



ALGONQUIN AND LAKESHORE CATHOLIC DISTRICT SCHOOL BOARD

ADMINISTRATIVE PROCEDURES

EXPULSION OF A STUDENT (Policy Statement: Caring and Safe Catholic Schools)

Purpose

It is the policy of the Board that the conduct of students as members of the school community is expected to be modeled after Christ and Catholic values. Conduct falling below that standard requires appropriate discipline which may include suspension and expulsion from school.

The Algonquin and Lakeshore Catholic District School Board believes in providing a safe school environment characterized by the pursuit of life-long learning and the nurturing of each individual pupil's spiritual and academic needs. The Provincial Code of Conduct states that all students, parents, teachers and staff have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to be law-abiding citizens and to be accountable for actions that put at risk the safety of others or oneself.

To assist in maintaining safe schools the Education Act requires that serious infractions of school conduct may lead to the expulsion of the pupil from school.

References

The Education Act, as amended and Regulations

Policy/Program Memorandum 128: The Provincial Code of Conduct and School Board Codes of Conduct

Policy/Program Memorandum 141: School Board Programs For Students On Long-Term Suspension

Policy/Program Memorandum 142: School Board Programs For Expelled Students

Procedures

1. Statements from Ministry of Education Policy Program Memoranda:

- 1.1 Policy/Program Memorandum No. 128 (The Provincial Code of Conduct):
A school should be a place that promotes responsibility, respect, civility, and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, comfortable, and accepted.
All students, parents, teachers, and staff members have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate. The promotion of strategies and initiatives such as Student Success and character development, along with the employment of prevention and intervention strategies to address inappropriate behaviour, fosters a positive school climate that supports academic achievement for all students. Boards and schools should

therefore focus on prevention and early intervention as the key to maintaining a positive school environment in which students can learn and teachers can teach.

1.2 Policy/Program Memorandum No. 145 (Progressive Discipline):

Progressive discipline is a whole-school approach that utilizes a continuum of interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that build skills for positive relationships and promote positive behaviours described above. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that include learning opportunities for reinforcing positive behaviour while helping students to make good choices.

In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.

For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations contained in his or her Individual Education Plan (IEP).

1.3 Policy/Program Memorandum No. 141 (School Board Programs for Students on Long-Term Suspension):

Boards must offer at least one program for students who are on long-term suspension. In the written notice of suspension, parents must be notified of the Board program to which the student on long-term suspension has been assigned.

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

1.4 Policy/Program Memorandum No. 142 (School Board Programs for Expelled Students):

A student may be expelled either from his or her school only or from all schools of the Board. If a student is expelled from his or her school only, he or she must be assigned to another school of the Board.

If a student is expelled from all schools of the Board, he or she must be assigned to a Board program for expelled students. The student and/or his or her parent(s) must notify the principal verbally or in writing that the student is committed to attending the program. Once the principal has received this notification, development of the SAP must begin immediately.

In the notice of expulsion, parents must be provided with information on either the new school or the Board program to which the expelled student has been assigned.

Where an expelled student who is transferred to another school requires additional support and

resources, boards should make appropriate support available and/or facilitate the student's referral to community agencies.

2. Mitigating Factors and Other Factors (Ontario Regulation 472/07, ss. 2 and 3):

2.1 Application of Mitigating Factors and Other Factors:

- a) The Principal shall take into account the mitigating factors and the other factors in considering how long to suspend a pupil pending a possible expulsion.
- b) The Principal shall take into account the mitigating factors and the other factors in considering whether to recommend to the Board that a pupil be expelled.

2.2 Mitigating Factors:

The Principal shall take the following mitigating factors into account:

- a) the pupil does not have the ability to control his or her behaviour;
- b) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour; or
- c) the pupil's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

2.3 Other Factors:

The Principal shall take the following factors into account, if the said factors would mitigate the seriousness of the activity for which the pupil may be expelled:

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

3. **Mandatory Suspension pending a Principal's Investigation and possible Expulsion Recommendation:**

3.1 Activities Requiring a Mandatory Suspension under the Education Act, s. 310:

A Principal SHALL suspend a pupil, if the Principal believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- a) possessing a weapon, including possessing a firearm;
- b) using a weapon to cause or to threaten bodily harm to another person;
- c) committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- d) committing sexual assault;
- e) trafficking in weapons or in illegal drugs;
- f) committing robbery;
- g) giving alcohol to a minor;
- h) Bullying, if,

- i. the pupil has previously been suspended for engaging in bullying, and
 - ii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
- i) Any activity listed in subsection 306 (1) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor. any other activity that, under a policy of the Board, is an activity for which a Principal must suspend a pupil and conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

3.2 Activities Requiring a Mandatory Suspension under Board Policy:

A Principal SHALL suspend a pupil, if the Principal believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- a) a pattern of behaviour so refractory that the pupil's presence is injurious to the effective learning of others;
- b) repeated and serious breaches of the Board Code of Conduct where all previous interventions and sanctions have proven ineffective;
- c) trafficking in legal drugs;
- d) a course of serious harassment of another person;
- e) a course of serious invasions of another person's privacy by the use of mechanical/electronic technology or communications;

3.3 A mandatory suspension shall be a suspension from the pupil's school and from engaging in all school-related activities.

3.4 A mandatory suspension shall be for a duration of no more than twenty (20) school days. In considering how long the suspension should be the Principal shall take into account the mitigating factors and other factors.

3.5 The Principal shall consult with his or her Superintendent prior to making the decision to impose a mandatory suspension and shall keep his or her Superintendent informed during the process.

4. **Assignment to a Program (Education Act, s. 310 (4) & PPM No. 141):**

4.1 Homework Package:

When a Principal suspends a pupil for five (5) days or less, arrangements shall be made to provide the pupil with access to a homework package to help ensure that the pupil does not fall behind in his or her school work.

4.2 Assignment to Program:

When a Principal suspends a pupil for six (6) or more days, the Principal shall assign the pupil to a program for suspended students.

4.3 Discipline and Safety Requirements:

Prior to entry into a program for suspended pupils, each suspended pupil, if applicable, and the pupil's parent or guardian in the case of pupils under the age of eighteen shall sign a written Agreement agreeing to attend the program for suspended pupils and agreeing to be bound by the discipline and

safety requirements set out in Appendix B and in the Agreement in Appendix C. The requirement for the signature of a parent or guardian shall be waived for pupils who are 16 or 17 years of age and who have withdrawn from parental control.

- 4.4 **Student Action Plan (SAP):**
A Student Action Plan (SAP) shall be developed for every pupil who has been assigned to a program for suspended pupils provided the necessary written commitment to attend the program and to be bound by the discipline and safety requirements has been obtained.
- 4.5 **Planning Meeting:**
The Principal shall hold a planning meeting in accordance with the relevant provisions of PPM #141 for holding such planning meetings. A precondition for the said planning meeting is the obtaining of the necessary written commitment to attend the program and to be bound by the discipline and safety rules.
- 4.6 **Status of Suspended Pupil:**
A pupil who is suspended is not considered to be engaged in school-related activities by virtue of participating in a program for suspended students.

5. Notice of Suspension (Education Act, s. 311):

- 5.1 A Principal who suspends a pupil under section 310 of the Education Act shall:
- a) inform the pupil, if applicable and possible;
 - b) inform the pupil's teacher of the suspension; and
 - c) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- 5.2 A Principal who suspends a pupil shall ensure that written notice of the suspension is given promptly to the following persons:
- a) the pupil;
 - b) the pupil's parent or guardian, unless
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- 5.3 A copy of the notice of suspension shall be filed in the pupil's OSR Folder.
- 5.4 The written notice shall include:
- a) the reason for the suspension;
 - b) the duration of the suspension;
 - c) provide information about any program for suspended students to which the pupil is assigned; and
 - d) provide information about the investigation the Principal will conduct under section 311.1 of the Education Act to determine whether to recommend to the Board that the pupil be expelled; and
 - e) include the following statements:
 - i) There is no immediate right to appeal the suspension.
 - ii) If the principal does not recommend to the Board that the pupil be expelled following the investigation under section 311.1 of the Education Act, the suspension will become subject to appeal under section 311.2 of the Act.

- iii) If there is an expulsion hearing because the principal recommends to the Board that the pupil be expelled, the suspension may be addressed by parties at the hearing.

5.5 For incidents set out in Appendix A, the Principal shall request police involvement or response in accordance with the Safe School Police Protocol.

5.6 Where circumstances warrant, the Principal shall complete and file a Violent Incident Report in the pupil's OSR Folder in accordance with the Ministry of Education Violence-Free School Policy 1994.

6. Principal's Investigation (Education Act, s. 311.1):

6.1 Where a Principal imposes a mandatory suspension for activities set out in section 3.1 (Mandatory Suspension under the Education Act) or for activities set out in section 3.2 (Mandatory Suspension under Board Policy), the Principal shall conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

6.2 The Principal's Investigation shall begin promptly following the suspension.

6.3 As part of the Principal's Investigation the Principal shall make all reasonable efforts to speak with the following persons:

- a) the pupil;
- b) the pupil's parent or guardian of the suspension within 24 hours of the suspension, unless
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- c) any other person whom the Principal has reason to believe may have relevant information.

6.4 The following persons may be present during witness interviews.

- a) The witness being interviewed shall be present.
- b) The witness may have one adult person for support or as a representative during the interview. For student witnesses who are minors the normal adult person will probably be the student's parent or guardian. The said adult person should not be a potential witness.
- c) The Principal may have an adult person present as a resource. The said adult person should not be a potential witness.

6.5 The date, time and place of each witness interview and the persons present should be recorded. Information from witnesses should be recorded and the witness asked to check the written record for accuracy and completeness.

6.6 In considering whether to recommend to the Board that a pupil be expelled, the Principal shall take into account the mitigating factors and other factors set out earlier.

7. Expulsion Not Recommended (Education Act, s. 311.1 [5-6]):

7.1 Pupil Suspension Confirmed, Shortened or Expunged:

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

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

- c) withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.

7.2 Information on Suspension:

In situations where a Principal has confirmed, shortened or expunged a pupil suspension, the written information on the suspension shall include:

- a) A statement that the pupil will not be subject to an expulsion hearing for the activity that resulted in the suspension.
- b) A statement indicating whether the principal has confirmed the suspension and its duration, confirmed the suspension but reduced its duration, or withdrawn the suspension.
- c) Unless the suspension was withdrawn, information about the right to appeal the suspension under section 311.2 including,
 - i) a copy of the Board policies and guidelines governing the appeal established by the Board under subsection 302(6) and
 - ii) the name and contact information of the current Superintendent of School Effectiveness – Caring and Safe Catholic Schools to whom notice of the appeal must be given.

7.3 Notice of Information on Suspension:

A Principal who confirms, shortens or expunges a pupil suspension shall ensure that written notice containing the information set out in section 7.2 above is given promptly to the following persons:

- a) the pupil;
- b) the pupil's parent or guardian, unless
 - ii) the pupil is at least 18 years old or
 - iii) the pupil is 16 or 17 years old and has withdrawn from parental control.

7.4 Unless the suspension has been expunged, a copy of the notice of suspension, as amended, shall be filed in the pupil's OSR Folder.

8. **Suspension Appeal Rights, if Expulsion Not Recommended (Education Act, ss. 309, 311.2):**

8.1 The following persons may appeal, to the Board, a Principal's decision to suspend a pupil:

- a) The pupil's parent or guardian, unless
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- b) the pupil, if
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- c) In the event that a pupil does not have a parent or a formal guardian, such other persons as the Chair of the Hearing Committee in his or her discretion may direct.

8.2 The current Superintendent of School Effectiveness – Caring and Safe Catholic Schools or his or her designate shall be the person appointed by the Board for the purposes of receiving notices of intention to appeal a suspension.

8.3 A person who is entitled to appeal a suspension must give written notice of his or her intention to appeal

to current Superintendent of School Effectiveness – Caring and Safe Catholic Schools within 5 school days of the date on which he or she is considered to have received the Notice of Information on Suspension.

- 8.4 A person is considered to have received the Notice of Information of Suspension in accordance with the following rules:
- a) If the Notice is sent by mail or another method in which an original document is sent, the Notice shall be considered to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent.
 - b) If the Notice is sent by fax or another method of electronic transmission, the Notice shall be considered to have been received by the person to whom it was sent on the first school day after the day on which it was sent.

8.5 Board Policy (Suspension Appeal) shall govern an appeal of a decision to suspend a pupil.

9. Expulsion Recommended and Principal's Report (Education Act, s. 311.1 [7-10]):

- 9.1 If, on concluding the investigation, the principal decides to recommend to the Board that the pupil be expelled, he or she shall prepare a report that contains the following:
- a) A summary of the principal's findings.
 - b) The principal's recommendation as to whether the pupil should be expelled from his or her school only or from all schools of the Board.
 - c) The principal's recommendation as to,
 - i) the type of school that might benefit the pupil, if the pupil is expelled from his or her school only, or
 - ii) the type of program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the Board.
- 9.2 The Principal shall promptly provide a copy of the report to the Board and to the following persons:
- a) the pupil;
 - b) the pupil's parent or guardian, unless
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.

9.3 Information on Expulsion:

In situations where a Principal has recommended that the Board expel a pupil, the written information on the expulsion shall include:

- a) A statement that the pupil will be subject to an expulsion hearing for the activity that resulted in the suspension.
- b) A copy of the Board policies and guidelines governing the expulsion hearing established by the Board.
- c) A statement that the person has the right to respond, in writing, to the principal's report provided under this section.
- d) Detailed information about the procedures and possible outcomes of the expulsion hearing, including, but not limited to, information explaining that,
 - i) if the Board does not expel the pupil, it will, with respect to the suspension imposed, confirm the suspension, shorten its duration or withdraw it,

- ii) the parties will have the right to make submissions during the expulsion hearing as to whether, if the pupil is not expelled, the suspension imposed should be confirmed, reduced or withdrawn,
 - iii) any decision of the Board with respect to the suspension imposed made at the expulsion hearing is final and not subject to appeal,
 - iv) if the Board expels the pupil from his or her school only, the Board will assign the pupil to another school, and
 - v) if the Board expels the pupil from all schools of the Board, the Board will assign the pupil to a program for expelled pupils.
- e) The name and contact information of the current Superintendent of School Effectiveness – Caring and Safe Catholic Schools whom the person may contact to discuss any matter respecting the expulsion hearing.

9.4 Notice of Information on Expulsion:

A Principal who recommends that the Board expel a pupil shall ensure that written notice containing the information set out in section 9.3 above is given promptly to the following persons:

- a) the pupil;
- b) the pupil's parent or guardian, unless
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.

9.5 The pupil or the pupil's parent or guardian, unless the pupil is at least 18 years old or the pupil is 16 or 17 years old and has withdrawn from parental control, may respond, in writing, to the Principal and to the Board.

10. Re-entry Meetings, if applicable:

10.1 In conjunction with the pupil's suspension the Principal may arrange for such re-entry meeting(s) as are required with the pupil, the pupil's Teacher and such other resource persons as required. The pupil's parent or guardian will be encouraged to attend such meetings, unless the pupil is at least 18 years old or the pupil is 16 or 17 years old and has withdrawn from parental control.

11. Appraisal of Suspensions:

11.1 If the pupil is suspended for the maximum period allowed or is suspended more than once during a school year, the Board shall ensure that a Guidance Counsellor or other appropriate resource person employed by the Board:

- a) reviews the circumstances of the suspension or suspensions, as the case may be; and
- b) where appropriate, informs the pupil and the pupil's parent or guardian, unless the pupil is at least 18 years old or the pupil is 16 or 17 years old and has withdrawn from parental control, of services that are available from the Board or elsewhere in the community to assist the pupil.

12. Violent Incident Reports:

12.1 Information relating to pupil suspension for violent behaviour shall not be removed from the suspended pupil's OSR Folder unless three consecutive years have passed during which no further suspensions for violent incidents have taken place.

- 12.2 Information relating to student suspensions for conduct which did not involve violent behaviour shall be retained in the suspended pupil's OSR Folder for at least one school year.
- 12.3 At the end of the each school year the Principal in consultation with the appropriate Superintendent shall review each suspension relating to conduct which did not involve violent behaviour which took place over one (1) year ago and make a determination whether the record of the suspension should be expunged or retained.
- 12.4 Information relating to pupil suspension for conduct which did not involve violent behaviour shall not be removed from the suspended pupil's OSR Folder, unless three (3) consecutive years have passed during which no further suspensions have taken place.
- 12.5 Information relating to pupil suspension for conduct which involved violent behavior, where the suspension was quashed or withdrawn and the record of suspension expunged shall not be removed from the suspended pupil's OSR Folder unless one (1) year has passed.

Appendices

- Appendix 1: Occurrences Requiring Police Involvement or Response
- Appendix 2: Discipline and Safety Rules for the Suspended Pupil's Program
- Appendix 3: Agreement
- Appendix 4: Discipline and Safety Requirements for Program Participants
- Appendix 5: Other Requirements for Program Participants
- Appendix 6: Letter: Suspension Pending Possible Expulsion

Forms

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