

JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD
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ADMINISTRATIVE PROCEDURE STUDENTS: NO. 382	
Effective	August 21, 2019
Last Revised	August 15, 2023

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STUDENT EXPULSION

PURPOSE

The administration of James Bay Lowlands Secondary School Board has developed this administrative procedure to support Board Governance Policy GOV-20 Safe School Environment, and Administrative Procedure 379 Progressive Discipline.

This administrative procedure is intended to promote a safe learning and working environment in Northern Lights Secondary School and to assist students in recognizing the behaviours required for good citizenship. This procedure provides direction for expulsion of students in accordance with the *Education Act*, regulations, and policy/program memoranda.

The principal has a duty under the *Education Act* to maintain proper order and discipline in schools, and students are responsible to the principal for their conduct.

When interventions, supports, and best efforts to promote positive behaviour have not met with success and a student is involved in serious incidents, the principal may find that an expulsion is the response that is required.

DEFINITIONS

Bullying: Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying can take many forms. Bullying can be physical (e.g., hitting, pushing, tripping); verbal (e.g., name calling, mocking, or making sexist, racist, or homophobic comments); or social (e.g., excluding others, spreading rumours). It may also occur through the use of technology.

Discipline Committee: The Discipline Committee is a committee of three members of the Board designated to decide upon suspension appeals.

Expulsion: Expelled students are removed from Northern Lights Secondary School and school activities for an indefinite time period. Students are suspended first, while a principal's investigation takes place. The Board offers a program for expelled students which must be completed before the student returns to school.

Harassment: Harassment means words, conduct, or action that is directed at an individual and serves no legitimate purpose and which annoys, alarms, or causes that individual emotional distress. The term is often, but not always, related to the grounds enumerated in the Ontario *Human Rights Code*.

Mitigating and Other Factors: Mitigating and other factors must be taken into account when discipline is being considered. These factors are described in Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils.

Parent: A reference to “parent” in this administrative procedure refers to one or both parents, as applicable, and to a guardian or guardians. It also refers to an adult student, who is 18 or older, or is 16 or 17 years of age and has removed him/herself from parental control.

School Climate: School climate refers to the sum total of all the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable, and accepted.

Suspension: A suspension under this administrative procedure may be imposed for up to twenty (20) school days while the principal conducts an investigation to determine whether to recommend to the Board that the student be expelled. The student is considered to be on long-term suspension and must be offered a program including both an academic and non-academic behavioral component.

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

PROCEDURES

1. Expulsion Infractions

1.1 When a principal has reasonable grounds to believe that a student has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has a negative impact on the school climate, the principal shall suspend the student. Activities leading to suspension include:

- a) possessing a weapon, including possessing a firearm;
- b) using a weapon to cause or to threaten bodily harm to another person;
- c) committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- d) committing sexual assault;
- e) trafficking in weapons, illegal drugs, or restricted drugs; committing robbery; giving alcohol or drugs to a minor;
- f) 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;
- g) any activity that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability,

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- sexual orientation, gender identify, gender expression, or any other similar factor;
- h) activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property; or
 - i) any act considered by the principal to be significantly injurious to the physical or mental well-being of others.
- 1.2 The principal will also contact the police in accordance with the Police Protocol if the infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with the supervisory officer.

2. Factors to Consider Before Imposing a Suspension

- 2.1 Before deciding on the suspension and its length, the principal will make every effort to consult with the student, where appropriate, and the student's parent, to identify whether any mitigating factors might apply in the circumstances.
- 2.2 Mitigating Factors: The principal must also consider if any mitigating or other factors apply. The mitigating factors to be considered by the principal are:
- a) whether the student has the ability to control his or her behaviour;
 - b) whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
 - c) whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 2.3 Other factors that the principal must consider are:
- a) the student's academic, discipline, and personal history;
 - b) the history of progressive discipline attempted in the school;
 - c) whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation, or harassment for any other reason;
 - d) the impact of the discipline on the student's prospects for further education;
 - e) the student's age;
 - f) if the student has an Individual Education Program (IEP) or disability-related needs:
 - whether the behaviour causing the incident was a manifestation of the student's disability;
 - whether appropriate individualized accommodation has been provided;
 - whether an expulsion is likely to result in aggravating or worsening the student's behaviour or 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.

- 2.4 If mitigating or other factors apply, the principal may decide not to suspend the student. Alternative discipline and/or other intervention may be considered by the principal.
- 2.5 If the student is not being suspended, but poses an unacceptable risk to the safety of others in the school, the principal will consult with the supervisory officer regarding appropriate accommodations and/or strategies that could be instituted to ensure the safety of students, the staff, and others in the school.

3. Suspension Pending Recommendation for Expulsion

- 3.1 If the student is to be suspended pending an investigation, the student should be suspended for twenty (20) school days or as long as required for the principal to determine whether to recommend to the Discipline Committee of the Board that the student be expelled, and for the Board hearing to take place.
- 3.2 Within 24 hours of the decision to suspend, the principal will make all reasonable efforts to orally inform the parent of the suspension.
- 3.3 The principal will provide written notice of the suspension to the student's parent using Form ADMIN-382-01 Suspension Pending Investigation for Expulsion. The Form includes:
 - the reason for the suspension;
 - the duration of the suspension;
 - details about the alternative suspension program to which the student is assigned;
 - information about the investigation the principal is conducting under section 311.1 of the *Education Act* and this administrative procedure to determine whether to recommend that the student be expelled;
 - a statement indicating that there is no immediate right to appeal the suspension until the principal decides whether to recommend an expulsion;
 - notification that if the principal does not recommend to the Board that the student be expelled following the investigation, the suspension will become subject to appeal to the Discipline Committee; and
 - notification that if there is an expulsion hearing, the suspension may be addressed by parties at the hearing.
- 3.4 If the incident is a serious violent incident, a Violent Incident Report shall be completed and filed in the student's Ontario Student Record (OSR).

4. Alternative Suspension Program

- 4.1 When a student has been suspended pending an investigation to determine whether to recommend an expulsion, the student will be assigned to an alternative program for a student subject to a long-term suspension. A Student Action Plan will be developed for every student who participates in an alternative suspension program.

- 4.2 The principal or designate will set up a planning meeting with the parent and student and the appropriate teaching and support staff members to develop the Student Action Plan. The purpose of the planning meeting is to:
- a) identify the needs of the student and determine whether any assessment is required;
 - b) identify the student's risk factors and protective factors; and
 - c) describe the types of support and services required to assist the student in achieving the goals of the academic and non-academic components of the program (for example, counselling, use of mentors from appropriate communities).
- 4.3 The principal will make every effort to complete the Student Action Plan within five (5) school days of learning that the student will participate in an alternative suspension program.
- 4.4 Once completed, the Student Action Plan will be shared with the parent and student and all staff members involved in facilitating the alternative suspension program.
- 4.5 A copy of the Student Action Plan will be stored in the student's Ontario Student Record (OSR) until such time as it is no longer conducive to the improvement of instruction of the student.
- 4.6 If the parent declines the offer to participate in an alternative suspension program, the principal shall record the date and time of such refusal.

5. The Principal's Investigation

- 5.1 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.
- 5.2 The investigation must be completed at the earliest opportunity, and the decision made whether or not to recommend that the student be expelled. Should the decision be made to refer the matter to the Discipline Committee of the Board 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 by consent.
- 5.3 Any police investigation will be conducted separately from the principal's inquiry.
- 5.4 As part of the investigation, the principal will:
- a) make all reasonable efforts to speak with the parent and student;
 - b) include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
 - c) make every reasonable effort to interview any witnesses suggested by the parent; and

- d) consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the student be expelled.
- 5.5 The mitigating and other factors to be reviewed by the principal are the same as those set out in subsections 2.2 and 2.3 above.

6. Review of Progressive Discipline

- 6.1 The principal will review whether progressive discipline has been attempted, and if so, the approaches that have been attempted and any success or failure.
- 6.2 The principal will consider whether the school has used early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. Such strategies include meeting with the student's parent; oral reminders; review of expectations; written work assignments with a learning component; volunteer service to the community; conflict mediation and resolution; peer mentoring; and referral to counselling.
- 6.3 The principal will consider whether the school has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed. Such approaches include: meeting(s) with the student, parent and principal; referral to a community agency for anger management or substance abuse counselling; detentions; withdrawal of privileges; withdrawal from class; restitution for damages; and/or restorative practices.

7. Decision Not to Recommend Expulsion

- 7.1 Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend expulsion to the Discipline Committee, the principal shall:
- consider whether alternative discipline is appropriate in the circumstances;
 - confirm the suspension and its duration;
 - confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record accordingly; or
 - withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.
- 7.2 If the principal has decided not to recommend an expulsion of the student, the principal shall provide written notice of this decision to the parent. Form ADMIN-382-02 Decision Not to Recommend Expulsion shall be used. The notice includes:
- a statement of the principal's decision not to recommend expulsion;
 - a statement indicating whether the suspension has been confirmed, confirmed and shortened, or withdrawn;
 - if the suspension has been confirmed or confirmed and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
 - a copy of Board Policy No. GOV-21 Appeals and Hearings Regarding Student Discipline;
 - contact information for the supervisory officer; and

- a statement that written notice of an intention to appeal must be given within five (5) school days following receipt of the decision not to recommend expulsion.

8. Recommendation to the Board for an Expulsion Hearing

8.1 If a principal, in consultation with the supervisory officer, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard and dealt with within twenty (20) school days from the date the principal suspended the student, unless the parties to the expulsion hearing agree upon a later date.

8.2 For the purposes of the expulsion proceeding, the principal shall prepare a report to be submitted to the Discipline Committee and provide the report to the parent 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 might be applicable; and
- c) a recommendation regarding the type of program that might benefit the student if the student is subject to an expulsion.

8.3 The principal shall provide written notice of the location, date, and time of the expulsion hearing to the parent. Form ADMIN-382-03 Notice of Recommendation for Expulsion shall be used for this notice. 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 the suspension;
- b) a copy of this administrative procedure about student expulsion;
- c) a copy of Board Policy No. GOV-21 Appeals and Hearings Regarding Student Discipline;
- d) a copy of the suspension notice;
- e) a statement that the parent has the right to respond to the principal's report in writing and to make a presentation at the hearing; and
- f) information about the procedures and possible outcomes of the expulsion hearing, including information that:

- if the Discipline Committee does not expel the student, it will either confirm, confirm and shorten, or withdraw the suspension;
- parties have the right to make submissions with respect to the suspension;
- any decision with respect to the suspension is final and cannot be appealed;
- if the student is expelled, he or she will be assigned to a program for expelled students; and
- if the student is expelled there is a right of appeal to the Child and Family Services Review Board.

8.4 The name and contact information for the supervisory officer must also be provided.

9. The Expulsion Hearing

- 9.1 The expulsion hearing will be conducted following the procedures in Board Policy No. GOV-21 Appeals and Hearings Regarding Student Discipline.

10. Re-entry Requirements Following Expulsion

- 10.1 The expelled student must have a Student Action Plan that outlines expectations for learning and behaviour, including provision for regular reviews of the student's progress with the Student Action Plan.
- 10.2 When a student has been subject to a Board expulsion, the parent may apply to the supervisory officer for readmission of the student to school. This application may only be made once the student has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the person who provides the program. The supervisory officer or designate shall re-admit the student and inform the student in writing of the re-admission.
- 10.3 When a student is considered ready to be readmitted to school, a re-entry plan must be developed as part of the Student Action Plan to assist with the transition and integration back into the school. As part of the plan, the school must hold a meeting of appropriate staff members, the student and, where possible, the parent.
- 10.4 The student will be asked to sign a re-entry contract appropriate to the circumstances. Form ADMIN-382-04 is one example of such a contract.

REFERENCE DOCUMENTS

Legal:

Education Act, Part XIII Behaviour, Discipline and Safety

Education Act: 265 (1) (a) Duties of Principal: Maintain Proper Order and Discipline

Ontario Regulation 298, 23 (4) Requirements for Pupils: Responsible to principal for conduct

Ontario Regulation 474/00 Access to School Premises

Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils

Ontario Student Record Guideline

Ontario Ministry of Education *Student Success Strategy* [grades 7-12]

Policy/Program Memorandum 119 Developing and Implementing Equity and Inclusive Education Policies 2013

Policy/Program Memorandum 120 Reporting Violent Incidents to the Ministry of Education

Policy/Program Memorandum 128 The Provincial Code of Conduct and School Board Codes of Conduct

Policy/Program Memorandum 141 School Board Programs for Students on Long-term Suspension

Policy/Program Memorandum 142 School Board Programs for Expelled Students

Policy/Program Memorandum 144 Bullying Prevention and Intervention

Policy/Program Memorandum 145 Progressive Discipline and Promoting Positive Student Behaviour

Ontario Human Rights Code

Youth Criminal Justice Act

Board:

Board Policy GOV-01 Values, Vision, and Mission

Board Policy GOV-13 Equity and Inclusion

Board Policy GOV-19 Special Education

Board Policy GOV-20 Safe School Environment

Board Policy GOV-21 Appeals and Hearings Regarding Student Discipline

Administrative Procedure 379 Progressive Discipline

Administrative Procedure 381 Student Suspension

Administrative Procedure 385 Violence-Free School

Administrative Procedure 386 Student Assault on Staff/Volunteers

Police Protocol

Form ADMIN 382-01 Suspension Pending Investigation for Expulsion

Form ADMIN 382-02 Decision Not to Recommend Expulsion

Form ADMIN 382-03 Notice of Recommendation for Expulsion

Form ADMIN 382-04 Student Re-entry Contract