Greater Essex County District School Board

Policy: Safe Schools

Reference No: P-AD-16

The Greater Essex County District School Board is committed to creating and promoting a safe environment in its schools and Board properties for staff, parents/guardians, visitors, volunteers and the community. Safety of students is a primary concern of the GECDSB. It is important that all students have a safe, caring and accepting school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community. All school staff play a critical role in building and sustaining a positive school climate.

Every member of the school community has a responsibility to assist in creating and maintaining safe, secure, and harmonious learning, teaching, and work environments. All members of the school community have a role in leadership and modeling of appropriate behavior. To that end, the GECDSB supports the local Police % School Protocol.

This policy authorized the creation of procedures for implementation, which shall be considered guidelines pursuant to the Education Act.

Corresponding GECDSB Regulations:

- R-AD-28 Code of Conduct
- R-AD-29 Bullying Prevention and Intervention
- R-AD-30 Progressive Discipline
- R-AD-37 Delegation of Authority Regarding Student Discipline
- R-AD-51 Suspension and Expulsion
- R-AD-08 Student Searches

Regulation: Suspension and Expulsion

Reference No: R-AD-51

STATEMENTS OF PRINCIPLES REGARDING SUSPENSION AND EXPULSION OF STUDENTS

The Greater Essex County District School Board (the Board) recognizes the suspension or expulsion of students from school as one step in creating a safe school environment. Suspension or expulsion, when mandated and/or when appropriate, may be used in the progressive discipline of students. These consequences may also be required to ensure the safety of all members of the school community.

It is a requirement of the Board that students comply with the Provincial, Board and School Codes of Conduct and display appropriate self-discipline in order to avoid suspension and/or expulsion.

Principals and the Board will impose suspensions or expulsions when warranted. Students in junior kindergarten, kindergarten, grade 1, 2, or 3 have different criteria for suspension as outlined below.

Any suspension should be for the minimum amount of time to effect remediation, recognizing the need to minimize academic impact. Notwithstanding, the length of the period of suspension should be lengthened for serious, ongoing or repeated infractions, consistent with the principles of progressive discipline.

Mitigating and other factors, which include, but are not limited to, the age of the child, the student's history, and the frequency or severity of the infraction(s) shall be considered by the Principal or the Board in determining the length of the suspension/expulsion (Ontario Regulation 472/07, ss. 2 and 3).

The definition of "Adult Student" is a student who is 16 or 17 and withdrawn from parental control, or student who is 18 years old or older.

SUSPENSION OF STUDENTS - Under Section 306 of the *Education Act*

Suspension Infractions

When a principal believes that a student has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction will have an impact on the school climate, a Principal will consider whether that student should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The infractions for which the Principal shall consider imposing a suspension are:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal drugs/or, unless the pupil is a medical cannabis user, cannabis; and/or restricted drugs;
3. Being under the influence of alcohol, illegal drugs /or, unless the pupil is a medical cannabis user, cannabis, and/or restricted drugs;
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 student's school or to property located on the premises of the student's school;
6. Bullying;
7. Any act considered by the Principal to be injurious to the moral tone of the school;
8. Any act considered by the Principal to be injurious to the physical or mental well -being of any member of the school community; or
9. Any act considered by the Principal to be contrary to the Board or School Code of Conduct.

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

If a principal decides to suspend a student, the student shall be suspended from his/her school and from engaging in all school-related activities.

The Principal will also contact the police consistent with the Police-School Board Protocol if the infraction the student is suspected of committing requires such contact.

Mitigating Factors and other factors

The mitigating factors to be considered by the Principal in considering whether to impose a suspension and in considering how long a suspension should be are:

1. Whether the student has the ability to control his or her behaviour;
2. Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any person (Ontario Regulation 472/07, s.2).

The Other Factors to be considered by the Principal in deciding whether to suspend the students and the duration of the suspension are:

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of sex, gender identity, gender expression, sexual orientation, age, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion/creed, family status, marital status, disability and/or harassment for any other reason;
4. How the discipline would affect the pupil's ongoing education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,

a) Whether the behaviour causing the incident was a manifestation of the pupil's disability identified in the pupil's IEP;
b) Whether appropriate individualized accommodation has been provided; and
c) Whether the discipline is likely to result in an aggravation or worsening of the pupil's behaviour or conduct;

7. If a student does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the Principal should consider whether alternatives to imposing a suspension are more appropriate. Alternative discipline and/or other intervention may be considered by the Principal in such circumstances.

   If the student poses an unacceptable risk to the safety of self or of others in the school, the Principal will consult with his/her School Superintendent regarding appropriate accommodations, interventions and alternatives and/or strategies that might be instituted to ensure students and staff safety.

Students in Junior kindergarten to grade 3

Ontario Regulation 440/20 (July 31, 2020) removes the discretionary power of the principal to suspend students in junior kindergarten, kindergarten, grade 1, 2 or 3 under section 306 of the Education Act. Students in junior kindergarten, kindergarten, grade 1, 2 or 3 shall not be suspended under section 306 of the Education Act. Students of this age group shall not be suspended under section 310 unless the principal investigation indicates that the student activity warrants a suspension. Section 310 (7) (i) does not apply since the student would not have been previously suspended for engaging in bullying.

Progressive Discipline

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

1. Whether the teacher, Principal or designate has utilized early and/or ongoing intervention strategies to address unsafe or inappropriate behaviours, such as:
   - strategies to address unsafe or inappropriate behaviours, such as:
   - contact with student's parent(s)/guardian(s);
   - verbal reminders;
   - review of expectations;
   - written work assignments addressing the behaviour, that have a learning component;
   - volunteer services in the school community;
   - conflict mediation and resolution;
   - peer mentoring;
   - referral to counseling, as deemed appropriate;
   - referral to community agencies for counseling as may be deemed appropriate by the Board;
   - positive behaviour management plans;
   - restorative justice practices; and/or

- consultation between two (2) or more of the parties (persons involved in the incident; could be student, teacher etc.)

2. Whether the Principal or designate has used a progressive discipline approach to address inappropriate behaviour, such as:
    - asking the student to stop the inappropriate behaviour, naming the type of behaviour and explaining why it is inappropriate and/or disrespectful, and asking the student to correct the behaviour;
    - meeting with the student's parent(s)/guardian(s), student and Principal or designate;
    - use of available school support staff and support services;
    - referral of the student to a community agency for counseling as may be deemed appropriate by the Board;
    - detentions;
    - development of a behaviour plan if applicable;
    - withdrawal of privileges;
    - supervised withdrawal from class;
    - restitution for damages;
    - restorative practices;
    - transfer to another class or school; and/or
    - consultation.

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

SUSPENSION

Procedural Steps When Imposing a Suspension under Section 306 of the *Education Act*

Where a Principal has determined that it is appropriate in the circumstances to impose a suspension under section 306 of the *Education Act*, the Principal is required to take the following procedural steps:

1. The Principal must make all reasonable efforts to verbally inform the Adult Student or the student's parent/guardian of the suspension within 24 hours of imposing the suspension;
2. The Principal must inform the student's teacher(s) of the suspension;
3. The Principal in conjunction with the student's teacher(s) must organize school work to be provided for the student to be completed during the duration of the student's suspension. For short term, suspensions of one or two days school work may be provided, when possible. For suspensions of six or more school days, the student must be assigned to the Alternative Program for Pupils Subject to Long-Term Suspension (ASP);
4. The Principal or designate must record the incident in the student administrative system;
5. The Principal must promptly provide written notice of the suspension to the student, the student's parent/guardian (unless the student is an Adult Student) and/or school personnel;
6. The written notice of suspension will include:
    a) The reason for suspension;
    b) The duration of the suspension;

c) Information about the Alternative Program for Pupils Subject to Long-Term Suspension (known as Alternative Suspension Program – ASP) to which the student is assigned, where the student is suspended for six (6) or more school days; and

d) Information about the right to appeal the suspension, including a copy of the Board's Guide to the Suspension Process pamphlet governing the appeal and the name and contact information for the School Superintendent.

Where the incident is a serious violent incident, specifically possessing a weapon, including a firearm, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or threaten bodily harm to another person, extortion, or a hate and/or bias motivated occurrence, the Principal must indicate same on the Safe Schools Incident Reporting Form to be placed in the student's Ontario Student Record.

If the Principal has identified the incident as a violent incident on the Safe Schools Incident Reporting Form, the reporting form must be maintained in the student's OSR for the following periods:

- Five years if the student was expelled for the violent incident,
- Three years if the student was suspended for the violent incident, or
- At least one year if the student's suspension was quashed or withdrawn.

Alternative Suspension Program (ASP)

Where a student has been suspended for six (6) or more school days the student will be provided with school work for the first five (5) school days or until the Student Action Plan is implemented and will be assigned an alternative program for students subject to long term suspension (ASP).

A student cannot be mandated to participate in an ASP. Should the Adult Student or a student's parent/guardian choose not to have the student participate in an ASP, the student will continue to be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the Adult Student's designate or the student's parent/guardian or designate at regular intervals during the suspension period. Where school work has not been picked up, the school should contact the Adult Student or the student's parent/guardian to

determine whether the school work will be picked up. The Principal should record the follow-up and response.

Agreement or refusal to participate in an ASP may be communicated to the school verbally by the Adult Student or the student's parent/guardian. Where the Adult Student or student's parent/guardian declines the offer to participate in an ASP, the Principal shall record the date and time of such refusal.

Planning Meeting

For students subject to a suspension of six (6) or more school days who make a commitment to participate in an ASP, the Principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan (SAP) (teleconference is acceptable).

- The Adult Student or student's parent/guardian and the student (where appropriate)

  as well as any appropriate teaching and support staff will be invited to participate in the planning meeting. In addition, where appropriate, community agencies staff any other relevant persons or professionals should also be included in the planning meeting with appropriate consents for sharing information.
- The planning meeting will be scheduled to occur within five (5) school days of the Adult Student or the student's parent/guardian informing the school that the student will participate in an ASP.
- If the Adult Student or the student's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- During the planning meeting the Principal or designate will review the issues to be addressed in the student's SAP.

Student Action Plan (SAP)

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

- The SAP will be developed under the direction of the Principal of the school with assistance, as appropriate, from the Principal of alternative programs, Vice-Principal of the school, guidance counselor, special education teacher, classroom teacher, and/or other staff.
- The Principal will make every effort to complete the SAP within five (5) school days following the Adult Student or the student's parent/guardian informing the school that the student will participate in an ASP.
- This timeline will be communicated to the adult student and/or the student's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- The Principal should take steps to provide the student with school work until the SAP is in place.
- Once completed, the SAP will be shared with the adult student, or the student's parent/guardian and the student and all necessary staff to facilitate implementation.
- A copy of the SAP will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.

The SAP will identify:

1. The incident for which the student was suspended;
2. Any learning needs and program(s) or service(s) that might be provided to address those learning or other needs;
3. Any risk or protective factors;
4. The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;

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

Re-Entry

Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the student, and the student's parent/guardian if possible, (unless the student is an Adult Student) to provide positive and constructive redirection for the student and facilitate the transition back to school. Where the student has participated in an ASP, the student's success in achieving the goals outlined in the SAP will be reviewed with the Adult Student or the student and student's parent/guardian. Further academic and non-academic programs and services might be recommended by the Principal for the purpose of facilitating the transition.

Student Discipline and Appeals Committee

The Student Discipline and Appeals Committee shall be constituted as follows:

1. The Board delegates its authority to a Student Discipline and Appeals Committee of the Board. A three member panel of trustees shall be established to consider and decide appeals of suspensions to the Board and/ or to determine whether or not to impose an expulsion when a recommendation for expulsion from a school or from all schools of Board is made by the Principal.

2. The Committee shall consist of three (3) trustees (in addition to two (2) trustees to act as substitute) of the Greater Essex County District School Board who are subject to the following requirements:
   a) Have had no involvement in the circumstances surrounding the alleged incident;
   b) Have had no prior involvement in investigating or attempting to resolve the matter at the school or community level;
   c) Have no relationship with a student participant in the circumstances leading to the suspension or expulsion recommendation, or to a close member of the student's family; and/or,
   d) Student or school should not be in their ward.

3. The Committee shall designate a Chairperson.

4. The Committee shall set predetermined dates but can be called upon to schedule additional dates as required.

Suspension Appeal

The Adult Student or the student's parent/guardian may appeal a suspension. Under the *Education Act,* the Board shall provide a process for appeals of suspension decisions by Principals. All suspension appeals will be received by the School Superintendent before

proceeding to the Student Discipline and Appeals Committee, if not resolved in review with the School Superintendent.

Procedure

1. An appeal of a suspension does not stay the suspension. A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension. The Superintendent of Safe Schools may extend the deadline, including if the parent/guardian requests an extension to accommodate his or her disability.

   The parent/guardian or adult student may contact the School Superintendent to review the suspension. If the matter is not resolved, then the suspension appeal process continues. This review process does not interfere with the timelines for the appeal.

2. If the parent/guardian/Adult Student decides to continue with the appeal process, the School Superintendent shall notify the Superintendent of Safe Schools or Superintendent designate who shall convene a meeting of the Student Discipline and Appeals Committee. The matter must be determined within fifteen (15) school days of receipt of the notice of the intention to appeal, unless the parties agree to a later deadline. Notice of the suspension appeal meeting shall include the date, time and location of meeting, and a statement that if the person does not attend at the meeting within half an hour of its start time, the Committee shall deem the appeal to have been abandoned.

3. The Superintendent of Safe Schools shall ensure that the person making the appeal shall be given reasonable information including copies of any relevant documentation with respect to the suspension in advance of the scheduled meeting. At least three (3) days prior to the meeting, each party shall disclose to the other, the following information:
   a) an outline of the party's position on the circumstances that gave rise to the suspension and on the discipline imposed; and
   b) copies of any documentation which the party proposes to submit at the suspension appeal meeting.

4. The parties to the appeal shall be the parent(s)/guardian(s) or Adult Student, the Principal and/or School Superintendent. The Superintendent of Safe Schools will be present. The Committee may interview such other persons or request such other documents as it considers necessary or appropriate to ascertain the relevant facts.

5. All meetings of the Committee shall be conducted *in camera*. Intimate personal matters involving the student and in some cases, other persons, will be disclosed at the meeting. The interest of the privacy of the student and such other person(s), and the desirability of avoiding disclosure of this information outweighs the desirability of holding a public meeting.
   a) The Principal will provide verbal/written submissions on behalf of the administration to explain the incident and rational for suspension. The Principal will include his or her consideration of the mitigating and other factors.

b) The Adult Student or parent/guardian will provide verbal/written submissions regarding the reason for the appeal and the desired result of the appeal.

c) The student will be given the option to make a statement on his/her own behalf. Where a student has declined to speak, they will not be required to answer questions.

d) Administration may make further submissions to respond to issues raised in the appellant's presentation that were not previously addressed by administration.

e) The Adult Student or parent/guardian would have an opportunity to reply.

f) The Student Discipline and Appeals Committee may ask any party questions of clarification only, without commentary.

Each party will be given the opportunity to summarize their position and submissions, including the decision they are asking the Student Discipline and Appeals Committee to make.

6. The Student Discipline and Appeals Committee meeting shall be scheduled for no longer than **two (2) hours**. Within that time each party shall be given a reasonable and comparable time to present his or her position and evidence. Each party will be notified of the expiration of the first hour of the meeting time if necessary, and time will also be allotted equally to the parties to summarize their respective positions and evidence. At the conclusion of submissions, the Committee will ask that the parties leave the meeting so that the Committee can deliberate in private. Upon the discretion of the chairperson of the Committee, these timelines may be extended.

7. The Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, the Committee may call for the assistance of a police officer to enforce any such order or direction.

8. At the appeal if the appellant is represented by legal counsel or an agent then Board administration and the Student Discipline and Appeals Committee may be represented by legal counsel as well. The appellant is expected to provide adequate notice of one week prior to the meeting that legal counsel has been retained in order for the Board to retain counsel as well.

9. Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal, the Student Discipline and Appeals Committee will wait for one half hour for the party to arrive and then the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.

10. The Committee will consider, based on the written and/or verbal submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:
    a) Confirm the suspension and its duration; or
    b) Confirm the suspension but shorten its duration and amend the record, as necessary; or

c) Quash the suspension and order that the record be expunged.

11. In the event that further information is required and both parties are in agreement, the Committee will exercise its discretion with respect to calling a recess and setting a time frame to resume. The Committee should secure the consent of the parties to any adjournment that will take the meeting to another day.

12. Upon completion of the suspension appeal, the decision of the Committee shall be communicated in writing within a reasonable time to the person making the appeal, to the Principal of the student's school, and to the School Superintendent.

13. The Committee shall have no authority to determine any other matter, or to provide any other remedy, than as set out in this procedure.

14. The decision of the Committee is final.

SUSPENSION, INVESTIGATION & POSSIBLE EXPULSION under Section 310 of the *Education Act*

When a Principal believes that a student has committed one or more infractions outlined below on school property, during a school related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the Principal shall suspend the student.

The infractions are:

1. Possessing a weapon, including possessing a firearm;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal and/or restricted drugs;
6. Committing robbery;
7. Giving alcohol or cannabis to a minor;

7.1 Bullying, if,
   i) the pupil has previously been suspended for engaging in bullying, and
   ii) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;

7.2. 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.

8. An act considered by the Principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
9. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
10. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;

11. Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property; or
12. Any act considered by the Principal to be a serious violation of the requirements for pupil behaviour and/or a serious breach of the Board or School Code of Conduct.

Where the student has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction may be considered by the Principal to be a serious violation of the expectations of student behaviour and/or a serious breach of the Board or School Code of Conduct that merits suspension pending possible recommendation for expulsion.

The student is suspended from his or her school and from engaging in all school-related activities. The Principal will also contact the police consistent with the Police-School Board Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the Principal will consult with the School Superintendent.

Factors to Consider
The Principal will make every effort to consult with the Adult Student, where appropriate, and the student's parent/guardian to identify whether any mitigating factors might apply in the circumstances.

Mitigating Factors and Other Factors
The mitigating factors to be considered by the Principal in determining the length of the suspension are:
1. Whether the student has the ability to control his or her behaviour;
2. Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of self or of any other individual at the school (Ontario Regulation 472/07, s.2).

The Principal will also consider the following Other Factors in determining the length of the suspension:
1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of his or her sex, gender identity, gender expression, sexual orientation, age, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion/creed, family status, marital status, disability and/or harassment for any other reason;
4. How the discipline would affect the pupil's ongoing education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
    a) Whether the behaviour causing the incident was a manifestation of the pupil's disability identitifed in the pupil's IEP;
    b) Whether appropriate individualized accommodation has been provided; and

c) Whether the discipline is likely to result in an aggravation or worsening of the pupil's behaviour or conduct;

Students in Junior kindergarten – grade 3

Ontario Regulation 440/20 (July 31, 2020) removes the discretionary power of the principal to suspend students in junior kindergarten, kindergarten, grade 1, 2 or 3 under section 306 of the Education Act. Students in junior kindergarten, kindergarten, grade 1, 2 or 3 shall not be suspended under section 306 of the Education Act. Students of this age group shall not be suspended under section 310 unless the principal investigation indicates that the student activity warrants a suspension. Section 310 (7) (i) does not apply since the student would not have been previously suspended for engaging in bullying.

Suspension Pending Recommendation for Expulsion

When a student is suspended pending an investigation for expulsion, the student shall be suspended for up to (20) twenty school days. The Principal must assign the student to a program for suspended students (alternative suspension program: ASP). The Principal must undertake an investigation to determine whether to recommend to the Student Discipline and Appeals Committee that the student be expelled.

Procedural Steps

The Principal is required to take the following procedural steps:

1. Within 24 hours of imposing the suspension, the Principal must make all reasonable efforts to verbally inform the Adult Student or the student's parent/guardian of the suspension pending possible expulsion and that there will be an investigation;
2. The Principal must inform the student's teacher(s);
3. The Principal shall assign the student to a program for suspended pupils for students suspended for six or more school days. The Principal in conjunction with the student's teacher(s) must organize school work to be provided for the student to be completed during the duration of the student's suspension pending possible expulsion;
4. The Principal or designate must record the incident in the student administrative system;
5. The Principal must promptly provide written notice of the suspension pending possible expulsion to the Adult Student or the student's parent/guardian and the School Superintendent;
6. The written notice of suspension will include:
    a) The reason for suspension;
    b) The duration of the suspension;
    c) Information about the Alternative Program for Pupils Subject to Long- Term Suspension (known as Alternative Suspension Program – ASP) the student is assigned to, where the student is suspended for six (6) or more school days;
    d) Information about the investigation the Principal will be conducting to determine whether to recommend expulsion;
    d) A statement that there is no immediate right to appeal the suspension pending possible expulsion. Any appeal must wait until the Principal decides whether to recommend an expulsion, and if the Principal decides not to recommend an expulsion, a statement that the suspension may be appealed

to the Student Discipline and Appeals Committee, pursuant to section 311.2 of the *Education Act*, and if the Principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing.

Where the incident is a serious violent incident, specifically possessing a weapon, including a firearm, physical assault causing bodily harm requiring medical attention, sexual assault, robbery, using a weapon to cause or threaten bodily harm to another person, extortion, or a hate and/or bias motivated occurrence, the Principal must indicate same on the Safe Schools Incident Reporting Form to be placed in the student's Ontario Student Record.

If the Principal has identified the incident as a violent incident on the Safe Schools Incident Reporting Form, the reporting form must be maintained in the student's OSR for the following periods:

- Five years if the student was expelled for the violent incident,
- Three years if the student was suspended for the violent incident, or
- At least one year if the student's suspension was quashed or withdrawn.

Alternative Suspension Program (ASP)

Where a student has been suspended pending an investigation to determine whether to recommend an expulsion, the student will be provided with school work for the first five (5) school days or until the Student Action Plan is implemented and will be assigned an alternative program for students subject to long term suspension (ASP).

A student cannot be mandated to participate in an ASP. Should the Adult Student or a student's parent/guardian choose not to have the student participate in an ASP, the student will continue to be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the Adult Student's designate or the student's parent/guardian or designate at regular intervals during the suspension period. Where school work has not been picked up, the school should contact the Adult Student or the student's parent/guardian to determine whether the school work will be picked up. The Principal should record the follow-up and response.

Agreement or refusal to participate in an ASP may be communicated to the school verbally by the Adult Student or the student's parent/guardian. Where the Adult Student or student's parent/guardian declines the offer to participate in an ASP, the Principal shall record the date and time of such refusal.

Planning Meeting

For students subject to a suspension pending an investigation to determine whether to recommend an expulsion who make the a commitment to participate in an ASP, the Principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan (SAP) (teleconference is acceptable).

- The Adult Student or student's parent/guardian and the student (where appropriate)
  as well as any appropriate teaching and support staff will be invited to participate in the planning meeting. In addition, where appropriate, community agencies staff any other relevant persons or professionals should also be included in the planning meeting with appropriate consents for sharing information.
- The planning meeting will be scheduled to occur within five (5) school days of the Adult Student or the student's parent/guardian informing the school that the student will participate in an ASP.
- If the Adult Student or the student's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- During the planning meeting the Principal or designate will review the issues to be addressed in the student's SAP.

Student Action Plan (SAP)

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

- The SAP will be developed under the direction of the Principal of the school with assistance, as appropriate, from the Principal of alternative programs, Vice-Principal of the school, guidance counselor, special education teacher, classroom teacher, and/or other staff.
- The Principal will make every effort to complete the SAP within five (5) school days following the Adult Student or the student's parent/guardian informing the school that the student will participate in an ASP.
- This timeline will be communicated to the adult student and/or the student's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- The Principal should take steps to provide the student with school work until the SAP is in place.
- Once completed, the SAP will be shared with the adult student, or the student's parent/guardian and the student and all necessary staff to facilitate implementation.
- A copy of the SAP will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.

The SAP will identify:

1. The incident for which the student was suspended;
2. Any learning needs and program(s) or service(s) that might be provided to address those learning or other needs;
3. Any risk or protective factors;
4. The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;
5. Where the student has an IEP, information regarding how the accommodations / modifications of the student's academic program will be provided during the period of suspension;
6. The non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
7. The measurable goals the student will be striving to achieve during the period of suspension.

If the student is subsequently expelled from all schools and assigned to the Board program, the SAP will be built upon for the purpose of the expulsion program. In addition to the considerations above, the following additional information will be considered: the student's history, student's learning from attending the ASP during suspension, the student's strengths, the severity of the behaviour leading to expulsion (taking any mitigating and other factors into account), and information from any involved specialized services or other sources supporting the student, and any other relevant information and documentation.

The SAP for an expelled student will also outline goals, objectives and learning expectations, measures of success and strategies and types of support to be used for the benefit of the student.

The SAP will identify the person responsible for re-admission

The SAP will be reviewed regularly.

Re-Entry

If a student is not expelled, a re-entry meeting will be held with appropriate staff, the student, and the student's parent/guardian if possible, (unless the student is an Adult Student) to provide positive and constructive redirection for the student and facilitate the transition back to school. Where the student has participated in an ASP, the student's success in achieving the goals outlined in the SAP will be

reviewed with the Adult Student or the student and student's parent/guardian. Further academic and non-academic might be recommended by the Principal for the purpose of facilitating the transition.

Where a student has been expelled, the student's re-entry will follow the procedures set out below.

Principal's Investigation Pending Expulsion

The Principal will conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Student Discipline and Appeals Committee that the

student be expelled. As part of the investigation, the Principal will consult with the School Superintendent regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled. Should the decision be made to refer the student to the Committee with a recommendation for expulsion, the student must be referred to and dealt with by the Committee within twenty (20) school days from the date of suspension (the parties agree on a later deadline). Student Discipline and Appeals Committee meeting dates are predetermined and listed on the Board's website.

As part of the investigation, the Principal will:

1. Make all reasonable efforts to speak with the Adult Student or the student's parent/guardian and the student;
2. Include interviews with witnesses who the Principal determines can contribute relevant information to the investigation;
3. Make every reasonable effort to interview witnesses suggested by the student, or the student's parent/guardian; and
4. Consider the mitigating and other factors when determining whether to recommend to the Committee that the student be expelled.

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

Decision Not to Recommend Expulsion

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

1. Consider whether alternative discipline is appropriate in the circumstances;
2. Confirm the suspension and its duration;
3. Confirm the suspension and shorten its duration and amend the record accordingly; or
4. Withdraw the suspension and expunge the record of the suspension, even if it has already been served.

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

1. A statement of the Principal's decision not to recommend expulsion to the Committee;
2. A statement indicating whether the suspension has been confirmed, confirmed and shortened, or withdrawn; and/or
3. If the suspension has been confirmed, or confirmed and shortened, information about the right to appeal the suspension to a Committee, including:
    a) Copy of the Guide to the Suspension Pending Possible Expulsion process regarding Suspension Appeal;
    b) Contact information for the School Superintendent;
    c) A statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion, unless the deadline is extended to accommodate a disability; and
    d) If the length of the suspension has been shortened, notice that the appeal would be from the shortened suspension.

Decision to Recommend Expulsion from All Schools or from One School

Student Discipline and Appeals Committee

The Student Discipline and Appeals Committee shall be constituted as follows:

1. The Board delegates its authority to a Student Discipline and Appeals Committee for the Board. A three member panel of trustees shall be established to consider and decide appeals of suspensions to the Board and/or to determine whether or not to impose an expulsion when a recommendation for expulsion from a school or from all schools of the Board is made by a Principal
2. The Committee shall consist of three (3) trustees (in addition to two (2) trustees to act as substitute) of the Greater Essex County District School Board who are subject to the following requirements:
    a. Have had no involvement in the circumstances surrounding the incident; and/or
    b. Have had no prior involvement in investigating or attempting to resolve the matter at the school or community level;
    c. Have no relationship with a student participant in the circumstances leading to the suspension or expulsion recommendation, or to a close member of the student's family; and/or
    d. Student or school should not be in their ward.
3. The Committee shall designate a Chairperson.
4. The Committee shall set predetermined dates but can be called upon to schedule additional dates as required.

The Expulsion procedures shall be as follows:

If a Principal, in consultation with the School Superintendent, determines that a referral for expulsion is warranted, the Principal must refer the recommendation for expulsion to the Superintendent of Safe Schools or Superintendent designate who will then refer to the Committee to be heard and dealt with within twenty (20) school days from the date the Principal suspended the student, unless the parties to the expulsion hearing agree upon a later date.

1. The Principal and the Superintendent of Safe Schools will promptly provide written notice of the expulsion hearing to the Adult Student or the student's parent/guardian. The notice shall include:
    a. A statement that the student is being referred to the Committee to determine whether the student will be expelled for the activity that resulted in suspension;
    b. A copy of the Board's Guide to the Suspension Pending Possible Expulsion Process governing the hearing before the Committee;
    c. A copy of the Board Code of Conduct and School Code of Conduct;
    d. A copy of the suspension letter;
    e. A statement that the Adult Student or parent/guardian has the right to respond to the Principals Report in writing;
    f. Information about the procedures and possible outcomes of the expulsion hearing, including that:
        i. If the Committee does not expel the student it will either confirm, confirm and shorten, or withdraw the suspension;

ii. Parties have the right to make submissions with respect to whether the suspension should be confirmed, confirmed and shortened or withdrawn, if the student is not expelled;
iii. Any decision with respect to the suspension made at the hearing is final and not subject to appeal;
iv. If the student is expelled from the school, they will be assigned to another school;
v. If the student is expelled from the Board, they will be assigned to a program for expelled students;
vi. If the student is expelled there is a right of appeal to the Child and Family Services Review Board and the time limit for such an appeal is thirty (30) calendar days from the date of the written notice of the expulsion is given.

g. The name and contact information for the Superintendent of Safe Schools.

2. The Principal shall promptly provide to the Board, Adult Student or the parent/guardian a copy of the Principal's Report , which shall include a summary of the Principal's findings, the Principal's recommendation as to whether the student be expelled from his or her school only or from all schools of the Board, and the Principal's recommendation as to the type of school or program that would benefit the student if he or she were expelled from their school only or from all schools of the board. The Principal's Report shall be provided together with the Notice of Expulsion Hearing.

Minutes of Settlement

1. The Adult Student (or 16 or 17 years old and has withdrawn from parental control) or the student's parent/guardian may meet with the Principal and the Superintendent of Safe Schools to receive the Principal's Report, and the Board's Regulations and Rules regarding expulsion hearings.
2. The Adult Student or the student's parent/guardian(s) may agree to review the potential of entering Minutes of Settlement in agreement with the Principal's recommendation to expel the student. The parties may enter the Minutes of Settlement at the meeting.
3. If Minutes of Settlement are entered, the parties agree to waive their rights to a full hearing and proceed to present proposed Minutes of Settlement on the expulsion recommendation for consideration by the Committee within 20 school days, unless the parties agree on a later deadline.
4. The Adult Student or the student's parent/guardian is permitted, but is not required, to attend the Minutes of Settlement hearing to make submissions to the Committee regarding the proposed Minutes of Settlement.
5. The Principal will attend the Minutes of Settlement hearing to provide information to the Committee regarding the incident, mitigating and other factors, and the proposed Minutes of Settlement.
6. After hearing the submissions of the parties in attendance, and reviewing the proposed Minutes of Settlement, the Committee may impose the expulsion agreed upon by the parties as outlined in the Minutes of Settlement or refer the expulsion recommendation for a full hearing on the merits.

Expulsion Hearing

Notice of the expulsion hearing shall include the date, time and location of hearing, and a statement that where the person does not attend at the hearing, the Committee shall wait for half an hour and then proceed in his or her absence, without further notice.

- A party in receipt of the Principals Report may respond in writing to the Principal and the Board.
- The Principal shall ensure that the person appearing before the Committee shall be given reasonable information including copies of any relevant documentation with respect to the expulsion in advance of the scheduled hearing. At least three (3) days prior to the hearing, each party shall disclose to the other, the following information:
    a) an outline of the party’s position on the circumstances that gave rise to the hearing and on the discipline imposed; and
    b) copies of any documentation which the party proposes to submit to the Committee.

Parties before the Student Discipline and Appeals Committee will be:

1. The Principal and/or School Superintendent; and
2. The adult student or the student’s parent/guardian.

The Superintendent of Safe Schools will be present.

If the student is represented by legal counsel or an agent then Board administration may be represented by legal counsel as well. The Adult Student or parent/guardian must notify the Superintendent of Safe School regarding legal representation one week prior to the hearing.

If a student is not a party, s/he has the right to be present at the expulsion hearing and to make a statement on his/her own behalf. The Committee may grant a person with daily care authority to make submissions on behalf of the student.

The hearing will be conducted as follows:

1. The Committee shall consider verbal and/or written submissions, if any, of all parties;
2. The Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;
3. The Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn.

All hearings of the Committee shall be conducted *in camera*. Intimate personal matters involving the student and in some cases, other persons, will be disclosed at the hearing. The interest of the privacy of the student and such other person(s), and the desirability of avoiding disclosure of this information outweighs the desirability of holding a public hearing.

The Expulsion process:

a) The Principal will provide verbal and/or written submissions on behalf of the administration.
b) The Adult Student or parent/guardian will provide verbal and/or written submissions regarding their position and the result desired.
c) The student will be asked if he or she would like to make a statement on his/her own behalf.
d) Administration may make further submissions to respond to issues raised in the presentation on behalf of the student that were not previously addressed by administration.
e) The Adult Student or parent/guardian would have an opportunity to reply.
f) The Committee may ask any party questions of clarification. The Committee may ask the student questions of clarification if the student has chosen to provide evidence in respect of the infraction, but not if the student has chosen only to make a statement on their own behalf.

Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the infraction, the Committee may request further evidence as set out in the Guidelines for Expulsion Hearings, subject to the requirement that the hearing take place within 20 school days.

The Committee must assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.

If the Committee finds that the student did commit the infraction, then, the Committee must determine whether it is an infraction for which an expulsion can be imposed. If so, then in determining whether to impose an expulsion, the Committee must consider the mitigating and other factors, the submissions and views of the parties regarding whether the student should be expelled from his or her own school only or from all schools of the board, and any written response to the Principal's Report provided to the Committee before the completion of the hearing.

The Committee must hear and/or determine the referral within twenty (20) school days from the date of the suspension. The parties may agree to extend the date of the hearing beyond the twenty (20) school day period.

Student Discipline and Appeals Committee's Decision Not to Expel

If the Committee decides not to impose an expulsion, the Committee shall then take the submissions of the parties into account and the mitigating and other factors, in determining whether to:

1. Uphold the suspension and its duration;
2. Uphold the suspension and shorten its duration and amend the record accordingly;
3. 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;

The Student Discipline and Appeals Committee's decision with respect to the suspension is final. The committee shall provide written notice to the parties containing (1) a statement indicating that the student is not expelled, and (2) a statement indicating that the Board has either confirmed the suspension and its duration, confirmed the suspension but reduced its duration, or withdrawn the suspension.

Student Discipline and Appeals Committee's Decision to Expel

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

1. All submissions and views of the parties including the views with respect to if the student should be expelled from his/her school only or from all schools;
2. The mitigating and other factors; and,
3. Any written response to the Principal's Report provided before the completion of the meeting.

Where the Committee decides to impose a school expulsion, then the Committee must order that the student be assigned to another school.

Where the Committee decides to impose a Board expulsion, then the Committee must assign the student to a program for expelled students.

The Committee must promptly provide written notice of the decision to expel the student to all parties, and the student if he or she was not a party. The written notice shall include:

1. The reason for the expulsion;
2. A statement indicating whether the expulsion is a school expulsion or a Board expulsion;
3. Information about the school or program for expelled student to which the student has been assigned; and,
4. Information about the right to appeal the expulsion to the Child and Family Services Review Board, including the steps to be taken to appeal.

An expelled pupil continues to be a pupil of the Board that expelled him/her if the pupil attends the expelled pupils program (a) offered by the board; or (b) offered by another school board (through agreement between the boards)

An expelled pupil ceases to be a pupil of the board that expelled him/her if (a) the pupil does not attend the expelled pupils program to which he/she is assigned or (b) the pupil registers as a pupil of another board (s. 313 *Education Act*).

A copy of the *Decision of the Student Discipline Committee* letter will be sent to the Adult Student or student's parent/guardian(s), Principal and will be placed in the student's OSR.

Re-entry Requirements Following an Expulsion

A student who is subject to a Board expulsion is entitled to apply in writing to the Superintendent of Safe Schools for re-admission to a school of the Board once s/he has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.

A re-entry plan will be developed as a component of the SAP. A re-entry meeting will be held including board staff, school staff and the student. The parent/guardian should be included where possible (unless a student is an Adult Student). If the parent/guardian is not present, the meeting shall proceed and the principal shall attempt to follow up with the parent/guardian promptly following the meeting. The re-entry plan shall include a description of the re-entry process and the identification of academic and non-academic components necessary to sustain the student's ongoing learning.

The Board shall re-admit the student and inform the student in writing of the re-admission.

A student who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which he or she was expelled.

1. The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable.
2. The student will be required to demonstrate that they have learned from the incident and have sought counseling where appropriate.
3. Following consideration of the principles of equity and inclusion, the Board in its sole discretion, may determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

Appeal of Board Decision to Expel

The adult student or the student's parent/guardian may appeal a Board decision to expel the student to the Child and Family Services Review Board. The time limit for filing such an appeal is thirty (30) calendar days from the date of receipt of notice of the Board's decision to expel.

The address and telephone number of the Child and Family Services Review Board is as follows:

665 Bay St. 14th Floor
Toronto, Ontario M7A 2A3
416-327-0111 or 1-888-728-8823
http://tribunalsontario.ca/cfsrb/

The Child and Family Services Review Board is designated to hear and determine appeals of school board decisions to expel students.

The decision of the Child and Family Services Review Board is final.

DEFINITIONS

The following definitions apply for the purposes of student discipline.

ASP Alternative Suspension Program - is a program that provides an opportunity for students suspended for six (6) or more school days to complete their school work.

Adult Student – is a student who is 18 years or older or 16 or 17 and has removed him/herself from parental control. Adult student designation if under the age of 18 years of age, and withdrawn from parental control needs to show evidence. (e.g. lease agreement, social assistance documentation)

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

Bullying – the use of any physical, verbal, electronic, written or other means that is aggressive and typically repeated behaviour by a student where,
"(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,
(i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
(ii) creating a negative environment at a school for another individual, and
(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education;" *Education Act*

Cyber-bullying – bullying (as noted in the bullying definition above) by electronic means including,
"(a) creating a web page or a blog in which the creator assumes the identity of another person;
(b) impersonating another person as the author of content or messages posted on the internet; and
(c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals." *Education Act*

Child and Family Services Review Board – the adult student or parent/guardian may file an appeal to the Child and Family Services Review Board after the expulsion decision of the Student Discipline and Appeals Committee.

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which may include remarks, jokes, threats, name-calling, the display of materials(s, touching or other behaviour that an individual knows or ought to know insults, intimidates, offends, demeans, annoys, alarms or causes that individual emotional distress and may constitute discrimination when related to grounds protected by the *Human Rights Code*.

Impact on School Climate - an incident or activity which has a negative impact on the school community and/or the personal relationships within that community.

Medical Cannabis User – a person who is authorized to possess cannabis for the person's own medical purposes in accordance with the Cannabis Regulations (Canada)

Parent/guardian – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not an Adult Student or a 16 or 17 year old student who has withdrawn from parental control.

SAP Student Action Plan – is a plan developed for every student who is subject to a suspension of six (6) or more school days who agrees to participate in an alternative suspension plan (ASP).

School Climate – the learning environment and relationships found within a school and a school community. A positive climate exists when all members of the school community feel safe, comfortable, included and accepted and positive behaviours and interactions, inclusion and equity are actively promoted.

School Community - the school community is composed of staff, students, parents and volunteers of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighborhood of the school.

School Expulsion – is an expulsion from the student's school only.

Student Discipline and Appeals Committee (Committee) – a committee of three (3) or more Trustees designated by the Board to determine suspension appeals and recommendations for expulsion.

Weapon – is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replicas and animals.