

# McDougall School



## Code of Conduct 2017-2018

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# McDougall School Code of Conduct

Our school Principal, in consultation with the staff and school council, has established a School Code of Conduct that reflects the Provincial and Board codes. These standards of behaviour apply to students whether they are on school property, on school buses, travelling to and from school, at school-authorized events or activities, or in other circumstances that could have an impact on the school climate.

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McDougall School is committed:

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

Principals shall:

- consult with staff, School Council, and students as appropriate;
- establish a school Code of Conduct that reflects the provincial and board Codes of Conduct;
- Involve the School Council and other members of the school community in an annual review of the contents of the school Code of Conduct;
- share the school Code of Conduct with staff, parents and students at the beginning of each school year;
- bring the Code of Conduct to the attention of students, parents/guardians and others who may be present in their school.

## STANDARDS OF BEHAVIOUR

### *Respect, Civility, and Responsible Citizenship*

All members of the school community must:

- respect and comply with all applicable federal, provincial, and municipal laws;
- demonstrate honesty and integrity;
- respect differences in people, their ideas, and their opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement;
- respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age, or disability;
- respect the rights of others;
- show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;
- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- respect all members of the school community, especially persons in positions of authority;
- respect the need of others to work in an environment that is conducive to learning and teaching;
- not swear at a teacher or at another person in a position of authority.

### *Safety*

All members of the school community must not:

- engage in bullying behaviours;
- commit assault, including sexual assault;

- traffic in weapons or illegal drugs;
- give alcohol to a minor;
- commit robbery;
- be in possession of any weapon, including firearms;
- cause injury to any person with an object;
- be in possession of, or be under the influence of, or provide others with alcohol or illegal drugs;
- inflict or encourage others to inflict bodily harm on another person;
- engage in hate propaganda and other forms of behavior motivated by hate or bias;
- commit an act of vandalism that causes extensive damage to school property or to property located on the premise of the school, or to property providing a service to the school.

## CODE OF CONDUCT FOR ALL PERSONS IN SCHOOL

### Roles and Responsibilities

#### Near North District School Board

The Near North District School Board will provide direction to schools to ensure opportunity, academic excellence, and accountability in the education system. The Near North District School Board will:

- develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety;
- establish a process that clearly communicates the provincial Code of Conduct and school board codes of conduct to all parents, students, principals, teachers, other school staff, and members of the school community in order to obtain their commitment and support;
- review these policies at least every three years with those listed above;

- seek input from school councils, their Parent Involvement Committees, and their Special Education Advisory Committee;
- develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;
- provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to develop and maintain academic excellence in a safe learning and teaching environment.

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

### Principals

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

- demonstrating care for the school community and a commitment to academic excellence in a safe, inclusive and accepting teaching and learning environment;
- holding everyone under their authority accountable for his or her behaviour and actions;
- empowering students and staff to be positive leaders in their school and community;
- communicating regularly and meaningfully with all members of their school community.
- reviewing the Code of Conduct on an annual basis with School Council, staff and students where appropriate
- at the beginning of each school year the Code of Conduct must be communicated to all members of the elementary and secondary school communities (e.g., paper copy, school website, parent council, synemail, staff meetings, assemblies, review sections during daily announcements, teacher/student review, posted in the school etc.);
- ensuring that progressive discipline procedures are maintained.

### Teachers and Other School Staff

Under the leadership of their principals, teachers and other school staff members maintain order in the school and are expected to hold everyone to the highest standard of respectful and

responsible behaviour. As role models, teachers and school staff uphold these high standards when they:

- help students work to their full potential and develop their sense of self-worth;
- empower students to be positive leaders in their classroom, school, and community;
- communicate regularly and meaningfully with parents;
- maintain consistent standards of behaviour for all students;
- demonstrate respect for all students, staff, parents, volunteers, and other members of the school community.
- Prepare students for the full responsibilities of citizenship by expecting them to:
  - Respect and comply with all applicable federal, provincial and municipal laws;
  - Demonstrate honesty and integrity;
  - Respect differences in people, their ideas and opinions;
  - Treat one another with dignity and respect at all times, and especially when there is disagreement;
  - Respect and treat others fairly, regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age or disability;
  - Respect the rights of others;
  - Show proper care and regard for school property and the property of others;
  - Take appropriate measures to help those who are in a position of authority; and respect the need of others to work in an environment of learning and teaching.

## Students

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

- comes to school prepared, on time, and ready to learn;
- shows respect for himself or herself, for others, and for those in authority;
- refrains from bringing anything to school that may compromise the safety of others;
- follows the established rules and takes responsibility for his or her own actions;
- becomes familiar with the Code of Conduct and the school rules.

### Parents/ Guardians

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

- show an active interest in their child's school work and progress;
- communicate regularly with the school;
- help their child be neat, appropriately dressed, and prepared for school;
- ensure that their child attends school regularly and on time;
- promptly report to the school their child's absence or late arrival;
- show that they are familiar with the provincial Code of Conduct, the board's code of conduct, and school rules;
- encourage and assist their child in following the rules of behaviour;
- assist school staff in dealing with disciplinary issues involving their child.

### Community Partners and the Police

Through outreach, partnerships already in place may be enhanced and new partnerships with community agencies and members of the community (e.g., Indigenous Elders) may also be created. Community agencies are resources that boards can use to deliver prevention

or intervention programs. Protocols are effective ways of establishing linkages between boards and community agencies and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.



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

# McDougall School Progressive Discipline Plan

Further information on Suspensions and Expulsion and other information pertaining to Student Conduct Management can be found at the Administration Guideline link under Board on the NNDSB web page:

<http://www.nearnorthschools.ca/board/Admin%20Guidelines/student-conduct-management.pdf>

## Progressive Discipline

The term "progressive discipline" refers to a "whole school approach that 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." Specifically, this means that "When inappropriate behaviour occurs disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports and consequences that are developmentally appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make good choices."

## Policy Statement

- The goal of the policy is to support a safe, inclusive, and accepting learning and teaching environment in which every student can reach his or her full potential.
- All inappropriate student behaviour, including bullying, must be addressed.
- Responses to behaviours that are contrary to the board's code of conduct must be developmentally appropriate.
- Progressive discipline is an approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that build skills for healthy relationships and promote positive behaviours.
- The range of interventions, supports, and consequences used by the board and all schools must be clear and developmentally appropriate, and must include learning opportunities for students to reinforce positive behaviours and help students make good choices.
- Information in the student's IEP must be considered in the determination of interventions, supports, and consequences for students with special education needs.

- The board, and school administrators, must consider all mitigating and other factors, as required by the Education Act and as set out in Ontario Regulation 472/07.

Prevention and early intervention are important for assisting students to achieve their potential and for maintaining a positive school environment. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, and civic responsibility, which encourage positive participation of the school community in the life of the school. Students' parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

Prevention strategies include providing appropriate special education programs for special needs students, as well as supporting all students, student councils and/or school councils that wish to participate in student led alliances or other alliances and/or activities promoting healthy relationships.

Other Preventative Strategies Include:

- Use of curriculum to develop understanding of the issues;
- Human Rights strategy pursuant to PPM 119;
- Anti-bullying and violence prevention programs;
- Mentorship programs;
- Student success strategies;
- Character education;
- Citizenship development;
- Student leadership;
- Promoting healthy student relationships; and
- Promoting healthy lifestyles.

Consistent with Policy Program Memorandum 149, the Board will also ensure that parents of students are aware of the supports available for the linguistic, ethno-cultural and disability related needs of students and their immediate families. Students and parents are encouraged to contact the principal of the school who will assist with connection to available resources.

## Supports for Students

Where a student has reported harassment, bullying or violence as a result of one or more immutable characteristics, including on any grounds protected by the Human Rights Code, or inappropriate sexual behaviour, that student shall be supported by the school with the provision of contact information about professional supports, such as community agencies, public health facilities, and telecommunications forums, such as a help-phone-line or website, that the student may access directly for information, assistance and/or support in an effort to promote and/or develop healthy relationships.

## Positive Practices

To promote and support appropriate and positive student behaviours that contribute to creating and sustaining safe, comforting and accepting learning and teaching environments that encourage and support students to reach their full potential, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management.

Positive Behaviour Management Practices Include:

- Collaborative and Proactive Solutions approach (CPS);
- Differentiated instruction and accommodations based on student need;
- Class placement (when possible);
- Positive encouragement and reinforcement;
- Individual, peer and group counseling;
- Conflict resolution / Dispute resolution;
- Mentorship programs;
- Promotion of healthy student relationships;
- Sensitivity programs;
- Behaviour Management Plan (BMP);
- Alternative or modified programming based on student data;
- School, Board and community support programs; and

- Student success strategies;

### Progressive Discipline Consequences

The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate student behaviour. In such circumstances, the Board supports the use of progressive discipline consequences up to and including expulsion from all schools of the Board.

In circumstances where a student will receive a consequence for his/her behaviour, it is the expectation of the Board that the principle of progressive discipline, consistent with the Human Rights Code, Ministry of Education direction and PPM 145, will be applied in the least restrictive manner to be effective, and so as not to add to the historical disadvantage of racialized students and/or students with disabilities.

### Early and Ongoing Intervention Strategies - Progressive Discipline Consequences

A teacher or the principal- as appropriate, shall utilize early and/or ongoing intervention strategies that are developmentally appropriate to stop and prevent future unsafe or disrespectful or inappropriate behaviours.

Intervention Strategies may include:

- Oral reminders;
- Review of expectations;
- Written work assignment addressing the behaviour, that have a learning component;
- Volunteer services to the school community;
- Conflict mediation and resolution;
- Peer mentoring;
- Consultation between two (2) or more of the parties;
- Referral to a community agency for anger management or substance abuse, counseling/intervention;

- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices;
- Transfer to another class or school;
- Short-term suspension;
- Long-term suspension; and
- Expulsion.

In all cases where ongoing intervention strategies are used, the student's parents/guardians should be consulted (unless the student is 18 years of age or older or 16 or 17 years of age and has withdrawn from parental control) at each step of the progressive discipline process.

#### Factors to Consider Before Deciding to Address Inappropriate Behaviour

Before applying any progressive discipline consequence, the principal shall consider whether the progressive discipline consequence might have a disproportionate impact on a student protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether accommodation to the point of undue hardship is required.

In all cases where a progressive discipline consequence is being considered to address an inappropriate behaviour, the principal must:

1. Consider the student and circumstances, including considering the mitigating or other factors, (please see the section below on Mitigating and Other Factors to be Considered);
2. Consider the nature and severity of the behaviour;
3. Consider the impact of the inappropriate behaviour on the school climate; and
4. Consult with the student's parent(s)/guardian (unless the student is an adult student).

## Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:

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 create an unacceptable risk to the safety of any other individual at the school.

## Other Factors to be Considered

1. The student's academic, discipline and personal history;
2. Whether other progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment;
4. The impact of the discipline on the student's prospects for further education;
5. The student's age;
6. Where the student has an IEP or disability related needs,
  - a. Whether the behaviour causing the incident was a manifestation of the student's disability;
  - b. Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
  - c. Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

If the student's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate.

Exclusion from the school pursuant to section 265(1)(m) of the Education Act is not acceptable for discipline purposes or as an alternative to discipline, and may only be implemented following consultation with the superintendent and in accordance with the Education Act and consistent with the Human Rights Code. (See Administrative Guideline - Safe Schools: Access to School Premises)



# McDougall School Suspension and Expulsion Procedure

McDougall School follows and implements the Suspension and Expulsion procedures as outlined in the Near North District School Board's Administrative Guideline: Student Conduct Management, Section 3.2 and 3.3.

## Suspensions

A suspension means that a student is removed from school temporarily for a minimum of one school day and a maximum of twenty school days. A principal may not suspend a student under

s.306 more than once for the same occurrence. Suspensions should be applied in the least restrictive manner possible to be effective and so as not to add to the historical disadvantage of racialized students and/or students with disabilities. Students who are suspended for more than five school days are considered to be on long-term suspension and as such an Alternative Suspension Program (ASP) must be offered to the student. (Please see below for the ASP). Students also cannot take part in school related activities or events while on suspension.

The principal or vice-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 his or her superintendent.

As per section 306(1) of the Education Act, a principal shall consider whether to suspend a student if he or she believes that the student 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.

## Suspendable Infractions

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol or illegal drugs.
3. Being under the influence of alcohol.
4. Swearing at a teacher or at another person in 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 other activity for which a principal may suspend a student under a policy of the board

(See Administrative Guideline – Safe Schools: Code of Conduct for all Persons in Schools, as well as Executive Limitations E.L. # 17 – Governance Manual)

## Mitigating and Other Factors to Consider Before Imposing a Suspension

### Mitigating Factors

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

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

These are the factors required to be considered when deciding whether to impose a suspension or expulsion – Ontario Regulation 472/07

Note: These mitigating factors and other factors are stated differently than the mitigating factors and other factors cited on page 9 under: Factors to Consider Before Deciding to Address Inappropriate Behaviours in Part 2- Progressive Discipline.

### Other Factors

Where the student is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal shall consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the student:

1. The student's history;
2. Whether a progressive discipline approach has been used with the student;
3. Whether the activity for which the student may be or is being suspended was related to any harassment of the student because of his or her race, ethnic origin, religion, disability, gender or gender identity, sexual orientation or other immutable characteristic or harassment for any other reason;

4. How the suspension would affect the student's ongoing education;
5. The age of the student;
6. In the case of a student for whom an individual education plan has been developed,
  - Whether the behaviour was a manifestation of a disability identified in the student's individual education plan;
  - Whether appropriate individualized accommodation has been provided;
  - Whether the suspension is likely to result in an aggravation or worsening the student's behaviour or conduct.

#### Procedural Steps When Imposing a Suspension

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

1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult student or the student's parent/guardian of the suspension (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control in which case the principal shall inform the student);
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;
4. The principal must promptly provide written notice of the suspension to the student, the student's parent/guardian (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control in which case the principal shall provide the notice of suspension to the student), superintendent, and Superintendent Responsible for Student Discipline;
5. The written notice of suspension will include:
  - i. The reason for suspension;
  - ii. The duration of the suspension, including the student's date of return to school;
  - iii. Information about the ASP to which the student is assigned, where the student is suspended for six (6) or more school days;

iv. Information about the right to appeal the suspension, including the provision of a copy of the relevant policies and guidelines governing the appeal; and

v. The contact information for the Superintendent Responsible for Safe Schools to whom the notice of appeal must be given.

6. If it is not possible to provide the letter to the student or to the student's parent/guardian, the letter shall be mailed, couriered, faxed or emailed to the home address within 24 hours.

· If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.

· If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

7. A student who is suspended for five or fewer days shall be provided with school work. The school work shall be available to the student (if the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control), or the students designate or the student's parent/guardian on the day the student is suspended if the student is suspended for one school day. Where the student has been suspended for two or more school days the principal shall ensure that school work is made available to the student on the following school day.

8. Where the incident that prompted the suspension is a violent incident as defined in PPM 120 the principal shall complete a Violent Incident Report.

### Alternative Suspension Program

Students who are suspended for more than five school days are considered to be on a long-term suspension. The principal shall consult with the appropriate Superintendent of Schools if imposing a suspension greater than 5 days.

Students who are suspended for 6 or more school days shall be offered an Alternative Suspension Program (ASP). A student cannot be compelled to participate in an ASP. If the student chooses to participate in an ASP then a Student Action Plan (SAP) shall be developed. The student and/or his/her parent(s)/guardian must notify the principal verbally or in writing that the student is committed to attending the ASP.

SAP's differ depending on the length of the suspension. For suspensions of six to ten school days a SAP must contain an academic component. For suspensions of eleven to twenty school days a SAP must contain an academic and a non-academic component.

The purpose of the academic component is to ensure that all students on a long-term suspension have the opportunity to continue their education.

1) The student must be provided with the opportunity to continue or complete programs of study, including assignments, homework, and any other work evaluated in their regular classes.

2) Every effort must be made to maintain the student's regular academic course work throughout the suspension period.

3) The academic component must follow the curriculum outlined in the Ontario curriculum policy documents, unless the student has an IEP that provides for the modifications to the Ontario curriculum or an alternative program in which case the Board shall continue the supports consistent with the student's IEP.

4) The academic component may include, but is not limited to, the provision of distance learning, e-learning, remedial help in literacy and numeracy, individual instruction, and/or opportunities within the board.

The non-academic component of the ASP is to assist students on a long-term suspension of more than ten school days in the development of positive attitudes and behaviours by identifying and addressing the underlying causes of the student's behaviour to help reduce the risk that the student might be given a suspension or expulsion in the future. Students shall be provided with the required services and types of support that may include access to culturally appropriate support and/or referral to community-based service resources. The student's IEP shall also be consulted if the student has special education needs.

The principal will organize a planning meeting with the student and/or the student's parent/guardian(s), as well as any appropriate teaching and support staff, including where appropriate community agency staff and relevant persons or professionals. Students are encouraged to participate in these programs. The planning meeting will be scheduled to occur within 2 school days of the student or the student's parent/guardian(s) informing the school that the student will participate in the ASP. If the student's parent(s)/guardian cannot be present, the planning meeting should proceed and the principal must attempt to follow up with the parent(s)/guardian as soon after the meeting as is possible.

The purpose of the planning meeting is to:

- Identify the needs of the student;
- Identify the student's risk factors and protective factors;
- Clearly identify any types of support that the student may need to continue his or her learning; and

- Establish the objectives of the SAP.

Students who participate in the Alternative Suspension Program (ASP) will also have a Student Action Plan (SAP) developed. The plan identifies the academic component and any additional supports to promote positive behavior the student will receive. Each student's plan will be developed to meet his other needs. A copy of the SAP will be placed in the student's OSR.

The Student Action Plan (SAP) will include:

1. A description of the incident for which the student was suspended;
2. The progressive discipline steps taken prior to the suspension;
3. Any other discipline measures imposed in addition to the suspension;
4. Any other disciplinary issues regarding the student that have been identified by the school;
5. Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
6. 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;
7. Any programs or service(s) that might be provided to address those learning or other needs. Where the student has an IEP and/or disability related needs, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;
8. In the case of a suspension of eleven to twenty days, the non-academic program and services provided to the student during the suspension and details regarding how the non-academic program and those services will be accessed; and
9. The measurable goals that the student will be striving to achieve during the period of the suspension.

#### The Re-Entry Meeting

The principal shall hold a meeting with school and board staff, the student, and, where

possible, the student's parent(s)/guardian if the student is a minor who has not withdrawn from parental control (being so entitled) before the student returns to school and including, where appropriate, community agency staff and relevant persons or professionals. The purpose of the meeting is to facilitate the student's transition back to school by, for example, identifying and providing for any additional academic and/or non-academic support that the student may require upon returning to school.

## Appeal of Suspension

The following person may appeal, to the Board, a principal's decision to suspend a student:

1. The student's parent or guardian, unless;
  - i. the student is at least 18 years old, or
  - ii. the student is 16 or 17 years old and has withdrawn from parental control.
2. The student, if;
  - i. the student is at least 18 years old, or
  - ii. the student is 16 or 17 years old and has withdrawn from parental control.

This process shall also be used for an appeal of the exclusion of a student from a school by a principal pursuant to Subsection 265 (1) (m) of the Education Act

## Suspension Appeal Process

### Step 1: Notice of Appeal

A person who is entitled to appeal a suspension must give written notice of his or her intention to appeal to the Superintendent of Safe Schools within 10 school days of the commencement of the suspension. The notice must identify:

1. The reason for appealing the suspension;
2. The remedy sought; and
3. The names and relationships of all persons to be present at the appeal. The Superintendent of Safe Schools will confirm receipt of this notice.

The Superintendent of Safe Schools may extend the deadline for giving written notice of his or her intention to appeal if the person requests an extension to accommodate his or her disability.

A person who has given notice of intention to appeal may contact the Superintendent of Safe Schools to discuss any matter respecting the appeal of the suspension.

#### Step 2: Meeting with the Principal

The person who is entitled to appeal may meet with the principal of the school to discuss the suspension. If an agreement is not reached through meeting with the principal, then the next step in the appeal process shall be followed.

#### Step 3: Superintendent Review

The Superintendent of Program and Schools responsible for the school will review the suspension. If an agreement is not reached through the Superintendent's Review, the person who is entitled to appeal, and the Superintendent of Program and Schools responsible for the school will notify the Superintendent of Safe Schools. The appeal will then be heard by the Discipline Committee of the Board.

#### Step 4: Appeal to the Board

The Superintendent of Safe Schools will arrange for the Discipline Committee of the Board to hear the appeal and contact the person who is entitled to appeal. An information package shall be provided as outlined in the Notice of Suspension Appeal. The Discipline Committee of the Board shall hear and determine the appeal within 15 school days of receiving the notice of appeal, unless the parties agree on a later deadline. The Discipline Committee will be made up of a minimum of three trustees who will hear appeals, in camera, as required by the Education Act s. 309 (12). Parties to the appeal are:

- Principal of the school who suspended the student;
- Superintendent of Program and Schools responsible for the school in which the student is registered;
- Student, if 18 years old (or if 16 or 17 years old and has withdrawn from parental control);
- Student's parent(s)/guardian, if the parent(s)/guardian appealed the suspension.

1. The appellant and/ or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the desired outcome;

2. The Superintendent of Program and Schools and/or the principal will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's



submissions. The superintendent/principal may rely on the report prepared for the Discipline Committee;

3. The appellant may make further submissions addressing any issues raised in the administration's presentation that were not previously addressed by the appellant;
4. The Discipline Committee may ask any party, or the students, where appropriate, questions of clarification;
5. Adult student's or a student's parent/guardian(s) may be represented by legal counsel or attend with an advocate/agent or the support of a community member;
6. Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent;
7. A student who is not a party to the appeal has the right to be present at the appeal and to make a statement on his or her own behalf.

The Discipline Committee shall take into account:

- Submissions and views of all parties;
- Mitigating and other factors.

The Discipline Committee may, in its decision:

- Uphold the decision of the principal regarding the suspension;
- Confirm the suspension but decrease the number of days stipulated in the suspension;  
or
- Overturn the decision of the principal regarding the suspension and order it expunged from the student's record.

The decision of the Discipline Committee is final and will be communicated to all parties in writing by the Superintendent of Safe Schools.

Transfer to Another School

Following an incident at the school, it might be necessary to transfer to another school the student who has been disciplined or the victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. In all cases where possible, the student who has been disciplined should be transferred rather than the victim.

The decision to transfer a student to another school shall only be made by a superintendent in consultation with the sending and receiving school principals and shall be made only where it is consistent with the Human Rights Code.

When it has been determined that a student will be transferred to another school, the principal shall ensure that a Transition Plan is developed identifying any additional supports and resources required in the principal's opinion to ensure a successful transition, which might include, where appropriate, referrals for social work support, Child/Youth Worker support and/or support from community agencies as well as the development of a transitional Individual Education Plan. Where the student has been subject to suspension, the Transition Plan shall be consistent with and coordinated with the Student Action Plan (SAP) developed for suspension purposes.

The principal of the sending school shall invite the student if he or she is at least 18 years old (or if he or she is 16 or 17 years old and has withdrawn from parental control) or parent/guardian and the student, where appropriate, to a "transfer meeting" with representatives from both schools (including teachers and other school staff) at the receiving who will have regular direct contact with the student being transferred for the purpose of reviewing the Transition Plan.

In accordance with PPM No. 145:

The transfer meeting must occur prior to the day or on the day the student is transferred. When the meeting occurs on the day the student is transferred, it must occur before the student attends class. The receiving school must also be in possession of the student's OSR prior to the occurrence of the transfer meeting, and the OSR must be available to be consulted at the meeting.

Prior to the start of the transfer meeting, the principal must inform all staff in attendance that they must treat any information about the student and the incident disclosed at the meeting as confidential.

## Expulsions

As per the Education Act, s. 310 (1), a principal shall suspend a student if he or she believes that the student has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. 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 or in illegal drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. Bullying, if,
  - i. The student has previously been suspended for engaging in bullying, and
  - ii. The student's continuing presence in the school creates an unacceptable risk to the safety of another person.
9. 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.
10. Any other activity that, under a policy of the Board, is an activity for which a principal must suspend a student and conduct an investigation to determine whether to recommend to the Board that the student be expelled.

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

A principal may suspend a student under this section for up to 20 school days and, in considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

#### Suspension Pending Expulsion

Where a student is suspended for an activity referred to in Section 310(1) of the Education Act, the principal shall conduct an investigation to determine whether to recommend to the Discipline Committee of the Board that the student be expelled.

## Procedural Steps When Imposing a Suspension Pending Expulsion

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

1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the student's parent/guardian of the suspension (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control);
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;
4. The principal must promptly provide written notice of the suspension to the student, the student's parent/guardian (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control), the Superintendent of Program and Schools, and the Superintendent of Safe Schools;
5. The written notice of suspension will include:
  - i. The reason for suspension;
  - ii. The duration of the suspension;
  - iii. Information about the ASP to which the student may be assigned if the suspension is for six (6) or more days;
  - iv. Information about the investigation that the principal will conduct under section 311.1 of the Education Act to determine whether to recommend that the student be expelled;
  - v. A statement indicating that,
    - a. there is no immediate right to appeal the suspension,
    - b. if the principal does not recommend to the board that the student be expelled following the investigation under s.311.1 of the Education Act, the suspension will become subject to appeal under s.311.2 of the Education Act, and
    - c. if there is an expulsion hearing because the principal recommends to the board that the student be expelled, the suspension may be addressed by parties at the hearing.
6. If it is not possible to provide the letter to the student or to the student's parent/guardian, the letter shall be mailed, couriered, faxed or emailed to the home address within 24 hours.

· If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.

· If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

7. Where the incident that prompted the suspension is a violent incident as defined in PPM 120 the principal shall complete a Violent Incident Report. Please see the section on Violent Incidents (Part 4).

If the student commits to attend the ASP, then the ASP procedures set out in the section of this Guideline dealing with suspensions shall be followed.

### Principal's Investigation

The principal shall conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Discipline Committee that the student be expelled. As part of the investigation, the principal will consult with the Superintendent of Safe Schools 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. Before referring a student to the Discipline Committee of the Board for expulsion, the administration shall consider whether or not the recommendation might have a disproportionate impact on a student protected by the Human Rights Code, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required. Should the decision be made to refer the student to the Discipline Committee with a recommendation for expulsion, the student must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).

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

As part of the principal's investigation, the principal shall:

- Make all reasonable efforts to speak with the student and the student's parent/guardian (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control);
- Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
- Make every reasonable effort to interview any witnesses suggested by the student, or the student's parent/guardian; and

- Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the student be expelled.

#### 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 Discipline Committee that the student be expelled, the principal must:

1. Consider whether progressive discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration;
3. Uphold the suspension and shorten its duration and amend the record accordingly; or
4. Withdraw the suspension and expunge the record.

If the principal has decided not to recommend an expulsion of the student, the principal will provide written notice of this decision to the student and the student's parent/guardian (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control). The notice shall include:

1. A statement of the principal's decision not to recommend expulsion to the Discipline Committee;
2. A statement indicating whether the suspension has been upheld, upheld and shortened in duration, or withdrawn;
3. If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
  4. A copy of the Board policies and guidelines regarding suspension appeals;
  5. Contact information for the Superintendent Responsible for Safe Schools to whom the notice of appeal must be given;
6. 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. The Superintendent Responsible for Safe Schools may extend the deadline for giving written notice of his or her intention to appeal if the person requests an extension to accommodate his or her disability;

7. If the length of the suspension has been shortened, notice that the appeal applies to the shortened length of the suspension.

## Decision to Recommend Expulsion

### Expulsion by Consent

If a principal, in consultation with the Superintendent of Safe Schools, determines that a recommendation for expulsion is warranted, and the student's parent/guardian(s), or the student, (if 18 or older, or 16 or 17 years old and has withdrawn from parental control), may elect to sign a consent to expel the student. This process, outlined below, is completed with the Superintendent of Safe Schools.

#### Step 1

The student's parent/guardian(s), or the student, (if 18 or older, or 16 or 17 and has withdrawn from parental control), will confirm with the Principal their willingness to sign a consent to expel.

#### Step 2

The student's parent/guardian(s), or the student, (if 18 or older, or 16 or 17 and has withdrawn from parental control) will meet with the Superintendent of Safe Schools to receive the Principal's Report and sign a consent to expel.

#### Step 3

The Discipline Committee will review the signed consent to expel and then sign this consent on or before the 20th day of the student's suspension.

#### Step 4

The Superintendent of Safe Schools will sign the decision of the Discipline Committee letter.

#### Step 5

A copy of the decision of the Discipline Committee letter will be sent to the student, (if 18 or older, or 16 or 17 and has withdrawn from parental control).

## Recommendation to the Board for an Expulsion Hearing

If a principal, in consultation with the Superintendent of Safe Schools determines that a recommendation for expulsion is warranted and there is no consent to expulsion, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard within twenty (20) school days from the date the principal suspended the student, unless the parties to the expulsion hearing agree upon a later date.

For the purposes of the expulsion proceeding, the principal shall:

1. Prepare a report to be submitted to the Discipline Committee of the Board and provide the report to the student and the student's parent or guardian (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control) prior to the hearing. The report shall include:

- a. A summary of the findings the principal made in the investigation;
- b. An analysis of which, if any, mitigating or other factors or Human Rights Code related grounds might be applicable;
- c. A recommendation of whether the expulsion should be from the school or from the Board; and
- d. A recommendation regarding the type of school that would benefit the student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.

2. At the same time provide written notice of the expulsion hearing to the student and the student's parent/guardian (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control). The notice shall include:

- a. A statement that the student is being referred to the Discipline Committee to determine whether the student will be expelled for the activity that resulted in suspension;
- b. A copy of the Board's guidelines and rules governing the expulsion hearing before the Discipline Committee;
- c. A copy of the Board Code of Conduct and school Code of Conduct;
- d. A copy of the suspension letter;
- e. A statement that the student and/or his or her parent/guardian has the right to respond to the principal's report in writing;



f. Information about the procedures and possible outcomes of the expulsion hearing, including that:

1. If the Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
  2. Parties have the right to make submissions as to whether, if the student is not expelled, the suspension imposed should be confirmed, reduced or withdrawn;
  3. Any decision of the Discipline Committee with respect to the suspension imposed is final and cannot be appealed;
  4. If the student is expelled from his or her school, the student will be assigned to another school;
  5. If the student is expelled from the Board, he or she will be assigned to a program for expelled students;
  6. If the student is expelled there is a right of appeal to the Child and Family Services Review Board.
- g. The name and contact information for the Superintendent of Safe Schools with whom the person may contact to discuss any matter with respect to the expulsion hearing.

#### Response to the Principal's Report

Any person who is entitled to receive the principal's report and the written notice referred to in the previous paragraph may respond in writing to the principal and to the Board.

#### The Superintendent of Safe Schools:

- May arrange a meeting with the student (if the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control) or the student's parent/guardian and student and the principal, as appropriate.
- If a meeting is arranged, will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the student's parent/guardian may have regarding the process or incident; and, if a meeting is arranged, during the meeting the Superintendent of Safe Schools may assist to narrow the issues and identify agreed upon facts.

- Will prepare a package of documents for the Discipline Committee, which will include at least the following components:

- a copy of the Principal's Report; and

- a copy of the original suspension letter and the notice of expulsion sent to the adult student (see definition – page 2) or the student's parent/guardian.

- Will inform the adult student or the student's parent/guardian of the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the documentation to go to the Discipline Committee.

- Will ensure that the item is placed on the Discipline Committee agenda.

#### Expulsion Hearing Before the Discipline Committee

The Discipline Committee will conduct expulsion hearings as required by the Education Act, s.

311.3. The hearing will take place on or before the 20th school day of the student's suspension. The Discipline Committee will be made up of a minimum of three trustees who will hear appeals, in camera, as required by s. 311.3(9) of the Education Act.

Parties to the hearing are:

1. Principal/Vice Principal(s) of the school in which the student is registered

2. Superintendent of Program and Schools responsible for the school in which the student is registered

3. The student if:

- i. the student is at least 18 years old; or

- ii. the student is 16 or 17 years old and has withdrawn from parental control; and/or

4. Student's parent/guardian(s) (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control); and

5. Legal representatives for any of the parties.

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

#### Submissions and Views of the Parties

At the hearing, the Discipline Committee shall:

1. Consider the submissions, whether orally, in writing or both;
2. Solicit the views of all the parties as to whether the student, if he or she is expelled, should be expelled from his or her school only, or from all schools of the board; and
3. Solicit the views of all the parties as to whether, if the student is not expelled, the board should confirm the suspension originally imposed under s. 310 of the Education Act, confirm the suspension but reduce its duration or withdraw the suspension.

#### Factors the Discipline Committee Must Consider in its Decision

In making the decisions under the above heading "Decision," the Discipline Committee shall take into account:

1. All submissions and views of the parties, including their views as to whether the student, if expelled, should be expelled from his or her school only or from all schools of the board;
2. Any mitigating and other factors prescribed by the regulations;
3. Any written responses to the principal's report provided to the board before the completion of the hearing.

#### Restriction on Expulsion

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

#### Decision

After completing the hearing, the Discipline Committee shall decide:

1. Whether to expel the student; and

2. If the student is to be expelled, whether the student is expelled from his or her school only or from all schools of the board.

#### If Student is Not Expelled

If the board does not expel a student, the board shall, with respect to the suspension originally imposed under s. 310 the Education Act:

1. Confirm the suspension and the duration of the suspension;
2. 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
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.

In determining which action to take with respect to the suspension of the student after it has been determined not to expel the student the board shall take into account:

(a) any submissions made by the parties as to whether the suspension and its duration should be confirmed, the suspension should be confirmed but its duration reduced or the suspension should be withdrawn;

(b) any mitigating or other factors prescribed by the regulations.

The board shall give written notice to all persons who were entitled to be a party to the expulsion hearing:

1. A statement indicating that the student is not expelled;
2. A statement indicating whether board has confirmed the suspension and its duration; confirmed the suspension but reduced its duration or withdrawn the suspension.

The decision not to expel a student and the decision with respect to the suspension is final.

#### If Student is Expelled

If the board expels a student, the board shall assign the student to:

1. in the case of a student expelled from his or her school only, another school of the board; and

2. in the case of a student expelled from all schools of the board, program for expelled students.

Where the board decides to impose a school expulsion, the Superintendents of Program and Schools from where the student has been expelled and to where the student may be placed along with the Superintendent of Safe Schools will determine the placement of the student.

Where the board decides to impose an expulsion from all schools of the board the Superintendent of Safe Schools along with the Superintendent of Program and Schools from which the student is being expelled must assign the student to a program for expelled students.

The board shall give written notice of the expulsion promptly to:

1. All the parties to the expulsion hearing; and
2. The student, if the student was not a party to the expulsion hearing.

The contents of the notice must include the following:

1. The reason for the expulsion;
2. A statement indicating whether the student is expelled from his or her school only or from all schools of the board;
3. Information about the school or program for expelled students to which the student is assigned;
4. Information about the right to appeal the expulsion, including the steps that must be taken to appeal.

### Expulsion Appeal

The student's parent/guardian or the student, (if the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control) and such other person as is designated by the Child and Family Services Review Board, may appeal a Board decision to expel the student to the Child and Family Services Review Board.

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

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

## Programs for Expelled Students

### Components of Programs for Expelled Students

Boards are responsible for determining 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 and the nature and severity of the behaviour that led to the expulsion.

#### Academic Component

The purpose of the academic component is to ensure that expelled students who are assigned to a board program have the opportunity to continue their education. The academic component shall follow the curriculum outlined in the Ontario curriculum policy documents, unless the student has an IEP that provides for modifications to the Ontario curriculum or an alternative program. The academic component may include, but is not limited to, the provision of:

- (i) distance learning;
- (ii) e-learning;
- (iii) remedial help in literacy and numeracy;
- (iv) individual instruction;
- (v) and/or opportunities within the board.

Elementary school students shall be supported in continuing to acquire the necessary knowledge and skills outlined in the Ontario curriculum policy documents for elementary schools. Secondary school students shall be supported in continuing to earn credits towards their Ontario Secondary School Diploma through such options as credit completion and credit recovery.

#### Non-academic Component

The purpose of the non-academic component is to assist expelled students in the development of longterm positive attitudes and behaviours by identifying and addressing the underlying causes of the behaviour that led to the expulsion. Students may require a range of services and types of support that may include access to culturally appropriate support.

The board will:

- (i) make appropriate support available and/or;
- (ii) facilitate a student's referral to community-based service providers;
- (iii) and/or provide support through other methods, such as remote access to resources (e.g., video conferencing);
- (iv) and, to meet the alternative programming requirements of a student with special education needs, refer to the student's IEP.

Protocols between boards and community-based service providers are in place to facilitate referral processes and the provision of services and support for students and their parents and families.

The principal that is overseeing the SAP of the expelled student will be responsible for ensuring student safety (measures to ensure a safe, inclusive, and accepting learning and teaching environment) and imposing discipline (determine the consequences of unacceptable behaviour) while a student is assigned to a program for expelled students and to abide by the Board Code of Conduct.

#### Developing and Implementing the Student Action Plan (SAP)

A SAP shall 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. The SAP will build on the SAP that was developed for the student while he or she was on a long-term suspension pending expulsion.

The SAP will be developed by the principal in cooperation with appropriate staff, the student, and his or her parent(s) (if applicable). It is important that parents participate in the development and implementation of the SAP on an ongoing basis. Boards will make reasonable efforts to enable

parents to participate (if applicable) by, for example, reaching out to community members who can provide translation services for those whose first language is not English or French.

It is the responsibility of the Board to coordinate the types of support required to assist the student in continuing his or her learning. For students with special education needs, Boards shall provide appropriate support consistent with the student's IEP.

#### The Planning Meeting

Once the student and/or his or her parent(s) (if applicable) have indicated that the student is committed to attending the program, the principal shall hold a planning meeting. The planning meeting will be a collaborative process and must include school and board staff and the student.

Where possible, efforts will be made to have the student's parent(s) (if applicable) or other significant family member(s) (if applicable), as well as the student's teacher(s) present at the meeting. If the parents cannot be present, the planning meeting will proceed nevertheless, and the principal must attempt to follow up with the parent(s) of the student as soon after the meeting as possible. In addition, where appropriate, community agency staff and any other relevant persons or professionals should also be included in the planning meeting.

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 components (e.g., career development counselling, use of mentors from appropriate communities).

The following information shall 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 as provided for in O Reg. 472/07;
- 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.

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

#### Development and Review of the Student Action Plan

The SAP must contain both an academic and non-academic component. For both the academic and non-academic components, the SAP must outline:



- goals, objectives, and learning expectations;
- measures of success;
- strategies and types of support.

The SAP shall 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), (if applicable) should be involved in the review of the SAP.

Contact information for the Superintendent of Safe Schools, who is responsible for overseeing the student's readmission shall also be included in the SAP.

#### Development of a Plan for Re-entry to School

A student who has been expelled from all schools of a board and/or his or her parent(s), (if applicable), may apply in writing to the Superintendent of Safe Schools requesting that the student be readmitted to a school of that board. For a student who has been expelled from only one school of a board, and where the student and/or his or her parent(s), (if applicable), wish that the student return to his or her original school, the student and/or his or her parent(s), (if applicable), may apply in writing to a person designated by the board requesting that the student be reassigned to the school.

When the student has successfully met the objectives of the program for expelled students, as outlined in the SAP, the student must be readmitted to school. The Superintendent of Safe Schools shall 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.

When a student is considered ready to be readmitted to school, a re-entry plan shall be developed as part of the SAP to assist with the student's transition and integration back into the school.

As part of the development of the re-entry plan, the board shall hold a meeting that includes board staff, staff of the school to which the student is seeking readmission, and the student. Where possible, efforts will be made to include the student's parent(s), (if applicable) or other significant family member(s), (if applicable), as well as the student's teacher(s), in the meeting. Principals should make reasonable efforts to include parents in this meeting. If the parents cannot be present, the planning meeting shall proceed nevertheless, and the principal must attempt to follow up with the parent(s) of the student as soon after the meeting as possible. In

addition, where appropriate, community agency staff and any other relevant persons or professionals will also be included in the meeting.

The re-entry plan shall contain the following elements:

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

#### Re-Entry to a School from which a Student was Expelled

Where a student seeks to be re-assigned to the school from which he or she was expelled (whether in the case of a Board expulsion or a school expulsion):

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.

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.

# McDougall School Access to School Premises

McDougall School follows and implements the Access to School Premises procedures as outlined in the Near North District School Board's Administrative Guideline - Safe Schools: Access to School Premises.

## 1.0 ACCESS TO SCHOOL PREMISES

1.1 Persons who are on school premises without being authorized by the provincial regulation, "Access to School Premises," have committed an offence and can be charged under the Education Act (s. 305).

1.2 Persons who are permitted on school premises include:

1.2.1 students enrolled in the school,

1.2.2 parents/guardians of students enrolled in the school,

1.2.3 persons employed or retained by the Board,

1.2.4 persons engaged in lawful purposes (e.g., deliveries, voting and other purposes authorized by the Board), and

1.2.5 persons invited by the principal to the premises for a purpose or an event who are on the premises for that purpose or event.

1.3 Authority to be on school premises does not entitle a person to have access to all areas of the school premises. The Principal shall inform groups or individuals using the school about the specific school restrictions and/or permissions.

1.4 Boards have the authority to lock the school premises when the premises are not being used for a purpose authorized by the Board.

1.5 Despite being an authorized person to be on school premises, if, in the judgment of the principal, that authorized person's presence is considered to be detrimental to the safety or well being of another person on the premises, the authorized person may be asked to leave the premises. This does not apply to a student enrolled in the school or to a student attending a program for suspended or expelled students that are located on the school premises.

1.6 Schools will require school visitors to report their presence on the premises in a specified manner. A person is not permitted to remain on school premises if that person fails to report as required. This does not apply to a student enrolled in the school or to a student attending a program for suspended or expelled students that are located on the school premises.

1.7 The school principal will develop a plan for communicating the above information regarding access to schools and school premises in each school year. This plan will include the posting of appropriate signs that conform with standards to be developed board-wide to meet health and safety as well as access to school premises expectations. The plan may also include the use of newsletters for communicating with the school community and the distribution of this guideline and/or edited copies of it with the addition of information specific to that school.

1.8 The school principal may provide notice prior to contacting the police to enhance the possibility that the unauthorized person may leave the premises without the necessity of charges being laid.

1.9 Persons have a constitutional right to access polling stations at the school during an election.

## 2.0 ACCESS BY SUSPENDED AND EXPELLED STUDENTS

Suspended and expelled students are denied access to school board premises as a condition of their suspension or expulsion. The principal may deem that such students are not a threat to the safety or well being of a person on the school premises and allow access to a public facility on the school premises for a lawful purpose (e.g., using a public library). Students attending a program for suspended or expelled students that are located on the school premises do have the right of access to school premises.

## 3.0 RELATIONSHIP TO THE TRESPASS TO PROPERTY ACT

Principals may use either the Access to School Premises regulation or the Trespass to Property Act as appropriate to the circumstances.

### Detail Access to School Premises Trespass to Property Act

**Coverage** The regulation governs access to school premises. The Trespass to Property Act governs more than just access to schools.

**Enforcement** A police officer would enforce the regulation. A police officer would enforce the Act. The Principal or Vice Principal have the power to enforce this Act.

**Fines** The maximum fine is \$5,000. The maximum fine is \$2,000.

**Signage** The regulation does not require notice or signage. Notice or signage is required.

### Trespass Offences

(a) Everyone who is not acting under a right or authority conferred by law and

who:

(i) without express permission of the occupier, the proof of which lies on the defendant;

(b) enters onto the premises when entry is prohibited under this Act; or

(c) engages in an activity on the premises when the activity is prohibited under this Act; or

(d) does not leave the premises immediately after the person is directed to do so by the occupier of the premises or a person authorized by the occupier, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.00.

#### Prohibited Areas-Entry

(a) Entry on a premise may be prohibited by notice to that effect and entry is prohibited without any notice on a premise:

(i) that is enclosed in a manner that indicates that occupier's intention to keep persons off the premises.

#### Method of Giving Notice

(a) A notice under this Act may be given:

(i) orally or in writing (Appendix 1 – Notice of Trespass)

(ii) by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which it applies;

(b) Courts prefer to have the notice given in writing. Notices should be served annually, especially for new students that become habitual trespassers.

#### Some Examples of Offences

## Trespass to Property

(a) A person that enters onto a school property who is not a student at that school and ignores the sign posted at the entrance has committed the offence of “entry when entry is prohibited.” This would also apply to a student who is under suspension, exclusion or expulsion from his/her own school during the suspension period.

(b) If a person is engaging in an activity where a sign is posted prohibiting that activity or a permit has not been granted for that activity, the person is committing an offence under this Act as well. Even where a sign is not posted, once a person is told the activity is prohibited and they continue, they are committing an offence.

(c) In the last section of offences, once the person has been told to leave the property and they refuse, they are again committing an offence under the Act.

## 4.0 265 (1) (m) - Exclusion

In Part X of the Education Act, clause 265(1)(m) permits a principal to “refuse to admit” to the school or to a class someone whose presence in the school would be “detrimental to the physical or mental well-being of the students.” This provision is frequently referred to as the “exclusion provision.” Exclusion is not to be used as a form of discipline. If a principal does decide that it is necessary to exclude a student from the school, following consultation with the Superintendent of Safe Schools, he or she is expected to notify the student’s parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265(1)(m).

Exclusion is used as a temporary measure towards achieving safety and security for all. A student’s academic needs will continue to be accommodated by alternative means during an exclusion. Re-entry conditions may also be applied.