

ADMINISTRATIVE PROCEDURE 359	
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STUDENT DISCIPLINE: EXPULSION (for Students in K-12)

BACKGROUND

This administrative procedure has been developed to support a progressive discipline approach that uses a continuum of interventions, supports and consequences to address inappropriate student behaviour. When interventions, supports and best efforts to promote positive behaviour have not met with success and a student is involved in serious incidents, Principals may find that an expulsion is required. Principals have a duty under the *Education Act* to maintain proper order and discipline in schools, and students are responsible to the Principal for their conduct.

It is important that all students and staff members have a safe, caring, and respectful learning and working environment that promotes student achievement. This administrative procedure provides direction for expulsion of students in accordance with the *Education Act*, regulations and policy/program memoranda.

DEFINITIONS

The following definitions apply for the purposes of student discipline.

Adult Student: An adult student is 18 years of age or older, or 16 or 17 and has removed themselves from parental control.

Discipline Committee: The Discipline Committee is a committee of three (3) or more members of the Board of Trustees designated to decide upon recommendations for expulsion.

Expulsion: A school expulsion is an expulsion from the school that the student was attending at the time of the incident(s). A Board expulsion is an expulsion from all schools of the Renfrew County District School Board (RCDSB).

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.

Parent: A reference to “parent” in this administrative procedure is intended to refer to all parents if applicable and to a guardian or guardians. Parent means the custodial parent or guardian of a minor child who is not an adult student.

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

Suspension: A short-term suspension means a suspension of no less than one (1) school day and no more than five (5) school days. A long-term suspension means a suspension of six (6) or more school days. The maximum duration of a suspension is twenty (20) school days.

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.

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.

PROCEDURE

1. HANDLING OF EXPULSIONS

Expulsion Infractions (for students in Kindergarten to Grade 3)

If a Principal has reasonable grounds to believe a student in grades JK-3 has committed one (1) or more of the infractions listed in section 1, the Principal will investigate the allegations to determine if the student should be suspended or expelled.

Expulsion Infractions (for students in grades 4 to 12)

When a Principal has reasonable grounds to believe that a student has committed one (1) 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.

The Principal will also contact the police in accordance with the *Local Schools and Police Protocol* developed by the police services and district school boards in Renfrew County if the infraction the student is suspected of committing requires such contact. When in doubt, the Principal will consult with the appropriate Superintendent.

The Principal shall suspend a student pending an investigation if they believe that the student has engaged in any of the following activities:

- 1.1 possessing a weapon, including possessing a firearm;
- 1.2 using a weapon to cause or to threaten bodily harm to another person;
- 1.3 committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;

- 1.4 committing sexual assault;
- 1.5 trafficking in weapons, cannabis, or illegal drugs;
- 1.6 committing robbery;
- 1.7 giving alcohol, cannabis or drugs to a minor;
- 1.8 bullying, if the pupil has previously been suspended for engaging in bullying, and the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;
- 1.9 an act subject to a suspension (under AP 358) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor;
- 1.10 an act considered by the Principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
- 1.11 a pattern of behaviour or activities that are so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others or creates unacceptable risk to the physical or mental well-being of other persons in the school or District:
- 1.12 activities engaged in by the student on or off school property that have caused extensive damage to the property of the RCDSB or to goods that are/were on RCDSB property;
- 1.13 any act considered by the Principal to be a serious violation of the RCDSB or school Code of Conduct.

2. FACTORS TO CONSIDER BEFORE INVOKING A PRINCIPAL'S INVESTIGATION

Before deciding whether to impose a twenty (20) day suspension pending a possible recommendation for expulsion, the Principal will make every effort to consult with the student, where appropriate, and the student's parent to identify whether any mitigating or other factors might apply in the circumstances. The mitigating factors to be considered by the Principal before deciding whether to impose a suspension are:

- 2.1 whether the student has the ability to control their behaviour;
- 2.2 whether the student has the ability to understand the foreseeable consequences of their behaviour; and
- 2.3 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.
- 2.4 If a student does not have the ability to control their behaviour or does not understand the foreseeable consequences of their behaviour, the Principal may decide not to suspend the student. Alternative discipline and/or other intervention may be considered by the Principal in such circumstances.

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 appropriate Superintendent regarding appropriate accommodations and/or strategies that could be instituted to ensure student and staff safety.

3. SUSPENSION PENDING RECOMMENDATION FOR EXPULSION

If the student is to be suspended pending an investigation, the student should be suspended for twenty (20) school days. If the student has been suspended pending an investigation to determine whether the student will be recommended for expulsion, the Principal must assign the student to an alternative suspension program while the Principal is conducting the investigation.

If the student is suspended for twenty (20) school days, the Principal must undertake an investigation to determine whether to recommend to the Discipline Committee of the RCDSB that the student be expelled.

4. PROCEDURAL STEPS FOR IMPOSING A SUSPENSION

When imposing a suspension the Principal is required to take the following steps:

- 4.1 Within twenty-four (24) hours of the decision, the Principal must make all reasonable efforts to orally inform the parent or adult student of the suspension.
- 4.2 The Principal must inform the student's teacher(s) and bus driver(s), if applicable, of the suspension.
- 4.3 The Principal must provide written notice of the suspension to the student's parent or to the adult student and the appropriate Superintendent.

The written notice of suspension will follow the template, *Form F359-1 Suspension Pending Investigation for Expulsion*, including the following information:

- 4.4 the reason for the suspension;
- 4.5 the duration of the suspension;
- 4.6 details about the alternative suspension program to which the student is assigned;
- 4.7 information about the investigation the Principal is conducting under Section 311.1 of the *Education Act* and this procedure to determine whether to recommend that the student be expelled;
- 4.8 a statement indicating that there is no immediate right to appeal the suspension until the Principal decides whether to recommend an expulsion;
- 4.9 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; and
- 4.10 notification that if there is an expulsion hearing, the suspension may be addressed by parties at the hearing.

School Work

Every reasonable effort should be made to include school work for the student to complete at home with the notice of suspension and provide it to the student on the day the student is

suspended, if the notice is provided to the student to take home. If the student and/or the parent is not available, the notice shall be mailed, couriered, faxed or e-mailed to the home address that day.

- 4.11 School work should be made available for the student's parent or designate or adult student's designate to pick up from the school the following school day.
- 4.12 If the notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
- 4.13 If the notice is sent by e-mail, it will be deemed to have been received the first school day after it was sent.

Violent Incidents

If the incident is a serious violent incident as defined by Policy/Program Memorandum 120, such as

- possession of weapons,
- physical assault causing serious bodily harm requiring medical attention
- sexual assault
- robbery
- extortion or hate motivated violence

a violent incident form (*Form F311-1 Violent Incident*) and a central violent incident form (*Form F311-2 Central Violent Incident*) shall be completed and forwarded to the Superintendent's office.

5. ALTERNATIVE SUSPENSION PROGRAM

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 cannot be compelled to participate in an alternative suspension program. If a student's parent or adult student decides against participation in a program, the student will be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum, to be completed at home for the duration of the suspension. This school work will be available at the school for pick-up by the student's parent or designate or the adult student's designate at regular intervals during the suspension period, beginning the school day after the parent or adult student declines participation in the alternative suspension program.

Agreement to participate in an alternative suspension program or refusal to participate may be communicated to the school orally by the parent or adult student. If the parent or adult student declines the offer to participate in an alternative suspension program, the Principal shall record the date and time of such refusal.

A Student Action Plan will be developed for every student who agrees to participate in an alternative suspension program.

Planning Meeting

For the purpose of developing the Student Action Plan, the Principal of the school or designate will hold a planning meeting for pupils who agree to participate in an alternative suspension program.

The purpose of the planning meeting is to:

- 5.1 identify the needs of the student and determine whether any assessment is required;
- 5.2 identify the student's risk factors and protective factors;
- 5.3 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, career development counselling, use of mentors from appropriate communities).
- 5.4 The student's parent and the student, or the adult student, as well as the appropriate teaching and support staff members will be invited to participate in the planning meeting.
- 5.5 The planning meeting will be held within two (2) school days of the parent or adult student informing the school that the student will participate in an alternative suspension program.
- 5.6 If the parent or adult student is not available to participate in the planning meeting, the meeting will proceed in his or her absence and a copy of the Student Action Plan will be provided to the parent or adult student following the meeting.

Student Action Plan

The Student Action Plan will be developed under the direction of the Principal of the school with assistance, as appropriate, from the provider(s) of alternative programs, the classroom teacher, Vice Principal, guidance counsellor, special education teacher, a system consultant or administrator, and/or social worker.

A student subject to a suspension pending an investigation to determine whether to recommend an expulsion will be provided with both an academic and a non academic program component, which will be identified in the Student Action Plan.

The Student Action Plan will identify:

- (a) the incident for which the student was suspended;
- (b) the progressive discipline steps taken prior to the suspension, if applicable;
- (c) any alternative discipline measures imposed in addition to the suspension;
- (d) any other disciplinary issues identified by the school staff;

- (e) any learning needs or other needs that might have contributed to the inappropriate behaviour;
 - (f) any program(s) or service(s) that can be provided to address those learning or other needs;
 - (g) the academic program to be provided and details regarding how that program will be accessed by the student;
 - (h) if the student has an Individual Education Plan, information as to how the accommodations or modifications of the academic program will be provided during the alternative suspension program;
 - (i) the non-academic program and services to be provided and details about how the non-academic program and services will be accessed; and
 - (j) the measurable goals the student will be striving to achieve during the alternative suspension program.
- 5.7 The Principal will make every reasonable effort to complete the Student Action Plan within five (5) school days of learning that the student will participate in an alternative suspension program. This timeline will be communicated to the parent or adult student if they are unable to attend the planning meeting.
- 5.8 Once completed, the Student Action Plan will be shared with the parent and student or the adult student and all staff members involved in facilitating the alternative suspension program.
- 5.9 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.

6. THE PRINCIPAL'S INVESTIGATION

The Principal shall conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Discipline Committee that the student be expelled.

As part of the investigation, the Principal will consult with the Superintendent of Education responsible regarding any issues of process and/or timing for conducting the investigation.

The investigation must be completed at the earliest opportunity, the decision made whether or not to recommend that the student be expelled, and *Form 359-5 Expulsion Information Sheet*, shall be completed. Should the decision be made to refer the matter to the Discipline Committee of the RCDSB 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 mutual consent.

Any police investigation will be conducted separately from the Principal's inquiry. As part of the investigation, the Principal will:

- 6.1 Make all reasonable efforts to speak with the parent and student or adult student.
- 6.2 Include interviews with witnesses who the Principal determines can contribute relevant information to the investigation.
- 6.3 Make every reasonable effort to interview any witnesses suggested by the parent or adult student.
- 6.4 Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the student be expelled.
- 6.5 The student's academic, discipline (including any previous suspension for bullying) and personal history.
- 6.6 Whether progressive discipline has been attempted with the student, and if so, the approaches that have been attempted and any success or failure.
- 6.7 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.
- 6.8 The impact of the discipline on the student's prospects for further education.
- 6.9 The student's age.
- 6.10 If the student has an Individual Education Program (IEP) or disability-related needs,
 - (a) whether the behaviour causing the incident was a manifestation of the student's disability;
 - (b) whether appropriate individualized accommodation has been provided; and
 - (c) whether a suspension is likely to result in aggravating or worsening the student's behaviour or whether a suspension is likely to result in further inappropriate conduct.
- 6.11 Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

7. PROGRESSIVE DISCIPLINE

The Principal will review whether progressive discipline has been attempted with the student, and if so, the approaches that have been attempted and any success or failure.

The Principal will consider whether the teacher, Principal or designate has used early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These strategies include:

- 7.1 meeting with the student's parent;
- 7.2 oral reminders;
- 7.3 review of expectations;
- 7.4 written work assignments with a learning component;
- 7.5 volunteer service to the community, conflict mediation and resolution;
- 7.6 peer mentoring; referral to counselling and/or consultation.

The Principal will consider whether the Principal or designate 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; restorative practices; and/or transfer for a fresh start in a different location.

Before making a decision, the Principal will make every effort to consult with the parent or adult student.

8. DECISION NOT TO RECOMMEND EXPULSION

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:

- 8.1 consider whether alternative discipline is appropriate in the circumstances;
- 8.2 uphold the suspension and its duration;
- 8.3 uphold the suspension but shorten its duration; or
- 8.4 withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.
- 8.5 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 or adult student.

Form *F359-2 Decision Not to Recommend Expulsion* shall be used for this notice. The notice shall include:

- 8.6 a statement of the Principal's decision not to recommend expulsion;
- 8.7 a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
- 8.8 if the suspension has been upheld or shortened, the notice should also contain, information about the right to appeal the suspension to the Discipline Committee, including:
 - (a) a copy of Board Policy 13 *Appeals and Hearings Regarding Student Matters*;
 - (b) contact information for the Superintendent responsible;
 - (c) 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; or
 - (d) if the length of the suspension has been shortened, notice that the appeal is of the shortened length of the suspension.

9. RECOMMENDATION TO THE BOARD FOR AN EXPULSION HEARING

If a Principal, in consultation with the Superintendent responsible, 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.

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 or adult student prior to the hearing. The report shall include:

- 9.1 a summary of the findings the Principal made in the investigation;
- 9.2 an analysis of which, if any, mitigating or other factors might be applicable;
- 9.3 a recommendation of whether the expulsion should be from the student's school only or from all schools of the RCDSB; and
- 9.4 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.

The Principal shall provide written notice of the time and date of the expulsion hearing to the parent or adult student. *Form F359-3 Notice of Recommendation for Expulsion* shall be used for this notice. The notice shall include:

- 9.5 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;
- 9.6 a copy of this administrative procedure about student expulsion;
- 9.7 a copy of Board Policy 13 *Appeals and Hearings Regarding Student Matters*;
- 9.8 a copy of the suspension notice;
- 9.9 a statement that the parent or adult student has the right to respond to the Principal's report in writing and to make a presentation at the hearing;
- 9.10 information about the procedures and possible outcomes of the expulsion hearing, including information that:
 - (a) if the Discipline Committee does not expel the student, it will either uphold, uphold and shorten, or withdraw the suspension;
 - (b) parties have the right to make submissions with respect to the suspension;
 - (c) any decision with respect to the suspension is final and cannot be appealed;
 - (d) if the student is expelled from the school, they will be assigned to another school;
 - (e) if the student is expelled from the RCDSB, they will be assigned to a program for expelled students; and
 - (f) if the student is expelled there is a right of appeal to the Child and Family Services Review Board.

The name and contact information for the Superintendent responsible must also be provided.

The Superintendent responsible will advise the Board of Trustees member who represents the student's school about the general details of the case as soon as it is known that the expulsion hearing will be conducted by the Discipline Committee of the RCDSB.

The Superintendent may arrange a meeting with the Principal, student and parent or adult student, as appropriate, to review the process for expulsion hearings and respond to any questions about the process or incident. If this meeting is arranged, the Superintendent may assist to narrow the issues and identify agreed upon facts.

10. THE EXPULSION HEARING

The expulsion hearing will be conducted following the procedures in Board Policy 13 *Appeals and Hearings Regarding Student Matters*.

11. RE-ENTRY REQUIREMENTS FOLLOWING AN EXPULSION

Each 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.

When a student has been subject to a school expulsion, and has been assigned to another school of the RCDSB, the student and parent or the adult student may apply in writing to the Director of Education to be reassigned from the school from which the student was expelled.

The student will be required to demonstrate that they have learned from the incident, have achieved the expectations in the Student Action Plan, will not have a negative impact on the school climate, and have sought counselling, where appropriate.

NOTE: The student will be required to sign a contract to adhere to the school Code of Conduct; Form F359-4 Student Re-entry Plan.

The Director may, in the Director's sole discretion, determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

When a student has been subject to a Board expulsion, and has been expelled from all schools of the RCDSB, the student and parent or the adult student may apply to the Director of Education for readmission of the student to a school of the RCDSB. 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 Director shall re-admit the student and inform the student in writing of the placement for the student.

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.

LEGAL REFERENCES

Education Act, Part XIII, Behaviour, Discipline and Safety
Bill 13 – Accepting Schools Act
Ontario Regulation 472/07 Suspension and Expulsion of Pupils
Ontario Regulation 440/20 Suspension of Elementary School Pupils
Policy/Program Memorandum No. 120 - Reporting violent incidents to the Ministry of Education
Policy/Program Memorandum No. 142 - School Board Programs for Expelled Students
Policy/Program Memorandum No. 144 – Bullying Prevention and Intervention
Policy/Program Memorandum No. 145 - Progressive Discipline and Promoting Positive Student Behaviour

RCDSB REFERENCES

Board Policy 13 - Appeals and Hearings Regarding Student Matters
AP 140 - Code of Conduct
AP 304 - Anti-Racism and Anti-Oppression
AP 311 - Violence Prevention and Reporting of Incidents
AP 350 - Student Conduct and Progressive Discipline
AP 358 - Student Discipline: Suspension
AP 450 - Human Rights
Form F311-1 Violent Incident
Form F359-1 Suspension Pending Investigation for Expulsion
Form F359-2 Decision Not to Recommend Expulsion
Form F359-3 Notice of Recommendation for Expulsion
Form F359-4 Student Re-entry Plan
Form F359-5 Expulsion Information Form

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