  - 12.13.2 Information about the school or program to which the student has been assigned, as provided by the Superintendent of Education. (Expulsion Letter template – Form IS-08-E-04)
  - 12.13.3 A copy of this letter will be kept in the OSR indefinitely.
- 12.14 Once the co-coordinator of the expulsion program has received notice that a student has been expelled, s/he must create a SAP in a manner consistent with the Board's policy and procedures for programs for expelled students.
- 12.15 An expelled student is a student of the Board, even where s/he attends a program for expelled students at another school board, unless s/he does not attend the program or registers at another school board.

### **13. Re-entry Requirements Following an Expulsion**

- 13.1 Board Expulsion
  - 13.1.1 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 s/he has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.
  - 13.1.2 The Board shall re-admit the student and inform the student in writing of the re-admission.

13.2 School Expulsion

- 13.2.1 A student who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which s/he was expelled.
- 13.2.2 The Superintendent of Education will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
- 13.2.3 The student will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;
- 13.2.4 The student will be required to sign a Declaration of Performance form provided by the Board; (Suspension Letter template – Form IS-08-E-05)
- 13.2.5 The Superintendent of Education may determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

**14. Appeal of Board Decision to Expel**

- 14.1 The adult student or the student's parent/guardian may appeal a Board decision to expel the student to the Child and Family Services Review Board.
- 14.2 The Child and Family Services Review Board are designated to hear and determine appeals of school Board decisions to expel student.
- 14.3 The decision of the Child and Family Services Review Board is final.