



Policies and Procedures

5500 - Regulation - Code Of Conduct And Discipline For Students

The Durham District School Board is committed to providing a safe and secure school environment.

1.0. INTRODUCTION

The legislation and regulations, as revised, prescribe certain rights, standards, expectations and processes for determining consequences:

- A school is a place that promotes responsibility, respect, civility and academic excellence in a safe learning and teaching environment.
- All students, parents, teachers and staff have the right to be safe, and 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.
- The Ontario Code of Conduct sets clear provincial standards of behaviour. It specifies the consequences for student actions that do not comply with these standards.
- The Provincial standards of behaviour apply not only to students, but also to all individuals involved in the publicly funded school system – parents or guardians, volunteers, teachers and other staff members – whether they are on school property, on school buses or at school-authorized events or activities.

The Code of Conduct for the Durham District School Board reflects the provincial policy.

2.0 STATEMENT OF PURPOSE

The Durham District School Board encourages and supports the principles of prevention and response in Codes of Conduct developed by schools. A school principal shall establish a local Code of Conduct governing the behaviour of all persons in the school, and the local code shall be consistent with the Ontario and Board Codes of Conduct. When establishing or reviewing a School Code of Conduct, the principal shall consider the views of the School Community Council with respect to its content.

A student may be suspended or expelled from his or her school, expelled from attending any school in the School Board, and/or prohibited from engaging in school-related activities if the student commits an infraction of the Code of Conduct while he or she is at school, engaged in a school-related activity, or engaged in conduct that has a relationship to the school, school community, the reputation of the school or Board, or has an impact on the school climate. Police involvement will be required as outlined in the Police/School Board Protocol and noted in sections 9.2.1 and 9.6.1 below.

3.0 PURPOSES OF THE CODE

The purpose of this Provincial Code of Conduct is as follows:

1. To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity.
2. To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community.
3. To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.
4. To encourage the use of non-violent means to resolve conflict.
5. To promote the safety of people in the schools.
6. To discourage the use of alcohol and illegal drugs.
7. To prevent bullying in schools.

4.0 GUIDING PRINCIPLES

The Durham District School Board supports the provincial guiding principles of the Ontario Code of Conduct:

- All participants involved in the publicly funded school system – students, parents or guardians, volunteers, teachers and other staff members are included in this Code of Conduct whether they are on school property, on school buses or at school authorized events or activities
 - All members of the school community are to be treated with respect and dignity, especially persons in positions of authority
 - Recognition and acceptance of, and sensitivity toward, equity and inclusiveness are expectations within the school community
 - Maintaining a safe environment is the responsibility of the entire school community including students, staff and parents
 - Responsible citizenship involves appropriate participation in the civic life of the school community. Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others
 - The Durham District School Board expects that Progressive Discipline will be used as a means to support the Code of Conduct
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- Progressive Discipline is an approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that incorporate skills for healthy relationships and promote positive behaviours
 - The goal of discipline is to support a safe, inclusive, and accepting learning and teaching environment in which every student can reach his or her full potential.
 - All inappropriate student behaviour, including bullying, will be addressed
 - Responses to behaviours that are contrary to the School's Code of Conduct must be developmentally appropriate
 - Insults, disrespect, bullying and other harmful acts disrupt learning and teaching in a school community. Members of the school community have a responsibility to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility
 - Members of the school community are expected to use non-violent means to resolve conflict. Physically aggressive behaviour is not a responsible way to interact with others
 - The possession, use or threatened use of any object to injure another person endangers the safety of oneself and others
 - Alcohol and illegal drugs are potentially addictive and present a health hazard. Ontario schools will work cooperatively with police, drug and alcohol agencies to promote prevention strategies and, where necessary, respond to school members who are in possession of, or under the influence of, alcohol or illegal drugs. In addition, smoking or the distribution of tobacco on school property is prohibited by law

5.0 PRINCIPLES OF PREVENTION

School climate is the tone or prevailing attitude within the school which encompasses the physical environment of a school as well as the behaviour of individuals within that environment. A positive school climate can prevent or reduce discipline problems.

The following factors contribute to a positive school climate with increased safety and security and the reduction of discipline problems:

(a) Positive Academic Environment

- Focus on student success, learning for all, student achievement
- Ensure a creative and stimulating learning atmosphere
- Communicate academic expectations clearly
- Ensure students see themselves reflected in the curriculum

(b) Values/Skills Curriculum

- Provide formal and informal instruction to promote concepts of respect, caring for self and others, conflict resolution, concern for the environment, and principles of law and citizenship
- Focus on equity and inclusive education
- Provide for Character Education development

(c) Physical Environment

- Promote an enhanced physical environment that fosters pride and caring about surroundings
- Encourage actions to remodel school areas that are prone to problems

(d) Supportive Climate for Students and Staff

- Promote programs to enhance personal wellness
- Establish peer programs to provide support, encouragement, awareness, and education
- Provide access to counselors, teachers and support personnel to assist with personal problems, school and career issues

(e) Codes of Conduct

- Prepare and annually review codes of conduct in collaboration with students, staff and parents, and communicate them clearly to all involved
- Implement Progressive Discipline in a manner that is fair and equitable
- Encourage staff as role models for effective communication, mutual respect and problem resolution

(f) Parent or Guardian/School Collaboration

- Foster a welcoming school environment to encourage increased participation by parents/guardians in their child's education, school activities and school policy-making
- Involve parents/guardians in activities aimed at creating a home environment compatible with that of the school where non-violent resolution of problems prevails
- Offer access to appropriate supports for parents/guardians

(g) Community Partnerships

- Promote community awareness and participation in the school to enhance cohesiveness, support and effective use of resources
- Increase involvement of students in community service activities to create a climate of caring, respect and trust

(h) Student Participation

- Involve students in establishing a positive school culture and climate through problem solving, and opportunities for input into safe school initiatives to create a sense of ownership of and responsibility for the school community
- Provide leadership opportunities at the school and in the community

(i) Staff Knowledge and Understanding

- Understand and apply Progressive Discipline including mitigating and other factors
- Understand and apply bullying prevention and awareness strategies, and interventions and support strategies
- Understand and apply Character Education initiatives
- Devise school climate enhancement initiatives

6.0 ROLES AND RESPONSIBILITIES

The Durham District School Board accepts the provincial direction on individual roles and responsibilities:

School Boards

School boards provide direction to their schools to ensure opportunity, academic excellence, and accountability in the education system. It is the responsibility of school boards to:

- Develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety
- Establish a process that clearly communicates the provincial Code of Conduct and school board codes of conduct to all parents, students, principals, teachers, other school staff, and members of the school community in order to obtain their commitment and support
- Review these policies regularly with those listed above
- Seek input from school councils, their Parent Involvement Committees, and their Special Education Advisory Committee
- Develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety
- Provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment

Wherever possible, boards should collaborate to provide coordinated prevention and intervention programs and services, and should endeavour to share effective practices.

Principals

Under the direction of their school boards, principals take a leadership role in the daily operation of a school. They provide this leadership by:

- Demonstrating care for the school community and a commitment to academic excellence in a safe, inclusive, and accepting teaching and learning environment
- Holding everyone under their authority accountable for his or her behaviour and actions
- Empowering students to be positive leaders in their school and community
- Communicating regularly and meaningfully with all members of their school community

Teachers and Other School Staff

Under the leadership of their principals, teachers and other school staff maintain order in the school and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, teachers and other school staff uphold these high standards when they:

- Help students work to their full potential and develop their sense of self-worth
- Empower students to be positive leaders in their classroom, school, and community
- Communicate regularly and meaningfully with parents

- Maintain consistent standards of behaviour for all students
- Demonstrate respect for all students, staff, parents, volunteers, and other members of the school community
- Prepare students for the full responsibilities of citizenship

Students

Students are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when a student:

- Comes to school prepared, on time, and ready to learn
- Shows respect for himself or herself, for others, and for those in authority
- Refrains from bringing anything to school that may compromise the safety of others
- Follows the established rules and takes responsibility for his or her own actions

Parents

Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe, inclusive, accepting, and respectful learning environment for all students. Parents fulfill their role when they:

- Show an active interest in their child's school work and progress
- Communicate regularly with the school
- Help their child be neat, appropriately dressed, and prepared for school
- Ensure that their child attends school regularly and on time
- Promptly report to the school their child's absence or late arrival
- Show that they are familiar with the provincial Code of Conduct, the board's code of conduct, and school rules
- Encourage and assist their child in following the rules of behaviour
- Assist school staff in dealing with disciplinary issues involving their child

Community Partners and the Police

Through outreach, partnerships already in place may be enhanced and new partnerships with community-based service providers and members of the community (e.g., Aboriginal Elders) may also be created. Community-based service providers are resources that boards can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community-based service

providers and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements and adhere to the Code of Conduct.

The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with the protocol developed with the local school board. These protocols are based on a provincial model that was revised in 2011 by the Ministry of Community Safety and Correctional Services and the Ministry of Education.

7.0 STANDARDS OF BEHAVIOUR

All school Codes of Conduct shall include the Ontario and Durham District School Board Standards of Behaviour and must comply with all federal, provincial and municipal laws and Regulations.

7.1 Ontario Standards of Behaviour

Respect, Civility and Responsible Citizenship

All school members must:

- Respect and comply with all applicable federal, provincial and municipal laws
- Demonstrate honesty and integrity
- Respect differences in people, their ideas and opinions
- Respect and treat others fairly at all times, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability, and especially when there is disagreement
- Respect the rights of others
- Show proper care and regard for school property and the property of others
- Take appropriate measures to help those in need
- Seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully
- Respect all members of the school community, especially persons in positions of authority
- Respect the need of others to work in an environment that is conducive to learning and teaching

- Not swear at a teacher or at another person in a position of authority

7.2 Safety

All members of the school community must not:

- Engage in bullying behaviours
- Commit sexual assault
- Traffic in weapons or illegal drugs
- Give alcohol to a minor
- Commit robbery
- Be in possession of any weapon, including firearms
- Use any object to threaten or intimidate another person
- Cause injury to any person with an object
- Be in possession of, or be under the influence of, or provide others with alcohol or illegal drugs
- Inflict or encourage others to inflict bodily harm on another person
- Engage in hate propaganda and other forms of behaviour motivated by hate or bias
- Commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school

8.0 CONSEQUENCES

8.1.0 Guiding Principles

The Durham District School Board supports a proactive approach to discipline in schools. Progressive Discipline will be the underlying philosophical approach to determining the consequences for students whose behaviour is deemed to be inappropriate and requires disciplinary action. (Refer to the Progressive Discipline Resource and Chart for Secondary and Elementary Durham Schools.)

8.1.1 Positive reinforcement of students, parental involvement, community links, liaising with the community police officers, and modelling behaviours related to non-violence are strategies used in schools to promote acceptable behaviour and maintain a safe school climate creating positive school environments.

8.1.2 Consequences for unacceptable behaviour may range from initial intervention strategies such as counselling and parental communication to detention, behaviour contracts, Restorative Practices, Support and Responsibility Agreements, suspension and expulsion. Peer mediation and conflict resolution programs are important initiatives that support the implementation of the Code of Conduct.

8.1.3 The Durham District School Board supports a restorative approach in our schools to establish positive learning environments and to support discipline issues as they arise. Within the culture of Restorative Practice, there is a continuum of interactions, including Restorative Circles, that support positive relationships. When things go wrong, there is a framework for dealing with the issues. (Refer to Appendix A)

8.1.4 Each school's Code of Conduct shall be the guide for discipline in the school and the determination of consequences for inappropriate behaviour. Mitigating and other factors must be considered before determining appropriate consequences.

8.1.5 Where behaviour is persistent or the incident is of a serious nature, suspension may result. The purpose of a suspension is to exclude the student from the learning environment.

8.1.6 In situations where consideration for expulsion is appropriate the principal, after completing an investigation, may recommend expulsion of the student to the Board.

8.1.7 Consequences should be appropriate to the nature of the unacceptable behaviour.

8.2.0 Progressive Discipline

8.2.1 The Durham District School Board expects the use of Progressive Discipline as the means to support the Code of Conduct. Progressive Discipline is a whole-school approach that utilizes a continuum of prevention programs, interventions, supports and consequences to address inappropriate student behavior and to build upon strategies that promote and foster positive behaviours. When inappropriate behavior 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 are developmentally and socio-emotionally appropriate and include learning opportunities for reinforcing positive behavior while helping students to make better choices.

8.2.2 Schools should focus on prevention and early intervention as the key to maintaining a positive school environment in which students can learn. Early intervention strategies will help prevent unsafe or inappropriate behaviours in a school and in school-related activities. Intervention strategies should provide students with appropriate supports that address inappropriate behavior and that would result in an improved school climate.

8.2.3 Progressively more serious consequences should be considered for inappropriate behavior that is repeated or for progressively more serious inappropriate behavior, taking into account mitigating and other factors.

8.2.4 Ongoing interventions may be necessary to address underlying causes of inappropriate behavior. Some examples of ongoing interventions are meeting with the parent(s), requiring the student to perform volunteer service in the school community, conflict mediation, peer mentoring, and/or a referral to counseling.

8.2.5 In considering the most appropriate response to address inappropriate behavior, the following should be taken into consideration:

- the particular student and circumstances
- the nature and severity of the behavior
- the impact on the school climate, including the impact on students or other individuals in the school community

8.2.6 Schools are expected to actively engage parents in the Progressive Discipline approach. Schools should also recognize and respect the diversity of their parent communities and reach out to parents to partner with them in addressing complex and challenging issues.

8.3.0 Inappropriate Discipline Methods

Generally, inappropriate discipline methods may include, but are not limited to, the following:

- Sarcasm, ridicule, humiliation, yelling and screaming, and activities designed to provoke and escalate confrontation
- Constant fault-finding, nagging and methods based in intimidation or sexual harassment
- Making an example of an individual student within a group of students who have all been involved in behaviour that is unacceptable or punishing an entire group of Students for an offence by an individual are other examples of inappropriate discipline methods
- The assignment of academic material as punishment unless it is directly and logically related to the misbehaviour
- Public apologies beyond those persons affected by the misbehaviour; and
- Reduction of academic marks as punishment for unrelated behaviour

The use of physical punishment is unacceptable. The Board recognizes that physical force on the part of staff may be required in self-defense, to protect a student from another individual, to restrain or escort a student, or to protect a student from a dangerous or life threatening situation. What is prohibited is the deliberate use of force as a punishment.

9.0.0 SUSPENSIONS, EXPULSIONS, MITIGATING AND OTHER FACTORS

9.1.0 Definitions:

9.1.1 Suspension

Suspension is a consequence imposed upon a student whereby he or she is prohibited from attending at his or her school and from engaging in all school-related activities for a defined period of time.

9.1.2 Circumstances Leading to Possible Suspension, or Suspension Leading to Possible Expulsion

Section 9.2.1 sets out a list of circumstances where a suspension shall be considered by the Principal. Section 9.6.1 sets out a list of circumstances where a suspension must be imposed, pending an investigation by the Principal to determine whether an expulsion is warranted.

9.1.3 Expulsion

Expulsion is a consequence imposed upon a student, by the Board, for an activity that is determined to warrant that the student be excluded from his or her school, or from all schools in the Board, and from engaging in all school-related activities, for an undefined period of time.

9.1.4 Investigation

In the case of a suspension, in the circumstances set out in 9.6.1, the Principal must also conduct an investigation to determine whether to recommend to the Board, in consultation with his or her Area Superintendent, that the pupil be expelled.

9.1.5 Mitigating and Other Factors

For the purposes of the deliberations set out in Sections 9.2.2 and 9.2.4, sections 9.6.3 and 9.8.3, and Sections 9.12.10 and 9.12.14, the following mitigating and other factors (as specified and as may be amended from time to time by the Education Act and Regulations thereunder) will be considered:

Mitigating Factors

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

Other Factors

The following criteria shall also be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1. the pupil's history;
2. whether a progressive discipline approach has been used with the pupil;
3. whether the activity for which the pupil may be or is being suspended or expelled 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;
4. how the suspension or expulsion would affect the pupil's ongoing education;
5. the age of the pupil; or
6. 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.

9.1.6 Nexus

Principals may consider a suspension if there is nexus to the school. Nexus is a direct and causal link between the student's conduct and a definitive impact on the school climate.

Nexus may be established when any of the following circumstances exist:

- A student is afraid to come to school
- A student is worried about reprisals or retaliation
- Parents are complaining about disruption to the school environment
- School staff are worried about their physical or emotional well-being and safety

9.1.7 Safe Schools Incident Report Form

- An employee of the board who becomes aware that a student at a school may have engaged in a serious incident the employee shall report the matter to the principal as soon as reasonably possible. Employee reports, including those made to the principal verbally, must be confirmed in writing, using the "Safe Schools Incident Reporting Form – Part I" (Refer to Appendix B). Where the principal is the sole witness to an incident, the principal is similarly required to use the reporting form to confirm in writing what he or she witnessed. In all cases, the principal must provide the employee who reported the incident with written acknowledgement, using the "Safe Schools Incident Reporting Form – Part II (Refer to Appendix B)."

Note: For ease of reference, the following excerpts from Part XIII-Behaviour, Discipline and Safety provisions from the Education Act are being reproduced under this section. For the complete provisions, please refer directly to Part XIII of the Education Act.

9.2.0 Activities Leading To Possible Suspension

9.2.1 A Principal shall consider whether to suspend a pupil if he or she 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:

1. uttering a threat to inflict serious bodily harm on another person*;
2. possessing alcohol or illegal drugs*;
3. being under the influence of alcohol;

4. swearing at a teacher or at another person in a position of authority;
5. committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school**;
6. bullying; or,
7. any other activity that is an activity for which a principal may suspend a pupil under a policy of the Board. Other suspendable infractions including but not limited to:
 - a) possessing or dispensing controlled or intoxicating substances that are not prescribed for medical purposes;
 - b) being under the influence of illegal, controlled or intoxicating substances that are not prescribed for medical purposes;
 - c) smoking on school property;
 - d) committing vandalism, destruction, damage to school property or to the property of others located on or in school premises;
 - e) stealing property;
 - f) engaging in intimidation, extortion*, harassment*, or verbal aggression;
 - g) misusing or misappropriating school property or services, including computers and other technology systems;
 - h) engaging in hate motivated incidents*;
 - i) engaging in gang related activity*;
 - j) possessing dangerous objects or substances, including for example laser pointers; gloves with studs on knuckles; or any other item deemed by the principal to be unsafe or a hazard to persons or property in the school;
 - k) committing physical assault on another person**;
 - l) engaging in or encouraging a fight;
 - m) engaging in conduct that constitutes opposition to authority;
 - n) demonstrating poor attendance that warrants disciplinary action;
 - o) engaging in behaviour that is disruptive to the learning environment of the class or school;
 - p) engaging in conduct that is detrimental to the moral tone of the school;
 - q) wearing clothing/apparel that is inappropriate, offensive or violates the school Dress Code;
 - r) engaging in unauthorized gambling or games of chance;
 - s) engaging in another activity that, under the Code of Conduct of the school, is one for which a suspension is warranted.

(* require police involvement as outlined in the Police/School Board Protocol)

**discretionary police involvement as outlined in the Police/School Board Protocol)

Please refer to the Police/School Board Protocol for further direction.

9.2.2 In considering whether to suspend a pupil for engaging in an activity described in 9.2.1, a Principal shall take into account the mitigating factors, as well as the other factors, set out in 9.1.5.

9.2.3 If a Principal decides to suspend a pupil for engaging in an activity described in 9.2.1, the Principal shall suspend the pupil from his or her school and from engaging in all school-related activities.

9.2.4 A suspension under 9.2.1 shall be for no less than one school day and no more than 20 school days and, in considering how long the suspension should be, a Principal shall take into account the mitigating factors, as well as the other factors, set out in 9.1.5.

9.2.5 When a Principal suspends a pupil under 9.2.1, the pupil shall be assigned to a program for suspended pupils, as established by the Board in accordance with any policies or guidelines issued by the Minister.

9.2.6 A pupil who is suspended is not considered to be engaged in school-related activities by virtue of participating in a program for suspended pupils.

9.2.7 A Principal may not suspend a pupil under 9.2.1 more than once for the same occurrence on the date of infraction.

9.3.0 Notice of Suspension

9.3.1 A Principal who suspends a pupil under 9.2.1 shall:

- (a) inform the pupil's teacher of the suspension; and
- (b) 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.

9.3.2 The Principal shall also ensure that written notice of the suspension is given promptly to the following persons:

1. the pupil;
2. 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, and
3. the Principal's Area Superintendent, and such other persons as may be specified by Board policy.

9.3.3 The notice under 9.3.2 must include the following:

1. the reason for the suspension;
2. the duration of the suspension;
3. information about any program for suspended pupils to which the pupil is assigned; and,
4. information about the right to appeal the suspension, including,
 - i. a copy of the Board policies and guidelines governing the appeal established by the Board, and
 - ii. the name and contact information of the Director Of Education or Area Superintendent to whom notice of the appeal must be given under 9.4.1.

Note: Refer to Appendix C for a copy of the suspension letter

9.4.0 Appeal of Suspension

The following persons may appeal to the Board, through the Director of Education or Area Superintendent, a Principal's decision to suspend a pupil under 9.2.0:

1. 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;
2. 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, and
3. such other persons as may be specified by Board policy.

9.4.1 A person who is entitled to appeal a suspension under 9.4.0 must give written notice of his or her intention to appeal to the Director of Education or Area Superintendent within 10 school days of the commencement of the suspension.

9.4.2 After receiving a notice of intention to appeal under 9.4.1, the Board shall promptly contact every person entitled to appeal the suspension under 9.4.0 and inform him or her that it has received the notice of intention to appeal.

9.4.3 A person who has given notice of intention to appeal under 9.4.1 may contact the Director of Education or Area Superintendent to discuss any matter respecting the appeal of the suspension and, for the purposes of this section, the Director or Area Superintendent has the powers and duties set out in Board policy.

9.4.4 The Board shall hear and determine the appeal within 15 school days of receiving notice under 9.4.1, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

9.5.0 Appeal Process

Subject to this section, an appeal shall be conducted in accordance with the requirements as set out in 9.16 and 9.17 of this Regulation, and/or as otherwise established by Board policy.

9.5.1 The parties to the appeal are:

1. the Principal who suspended the pupil, and his or her Area Superintendent;
2. 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;
3. the pupil's parent or guardian, if the pupil's parent or guardian appealed the decision to suspend the pupil;
4. the person who appealed the decision to suspend the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian, and,
5. such other persons as may be specified by board policy.

9.5.2 A pupil who is not a party to the appeal under 9.5.1 has the right to be present at the appeal and to make a statement on his or her own behalf.

9.5.3 At the appeal, the Board shall either:

- (a) confirm the suspension and the duration of the suspension;
- (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
- (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

9.5.4 The decision of the Board on an appeal under this section is final.

9.5.5 The Board may authorize a committee of at least three members of the Board to exercise and perform powers and duties on behalf of the Board under the appeal process 9.5.0, and may impose conditions and restrictions on the committee.

9.6.0 Activities Leading to a Suspension, Investigation, and Possible Expulsion

9.6.1 A Principal shall suspend a pupil if he or she 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:

- 1.(a) possessing a weapon*;
- (b) possessing a firearm*;
- 2. using a weapon to cause or to threaten bodily harm to another person*;
- 3.(a) committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner*;
- (b) assault/physical intimidation of an employee*;
- 4. committing sexual assault*;
- 5. trafficking in weapons or in illegal drugs*;
- 6. committing robbery*;
- 7. giving alcohol to a minor**;
- 8. bullying, if,
 - (a) the pupil has previously been suspended for engaging in bullying, and
 - (b) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
- 9. any activity listed in subsection 9.2 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.

10. committing an act of vandalism which can be regarded as particularly egregious, due to factors such as seriously compromising the learning environment, or posing a significant safety risk to others*;

11. any other activity that, under a policy of a 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. Other suspendable infractions including but not limited to:

- a) hate motivated violence*;
- b) gang related violence*;
- c) trafficking in controlled or intoxicating substances not prescribed or dispensed for medical purposes*;
- d) uttering threats or threatening conduct intended to intimidate**;
- e) engaging in harassment*;
- f) ongoing conduct that is so refractory (persistent) that the student's presence in the school or classroom is considered by the principal to effect a danger or possibility of harm, physical or emotional, to others in the school or to the reputation of the school.

(* require police involvement as outlined in the Police/School Board Protocol

**discretionary police involvement as outlined in the Police/School Board Protocol)

Please refer to the Police/School Board Protocol for further direction.

9.6.2 A pupil who is suspended under this section is suspended from his or her school and from engaging in all school-related activities.

9.6.3 A Principal may suspend a pupil under 9.6.1 for up to 20 school days and, in considering how long the suspension should be, the Principal shall take into account the mitigating factors, as well as the other factors, set out in 9.1.5 above.

9.6.4 When a Principal suspends a pupil under 9.6.1, the pupil shall be assigned to a program for suspended pupils, as established by the Board in accordance with any policies or guidelines issued by the Minister.

9.7.0 Notice of suspension pending possible expulsion:

9.7.1 A Principal who suspends a pupil under 9.6.1 shall:

- (a) inform the pupil's teacher of the suspension; and
- (b) 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.
 - iii. inform Area Superintendent

9.7.2 A Principal who suspends a pupil under 9.6.1 shall ensure that written notice of the suspension is given promptly to the following persons:

- 1. the pupil;
- 2. 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, and
- 3. The Principal's Area Superintendent and such other persons as may be specified by Board policy.

9.7.3 The notice under Section 9.7.2 must include the following:

- 1. the reason for the suspension;
- 2. the duration of the suspension;
- 3. information about any program for suspended pupils to which the pupil is assigned;
- 4. information about the investigation the principal will conduct under section 9.8.5 to determine whether to recommend that the pupil be expelled;
- 5. a statement indicating that,
 - 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 9.8.5, the suspension will become subject to appeal under section 9.9.1, and
 - 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 expulsion hearing.

9.8.0 Investigation Process

9.8.1 When a pupil is suspended under Section 9.6.1, the Principal, in consultation with his or her Area Superintendent, shall conduct an investigation to determine whether to recommend to the Board that the pupil be expelled. The Principal's investigation shall begin promptly following the suspension and shall be conducted in accordance with the requirements established by Board policy and, for the purpose of the investigation, the Principal has the powers and duties set out in the policy.

9.8.2 As part of the investigation, the Principal shall make all reasonable efforts to speak with the following persons:

- 1. the pupil;
- 2. 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.
- 3. any other person whom the principal has reason to believe may have relevant information.

9.8.3 In considering whether to recommend to the Board that the pupil be expelled, a Principal shall take into account the mitigating factors, as well as the other factors, set out in 9.1.5.

9.8.4 If, on concluding the investigation, the Principal and his or her Area Superintendent decide 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.

9.8.5 If the Principal and his or her Area Superintendent do not recommend to the Board that the pupil be expelled, the Principal shall ensure that written notice containing the following information is given promptly to every person to whom he or she was required to give notice of the suspension under 9.7.2:

1. a statement that the pupil will not be subject to an expulsion hearing for the activity that resulted in the suspension.
2. a statement indicating whether the Principal has, under 9.8.4, confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.
3. unless the suspension was withdrawn, information about the right to appeal the suspension under 9.9.0, including,
 - i. a copy of the Board policies and guidelines governing the appeal established by the Board, and
 - ii. the name and contact information of the Director of Education or designated Supervisory Officer to whom notice of the appeal must be given under 9.9.0.

9.9.0 Appeal of the Suspension if Not Proceeding to Expulsion:

The following persons may appeal a decision to confirm or reduce the duration of a suspension to the Board, through the Director of Education or Area Superintendent, a Principal's decision under 9.8.5:

1. 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;
2. 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.
3. such other persons as may be specified by Board policy.

9.9.1 A person who is entitled to appeal a suspension under 9.9.0 must give written notice of his or her intention to appeal Director of Education or Area Superintendent within 5 school days of receipt of the written notice under 9.8.5.

9.9.2 After receiving a notice of intention to appeal under 9.9.1, the Board shall promptly contact every person entitled to appeal the suspension under 9.9.1 and inform him or her that it has received the notice of intention to appeal.

9.9.3 A person who has given notice of intention to appeal under 9.9.1 may contact the Director of Education or Area Superintendent to discuss any matter respecting the appeal of the suspension and, for the purposes of this section, the Director of Education or Area Superintendent has the powers and duties set out in board policy.

9.10.0 Hearing of Appeal

The Board shall hear and determine the appeal within 15 school days of receiving notice under 9.9.1, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

9.10.1 Subject to this section, an appeal shall be conducted in accordance with 9.16 and 9.17 of this Regulation, and/or as otherwise established by Board Policy

9.10.2 The parties to the appeal are:

1. the principal who suspended the pupil, and his or her Area Superintendent;
2. 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;
3. the pupil's parent or guardian, if the pupil's parent or guardian appealed the decision to suspend the pupil;
4. the person who appealed the decision to suspend the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian;
5. such other persons as may be specified by Board policy.

9.10.3 A pupil who is not a party to the appeal under 9.10.2 has the right to be present at the appeal and to make a statement on his or her own behalf.

9.11.0 Powers on Appeal

The Board shall either:

- (a) confirm the suspension and the duration of the suspension;
- (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
- (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

9.11.1 Board Committee

The Board may authorize a committee of at least three members of the board to exercise and perform powers and duties on behalf of the Board under this section, and may impose conditions and restrictions on the committee.

9.12.0 Expulsion Process

9.12.1 If, on concluding the investigation under 9.8.0, the Principal, in consultation with his or her Area Superintendent, decides to recommend to the Board that the pupil be expelled, the Principal shall prepare a report that contains the following:

- 1. a summary of the Principal's findings;
- 2. 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;
- 3. 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.

9.12.2 The Principal shall promptly provide a copy of the report to the Board and to every person whom the Principal was required to give notice of the suspension under 9.9.0.

9.12.3 The Principal shall ensure that written notice containing the following is given to every person to whom the Principal was required to give notice of the suspension under 9.7.2 at the same time as the Principal's report is provided to that person:

- 1. A statement that the pupil will be subject to an expulsion hearing for the activity that resulted in the suspension.
- 2. A copy of the Board policies and guidelines governing the expulsion hearing as set out in 9.16 and 9.17 of this Regulation.
- 3. A statement that the person has the right to respond, in writing, to the Principal's report provided under 9.12.1.
- 4. 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 under 9.8.4, 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 under 9.6.1 should be confirmed reduced or withdrawn,
 - iii. any decision of the Board with respect to the suspension imposed under 9.6.1 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.
- 5. The name and contact information of a Supervisory Officer whom the person may contact to discuss any matter respecting the expulsion hearing.

9.12.4 A person who is entitled to receive the Principal's report under 9.12.2 and written notice under 9.12.3 may respond, in writing, to the Principal and the Board.

9.12.5 If the Principal has recommended that a pupil be expelled, the Board shall hold an expulsion hearing in accordance with this Regulation.

9.12.6 The parties to the expulsion hearing are:

- 1. the Principal and his or her Area Superintendent,
- 2. 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,
- 3. 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,
- 4. such other persons as may be specified by board policy.

9.12.7 A pupil who is not a party to the expulsion hearing under 9.12.6 has the right to be present at the hearing and to make a statement on his or her own behalf.

9.12.8 At the hearing, the Board shall:

- (a) consider the submissions of each party in whatever form the party chooses to deliver his or her submissions, whether orally, in writing or both;
- (b) solicit the views of all the parties as to whether the pupil, if he or she is expelled, should be expelled from his or her school only or from all schools of the board; and
- (c) solicit the views of all the parties as to whether, if the pupil is not expelled, the Board should confirm the suspension originally imposed (or reduced) under 9.6.1, confirm the suspension (or reduced suspension) but reduce its duration, or withdraw the suspension.

9.12.9 After completing the hearing, the Board shall decide:

- (a) whether to expel the pupil; and
- (b) if the pupil is to be expelled, whether the pupil is expelled from his or her school only or from all schools of the board.

9.12.10 In making the decisions required under 9.12.9, the Board shall take into account:

- (a) all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from his or her school only or from all schools of the board;
- (b) any mitigating factors, as well as the other factors, set out in 9.1.5; and
- (c) any written response to the Principal's report recommending expulsion that a person gave to the Board under 9.12.4 before the completion of the hearing.

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

9.12.12 The Board may authorize a committee of at least three members of the Board to exercise and perform powers and duties on behalf of the board under this section, and may impose conditions and restrictions on the committee.

9.12.13 If a Board does not expel a pupil, the Board shall, with respect to the suspension originally imposed, or subsequently confirmed or reduced:

- (a) confirm the suspension and the duration of the suspension;
- (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served or reduced, and order that the record of the suspension be amended accordingly; or
- (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served or reduced.

9.12.14 In determining which action to take under 9.12.13, the Board shall take into account:

- (a) any submissions made by the parties as to whether the suspension and its duration should be confirmed, the suspension should be confirmed but its duration reduced, or the suspension should be withdrawn;
- (b) any mitigating factors, as well as the other factors, set out in 9.1.5.

9.12.15 After determining which action to take under 9.12.13, the Board shall give written notice containing the following to every person who was entitled to be a party to the expulsion hearing under 9.9.0:

1. a statement indicating that the pupil is not expelled;
2. a statement indicating whether the board has, under 9.12.13, confirmed the suspension and its duration, confirmed the suspension but reduced its duration, or withdrawn the suspension.

9.12.16 The decision of the Board under 9.12.15 is final.

9.12.17 If the Board expels the pupil, the Board shall assign the pupil to:

(a) in the case of a pupil expelled from his or her school only, another school of the Board; and

(b) in the case of a pupil expelled from all schools of the board, a program for expelled pupils.

9.12.18 The Board that shall ensure that written notice of the expulsion is given promptly to:

(a) all the parties to the expulsion hearing; and

(b) the pupil, if the pupil was not a party to the expulsion hearing

9.12.19 The notice under 9.12.18 will include the following:

1. the reason for the expulsion;

2. a statement indicating whether the pupil is expelled from his or her school only, or from all schools of the Board;

3. information about the school or program for expelled pupils to which the pupil is assigned;

4. information about the right to appeal to the Child and Family Services Review Board under 9.13.0, including the steps that must be taken to appeal.

9.13.0 Expulsion Appeal Process

9.13.1 The Child and Family Services Review Board is the tribunal designated under the regulations to hear appeals of school board decisions to expel pupils.

9.13.2 The following persons may appeal a school board's decision to expel a pupil, whether the pupil is expelled from his or her school only, or from all schools of the school board, to the Child and Family Services Review Board:

1. 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.

2. 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.

3. Such other persons as may be specified by the Child and Family Services Review Board.

9.13.3 The Child and Family Services Review Board shall hear and determine an appeal under this section, and, for that purpose, it has the powers and duties set out in the regulations.

9.14.0 Notice of Appeal

9.14.1 To appeal a school board's decision to expel a pupil, a person who is entitled, under 311.7 (2) of the Education Act, to appeal the decision shall give the Child and Family Services Review Board a written notice of appeal within 30 days after the date on which he or she is considered, in accordance with the rules set out in subsection 300 (3) of the Act, to have received the notice given under subsection 311.6 (1) of the Act.

9.14.2 The Child and Family Services Review Board may extend the period of time for giving the written notice of appeal, before or after the expiry of the period, if it is satisfied that there are reasonable grounds for the extension.

9.14.3 The notice of appeal shall:

(a) set out the date of the decision that is being appealed;

(b) set out the name of the school board that made the decision;

(c) state whether the decision expels the pupil from his or her school only or from all schools of the school board; and

(d) be in a form acceptable to the Child and Family Services Review Board.

9.14.4 The Child and Family Services Review Board shall not refuse to deal with an appeal on the ground that there is a deficiency in the content or form of the notice of appeal.

9.14.5 The parties to the appeal are:

1. the school board;

2. 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;
3. the pupil's parent or guardian, if the parent or guardian appealed the decision.
4. the person who appealed the decision to expel the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian

9.15.0 Hearing of Appeal

9.15.1 The Child and Family Services Review Board shall commence a hearing within 30 days after receiving a written notice of appeal.

9.15.2 The Child and Family Services Review Board may extend the period of time for commencing the hearing, before or after the expiry of the period, at the request of any party to the appeal.

9.15.3 A pupil whose expulsion is being appealed has the right to be present at the hearing and to make a statement on his or her own behalf, whether or not the pupil is a party to the appeal.

9.15.4 After hearing an appeal from a decision of a school board, the Child and Family Services Review Board shall do one of the following:

1. confirm the school board's decision to expel the pupil;
2. if the school board's decision was to expel the pupil from his or her school only, quash the expulsion and reinstate the pupil to the school.
3. if the school board's decision was to expel the pupil from all schools of the school board,
 - i. change the expulsion to an expulsion from the pupil's school only, or
 - ii. quash the expulsion and reinstate the pupil to his or her school.

9.15.5 The Child and Family Services Review Board shall provide each party, or the party's counsel or agent, with:

- (a) its decision on the appeal within 10 days after completing the hearing; and
- (b) written reasons for its decision within 30 days after completing the hearing.

9.15.6 If the Child and Family Services Review Board changes an expulsion from all schools of the school board to an expulsion from the pupil's school only, or quashes an expulsion and reinstates the pupil to his or her school, it may order that any record of the expulsion of the pupil be expunged or amended if the Child and Family Services Review Board considers it appropriate in the circumstances.

9.15.7 The decision of the Child and Family Services Review Board on an appeal under 9.13.0 is final.

9.16.0 School Board Policies and Procedures: Procedure Upon Referral to the Board

9.16.1 Where a suspension appeal or an expulsion is referred to the Board, in accordance with these procedures, the Secretary of the Board shall cause a three person Committee of the Board to be constituted to convene a hearing within the required time-frame.

9.16.2 A written notice of the proceeding shall be sent to the appropriate parties, and the notice shall include the date, time and location of hearing, a copy of this procedure and any other relevant procedures, and a copy of any reports and any other required documentation which may be relied upon at the hearing. The notice shall also include a statement that where the necessary named party (or parties), including the pupil (as appropriate), does not attend at the scheduled time and place on the scheduled date for the hearing, the Board Committee will proceed in his or her or their absence, without further notice.

9.16.3 It is understood that the Board Committee may be assisted by the Director of Education and/or legal counsel, whose roles shall be solely advisory within the Board Committee. The Board Committee may also authorize the presence of a Court Reporter or stenographer to keep a record of the proceeding.

9.16.4 When a matter is referred to a Board Committee in accordance with these procedures, the Committee shall hold the hearing within the required time-frame, unless the parties, in accordance with these procedures, agree upon a later deadline for the hearing. The maximum time allotted for an expulsion hearing shall be two hours. Suspension appeal and expulsion hearings will be conducted in camera.

9.16.5 Within the scheduled time each party shall be given a reasonable period of time to present his or her position and evidence. The Board Committee may accept and consider

any documents or other evidence, whether or not admissible in a court of law, and it is entirely the decision of the Board Committee the weight, if any, to be accorded such evidence or documents as the parties may put forward. Upon expiration of the permitted time-frame, the Board Committee will ask that the parties leave the hearing so that the Board Committee can deliberate.

9.16.6 The Board Committee will deliberate in private and may, if questions arise during the deliberations, re-convene with the parties to seek whatever clarification is required.

9.16.7 Upon completion of the hearing and the Board Committee deliberations, the decision of the Board Committee shall be communicated promptly to the parties. Notification of the decision, which is usually given orally on the same day, will also be sent to the parties, in writing; that written communication to the parties shall also set out the expectations of the student, if any, which should be addressed following the hearing. Notification of a decision to expel shall also include notice of the appeal procedure and time limits, if any.

9.17.0 Constitution of the Board Suspension Appeal and Expulsion Committees

9.17.1 Any current trustee can sit as a trustee representative on a Board Suspension Appeal or Expulsion committee, each of which such committees shall include at least three (3) trustee representatives of the Durham District School Board who:

- (a) have the authority of the Board to hear and determine on behalf of the Board whether a pupil should be suspended and/or the duration thereof, or, as appropriate, whether a pupil should be expelled;
- (b) have the authority, if the pupil is to be expelled, to determine the type of expulsion, in accordance with the Education Act and Regulations and these procedures;
- (c) have no close relationship to a pupil participant, or to a family member of a pupil participant in the circumstances of the conduct in issue, and have had no involvement in the circumstances or discussions surrounding the suspension or expulsion recommendation; and/or,
- (d) have had no prior involvement in investigating or attempting to resolve the matter at the school or community level.

9.17.2 It is understood that each Suspension Appeal and Expulsion Committee constituted under this procedure is a separate and distinct committee which may be comprised of different trustee representatives in each case, based on availability and/or the issues referenced in 9.17.1. (c) and (d).

9.17.3 A Suspension Appeal or Expulsion Committee shall have no authority to determine any other matter, or to provide any other remedy, than as set out in this regulation.

9.18.0 Status of Expelled Pupils and Return to School Provisions

9.18.1 An expelled pupil continues to be a pupil of the board that expelled him or her if the pupil attends a program for expelled pupils:

- (a) offered by that board; or
- (b) offered by another board under an agreement between that board and the board that expelled the pupil.

9.18.2 An expelled pupil ceases to be a pupil of the board that expelled him or her if:

- (a) the pupil is assigned by that board to a program for expelled pupils and does not attend the program; or
- (b) the pupil registers as a pupil of another board.

9.18.3 If a pupil who has been expelled from one board registers as a pupil of another board, the other board may:

- (a) assign the pupil to a school of that board; or
- (b) assign the pupil to a program for expelled pupils, unless the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils.

9.18.4 If the other board assigns the expelled pupil to a school without knowing that he or she has been expelled by another board, the board may subsequently remove the pupil from the school and assign him or her to a program for expelled pupils, subject to the following conditions:

- (a) The board must assign the pupil to a program for expelled pupils promptly on learning that he or she has been expelled from another board.
- (b) The board shall not assign the pupil to a program for expelled pupils if the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils.

9.18.5 Return to school after expulsion

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

- (a) successfully completed a program for expelled pupils; or
- (b) satisfied the objectives required for the successful completion of a program for expelled pupils.

9.18.6 The determination of whether an expelled pupil satisfies the requirements of 9.18.5 (a) or (b) is to be made by a person who provides a program for expelled pupils.

9.18.7 An expelled pupil may apply in writing to a person designated by the board that expelled him or her to be re-admitted to a school of that board and, if the pupil satisfies the requirements of 9.18.5 (a) or (b) as determined by a person who provides a program for expelled pupils, the board shall:

- (a) re-admit the expelled pupil to a school of the board; and
- (b) promptly inform the pupil in writing of his or her re-admittance.

9.18.8 A pupil who has successfully completed a program for expelled pupils provided by any board or person under this Regulation has satisfied the requirements of clause 314.1 (1) (a), and no board shall:

- (a) require the pupil to attend a program for expelled pupils provided by that board before being admitted to a school of the board; or
- (b) refuse to admit the pupil on the basis that the pupil completed a program for expelled pupils provided by another board or person.

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

9.18.10 For greater certainty, nothing in this Regulation requires a board to admit or readmit a pupil who is not otherwise qualified to be a resident pupil of the board.

9.18.11 The Durham District School Board shall periodically review this Regulation 5500 and related policies and procedures, to ensure compliance with current legislative and regulatory requirements, as they may be amended from time to time.

9.18.12 Any suspension imposed prior to February 1, 2008 shall be governed by the previous Regulation 5500.

9.18.13 Any limited or full expulsions imposed prior to February 1, 2008 shall be governed by the previous Regulation 5500, provided however that:

- (a) any pupil who is still subject to a limited or full expulsion imposed under the previous Regulation is deemed to be a pupil of the board from which he or she was expelled;
- (b) any pupil who is still subject to a limited expulsion imposed under the previous Regulation shall be assigned to a school of the Board and offered a plan to assist with his or her transition back to school, or be assigned to a program for expelled pupils;
- (c) any pupil who is still subject to a full expulsion imposed under the previous Regulation shall, as of February 1, 2008, be re-assigned to a program for expelled Pupils, and may be ultimately entitled to return to school in accordance with the current Regulation 5500.

9.18.14 If a pupil engaged in an activity before February 1, 2008 that was an infraction for which a suspension or expulsion could be imposed, or was required to be imposed, under the previous Regulation 5500, but no action had been commenced for that infraction before February 1, 2008, the pupil is subject to the new Regulation 5500 in relation to the assessment of and possible consequence for that alleged infraction.

The Safe Schools Act, 2000 required each board and each school to develop a Code of Conduct that is consistent with the legislation and board policy. These provisions were amended by An Act To Amend The Education Act (Bill 212), in respect of behaviour, discipline and safety. In 2009, there were further revisions outlined in Putting Students First Act (Bill 157) and Regulation 427/07, and The Accepting Schools Act (Bill 13) and PPM #128 in 2013.

Note: In the event, that any of the provisions contained within this Procedure conflict with the Education Act or Regulations made pursuant to the Education Act, the provisions of the Education Act shall prevail.

Appendix:

A, B, C

Document Links:**Effective Date**

09/01/2001

Amended/Reviewed

05/07/2006

12/05/2007

02/01/2008

01/31/2010

10/14/2011

04/15/2013

Legislative References

Statutes of Ontario 2007

c. 14

O. Reg 472/07

Regulation