

## ADMINISTRATIVE GUIDELINE

**Title: Student Conduct**

**Effective Date: March 18, 2025**

**Responsibility: Superintendent of Safe Schools**

Policy Statement:

The goal of the policy is to support safe, inclusive, and accepting learning and teaching environments across the Near North District School Board (NNDSB) in which every student can reach their full potential.

Many regulations and publications inform our Board's processes for managing student conduct. The Board's Code of Conduct sets clear expectations for behaviour for all persons on school property or attending school related events. The Board's Bullying Prevention and Intervention Plan outline strategies to support student and staff education, address incidents as they arise and utilize processes to build and maintain positive school climates. The Code of Conduct and the Bullying Prevention and Intervention Plan are available on the Near North website.

Legislation considered in the development of this Administrative Guideline include:

The *Education Act*, Ontario Regulation 472/07 and 440/20;  
PPM 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools;  
PPM 120 Reporting Violent Incidents to the Ministry of Education;  
PPM 128 Provincial Code of Conduct and School Board Codes of Conduct;  
PPM 141 School Board Programs for Students on Long-Term Suspension;  
PPM 142 School Board Programs for Expelled Students;  
PPM 144 Bullying Prevention and Intervention;  
PPM 145 Progressive Discipline and Promoting Positive Student Behaviour;  
PPM 149 Protocol for Partnerships with External Agencies for Provision of Services by Regulated Health Professionals, Regulated Social Service Professionals, and Paraprofessionals;  
PPM 166 Keeping Students Safe: Policy Framework for School Board Anti-Sex Trafficking Protocols

The *Human Rights Code* of Ontario has primacy over provincial legislation and policies, as well as school board policies and procedures, such as the *Education Act*, Regulations, and Ministry of Education PPMs, and Board policies and procedures are subject to, and shall be interpreted and applied in accordance with the *Human Rights Code* of Ontario.

### **Section 1.0 Promoting Positive Student Behaviour: School Climate**

In order to promote a positive school climate school boards must provide opportunities for all members of the school community to increase their knowledge and understanding of such issues as bullying; violence; inappropriate sexual behaviour; bias, stereotyping, discrimination, racism, prejudice, and hate; critical media literacy; and safe internet use.

To promote and support appropriate, positive student behaviours that contribute to creating and sustaining safe, comforting and accepting environments that encourage and support students to reach their full potential, the Board supports the use of individualized positive practices and whole school approaches.

#### School Climate Survey:

The School Climate Survey is an important tool that supports staff in identifying areas of need within their schools, developing actions and measuring outcomes. The purpose of this anonymous and Ministry mandated survey is to find information related to student, staff and parent participation and experiences at our schools. The information gathered from the various student, parent and staff School Climate Surveys is used at the school and district level to set goals and measure progress towards creating accepting, safe, and inclusive learning environments.

#### Bullying Prevention and Intervention Plan:

A positive school climate is dependent on student, staff, parent and community relationships and exists when: everyone actively promotes positive behaviours and interactions; there is a culture of mutual respect; and equity is embedded within all actions and decisions. A positive school climate is a crucial component of preventing inappropriate and harmful behaviour. Inappropriate and harmful behaviour includes all forms of bullying, including cyberbullying, as well as racist, discriminatory or derogatory words and actions. Through the procedures and supports outlined in the NNDSB's Bullying Prevention and Intervention Plan, we seek to prevent these harmful behaviours and, where they do occur, set standards for intervention, education and restoring relationships.

### **Section 2.0 Progressive Discipline**

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.

Progressive discipline is a non-punitive, whole-school approach that uses a continuum of preventative, corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting students to make good choices.

Progressive discipline is most effective when dialogue between the school and home regarding student achievement, behaviour and expectations is open, courteous and focused on student success. It is an expectation of the Board that Principals and teachers consult with parents prior to imposing any student specific preventative measures, positive behaviour management strategies or progressive discipline consequences. In circumstances where a student will receive a consequence for their behaviour, it is the expectation of the Board that the principles 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.

Each school is required to develop and implement a school-wide progressive discipline plan, consistent with Board Policies and the *Human Rights Code*. An example Progressive Discipline Plan can be found in the Bullying Prevention and Intervention Plan document.

The teacher or Principal should select the most appropriate response to address the student's behaviour. Where a student has special education and/or disability related needs, the interventions, supports and consequences must be consistent with the expectations for the student, including those in the student's Individual Education Plan, Behaviour Management Plan, and/or Worker Safety Plan.

### **Section 2.1 Disclosure of Student's Personal Information**

Throughout the Progressive Discipline process, it is important to keep privacy issues in mind. Therefore, any NNDSB employees (including occasional employees) who work directly with students may need to know, for any particular student, those behaviour(s) that may present a potential risk of physical harm to school staff or students as documented in a Behaviour Management Plan (BMP), found in the student's Ontario Student Record (OSR). Prior to disclosure, the Principal must inform staff that they must treat any information disclosed about a student or incident as confidential. Principals are only permitted to share information documented in the OSR with board employees who do not have access to the OSR, if disclosure is necessary, so that employees can carry out their duties, including their duty to respond to inappropriate and disrespectful student behaviour. In such cases, Principals may share only the necessary information pertaining to behaviour that may present risk of physical harm.

NNDSB employees must abide by MFIPPA (Municipal Freedom of Information and Protection of Privacy Act) with respect to information disclosed about a student or incident involving a student. Information disclosed about a student or incident to a NNDSB employee is confidential. 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. The Board also requires Principals to review and amend, as appropriate, Individual Education Plans,

Behaviour Management Plans and Safety Plans at regular intervals and following an incident to ensure that every student with disability related needs is receiving appropriate accommodation up to the point of undue hardship.

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

- 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);
- Consider the nature and severity of the behaviour;
- Consider the impact of the inappropriate behaviour on the school climate;
- Consult with the student's parent(s)/guardian (unless the student is an adult student);
- 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.

## **Section 2.2 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:

- i) Whether the student has the ability to control his or her behaviour;
- ii) Whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
- iii) 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:

- The student's academic, discipline and personal history;
- 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;
- 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;
- The impact of the discipline on the student's prospects for further education;
- The student's age;
- Whether the student has an IEP or disability related needs and/or accommodations;
- Whether the behaviour causing the incident was in relation to the student's disability;
- Whether appropriate individualized accommodation has been provided to the point of undue hardship; and
- 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
- 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*.

### **Section 2.3 Record Keeping**

The teacher and Principal shall keep a record for each student with whom early and ongoing intervention strategies, progressive discipline strategies and suspensions have been utilized. The record should include:

- Name of the student;
- Date and time of the incident or behaviour;
- Location of the incident;
- Nature of the incident or behaviour;
- Progressive discipline approach used;
- Outcome, and/or;
- Contact with the student's parent/guardian (unless the student is 18 years of age or older or 16 or 17 years of age and has withdrawn from parental control).

### **Section 3.0 Responding to Incidents**

Appropriate action must consistently be taken by schools to address behaviours that are likely to have a negative impact on a school climate including serious incidents and all inappropriate and disrespectful behaviours.

All staff who work directly with students must respond to any behavior that is likely to have a negative impact on school climate if, in the employee's opinion, it is safe to do so. All staff include:

- Principals and Vice-Principals;
- Administrative and custodial staff;
- Teachers, educational assistants and early childhood educators;
- Non-teaching staff including social workers, child and youth workers and psychologists\*;
- Staff in before and after child care programs;
- School bus drivers

*\*social workers and psychologists who have a clinical relationship with a student must report incidents listed above to the Principal as soon as reasonably possible to do so without having a negative impact on their clinical relationship with the student. They must also report incidents that could result in physical, emotional or psychological harm to the student or others.*

Behaviour that negatively impacts the school climate includes all inappropriate and disrespectful behaviour as well as those incidents that must be considered for suspension or expulsion. The requirement to take action applies to behaviours that occur anytime at school or at any school related activity.

Staff are expected to always address any behaviour (words or actions) that are racist or discriminatory in nature, or motivated by bias, prejudice or hate and then report it to the Principal. See section 4 on reporting incidents.

Each school's Bullying Prevention and Intervention Plans should include anti-racism education for students and training for staff on how and when to 'call out' or 'call in' people who use racist or discriminatory behaviour.

Where the board employee feels it is not safe to respond, they are expected to inform the Principal verbally as soon as possible. If the employee works with student(s) who cannot be left unattended, they will seek support from another staff or the Principal to respond.

Responses shall be made in a timely, supportive and sensitive manner and made in an effort to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special and/or disability related needs that the student might exhibit or about which the employee might be aware.

A response by the staff to the incident shall not prevent or preclude the Principal from imposing appropriate progressive discipline, up to and including a recommendation for expulsion from all schools. Unless the behaviour is such that it must be considered for suspension or expulsion, a response is sufficient – it is not required that these incidents be reported to the Principal. For incidents where suspension or expulsion would not be considered, but the board employees feel it is not safe to respond, they will be expected to inform the Principal verbally as soon as possible.

Where, in the opinion of the Board employee who works with students, the behaviour observed or heard might lead to suspension or expulsion, the employee must report the behaviour orally to the Principal at the earliest opportunity and again in writing before the end of the school day. The employee shall follow the procedures outlined in section 4.0 for reporting incidents.

#### **Section 4.0 Reporting Incidents**

All staff (as listed above) are required to report any activity from section 306(1) and section 310(1) of the *Education Act* to the Principal as soon as possible. The Principal will investigate and make recommendations regarding supports, interventions, or consequences in accordance with progressive discipline practices. It's important for staff to know that, should a Principal learn that a member has not reported an incident, the matter is recommended to be dealt with as a human resource issue. Staff holding teaching certificates are also governed by the *Ontario College of Teachers Act* and, under regulation 437/97, failing to report an incident could be considered professional misconduct.

The manner in which Principals request written documentation from staff varies from school to school, however one practice that must remain consistent across the Board is that any staff who witnesses any activity listed in 306(1) or 310(1) must complete a *Safe Schools Incident Reporting Form, Part I (SSIR)* so that it can be further investigated by the Principal, as outlined in PPM 145.

For a list of 306(1) and 310(1) infractions, see section 5.0

#### **Section 4.1 Safe Schools Incident Reporting (SSIR) Form**

When any staff (as listed above) becomes aware of an incident that must be considered for suspension or expulsion by the Principal, the staff must, as soon as reasonably possible, report this to the Principal and confirm their report in writing. Whether or not the behaviour leads to a suspension or expulsion is for the Principal to determine.

Ministry policy states that the employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the Principal by the end of the school day. The report is to be confirmed in writing in a timely manner, using the *Safe Schools Incident Reporting Form, Part I*, found on the staff portal.

**Note:** written reporting does not replace conversations between the employee and the Principal. The Principal and the employee are encouraged to talk about the incident regardless of the action taken. The purpose of reporting incidents orally is to ensure that the Principal is aware of the incident and can mitigate any associated risks as soon as possible.

Once the Incident Reporting Form Part 1 is received, the Principal will investigate and identify whether or not action was taken using the *Safe Schools Incident Reporting Form, Part II*, found on the staff portal.

#### **Section 4.2 Reporting Violent Incidents**

All violent incidents that occur on school premises during school-run programs must be reported by the Principal to the Ministry of Education, whether the violent incident was committed by a student of the school or whether it was committed by another person. Violent Incident Forms are available under the staff portal.

The term *violent incident* is defined by PPM 120 as the occurrence of any one of the following or the occurrence of a combination of any of the following:

- possessing a weapon, including possessing a firearm
- physical assault causing bodily harm requiring medical attention
- sexual assault
- robbery
- using a weapon to cause or to threaten bodily harm to another person
- extortion
- hate and/or bias-motivated occurrences

Police must be notified when a violent incident occurs. Refer to the *Ontario North East Region Police and School Protocol* for more information about reporting to police and joint-investigations.

**Note:** The parent/guardian(s) of the student should be contacted whenever possible before police speak with students in the course of an investigation.

### **Section 4.3 Ontario Student Record (OSR) Documentation**

For retention information regarding suspension letters, Safe Schools Incident Reports, and Violent Incident Forms, refer to the Ministry of Education's Ontario Student Record Guideline.

### **Section 4.4 Notifying Parents/Guardians of the Victim**

Following a serious student incident for which the Principal shall be considering imposing a suspension or making a recommendation for expulsion, the Principal shall provide information to the parent/guardian of the victim, unless in the opinion of the Principal providing information to the victim's parent/guardian would put the victim at risk of harm and would not be in the victim's best interest, or the victim is an adult student. Where the victim is an adult student, the Principal shall inform the parent/guardian only with the victim's consent.

The *Education Act* states that the Principal shall disclose:

- the nature of the activity that resulted in harm to the student;
- the nature of the harm to the student; and
- the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity.

The Principal must say that the student was suspended, if that is the progressive discipline that has been applied. It is not necessary for the Principal to say for how many days a student was suspended. The same would be true for other forms of progressive discipline, in that details are not necessary, but the type of discipline must be explained.

The *Education Act* states that the Principal shall not disclose the name of or any other identifying or personal information about a student who engaged in the activity that resulted in the harm. The Principal may communicate to the victim's parent/guardian any school wide initiatives that have been or will be implemented as a result of the incident and/or other similar incidents.

Where the student(s) disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

In addition, where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, including on any grounds protected by the *Human Rights Code*, or has been sexually assaulted, the Principal shall share information about professional supports available either through the board or community agencies with parents/guardians and aid in referrals to such supports where possible.

The Principal shall also inform the parent/guardian that, if the parent/guardian is not satisfied with the measures being taken to protect and support the victim, the parent/guardian may contact the superintendent to request a review of the measures being taken by the school.

### **Section 4.5 Not Notifying Parents/Guardians of the Victim**

Where, in the opinion of Principal, providing information to the victim's parent/guardian would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult student and does not consent to his/her parent/guardian being informed, the Principal shall not inform the victim's parent/guardian.

The Principal shall:

- consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the appropriate child/youth protection services institution;
- document why the parent/guardian was not notified;
- inform his/her superintendent that the parent/guardian was not informed and why;
- inform the teacher or staff who made the report if that individual informed the Principal of the potential for harm, that the parent/guardian was not informed and why; and
- inform other staff working to support the student, as appropriate.

The Principal shall inform the victim of the steps being taken by the school to protect the victim's safety.

In addition, where the victim has been harassed, bullied or suffered violence because of one or more immutable characteristics, including on any grounds protected by the *Human Rights Code*, or has been sexually assaulted, the Principal shall share information about professional supports available either through the board or community agencies with the victim and aid in referrals to such supports where possible.

Where the student who has been disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

#### **Section 4.6 Notifying Parent/Guardian of a Student who has engaged in a Serious Student Incident**

In accordance with PPM 145 and Section 300.3 of the *Education Act*, Principals are required to notify the parents of students who have engaged in serious student incidents. Principals shall disclose the following information:

- the nature of the activity that resulted in harm to the other student;
- the nature of the harm to the other student;
- the nature of any disciplinary measures taken in response to the activity; and
- the supports that will be provided for the student in response to his or her engagement in the activity.

When notifying parents of these incidents, the Principal must invite parents to have a discussion with them about the supports that can be provided for their child.

#### **Section 5.0 Suspensions**

A suspension means that a student is removed from school temporarily for a minimum of 1 school day and a maximum of 20 school days. 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 (5) school days are considered to be on long-term suspension and as such an Alternative Suspension Program (ASP) must be offered to the student. Students also cannot take part in any school related activities or events while on suspension.

### **Section 5.1 Suspension of students in Kindergarten to Grade 3**

As part of *Ontario's Action Plan to Address Systemic Racism in Schools*, the Ministry has created Ontario Regulation 440/20, under Bill 197, which removes the discretion for Principals to suspend students in Junior Kindergarten to Grade 3 for any of the seven activities listed in section 306(1) of the *Education Act*.

The conduct of students in K - 3 who engage in 306(1) activities must still be addressed with supports and interventions that reflect the student's IEP (if applicable), age, other mitigating factors and utilize a progressive discipline approach.

Activities listed in subsection 310(1) will still be subject to mandatory suspensions for Kindergarten to Grade 3 students, pending the results of the Principal's investigation. These activities include:

1. Possessing a weapon, including 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 illegal drugs
6. Committing robbery
7. Giving alcohol or cannabis to a minor
8. Bullying if a) a student has previously been suspended for engaging in bullying\* and b) if the pupil's continuing presence in the school creates an 'unacceptable risk' to the safety of another person \*removes need for previous suspension for K - 3 students.
9. Any activity for which a student can be suspended (see above) that is motivated by bias, prejudice or hate
10. Any other activity identified in school board policy

### **Section 5.2 Suspensions of students in Grades 4 to 12**

As per section 306(1) of the *Education Act*, a Principal shall consider whether to suspend a student in Grades 4 – Grade 12 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. These activities include:

1. Uttering a threat to inflict serious bodily harm on another person.
2. Possessing alcohol, illegal drugs or unless the student is a medical cannabis user, \*cannabis.
3. Being under the influence of alcohol or, unless the student is a medical cannabis user, cannabis.
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

For more information regarding infraction #7, please consult Code of Conduct Administrative Guideline and NNDSB Governance Manual, Section GP-211 Safe Schools.

\*As defined in the *Education Act*, a medical cannabis user is a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law.

### **Section 5.3 Mitigating and Other Factors to Consider Before Imposing a Suspension**

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

#### Mitigating Factors

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

- i) Whether the pupil **does not have the ability** to control his or her behaviour;
- ii) Whether the pupil **does not have the ability** to understand the foreseeable consequences of his or her behaviour;
- iii) Whether the pupil's continuing presence in the school **does not create an unacceptable risk** to the safety of any person.

**Note:** These mitigating factors and other factors are stated differently than the mitigating factors and other factors cited in Section 2.2

#### 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,
7. Whether the behaviour was in relation to a disability identified in the student's individual education plan;
8. Whether appropriate individualized accommodation has been provided; and
9. Whether the suspension is likely to result in an aggravation or worsening of the student's behaviour or conduct

### **Section 5.4 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); and
2. The Principal must inform the student's teacher(s) of the suspension;

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;

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), the Superintendent of the school, and the Superintendent responsible for Safe Schools;

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 Alternative Suspension Program 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.

### **Section 5.6 Alternative Suspension Program**

Students who are suspended for more than five (5) 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 five (5) days.

Students who are suspended for six (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 their parent(s)/guardian must notify the Principal in writing that the student is committed to attending the ASP.

Student Action Plans differ depending on the length of the suspension. For suspensions of six (6) to ten (10) 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.

- i. 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.
- ii. Every effort must be made to maintain the student's regular academic course work throughout the suspension period.

- iii. 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.
- iv. 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 (10) 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 and may require accommodations.

Students who participate in the Alternative Suspension Program 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.

### **Section 5.7 The Re-Entry Meeting**

The Principal shall hold a meeting with 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, school/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.

### **Section 6.0 Suspension Appeal**

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

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.

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.

*The process outlined below 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.*

## **Section 6.1 Suspension Appeal Process**

### Step 1: Notice of Appeal

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

- i) The reason for appealing the suspension;
- ii) The remedy sought; and
- iii) 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 intention to appeal if the person requests an extension to accommodate their 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 Education 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 Education responsible for the school will notify the Superintendent of Safe Schools. The Superintendent of Safe Schools may also review the suspension. If an agreement is not reached through the Superintendent of Safe School's review, the appeal will then be heard by the Discipline Committee of the Board.

### Step 4: Appeal to the Discipline Committee of 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 with associated information including date, time and location of the hearing.

The Discipline Committee of the Board shall hear and determine the appeal within fifteen (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 Education 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.

At the hearing, the Superintendent of Education and/or Principal will provide a written submission regarding the reason for the suspension and desired outcome.

The appellant will have the opportunity to make oral submissions and/or provide written submissions regarding the reason for the appeal and desired outcome.

The Discipline Committee may ask any party, including the student, where appropriate, questions of clarification.

Adult students 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.

Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel.

The Discipline Committee shall take into account submissions and views of all parties, as well as mitigating and other factors (see Section 5.3).

The Discipline Committee may, in its decision:

- i) Uphold the decision of the Principal regarding the suspension;
- ii) Confirm the suspension but decrease the number of days stipulated in the suspension; or
- iii) 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.

### **Section 7.0 Expulsion**

As per the *Education Act, s. 310(1)*, a Principal shall suspend a student immediately 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. The Principal must then investigate the matter in order to determine whether to suspend (Kindergarten to Grade 3) or recommend to the Discipline Committee that the student be expelled (Grades 4-12).

Activities for which expulsion must be considered under subsection 310(1) of the *Education Act*:

- 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) Bullying (if the student has previously been suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person);
- 8) Any activity listed in subsection 306 (1) that is motivated by bias, prejudice, or hate;
- 9) Giving alcohol or cannabis to a minor;
- 10) Any other activity for which a student may be expelled under board policy.

For more information regarding infraction #7, please consult Code of Conduct Administrative Guideline and NNDSB Governance Manual, Section GP-211 Safe Schools.

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 (see Section 5.3).

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. That decision is communicated to the parent(s)/guardian in writing.

If the student commits to attend the ASP, then the ASP procedures set out in Section 5.4 of this Guideline shall be followed.

### **Section 7.1 Identifying incidents motivated by bias, prejudice, or hate**

As outlined in section 310(1) of the *Education Act*, a Principal must consider suspension and/or expulsion, depending on the student's age, for incidents that are motivated by bias, prejudice, or hate. Incidents that are motivated by bias, prejudice, or hate may include: hate/bias incidents; racism incidents; or hate crimes. Definitions are found below.

#### Hate/Bias Incident:

Refers to non-criminal conduct, which does not involve physical violence, threats or property damage, that is motivated in whole or in part by hatred or bias based on the real or perceived identity or group affiliation of a victim or victims. For the purposes of this procedure, this includes the grounds of disability, gender identity, gender expression, sex, sexual orientation, family status, marital status, socio-economic status, and religion or creed (Note: hate/bias incidents based on race-related grounds, which may sometimes also include religion or creed, are addressed under the category "racism incidents"). A hate/bias incident can also encompass situations in which conduct is directed against people associated with individuals and groups identified with these grounds. The conduct can be verbal, nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials, or other acts which may intimidate, denigrate and/or marginalize the victim(s).

#### Racism Incident:

refers to non-criminal conduct, which does not involve violence, threats or property damage, that is motivated in whole or in part by, or is in effect, racism based on the real or perceived identity or group affiliation of a victim or victims, inclusive of the grounds of race and/or race-related grounds such as colour, ancestry, ethnic origin, place of origin, citizenship, religion or creed. This includes

hate/bias incidents based on the above race related grounds, but excludes hate crimes based on race, which are to be classified as hate crimes. A racism incident can also encompass situations in which conduct is directed against people associated with individuals and groups identified with these grounds. The conduct can be verbal, nonverbal or written, and may manifest itself in the form of slurs, insults, harassment, abusive gestures, taunting, display of offensive materials, or other acts which may intimidate, denigrate and/or marginalize the victim(s).

#### Hate Crimes:

Refer to criminal offences that are committed against persons or property which are motivated in whole or in part by hatred or bias based on the victim's race, national or ethnic origin, language, colour, creed, religion, sex, age, mental or physical disability, sexual orientation, gender identity, or gender expression. This includes, but is not limited to, hate-motivated violence, incitement to hate-motivated violence, and/or the display of symbols or other representations identified with groups promoting hate and violence. It also includes crimes committed against persons who are associated, or perceived to be associated, with persons who belong to the aforementioned *Human Rights Code*-protected groups.

Any NNDSB employee who witnesses or otherwise becomes aware of a hate/bias incident, racism incident, or a hate crime involving or impacting a student or school climate must immediately report it to the school Principal or Vice-Principal, or next level workplace supervisor not involved or implicated in the incident. See section 3.0 for further information about responding to hate/biased or racism incidents.

All NNDSB community members, including students and parents, who witness or otherwise become aware of a hate/bias incident, racism incident, or a hate crime involving or impacting a student or school climate is strongly encouraged to report it to the school Principal or Vice-Principal. If they feel uncomfortable reporting it to school administration directly, they can use the "Safer Schools! Reporting Tool", which includes an anonymous reporting option, found on the NNDSB website. Upon being made aware of an incident motivated by bias, prejudice, or hate, administration will, as soon as possible, determine and address the immediate, and potentially ongoing, safety needs of all impacted parties.

The Principal or Vice-Principal will also:

- Assess the impact before determining appropriate outcomes/consequences
- Use a trauma informed approach
- Consider how the victim wants to engage in the next steps (i.e. seek victim input before asking for aggressor to apologize)
- Consider that victims can go beyond who was directly impacted or in proximity; through social media, for example, many other people can become aware of an incident and have harm caused to them.

Principals will consider the following when determining next steps for all parties:

- Scale, extent and intensity of the impact of the incident
- Number of parties involved or impacted
- Occurrence of a previous incident at the school, or previous involvement of the same alleged victim and/or perpetrator

- Risks to persons and/or property
- Legal and/or reputational risks to the NNDSB
- Public interest and impact
- Personnel capacity, subject matter expertise, and experience handling such matters
- Requirements to report to and consult particular parties under other relevant policies or procedures

Administrators are encouraged to seek additional Board supports when weighing these considerations, including members of the Equity/Well-being team, Indigenous Education Department, Mental Health and Safe Schools Teams.

### **Section 7.2 Procedural Steps When Imposing a Suspension Pending Expulsion**

When imposing a suspension pending expulsion 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 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;

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.

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 the school, and the Superintendent of Safe Schools;

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 there is no immediate right to appeal the suspension, 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 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.

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.

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

If the student commits to attend the ASP, then the ASP procedures set out in this Guideline shall be followed.

### **Section 7.2 Principal's Investigation of Expulsion**

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). This does not include Professional Activity days, Board holidays, or public holidays.

Any police investigation will be conducted separately from the Principal's investigation and follow the procedures outlined in the *North East Police Protocol*.

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

- i) 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);
- ii) Interviews witnesses who the Principal determines can contribute relevant information to the investigation;
- iii) Make every reasonable effort to interview any witnesses suggested by the student, or the student's parent/guardian; and
- iv) Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the student be expelled.

### **Section 7.3 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 select on the following actions:

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).

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:

- i. A statement of the Principal's decision not to recommend expulsion to the Discipline Committee;
- ii. A statement indicating whether the suspension has been upheld, upheld and shortened in duration, or withdrawn;
- iii. If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
  - a. A copy of the Board policies and guidelines regarding suspension appeals;
  - b. Contact information for the Superintendent Responsible for Safe Schools to whom the notice of appeal must be given;
  - 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. 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;
- iv. If the length of the suspension has been shortened, notice that the appeal applies to the shortened length of the suspension.

#### **Section 7.4 Decision to Recommend Expulsion**

If a Principal, in consultation with the Superintendent of Safe Schools determines that a recommendation for expulsion is warranted, 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.

If the Principal has decided 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 written notice shall include:

- i. 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;
- ii. The date and location of the expulsion hearing;
- iii. A link to the Board's guidelines and rules governing the expulsion hearing before the Discipline Committee (i.e. this guideline);
- iv. A link to the Board's Code of Conduct Administrative Guideline;
- v. A copy of the suspension letter;
- vi. A statement that the student and/or their parent(s)/guardian(s) has the right to respond to the Principal's report in writing at the time of the hearing;
- vii. Information about the procedures and possible outcomes of the expulsion hearing, including that:
  - a. If the Discipline Committee does not expel the student they will either confirm, confirm and shorten, or withdraw the suspension;
- viii. 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;
- ix. Any decision of the Discipline Committee with respect to the suspension imposed is final and cannot be appealed;
- x. If the student is expelled from their school, the student will be assigned to another school;
- xi. If the student is expelled from the Board, they will be assigned to a program for expelled students;
- xii. If the student is expelled there is a right of appeal to the Child and Family Services Review Board.
- xiii. 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.

#### Section 7.4.1 Principal's Report

For the purposes of the expulsion proceeding, the Principal shall prepare a report to be submitted to the Discipline Committee of the Board. The report will also be provided 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) at the time written notice of the recommendation for expulsion is given.

The report shall include:

- i. A summary of the findings the Principal made in the investigation;
- ii. An analysis of which, if any, mitigating or other factors or *Human Rights Code* related grounds might be applicable;
- iii. A recommendation of whether the expulsion should be from the school or from the Board; and
- iv. 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.

**Section 7.4.2 Response to the Principal's Report**

Any person who is entitled to receive the written notice of the Discipline Hearing is also entitled to receive the Principal's report. Parent(s) or guardian(s), as well as the student, may respond to the report through oral submissions at the Discipline Committee at the time of the hearing. Written submissions can also be prepared by the parent(s), guardian(s) or student and provided to the Discipline Committee in advance or at the time of the hearing.

**Section 7.4.3 Meeting Prior to the Discipline Committee Hearing**

Prior to the Discipline Committee, the Superintendent of Safe Schools or designate 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(s)/guardian(s) 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(s)/guardian(s) may have regarding the process or incident. During the meeting the Superintendent of Safe Schools or designate may assist to narrow the issues and identify agreed upon facts.

**Section 7.4.4 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 in writing.

**Section 7.5 Expulsion Hearing by the Discipline Committee**

The Discipline Committee will conduct expulsion hearings as required by the *Education Act*, section 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 section 311.3(9) of the *Education Act*.

Parties at the hearing are:

- i. Principal/Vice Principal(s) of the school in which the student is registered and/or Superintendent of Education responsible for the school in which the student is registered
- ii. Student's parent(s)/guardian(s) (unless the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental control) and the student;
- iii. Student's parent(s)/guardian(s) and/or adult students may be represented by legal counsel or attend with an advocate/agent or the support of a community member.
- iv. Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel.

The Superintendent of Safe Schools will prepare a package of documents for the Discipline Committee, which will include at least the following components:

- i. a copy of the Principal's Report; and
- ii. a copy of the original suspension letter and the notice of expulsion sent to the adult student or the student's parent/guardian.

### **Section 7.5.1 Submissions and Views of the Parties**

At the hearing, the Discipline Committee shall:

- i. Consider the submissions, whether orally, in writing or both;
- ii. Solicit the views of all the parties as to whether the student, if they are expelled, should be expelled from his or her school only, or from all schools of the board;
- iii. 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 section 310 of the *Education Act*, confirm the suspension but reduce its duration or withdraw the suspension; and
- iv. Ask any party, or the student, where appropriate, questions of clarification.

### **Section 7.5.2 Factors the Discipline Committee Must Consider in its Decision**

In making the decisions as outlined above, the Discipline Committee shall take into account:

- i) 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;
- ii) Any mitigating and other factors prescribed by the regulations (see Section 5.3);
- iii) Any written or oral responses to the Principal's report provided before the completion of the hearing.

After completing the hearing, the Discipline Committee shall decide:

- i) Whether to expel the student; and
- ii) 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.

### **Section 7.5 If Student is Not Expelled**

If the Discipline Committee does not expel a student, the board shall, with respect to the suspension originally imposed under section 310 the *Education Act*:

- i) Confirm the suspension and the duration of the suspension;
- ii) 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
- iii) 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:

- i) 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;
- ii) Any mitigating or other factors prescribed by the regulations (see Section 5.3).

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

- i) A statement indicating that the student is not expelled;

- ii) 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.

### **Section 7.6 If Student is Expelled**

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

- i) in the case of a student expelled from their school only, another school of the board; and
- ii) 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 Education 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 Education 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 all the parties to the expulsion hearing and the student (if the student is at least 18 years old or 16 or 17 years old and has withdrawn from parental custody).

The contents of the notice must include the following:

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

### **Section 7.7 Expulsion Appeal**

The student's parent(s)/guardian(s) 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.

### **Section 7.8 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.

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.

A Student Action Plan shall be developed for every expelled student who makes a commitment to attend the board program for expelled students. See section 5.4 for more information. 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 they were on a long-term suspension pending expulsion.

The SAP will be developed by the school Principal or a system Principal in cooperation with appropriate staff, the student, and their parent(s)/guardian(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 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 their learning. For students with special education needs, Boards shall provide appropriate support consistent with the student's IEP.

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 their parent(s)/guardian(s) should be involved in the review of the SAP.

### **Section 7.9 Re-entry to School Following Expulsion**

A student who has been expelled from all schools of a board and/or their parent(s)/guardian(s), 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 their parent(s)/guardian(s), wish that the student return to their original school, the student and/or their parent(s)/guardian(s), 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 considered for readmission 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 readmission meeting with the Discipline Committee shall be scheduled to provide approval of the student's return to school.

As part of the readmission meeting, efforts will be made to include the student's parent(s)/guardian(s), (if applicable) or other significant family member(s), as well as the student. If the parents cannot be present, the meeting shall proceed nevertheless, and the Superintendent of Safe Schools or designate must attempt to follow up with the parent(s)/guardian(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 school Principal or system Principal shall create a report for presentation at the readmission meeting that will include the student's achievements related to:

- Academic goals of the Student Action Plan;
- Non-academic goals of the Student Action Plan;
- Any and all relevant information related to goals achieved or skills developed that would support the student's readmission to school;
- The likelihood of re-offence should the student be returned to school;
- A proposed re-entry process for a successful transition back to school;
- Identification of the types of support needed to sustain the student's learning.

Where a student seeks to be re-assigned to the school from which they were expelled, the Discipline Committee will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable. 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.

### **Section 8.0 Administrative Transfer**

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 mental health services, 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 they are at least 18 years old (or if they are 16 or 17 years old and have withdrawn from parental control) or parent(s)/guardian(s) 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.

### **Section 8.1 Re-entry to School Following Administrative Transfer**

A student who has been administratively transferred from a school of a board and/or their parent(s)/guardian(s), may apply in writing to the Superintendent of Safe Schools requesting that the student be readmitted to the school.

The Superintendent of Safe Schools will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable. Following consideration of the principles of equity and inclusion, the Superintendent may uphold the administrative transfer or agree to remove it, thus allowing the student to return to their original school. Notice of this decision will be provided in writing.

### **Section 9.0 Delegation of Authority**

Section 300.1 (1) of the *Education Act* states that a Principal of a school may delegate in writing any of his or her powers, duties or functions under Part XIII to:

- a) a teacher employed in the school;
- b) Vice-Principal of the school.

Section 300.1 (2) qualifies the above in that a teacher who is not a Vice-Principal may only act under a delegation under this section if the Principal and Vice-Principal of the school are absent from the school. PPM 145 also addresses the issue of delegation of authority with respect to Vice-Principals and teachers in charge.

Those who are delegated authority for discipline matters must respect and implement their duties and decisions as required by the *Education Act*, Board policies and procedures, Ministry of Education Policy Program Memoranda and the *Human Rights Code* of Ontario.

Delegation of authority forms are available on the staff portal.

**Section 9.1 Vice-Principals**

Delegation may include all authority of the Principal under Part XIII of the *Education Act* except the final decision regarding a recommendation to the board to expel a student and the authority to suspend a student for six (6) or more school days.

**Section 9.2 Teachers in Charge**

The Principal's authority under Part XIII of the *Education Act* may only be delegated in writing to a teacher in the absence of the Principal and Vice-Principal and must respect the terms of all applicable collective agreements.

Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension or expulsion. The most important consideration in these circumstances is the safety of those involved. Any initial investigation must be undertaken according to board direction. The teacher must report all details of the initial investigation to the Principal as soon as possible.

The teacher must report to the Principal or Vice-Principal any activities that must be considered for suspension or expulsion that are received from staff or others during the Principal's absence. A teacher may not be delegated authority regarding suspension decisions or recommendations regarding expulsion of students.

A teacher may be delegated limited authority to contact the parents of a student who has been harmed as the result of a serious student incident and the parents of the student who has engaged in the activity. The information provided to the parents by a teacher must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm.

The teacher must not be delegated the authority to discuss the nature of any discipline measures taken in response to the activity.

If the teacher is not sure whether he or she should call the parents, the teacher should contact the Principal or supervisory officer for direction. The Principal or Vice-Principal will follow up with the parents as soon as possible.