



PROCEDURE

SO-007

| STUDENT EXPULSIONS | |
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| Superintendent Responsible: Superintendent of Education, Safe Schools | Initial Effective Date: 2020/01/27 |
| Last Updated: 2024/02/09 | Next Review Date: 2027/02/09 |

Purpose:

To outline the process related to the behaviour and potential expulsion of a student.

Guiding Principles:

Grand Erie District School Board (Grand Erie) supports a progressive discipline approach that encourages positive behaviour, promotes healthy relationships and social-emotional development among all students. Grand Erie recognizes that the expulsion of a student is one step in this process and that expulsions, when mandated or warranted, may be required to ensure the safety of all members of the school community.

1.0 Reporting to the Principal An employee of Grand Erie, who becomes aware that a student of Grand Erie has engaged in one or more activities described below, shall, as soon as is reasonably possible, report such information to the principal of the school or designate.

2.0 Circumstances for Which a Recommendation for Expulsion Shall Be Considered by the Principal under the *Education Act*.

2.1 The principal shall consider an expulsion, subject to mitigating and other factors, if the principal believes that the student has engaged in any of the following activities while at school, at a school-related activity or event, or in circumstances where the infraction has an impact on the school climate:

- Possessing a weapon, including possessing a firearm
- Using a weapon to cause or to threaten bodily harm to another person
- Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- Committing sexual assault
- Trafficking in weapons, illegal and/or restricted drugs
- Committing robbery
- Giving alcohol or cannabis to a minor
- 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
- Engaging in any activity outlined in section 311 of the *Education Act* 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 protected human right
- Committing an act of vandalism that causes extensive damage to the property of the board
- Engaging in activities on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of another person in the school or board

- 2.2** The principal or designate will contact the police consistent with the Protocol Between Brantford Police Services, Ontario Provincial Police and Grand Erie District School Board, Brant Haldimand Norfolk Catholic District School Board and Conseil scolaire de district catholique Centre-Sud if the suspected infraction requires such contact. A principal's investigation will be conducted separately from the police investigation.
- 2.3** In incidents involving weapons, the weapons should be confiscated if the confiscation can be carried out safely. Weapons offences, including the threat of using the weapon, will be reported to police. Seized weapons will be turned over to the investigating officer.

3.0 Investigation of Inciting Incident and Suspension

The principal shall forthwith investigate any such matter reported.

3.1 Suspension Pending Principal's Recommendation for Expulsion

The student shall be suspended pending the principal's investigation of the incident. The principal will:

- 3.1.1** Make all reasonable efforts to inform the parent(s)/caregiver(s) if the student is a minor, or adult student, that the student is suspended pending investigation into possible expulsion
- 3.1.2** Inform the student's teacher(s) of the suspension
- 3.1.3** Assign the student to a program for students on long-term suspension
- 3.1.4** A student cannot be compelled to participate in the program; if they choose not to participate, the student will be provided with work consistent with their academic program.
- 3.1.5** If a student or parent(s)/caregiver(s) declines the offer to participate in the program, the principal will record the time and date of that decision.
- 3.1.6** Develop a Student Action Plan (SAP) for the student. The plan will outline both academic and social supports.
- 3.1.7** Provide written notice of the suspension to the student, the student's parent(s)/caregiver(s) if the student is a minor, the Family of Schools Superintendent, and the Superintendent of Education, Safe and Inclusive Schools. The written notice will include:
- The reason for the suspension
 - The duration of the suspension
 - Information about the program for suspended students
 - Information about the investigation the principal will be conducting to determine whether to recommend expulsion
 - A statement indicating that there is no immediate right to appeal the suspension
- 3.1.8** Where the incident is a serious violent incident, specifically possessing a weapon, including a firearm, physical assault requiring medical attention, sexual assault, robbery, using a weapon to threaten or cause bodily harm to another person, extortion, or a hate and/or bias motivated occurrence, a Violent Incident Form must be completed and filed in the student's Ontario Student Record (OSR).
- 3.1.9** If the incident has been deemed a violent incident, the reporting form must be maintained in the student's OSR for the following periods:
- Five years if the student was expelled for the violent incident
 - Three years if the students was suspended for the violent incident
 - At least one year if the suspension was quashed or withdrawn.

3.2 Student Action Plan (SAP)

For students who choose to participate in the program for students on long-term suspension, the principal will hold a planning meeting to create the SAP. The principal and a member of the School Culture and Well-Being team will share the draft plan with the adult student or the parent(s)/caregiver(s) for input. If the adult student or the parent(s)/caregiver(s) is not available, a copy of the plan will be provided to them.

3.2.1 The planning meeting will be scheduled within five (5) school days of the issuing of a long-term suspension.

3.2.2 The principal will review the issues to be included in the SAP.

3.2.3 The SAP, once completed, will be stored in the student's OSR until such time as it is no longer relevant to the supports required by the student.

3.2.4 The SAP will identify:

- The incident for which the student was suspended
- Any learning needs or program(s) or service(s) that might be provided to address those needs
- Any risk or protective factors
- The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student
- Where the student has an Individual Education Plan (IEP), information regarding how the accommodations and/or modifications of the student's academic program will be provided during the term of the suspension
- The non-academic program and services to be provided to the student during the suspension and details regarding how that non-academic program and services will be accessed
- The measurable goals the student will be striving to achieve during the period of suspension

3.3 Principal's Investigation

The principal will conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Grand Erie Student Discipline Committee of the Board that the student be expelled.

The principal will:

- Make all reasonable efforts to speak with the student and the student's parent(s)/caregiver(s)
- Conduct interviews with all witnesses whom the principal determines can contribute relevant information to the investigation
- Make every reasonable effort to conduct interviews with any witness suggested by the student or the student's parent(s)/caregiver(s)
- Consider any mitigating or other factors when determining whether to recommend to the Grand Erie Student Discipline Committee that the student be expelled

4.0 Decision After Investigation

4.1 Factors to Consider

The principal will make every effort to consult with the student and the student's parent(s)/caregiver(s) to identify whether any mitigating factors might apply in the circumstances.

4.2 Mitigating Factors and Other Factors to Consider

4.2.1 The mitigating factors to be considered by a principal before deciding whether to recommend an expulsion are:

- The student does not have the ability to control their behaviour
- The student does not have the ability to understand the foreseeable consequences of their behaviour
- The student's continuing presence in the school does not create an unacceptable risk to the safety of any person

4.2.2 The following factors will also be taken into account when considering suspension pending expulsion:

- The student's history
- Whether a progressive discipline approach has been used with the student

- Whether the activity for which the student may be or is being suspended was related to any harassment of the student because of their race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment
- How the suspension would affect the student's ongoing education
- The age of the student
- In the case of a student for whom an Individual Education Plan has been developed:
 - whether the behaviour was a manifestation of a disability identified in the student's Individual Education Plan
 - whether appropriate individualized accommodation has been provided
 - whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct

4.2.3 If a student does not have the ability to control their behaviour and does not understand the foreseeable consequences of their behaviour, alternative discipline and/or other interventions will be considered by the principal.

4.2.4 If the student poses an unacceptable risk to the safety of others in the school, the principal may consult with the Principal Leader for School Culture and Well-Being and will consult with the Family of Schools Superintendent of Education regarding appropriate accommodations and/or strategies that might be instituted to ensure student and staff safety.

4.3 Students in Junior Kindergarten to Grade Three

Ontario Regulation 440/20 removes the discretionary power of the principal to suspend students in junior kindergarten to grade three under section 306 of the *Education Act*. Under section 310 of the *Education Act*, students of this age group shall not be suspended for committing acts as outlined in section 2.1 above, unless the principal investigation indicates that the student activity warrants a suspension.

5.0 Decision Not to Recommend Expulsion

5.1 Following investigation and consideration of mitigating and other factors, if the principal determines not to recommend expulsion, the principal will:

- Consider whether alternative discipline is appropriate in the circumstances
- Uphold the suspension and its duration
- Uphold the suspension and shorten its duration and amend the record accordingly
- Withdraw the suspension and expunge the record

5.2 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 to the parent(s)/caregiver(s). The notice shall include:

- a statement of the principal's decision not to recommend expulsion to the Student Discipline Committee of the Board; and
- a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn.

5.3 If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Student Discipline Committee will be shared with the adult student or the parent(s)/caregiver(s) including:

- A copy of the Grand Erie policy regarding suspension appeals
- Contact information for the Principal Leader of School Culture and Well-Being and the Superintendent of School Culture and Well-Being
- A statement that written notice of an intention to appeal must be given within ten (10) school days following receipt by the party of notice of the decision not to recommend expulsion

5.4 If the length of the suspension has been shortened, the notice of suspension will be revised to reflect the shortened length of the suspension

6.0 Decision to Recommend Expulsion

6.1 If a principal, in consultation with the Family of Schools Superintendent and the Superintendent of School Culture and Well-Being, determines that a referral for expulsion is warranted, the hearing will occur within twenty (20) school days from the date the principal suspended the student, unless both parties to the expulsion hearing agree upon a later date.

6.2 Provide written notice of the expulsion hearing to the adult student or the parent(s)/caregiver(s) and student. The notice shall include:

- 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
- A copy of Student Expulsion Hearing Process governing the hearing before the Student Discipline Committee
- A copy of the Grand Erie Code of Conduct, School Code of Conduct, if applicable, and Expulsion Information Sheet
- A copy of the suspension letter
- A statement that the student and/or their parent(s)/caregiver(s) has the right to respond to the principal's report in writing
- Information about the procedures and possible outcomes of the expulsion hearing, including:
 - If the Student Discipline Committee does not expel the student, they will either confirm, confirm and shorten, or withdraw the suspension
 - Parties have the right to make submissions with respect to whether the suspension should be confirmed, confirmed and shortened, or withdrawn, if the student is not expelled
 - Any decision with respect to the suspension is final and cannot be appealed
 - If the student is expelled from their school, they will be assigned to the Grand Erie program for expelled students or to another school
 - If the student is expelled from all schools, they will be assigned to the Grand Erie program for expelled students
 - If the student is expelled, there is a right of appeal to the Child and Family Services Review Board, and the time limit for such an appeal is thirty (30) calendar days from the date that the written notice of expulsion is given
 - The student facing expulsion may be represented at the hearing by legal counsel, advocate or support person
 - Notice of the intent to bring legal counsel must be shared with the Superintendent of School Culture and Well-Being at least five (5) days prior to the hearing; in such case, Grand Erie will arrange for individual counsel for both the principal and the Student Discipline Committee. Failure to provide notice with respect to legal counsel may result in an adjournment of the hearing to a date within a date of the twenty (20) day requirement. Failure to provide adequate notice with respect to legal counsel or support person could result in adjournment of the hearing
 - The name and contact information for the Superintendent of School Culture and Well-Being.

6.3 A copy of the Summary of Principal's Investigation shall be provided to the adult student or the student's parent(s)/caregiver(s).

7.0 Letter of Understanding

The parties are encouraged, where possible, to agree on facts, documents or other evidence which are not in dispute between them. A Letter of Understanding is available for parties to sign prior to the hearing. If a Letter of Understanding is signed, parties are encouraged, but not required, to attend the hearing.

8.0 Expulsion Hearing

- 8.1** Upon the recommendation of the principal that a student be expelled, the Student Discipline Committee of the Board (Committee) will conduct a hearing within twenty (20) school days of the start of the suspension.
- 8.2** The hearing will be conducted in accordance with the legislation and will be In Camera. Attendance will be restricted to the parties to the hearing, the Registrar and such other persons as the Committee may permit.
- 8.3** The Committee will be comprised of three (3) members of the Grand Erie Board of Trustees as appointed annually by the Chair of the Board.
- 8.4** The Registrar will serve in an advisory capacity to the Committee during the hearing on procedural and legal matters, after receiving advice from legal counsel if necessary. The Registrar will not participate in any Committee deliberations unless procedural or legal advice is requested by the Committee.
- 8.5** The parties to a hearing are:
- 8.5.1** The principal
 - 8.5.2** The adult student, or
 - 8.5.3** The student's parent(s)/caregiver(s)
 - 8.5.4** Such other persons as the Committee may decide
 - 8.5.5** A student who is not party to the hearing has the right to be present and to make a statement on their own behalf.
- 8.6** A notice of the expulsion hearing will be delivered to the student and the parent(s)/caregiver(s) immediately following the scheduling of the hearing. A copy of the Summary of Principal's Investigation and any additional material the principal intends to rely on will be delivered at the same time.
- 8.7** At least five (5) days prior to the hearing, the adult student or parent(s)/caregiver(s), should, if possible, provide to the principal all documentation intended to be provided to the Committee during the hearing. That notwithstanding, the Committee will have the discretion to accept such documentation or any other relevant matters at the hearing.
- 8.8** At least five (5) days prior to the hearing, the principal or designate will discuss with the student or the parent(s)/caregiver(s) the prospect of resolving the discipline, in a manner that is appropriate and available in the circumstances and without the need of a full hearing.
- 8.9** If the parties agree to such a resolution, they will execute a Letter of Understanding which will be presented to the Committee for approval at the beginning of the hearing. If such consent is approved by the Committee, no further hearing is required.
- 8.10** If the matter is not resolved in accordance with 8.8 or 8.9 above, the Committee will conduct a full hearing. At the hearing, the Committee will:
- 8.10.1** Consider the submissions of each party in whatever form the party chooses to deliver their submissions, whether orally, in writing, or both
 - 8.10.2** Solicit the views of all of the parties as to whether the student should be expelled from their own school (limited expulsion) or from all schools of the board (full expulsion)
 - 8.10.3** Solicit the views of all parties as to whether, if the student is not expelled, Grand Erie should confirm the suspension originally imposed, confirm the suspension but reduce its duration, or withdraw the suspension
 - 8.10.4** Consider all relevant mitigating circumstances
 - 8.10.5** Consider any other circumstances the Committee deems relevant
- 8.11** The order of presentation to the Committee is:
1. The principal
 2. The adult student or the parent(s)/caregiver(s)
 3. The principal in response to the adult student or parent(s)/caregiver(s)
 4. The adult student or parent(s)/caregiver(s) for final comment as to anything they wish to inform the Committee.
- 8.12** Upon completion of the presentations, the Committee may ask questions of the parties for clarification or understanding. Thereafter the Committee will adjourn the

hearing and retire in private to deliberate its decision. The Committee will not announce its decision at the hearing.

9.0 Disposition

9.1 Decision Not to Expel

9.1.1 If the Committee decides not to expel the student, the Superintendent of School Culture and Well-Being will give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension (length of suspension upheld, length of suspension shortened, suspension quashed)

9.1.2 The Committee's decision with respect to the suspension is final.

9.2 Decision to Expel

9.2.1 Where the Committee decides to impose an expulsion on the student, the Committee will decide whether to impose a limited expulsion or a full expulsion.

9.2.2 Where the Committee decides to impose a school expulsion, the student will be assigned to a Grand Erie program or to another school.

9.2.3 Where the Committee decides to impose an expulsion from all Grand Erie schools, the Committee will assign the student to a Grand Erie Safe and Inclusive Schools program for expelled students.

9.2.4 The Superintendent of School Culture and Well-Being will promptly provide written notice of the decision to expel. The written notice shall include:

- The reason for the expulsion
- A statement indicating whether the expulsion is a school expulsion or Grand Erie expulsion
- Information about the school or program to which the student has been assigned
- Information about the right to appeal the expulsion, including the steps to be taken
- The Superintendent of School Culture and Well-Being will direct the Grand Erie School Culture and Well-Being Team to enact the SAP created for the expelled student.
- An expelled student remains a student of Grand Erie, even when attending a program for expelled students at another school board, unless the student registers at another school board.
- A copy of the Decision of the Discipline Committee to Expel shall be sent to the student and to the student's parent(s)/caregiver(s), the principal of the school, and a copy will be placed in the student's OSR.

10.0 Appeal of Grand Erie Decision to Expel

The adult student or the student's parent(s)/caregiver(s) if the student is a minor may appeal a Grand Erie Student Discipline Committee's 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 all school board decisions to expel students. The decision of the Child and Family Services Review Board is final.

11.0 Re-Entry Requirements Following an Expulsion

A student who is subject to an expulsion is entitled to re-admission to a Grand Erie school once they have successfully completed a program for expelled students and have satisfied the objectives required for completion of the program, as determined by the Superintendent of School Culture and Well-Being.

Definitions:

Adult student:

- A student who has attained the age of 18 or is aged 16 or 17 and has withdrawn from parental control.

Full expulsion:

- An expulsion from all schools of the Grand Erie District School Board.

Limited expulsion:

- An expulsion from the school where the student was attending when the infraction occurred. The student may be registered at another Grand Erie school.

Student's parent(s)/caregiver(s):

- The parent(s)/caregiver(s) of a student who is a minor and who has not withdrawn from parental control.

Weapon:

- Any article designed as a weapon or used or intended to be used for the purpose of threatening, intimidating, or injuring a person. All firearms, including replica firearms and imitation firearms, are always considered weapons.

Reference(s):

- Student Expulsions Policy (SO-07)
- *Criminal Code*
- *Education Act, R.S.O. c. E.2* (sections 310, 311)
- *Ontario Regulation 472/07*
- *Protocol Between Brantford Police Services, Ontario Provincial Police and Grand Erie District School Board, Brant Haldimand Norfolk Catholic District School Board and conseil scolaire catholique Centre-Sud*
- [Safe Schools Act, 2000](#)
- *The Education Amendment Act (Progressive Discipline and School Safety), 2007*