

Pupil Expulsion **# SMW.E.2.**

Adopted: March 21, 1977
Last Reviewed/Revised: October 3, 2016

Purpose

This policy and regulation outlines the requirements for investigation and recommendation for pupil expulsion and the appeal process.

References

- *The Education Act*
- *Safe Schools Code of Conduct Policy: SMW.E.4*
- *Bullying Prevention and Intervention Policy SMW.E.5*
- *Progressive Discipline and Promoting Positive Student Behaviour: SMW.E.6*
- *Guidelines for Conducting a Disciplinary Investigation*
- *Statutory Powers Procedure Act*
- *Rules of Procedure of the CFSRB*
- *Regulation 303/01 under the Child and Family Services Act.*
- *Board's Safe Schools Policy and Suspension Appeal Guidelines*
- *Board's Catholic Code of Conduct Policy*
- *Expulsion Guidelines*
- *Expulsion Hearing Guidelines*
- *Board Committee Rules*

Forms

- Form 1: Suspension Letter Pending Possible Expulsion

- Form 2: No Expulsion Recommended, Suspension Withdrawn
- Form 3: Principal Recommendation for Expulsion by the Board
- Form 4: Expulsion Hearing Notice
- Form 5: Board of Trustees - Expulsion Hearing Decision

Appendices

Policy Statement

The Wellington Catholic District School Board, in compliance with the *Education Act*, requires a principal to suspend a pupil, pending expulsion, if he or she believes that the pupil has engaged in certain conduct as set out in *section 310 of the Education Act*. The Board then requires the principal to investigate the incident and consider whether to recommend the pupil for expulsion.

In considering whether to recommend to the Board that the student be expelled, the principal will take into account any mitigating or other factors prescribed by the regulations. If, on concluding the investigation, the principal decides to recommend to the Board that the student be expelled, he or she will prepare a report that contains certain findings and recommendations. Among other things, the report will include:

- A summary of the principal's findings;
- The principal's recommendation as to whether the student should be expelled from his or her school only or from all schools of the Board; and,
- The type of school or program for expelled students that might benefit the student.

If a principal recommends to the Board that a student be expelled, the Board will hold an expulsion hearing. For that purpose, the Board has the powers and duties specified by Board policy.

Section 265 of the Education Act provides that it is the duty of the principal to maintain order and discipline in the school. It is also the duty of the

principal to give assiduous attention to the health and comfort of the students under his or her care.

The Board recognizes and affirms that the principal is in charge of the organization and management of the school and may take specific disciplinary action as authorized in the *Education Act*, its regulations and respective Board policy and procedure.

The Board is committed to applying the principles of progressive discipline and promoting positive student behaviour. Progressive discipline is a whole-school approach which utilizes a continuum of prevention programs, interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote and foster positive behaviours.

This policy will work in concert with the *Safe Schools Code of Conduct Policy SMW.E.4*, the *Bullying Prevention and Intervention Policy SMW.E.5*, and the *Policy on Progressive Discipline SMW.E.6* to ensure a positive Catholic learning environment for all students.

Policy Regulation

1. Suspension Pending Possible Expulsion

1.1. Under *subsection 310 (1) of the Education Act*, 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:

- Possessing a weapon, including possessing a firearm.
- Using a weapon to cause or to threaten bodily harm to another person.
- Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
- Committing sexual assault.
- Trafficking in weapons or in illegal drugs.

- Committing robbery.
- Giving alcohol to a minor.
- Bullying, if,
 - The pupil has previously been suspended for engaging in bullying, and
 - The pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
- 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 a board, is an activity for which a Principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

1.2. Under Board policy, a Principal may suspend a pupil pending expulsion 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:

- Possession of explosive substance;
- Serious or repeated misconduct; and/or
- Other – defined as any conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

1.3. A Principal may suspend a student for up to 20 school days.

1.4. In considering how long the suspension should be, the Principal will take into account any mitigating or other factors prescribed by regulation.

2. Mitigating Factors

2.1. Prior to imposing a suspension, the principal imposing the suspension will consider the following mitigating factors:

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

2.2. The Principal shall also consider the following other factors:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- 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.
- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- In the case of a pupil for whom an individual education plan has been developed,
 - Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
 - Whether appropriate individualized accommodation has been provided and,
 - Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

3. Notice of Suspension

3.1. A Principal who suspends a pupil under *section 310* shall,

- Inform the pupil's teacher of the suspension; and
- Make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless the pupil is at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control.

3.2. Further, a Principal who suspends a pupil under section 310 shall ensure that written notice of the suspension is given promptly to the following persons:

- The pupil;
- The pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless the pupil is at least 18 years old, or is 16 or 17 years old and has withdrawn from parental control; and
- Such other persons as may be specified by board policy.

3.3. The notice of suspension pending possible expulsion will include the following:

- The reason for the suspension;
- The duration of the suspension.
- Information about any program for suspended pupils to which the pupil is assigned.
- Information about the investigation the Principal will conduct under *section 311.1* to determine whether to recommend that the pupil be expelled.
- A statement indicating that,
 - There is no immediate right to appeal the suspension,
 - If the Principal does not recommend to the board that the pupil be expelled following the

investigation under *section 311.1*, the suspension will become subject to appeal under *section 311.2*, and

- 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.

3.4. Notice shall be considered to have been received by the person in accordance with the following rules:

- 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.
- 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.

4. Investigation Following Suspension

4.1. When a pupil is suspended under *section 310*, the Principal is required to conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

4.2. The Principal's investigation must begin promptly following the suspension. The Principal will endeavour to complete his/her investigation within five school days. The Principal will conduct an investigation in accordance with the *Guidelines for Conducting a Disciplinary Investigation*.

4.3. In situations requiring police involvement or response, school administrators will comply with the Police/School Board Protocol. Regardless of whether or not charges are laid by the police, the Principal is still responsible for conducting an investigation

independent of the police and taking appropriate disciplinary action under the *Education Act*.

4.4. As part of the investigation, the Principal will make all reasonable efforts to speak with the following persons:

- The pupil.
- 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.
- Any other person whom the Principal has reason to believe may have relevant information

4.5. When the Principal believes that an infraction has occurred which may require an expulsion, the Principal will:

- Follow the Police/School Protocol procedure where police are to be involved;
- Suspend the pupil pending an investigation;
- Conduct an investigation promptly following the suspension to determine whether to recommend to the Board that the pupil be expelled;
- Take into account any mitigating or other factors prescribed by the regulations (see list of factors above);
- Consult with the appropriate superintendent of education and safe school's administrator; and
- Consult the Consequences of Inappropriate Student Behaviour to determine if the infraction warrants a suspension or referral to the Board for an expulsion hearing.

5. Expulsion Not Recommended

5.1. If, on concluding the investigation, the Principal decides not to recommend to the Board that the pupil be expelled, the Principal will:

- Confirm the suspension and the duration of the suspension;
- Confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or
- Withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.

5.2. If the Principal does not recommend to the Board that the pupil be expelled, the Principal will 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:

- A statement that the pupil will not be subject to an expulsion hearing for the activity that resulted in the suspension.
- A statement indicating whether the principal has confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.
- Unless the suspension was withdrawn, information about the right to appeal the suspension, including,
 - A copy of the Board policies and guidelines governing the appeal established by the Board; and,
 - The name and contact information of the superintendent of education to whom notice of the appeal must be given.

6. Expulsion Recommended

6.1. If, on concluding the investigation, the Principal decides to recommend to the Board that the pupil be expelled, he or she will prepare a report that contains the following:

- A summary of the Principal's findings.
- 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.
- The Principal's recommendation as to,
 - The type of school that might benefit the pupil, if the pupil is expelled from his or her school only, or
 - The type or program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the Board.

6.2. The Principal will 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.

6.3. The Principal will 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 *section E.2.6* at the same time as the Principal's report is provided to that person.

- A statement that the pupil will be subject to an expulsion hearing for the activity that resulted in the suspension.
- A copy of the Board policies and guidelines governing the expulsion hearing established by the Board.
- A statement that the person has the right to respond, in writing, to the Principal's report provided under this section.
- Detailed information about the procedures and possible outcomes of the expulsion hearing, including, but not limited to, information explaining that,

- If the Board does not expel the pupil, it will, with respect to the suspension imposed under *section 310*, confirm the suspension, shorten its duration or withdraw it;
 - 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 *section 310* should be confirmed, reduced or withdrawn;
 - Any decision of the Board with respect to the suspension imposed under *section 310* made at the expulsion hearing is final and not subject to appeal;
 - If the Board expels the pupil from his or her school only, the Board will assign the pupil to another school, and,
 - If the Board expels the pupil from all schools of the Board, the Board will assign the pupil to a program for expelled pupils.
- The name and contact information of the Superintendent of Program – Safe Schools to discuss any matter respecting the expulsion hearing.

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

7. Appeal of Suspension

7.1. If the Principal does not recommend to the Board that the pupil be expelled and does not withdraw the suspension, the suspension may be appealed and *section 309 of the Education Act* applies for that purpose, with necessary modifications, subject to the following:

- A person who is entitled to appeal must give written notice of his or her intention to appeal within five school days of the date on which he or she is considered, in

- accordance with the rules set out in *subsection 300 (3) of the Education Act* and above, to have received the notice. If the Principal confirmed the suspension but reduced its duration, the appeal is from the reduced suspension and not the original suspension.

8. Expulsion Hearing

8.1. Board Committee: The Board authorizes a committee of three trustees of the Board to exercise and perform powers and duties on behalf of the Board for the purposes of this section. These three trustees are known as the Board Committee. The Committee will meet to select a Chair. The Committee will govern its decisions by majority vote. Majority means two of three trustees.

8.2. If a Principal recommends to the Board that a pupil be expelled, the Board will hold an expulsion hearing and, for that purpose, the Committee has the powers and duties specified by legislation.

8.3. The parties to the expulsion hearing are:

- The Principal.
- The pupil, if,
 - The pupil is at least 18 years old, or
 - The pupil is 16 or 17 years old and has withdrawn from parental control.
- 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.
- The appropriate Supervisory Officer.
- The Superintendent of Program – Safe Schools and/or the Director of Education.

- Active or retired staff of the Board who have relevant knowledge of the student's conduct leading to expulsion.
- Other persons called by the parent or staff, including law enforcement, who have relevant knowledge of the student's conduct leading to expulsion.

8.4. A pupil who is not a party to the expulsion hearing under *paragraph E.5.2* has the right to be present at the hearing and to make a statement on his or her own behalf.

8.5. Expulsion hearings are governed by the *Statutory Powers Procedure Act*. This Act imposes a number of procedural requirements on the conduct of the hearing. Those requirements include:

- Any party has the right to be represented by counsel or an agent;
- Any party may call and examine witnesses and present arguments and submissions;
- Any party may cross examine witnesses; and
- Any witness at the hearing is entitled to be advised by counsel or an agent as to his or her rights, but such counsel or agent may take no other part in the hearing without leave of the Committee of the Board.

8.6. At the hearing, the Committee will:

- Consider the submissions of each party in whatever form the party chooses to deliver his or her submissions, whether orally, in writing or both;
- Solicit the view 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
- Solicit the views of all the parties as to whether, if the pupil is not expelled, the Committee should confirm the suspension originally imposed under *section 310*, confirm the suspension but reduce its duration or withdraw the suspension.

8.7. After completing the hearing, the Committee shall decide

- Whether to expel the pupil; and
- 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.

8.8. The Committee will not expel a pupil if more than 20 school days have expired since the pupil was suspended under *section 310*, unless the parties to the expulsion hearing agree on a later deadline.

8.9. In making the decisions required under *paragraph E.5.6*, the Committee will take into account:

- All submissions and view 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;
- Any mitigating or other factors prescribed by the regulations (see factors above); and
- Any written response to the Principal's report recommending expulsion that a person gave to the Committee under *paragraph E.3.6* before the completion of the hearing.

8.10. If the Board expels a pupil, the Board will assign the pupil to,

- In the case of a pupil expelled from his or her school only, another school of the board; and
- In the case of a pupil expelled from all schools of the board, a program for expelled pupils.

8.11. If the Committee does not expel a pupil, it will, with respect to the suspension originally imposed under *section 310*:

- Confirm the suspension and the duration of the suspension;

- 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
- 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.

8.12. The decision of a majority of the members of the Committee (two of three) is the Board's decision

8.13. The Committee has the power to reserve its decision.

8.14. The decision of the Committee shall be in writing and signed by the chair of the Committee. When requested by a party, the Committee shall give written reasons.

8.15. Copies of the decision and order, along with its reasons, if requested, shall be sent to all parties to the proceedings who took part in the hearing at their respective addresses last known to the Board.

9. If Pupil Not Expelled

9.1. If the Committee does not expel the pupil, the Committee will, with respect to the suspension originally imposed under *section 310*,

- Confirm the suspension and the duration of the suspension;
- 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
- 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.

9.2. In determining which action to take under *paragraph E.6.1*, the Committee shall take into account,

- Any submission 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; and
- Any mitigating or other factors prescribed by the regulations (see factors listed above).

9.3. After determining which action to take under *paragraph E.6.1*, the Committee will give written notice containing the following to every person who was entitled to be a party to the expulsion hearing:

- A statement indicating that that the pupil is not expelled.
- A statement indicating whether the Committee has confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.

9.4. The decision of the Committee is the decision of the Board. The decision of the Board not to expel a pupil under *paragraph E.6.1* is final. The decision may not be appealed.

10. If Pupil Expelled

10.1. If the Board expels a pupil, the Board shall assign the pupil to,

- In the case of a pupil expelled from his or her school only, another school of the Board; and
- In the case of a pupil expelled from all schools of the Board, program for expelled pupils.

10.2. The Board will ensure that written notice of the expulsion is given promptly to,

- All the parties to the expulsion hearing; and

- The pupil, if the pupil was not a party to the expulsion hearing.

10.3. The notice must include the following:

- The reason for the expulsion;
- A statement indicating whether the pupil is expelled from his or her school only or from all schools of the Board;
- Information about the school or program for expelled pupils to which the pupil is assigned; and
- Information about the right to appeal, including the steps that must be taken to appeal the Expulsion to the Child and Family Services Review Board.

11. Appeal of Expulsion

11.1. Pursuant to *subsection 311.7(1) of the Education Act* and *Regulation 472/07 under the Act*, an appeal of a Board's expulsion decision is to the Child and Family Services Review Board ("CFSRB") in accordance with the *Rules of Procedure of the CFSRB*, and *Regulation 303/01 under the Child and Family Services Act*.

11.2. The following persons may appeal the Board's decision to expel a pupil, whether the pupil is expelled from his or her school only or from all schools of the Board, to the CFSRB:

- 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.
- The pupil, if,
 - The pupil is at least 18 years old, or

- The pupil is 16 or 17 years old and has withdrawn from parental control.
- Such other persons as may be specified by the CFSRB.

11.3. To appeal the Board's decision to expel a pupil, a person who is entitled to appeal the decision shall give the CFSRB 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 Education Act*, to have received the notice given under *subsection 311.6 (1) of the Act*.

11.4. The CFSRB 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.

11.5. The notice of appeal shall,

- Set out the date of the decision that is being appealed;
- Set out the name of the board that made the decision;
- State whether the decision expels the pupil from his or her school only or from all schools of the board; and
- Be in a form acceptable to the CFSRB.

11.6. The CFSRB 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.

11.7. The parties to the appeal are:

- The Board.
- The pupil, if,
 - The pupil is at least 18 years old or,
 - The pupil is 16 or 17 years old and has withdrawn from parental control.

- The pupil's parent or guardian, if the parent or guardian appealed the decision.
- 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.

11.8. The CFSRB shall commence a hearing within 30 days after receiving a written notice of appeal.

11.9. The CFSRB 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.

11.10. 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.

11.11. After hearing an appeal from a decision of a board, the CFSRB shall do one of the following:

- Confirm the Board's decision to expel the pupil.
- If the Board's decision was to expel the pupil from his or her school only, quash the expulsion and reinstate the pupil to the school.
- If the Board's decision was to expel the pupil from all schools of the Board,
 - Change the expulsion to an expulsion from the pupil's school only or,
 - Quash the expulsion and reinstate the pupil to his or her school.

11.12. The CFSRB shall provide each party, or the party's counsel or agent, with,

- Its decision on the appeal within 10 days after completing the hearing and;

- Written reasons for its decision within 30 days after completing the hearing.

11.13. If the CFSRB changes an expulsion from all schools of the 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 designated tribunal considers it appropriate in the circumstances.

11.14. During the hearing, the school board presents its case first. The practice of the CFSRB is to conduct a trial de novo, effectively a full re-hearing of the case. The decision of the CFSRB is final.

12. Programs for Expelled Students

12.1. If a student is expelled from all schools of the Board, he or she will 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 a Student Action Plan ("SAP") will begin immediately.

12.2. An SAP will be developed for every expelled student who makes a commitment to attend the Board program for expelled students. The SAP will be developed on the basis of the information gathered at a planning meeting (see below). The SAP should build on the SAP that was developed for the student while he or she was on a long-term suspension pending expulsion, if the student attended the Board program for suspended students.

12.3. The SAP will include an academic component as well as a non-academic component. The Board will determine the content and balance of the program for each student for both the academic and non-academic components of the program. The content and balance of the program for a student will depend on the needs of

the student, the length of the suspension, and the nature and severity of the behaviour that led to the expulsion.

12.4. With respect to the academic component, it will follow the curriculum outlined in the Ontario curriculum policy documents, or the student's Individual Education Plan ("IEP"). Elementary school students will be supported in continuing to acquire the necessary knowledge and skills outlined in the Ontario curriculum policy documents for elementary schools and in the Religious Education and Family Life Education programs. Secondary school students will be supported in continuing to earn credits towards their Ontario Secondary School Diploma through such options as credit completion and credit recovery.

12.5. With respect to the non-academic component, the Board will consider what types of support, if any, the student may require during the suspension and upon his or her return to school, to assist the student in the development of positive attitudes and behaviours. Students may require a range of services and types of support that may include access to culturally appropriate support. The Board will make appropriate support available and/or facilitate a student's referral to community based service providers and/or provide support through other methods, such as remote access to resources (e.g., video conferencing, tele-psychiatry). To meet the alternative programming requirements of a student with special education needs, the Board will refer to the student's IEP.

12.6. For both the academic and non-academic components, the SAP must outline:

- Goals, objectives, and learning expectations;
- Measures of success and;
- Strategies and types of support.

12.7. The SAP will be developed by the Principal in cooperation with appropriate staff, the student, and his or her parent(s). It is important that parents participate in the development and implementation of the SAP on an ongoing basis. The Board will

make reasonable efforts to enable parents to participate by, for example, reaching out to community members who can provide translation services for those whose first language is not English or French.

12.8. The Board will coordinate the types of support required to assist the student in continuing his or her learning. For students with special education needs, the Board will provide appropriate support consistent with the student's IEP.

12.9. The Principal will hold a planning meeting once the student and/or his or her parent(s) have indicated that the student is committed to attending the program. The meeting should be a collaborative process and must include school and Board staff and the student. Where possible, the student's parent(s) or other significant family member(s), as well as the student's teacher(s) should also be present at the meeting. Principals should make reasonable efforts to include parents in this meeting. If the parents cannot be present, the planning meeting should proceed nevertheless, and the Principal will attempt to follow up with the parent(s) of the student as soon as possible after the meeting. In addition, where appropriate, community agency staff and any other relevant persons or professionals should also be included in the planning meeting.

12.10. The purpose of the planning meeting is to:

- Identify the needs of the student and determine whether any assessment is required;
- Identify the student's risk factors and protective factors;
- Describe the types of support and services required to assist the student in achieving the goals of the academic and non-academic component (e.g., career development counselling, use of mentors from appropriate communities).

12.11. The following information should be considered during the planning meeting and should be used to develop the SAP:

- The student's history;
- The student's learning experiences from any long-term suspension program that he or she may have attended;
- The student's strengths;
- The nature and severity of the behaviour that led to the expulsion, including any mitigating or other factors;
- Information from anyone who has provided a specialized service (e.g., a speech therapist); and
- Information from other sources who have helped or are expected to help the student, including culturally appropriate support persons.

12.12. All relevant information on the student, including existing documentation (e.g., current assessments, the IEP), should be considered while complying with all legal and statutory requirements and privacy laws.

12.13. The SAP should be reviewed on a regular basis to determine the student's progress in meeting the stated objectives in both the academic and the non-academic components of the plan. When a student enters a program for expelled students, all parties, including the student, must be made aware of the process for determining when the student has satisfied the objectives required for successful completion of the program and is therefore eligible to be readmitted to a school of the board. The student and/or his or her parent(s) should be involved in the review of the SAP.

12.14. Information on the person who is designated by the board to be responsible for overseeing the student's readmission should also be included in the SAP.

13. Re-Entry Plan

- 13.1. A student who has been expelled from all schools of the Board and/or his or her parent(s) may apply in writing to a person designated by the Board requesting that the student be readmitted to a school of the Board. For a student who has been expelled from only one school of the Board, and where the student and/or his or her parent(s) wish that the student return to his or her original school, the student and/or his or her parent(s) may apply in writing to a person designated by the Board requesting that the student be reassigned to the school.
- 13.2. When the student has successfully met the objectives of the program for expelled students, as outlined in the SAP, the student will be readmitted to school. The person who has provided the program will determine whether an expelled student has successfully completed a program for expelled students, or has satisfied the objectives required for successful completion of a program for expelled students.
- 13.3. When a student is considered ready to be readmitted to school, a re-entry plan will be developed as part of the SAP to assist with the student's transition and integration back into school.
- 13.4. As part of the development of the re-entry plan, school administration will hold a meeting that includes Board staff, staff of the school to which the student is seeking readmission, and the student. Where possible, the student's parent(s) or other significant family member(s) as well as the student's teacher(s), should also be present. Principals should make reasonable efforts to include parents in this meeting. If the parents cannot be present, the planning meeting should proceed nevertheless, and the Principal will attempt to follow up with the parent(s) of the student as soon as possible after the meeting. In addition, where appropriate, community agency staff and other relevant persons or professionals should also be included in the meeting.

13.5. The re-entry plan should contain the following elements:

- Description of the re-entry process for successful transition back to school; and
- Identification of the types of support in both the academic and non-academic components that are needed to sustain student learning.

13.6. The Board may enter into agreements with other boards for the provision of a program for students who are expelled from all schools of the Board or the other board. The Board will, wherever possible, collaborate on providing coordinated support to expelled students and their parents. The Board may also obtain or continue to obtain services from community-based service providers in the provision of the non-academic program component.

13.7. At all times, the Board is committed to supporting students so that, whenever possible, they are able to continue their education either during or after a long-term suspension or expulsion. Because of this, it offers support to students on a long-term suspension or expulsion, that is designed to help students learn the skills and knowledge they need to return to regular schools or to go on to other educational opportunities.

13.8. The Principal will inform the parent/guardian or adult student to the Board's safe schools program to inform them about educational programs a student will be able to attend while under long-term suspension or expulsion. The Principal, school and Board staff will work with the student and his or her family to find ways to help the student continue his or her education.

13.9. A student on a long-term suspension or expulsion will be asked to participate with the Board's safe schools alternative program. The program is available on a voluntary basis. It is intended to meet the academic and social needs of students who are on long-term suspension. The program has a strong focus on personal and social skill development. The program is provided at a standard

equal to the Ontario curriculum. Staff includes teachers working with youth workers and social support personnel from the Board.

14. Status of Expelled Student

14.1. 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,

- Offered by that board; or
- Offered by another board under an agreement between the board and the board that expelled the pupil.

14.2. An expelled pupil ceases to be a pupil of the board that expelled him or her if,

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

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

- Assign the pupil to a school of that board; or
- Assign the pupil to a program for expelled pupils, unless the pupil satisfies the requirements as determined by a person who provides a program for expelled pupils.

14.4. 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:

- 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.
- The board shall not assign the pupil to a program for expelled pupils if the pupil satisfies the requirements as determined by a person who provides a program for expelled pupils.

15. Return to School Following Expulsion

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

- Successfully completed a program for expelled pupils; or
- Satisfied the objectives required for the successful completion of a program for expelled pupils.

15.2. The determination of whether an expelled pupil satisfied these requirements is to be made by a person who provides a program for expelled pupils.

15.3. An expelled pupil may apply in writing to a person designated by the Board to be readmitted to a school of the Board and, if the pupil satisfies the requirements to be readmitted to a school of the Board, as determined by a person who provides a program for expelled pupils, the Board shall,

- Readmit the expelled pupil to a school of the Board; and
- Promptly inform the pupil in writing of his or her readmittance.

15.4. A pupil who has successfully completed a program for expelled pupils provided by any board or person under this Part has

satisfied the requirements to be readmitted to a school of the Board, and no board shall,

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

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

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

Suspension Letter Pending Possible Expulsion

[School Letter Head] (Insert School Name)
(Insert School Address, Street, City, Postal Code) Tel:

Date: (month,day,year)
(Name of Parent/Guardian/Adult Student)
(Name of Student)
(Address)
(City and Province)
(Postal Code)

Dear **(Name of Parent/Guardian/Adult Student)** and **(Name of Student)**,

Suspension Pending Possible Expulsion
Student's First and Last Name
Date of Birth: month, day, year

This letter will serve to notify you that **(Student's First and Last Name)** has been suspended from **(Name of School)** for 20 school days pursuant to *section 310 of the Education Act*. This suspension will remain in effect from **(First Day of Suspension)** to **(Last Day of Suspension)** inclusive.

This suspension is the result of the following conduct: **(Insert a brief factual account of the student's behaviour)**

Please be advised that I am continuing my investigation of this matter to determine whether to recommend to the Board Committee of Trustees that **(you/pupil's name)** be expelled. An expulsion may be from **(name of school)** or from all schools of our Board. You will be informed of the results of my investigation in writing.

A homework package will be provided to ensure that curriculum and course requirements are maintained. In addition, **(Student's First Name)** is encouraged to participate in the District's Safe Schools Program. I will contact you regarding placement in such a program.

If **(Student's First Name)** makes a commitment to attend the District's Safe Schools Program, a Student Action Plan will be developed. The Student Action Plan will include an academic and non-academic component to support the student. The purpose of the academic component is to ensure that all students have the opportunity to continue their education. The purpose of the non-academic component is to assist students in developing positive attitudes and behaviour.

During the term of the suspension, with the exception of attendance at the Safe Schools Program, **(Student's First Name)** is not permitted to participate in any school or board sponsored activities or be on school property without my permission.

Should it be determined at the conclusion of the investigation that a recommendation for expulsion will not be made, you may appeal the suspension to the Committee of the Board of Trustees. Should it be determined that a recommendation for expulsion is warranted, you may then address the suspension before the Committee of the Board of Trustees at the expulsion hearing.

Please note the appropriate sections of the *Education Act* attached to this letter.

Sincerely,

[Name of Principal]

Principal

Copies: Teacher(s) of Pupil

Superintendent of Education – Safe Schools

Director of Education

Ontario Student Record

No Expulsion Recommended, Suspension Withdrawn

[School Letter Head] **(Insert School Name)**
(Insert School Address, Street, City, Postal Code) Tel:

Date: (month, day, year)
(Name of Parent/Guardian/Adult Student)
(Name of Student)
(Address)
(City and Province)
(Postal Code)

Dear **(Name of Parent/Guardian/Adult Student)** and **(Name of Student)**,

Student's First and Last Name
Date of Birth: Month, day, year

I am writing to you to report the result of my investigation following **(your/pupil's name)** suspension. **I have decided not to recommend to the Committee of the Board of Trustees that (you/pupil's name) be expelled.**

As part of my investigation, I have reviewed **(your/pupil's name)** suspension and I have determined that the suspension should be withdrawn and the record expunged.

Sincerely,

[Name of Principal]
Principal

Copies: Superintendent of Education – Safe Schools
Ontario Student Record

Principal Recommendation for Expulsion by the Board

[School Letter Head] (Insert School Name)
(Insert School Address, Street, City, Postal Code) Tel:

Date: (month, day, year)
(Name of Parent/Guardian/Adult Student)
(Name of Student)
(Address)
(City and Province)
(Postal Code)

Dear **(Name of Parent/Guardian/Adult Student)** and **(Name of Student)**,

I am writing to you following my investigation to determine whether to recommend an expulsion. As a result of my investigation, **I have decided to recommend to the Committee of the Board of Trustees that (you/pupil's name) be expelled.**

A copy of my Report to the Committee recommending expulsion is enclosed. You may forward a response to this Report in writing to my attention. Please also include a copy to the Superintendent of Education – Safe Schools, 75 Woolwich Street, Guelph, Ontario N1H 6N6, 519-824-4600.

The Committee hearing to decide whether **(you/pupil's name)** should be expelled will be held on **(date)** at **(location)** to be determined by the Superintendent of Education – Safe Schools. Enclosed, please find copies of the *Board's Catholic Code of Conduct Policy, Expulsion Guidelines, Expulsion Hearing Guidelines and Board Committee Rules*.

You will be provided with an opportunity to make a presentation to the Committee about whether **(you/pupil's name)** should be expelled, and whether, if **(you/pupil's name) (are/is)** expelled, **(you/s/he)** should be expelled from (School Name) or from all schools of the Board.

The Committee will determine whether **(you/pupil's name)** should be expelled, and whether **(you/pupil's name)** expulsion should be from **(School Name)** or from all of the schools of the Board.

If **(you/pupil's name) (are/is)** expelled from **(School Name)**, the committee will assign **(you/pupil's name)** to a program provided at another school of the Board. If **(you/pupil's name) (are/is)** expelled from all schools of the Board, the Committee will assign **(you/pupil's name)** to a program for expelled pupils.

Should the Committee decide not to expel **(you/pupil's name)**, the Committee will review the suspension. The Committee may:

- a) Withdraw the suspension and expunge the record.
- b) Confirm the suspension.
- c) Confirm but shorten the suspension and amend the record accordingly.

The decision of the Committee with respect to the suspension is final and is not subject to appeal. The Superintendent of Education – Safe Schools, 75 Woolwich Street, Guelph, Ontario, N1H 6N6, 519-8214600, will contact you to review the hearing process and answer any questions you might have.

Sincerely,

[Name of Principal]

Principal

Copies: Director of Education
Superintendent of Education – Safe Schools
Ontario Student Record

Expulsion Hearing Notice

Date: (month, day, year)
(Name of Parent/Guardian/Adult Student)
(Name of Student)
(Address)
(City and Province)
(Postal Code)

Dear **(Name of Parent/Guardian/Adult Student)** and **(Name of Student)**,

Student's First and Last Name
Date of Birth: month, day, year

Further to Principal **[name of Principal]**'s letter of **[date of Principal's letter]**, this letter confirms that the Expulsion Hearing will be an oral hearing which will take place on **[date of Expulsion Hearing if oral]**, at the Board Office **[address]** at **[time]**.

The procedure to be applied by the Expulsion Committee of the Board will be explained to you in a prehearing meeting to be held at the Board Office at 75 Woolwich St. Guelph on **[date of meeting]** at **[time of meeting]**.

Please contact me by phone, or in writing to confirm your attendance at this meeting. If there are any specific issues that you wish to raise regarding the Expulsion Committee's process, please set these issues out in writing and fax or mail a copy of these issues to me before the meeting.

Please note that you have the right to be represented by legal counsel at both the Expulsion Hearing and the pre-hearing meeting to discuss process. Should you wish to bring legal counsel please have your counsel contact

counsel for the Administration, **[name of Administration's legal counsel and their telephone number]**.

Please note that the Expulsion Committee will wait for thirty (30) minutes for your arrival on both **[date of meeting]** and **[date of hearing]** and should you fail to attend either the meeting or the hearing the Expulsion Committee may proceed to determine the issues in your absence. Subsequently, any decisions of the Expulsion Committee will be forwarded to your attention.

Sincerely,

Superintendent of Education

Copies: Principal
Director of Education

Board of Trustees – Expulsion Hearing Decision

Date: (month, day, year)
(Name of Parent/Guardian/Adult Student)
(Name of Student)
(Address)
(City and Province)
(Postal Code)

Dear **(Name of Parent/Guardian/Adult Student)** and **(Name of Student)**,

Attached, please find the Decision of the Committee, dated **(insert date)**. Should you wish to appeal this decision, you may contact the Child and Family Services Review Board, at 519824-2410, within 30 days of receipt of this notice. (Only include if student has been expelled) Please also find attached information regarding the educational program offered by the Board, for students expelled from all schools of the Board. Should you have any questions, please contact the undersigned at 75 Woolwich Street, Guelph, Ontario N1H 6N6, 519-821-4600.

Sincerely,

Superintendent of Education – Safe Schools

Copies: Director of Education
Principal
Ontario Student Record

Recommendation for Expulsion Decision of the Board Committee

IN THE MATTER OF Section 311.3 of the Education Act, as amended

-And-

IN THE MATTER OF a recommendation by (Name of a Principal), (School Name)

Decision

Upon being satisfied that the Committee has jurisdiction to conduct the hearing pursuant to *section 311.3 of the Education Act*;

And upon being satisfied that the proper parties to the hearing are **(Name of Appellant and relationship to pupil)** and **(Principal name), (School Name)**;

And upon being satisfied that the parties received reasonable notice of the hearing;

And upon having provided an opportunity to the appellant to make submissions, having heard the submissions of the Principal, having read any material submitted by the parties, having considered the facts and any mitigating and/or other factors raised by both parties, and having retired to consider the matter;

The Board of trustee's committee does hereby impose an expulsion from **(School Name)** and assign the pupil to an educational program at **(School Name)** for the following reasons: **(INSERT REASON FOR EXPULSION)**

*OR

The Board of Trustees Committee does hereby impose an expulsion from all schools of the Board; assign the pupil to the program for the expelled pupils; and require that the pupil successfully complete and meet the objectives of the program for expelled pupils before being re-admitted to a regular day school program in Ontario for the following reasons: **(INSERT REASON FOR EXPULSION).**

*OR

The Board of trustee's committee does not hereby impose an expulsion; and does hereby confirm the suspension imposed by **(Principal Name)** / confirm the suspension imposed by **(Principal Name)** but shorten its duration to **(number)** school days and amend the record accordingly / quash the suspension and expunge the record.

Wellington Catholic District School Board

By_____