



## STUDENT DISCIPLINE PROCEDURES

Responsibility:	<i>Superintendent, Student Achievement &amp; Well-Being</i>
Legal References:	<i>Education Act</i>
Related References:	<i>Policy 6001 – Code of Conduct; Policy 6008 – Student Discipline; Policy 6009 – Student Bullying Prevention and Intervention; IS-08-S-01 – Suspension Letter; IS-08-S-02 – Suspension Pending Possible Expulsion; IS-08-S-03 – Notice of Suspension Review; IS-08-S-04 – Suspension Review Decision; IS-08-S-05 – Notice of Suspension Appeal; IS-08-S-06 – Suspension Appeal Decision; IS-19-S-08 – Suspension/Expulsion Form Working Copy; Appendix A – Suspension Consultation Guide; Appendix B – Expulsion Procedures Process; Appendix C – Expulsion Hearing Rules and Guidelines; IS-19-E-01 – Principal’s Report; IS-19-E-02 – Expulsion Joint Recommendation; IS-19-E-03 – Decision Not To Recommend Expulsion; IS-19-E-04 – Notice of Recommendation for Expulsion; IS-19-E-05 – Expulsion Decision Letter; IS-19-E-06 – Expulsion Hearing Outcome – Board Expulsion; IS-19-E-07 – Expulsion Hearing Outcome – School Expulsion; IS-19-E-08 – Expulsion Hearing Outcome – Overturned Expulsion; IS-19-E-09 – Declaration of Performance; IS-19-E-10 – Consultation; IS-19-E-11 – Event Log; IS-19-E-12 – Expulsion Hearing Extension; IS-19-01 – Violent Incident Form</i>
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### 1. Definitions:

The following definitions apply for the purposes of pupil discipline.

- 1.1 **Adult Pupil** – is a pupil who is 18 years or older or 16 or 17 and has removed him/herself from parental control.
- 1.2 **Board Expulsion** – is an expulsion from all schools of the Waterloo Region District School Board (WRDSB).
- 1.3 **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 occurs in a context where there is a real or perceived power imbalance.

- 1.4 **Daily Care** – a person with daily care is an adult person (18 years or older) who is not the custodial parent/guardian of a pupil who is less than 18 years old, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a grandparent, aunt, uncle, older brother or sister.
- 1.5 **Discipline Committee** – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.
- 1.6 **Harassment** – 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.
- 1.7 **Parent/guardian** – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not an Adult Pupil.
- 1.8 **Impact on School Climate** - an incident or activity which has a negative impact on the school community.
- 1.9 **School Climate** – the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.
- 1.10 **School Community** - the school community is composed of staff, pupils and parents of the school and feeder schools/family of schools, as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.
- 1.11 **School Expulsion** – is an expulsion from the school of the WRDSB that the pupil was attending at the time of the incident.
- 1.12 **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.

## 2. Progressive Discipline

- 2.1 Progressive discipline is a non-punitive, whole-school approach that uses a continuum of corrective and supportive interventions, supports and consequences to address inappropriate behaviour and builds upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting pupils to make good choices
- 2.2 Prevention and early intervention are important for assisting pupils to achieve their potential and for maintaining a positive school environment. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, and civic responsibility, which encourage positive participation of the school community in the life of the school.
- 2.3 Each school is required to develop and implement a school-wide progressive discipline policy, consistent with the WRDSB Student Discipline Policy and Student Discipline Procedures.
- 2.4 The teacher, principal or designate should select the most appropriate response to address the pupil's behaviour. Where a pupil has special education and/or disability-related needs, the interventions, supports and consequences must be consistent with the expectations for the pupil, including those in the pupil's Individual Education Plan or Behaviour Management Plan.
- 2.5 Progressive discipline includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour. Pupils' parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

### **3. Early and Ongoing Intervention Strategies**

- 3.1 A teacher or the principal or designate, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:
- 3.1.1 Contact with pupil's parent(s)/guardian(s);
  - 3.1.2 Oral reminders;
  - 3.1.3 Review of expectations;
  - 3.1.4 Written work assignments, addressing the behaviour, that have a learning component;
  - 3.1.5 Volunteer services to the school community;
  - 3.1.6 Conflict mediation and resolution;
  - 3.1.7 Peer mentoring;
  - 3.1.8 Referral to counselling;
  - 3.1.9 Restorative practices;
  - 3.1.10 Consultation.
- 3.2 The teacher, principal or designate should keep a record for each pupil with whom intervention strategies are utilized when appropriate. The record could include:
- 3.2.1 Name of the pupil;
  - 3.2.2 Date of the incident or behaviour;
  - 3.2.3 Nature of the incident or behaviour;
  - 3.2.4 Progressive discipline approach used;
  - 3.2.5 Outcome; and/or
  - 3.2.6 Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

### **4. Addressing Inappropriate Behaviour**

- 4.1 If a pupil has displayed inappropriate behaviour, the principal or designate may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for pupils to focus on improving their behaviour.
- 4.2 Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.
- 4.3 Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed:
- 4.3.1 Any act considered by the principal to be injurious to the moral tone of the school;
  - 4.3.2 Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
  - 4.3.3 Any act considered by the principal to be contrary to the WRDSB or school Code of Conduct.
- 4.4 If a pupil has engaged in inappropriate behaviour, the principal or designate may choose to use a progressive discipline strategy to address the infraction.
- 4.5 Interventions may include:
- 4.5.1 Meeting with the pupil's parent(s)/guardian(s), pupil and principal;
  - 4.5.2 Referral to a community agency for anger management or substance abuse, counselling/intervention;
  - 4.5.3 Detentions;
  - 4.5.4 Withdrawal of privileges;
  - 4.5.5 Withdrawal from class;
  - 4.5.6 Restitution for damages;
  - 4.5.7 Restorative practices; and
  - 4.5.8 Transfer with full disclosure to the receiving school. The receiving school must ensure appropriate supports are implemented. The sending school must contact their Superintendent, Student Achievement & Well-Being prior to the transfer.
  - 4.5.9 In some cases, suspension may also be considered a useful progressive discipline approach.

## 5. Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach to Address Inappropriate Behaviour

- 5.1 In all cases where progressive discipline is being considered to address an inappropriate behaviour, the principal or designate must:
  - 5.1.1 Consider the particular pupil and circumstances, including considering the mitigating and other factors;
  - 5.1.2 Consider the nature and severity of the behaviour;
  - 5.1.3 Consider the impact of the inappropriate behaviour on the school climate; and
  - 5.1.4 Consult with the pupil's parent(s)/guardian (unless the pupil is an adult pupil).
- 5.2 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:

  - 5.2.1 Whether the pupil has the ability to control his or her behaviour;
  - 5.2.2 Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
  - 5.2.3 Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 5.3 Other Factors to be Considered
  - 5.3.1 The pupil's academic, discipline and personal history
  - 5.3.2 Whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
  - 5.3.3 Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
  - 5.3.4 The impact of the discipline on the pupil's prospects for further education;
  - 5.3.5 The pupil's age;
  - 5.3.6 Where the pupil has an IEP or disability related needs,
    - Whether the behaviour causing the incident was a manifestation of the pupil's disability;
    - Whether appropriate individualized accommodation has been provided; and
    - Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
  - 5.3.7 Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

**If the pupil'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. (The severity of the offense may result in suspension/exclusion or a recommendation for expulsion.)**

## 6. Suspension of Pupils - Suspension Infractions [see Appendix A – Suspension Consultation Guide]

- 6.1 When a principal's investigation of an incident, which should include consultation with the adult pupil or the pupil's parent/guardian and pupil, determines that a pupil 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 an impact on the school climate, a principal will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.
- 6.2 The principal will also contact the police consistent with the School Police Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent, Student Achievement & Well-Being.
- 6.3 The infractions for which a suspension may be imposed by the principal include:
  - 6.3.1 Uttering a threat to inflict serious bodily harm on another person;

- 6.3.2 Possessing alcohol, illegal and/or restricted drugs;
  - 6.3.3 Possession of cannabis (unless medical approval has been granted previously);
  - 6.3.4 Being under the influence of alcohol and/or restricted drugs;
  - 6.3.5 Being under the influence of cannabis (unless medical approval has been granted previously);
  - 6.3.6 Swearing at a teacher or at another person in a position of authority;
  - 6.3.7 Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
  - 6.3.8 Bullying or cyberbullying;
  - 6.3.9 Any other act that is an activity for which a principal may suspend a pupil under a policy of the WRDSB;
  - 6.3.10 Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
  - 6.3.11 Any act considered by the principal to be contrary to the WRDSB or school Code of Conduct.
- 6.4 A pupil may be suspended only once per incident of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.
- 6.5 Factors to Consider Before Deciding to Impose a Suspension
- 6.5.1 Before deciding whether to impose a suspension, or some other form of discipline, a principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent(s)/guardian(s) (if the pupil is not an adult pupil) to identify whether any mitigating and/or other factors might apply in the circumstances.
- 6.6 Mitigating Factors
- The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:
- 6.6.1 Whether the pupil has the ability to control his or her behaviour;
  - 6.6.2 Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
  - 6.6.3 Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 6.7 If a pupil does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the principal will not suspend the pupil. Alternative discipline and/or other intervention may be considered by the principal in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent, Student Achievement & Well-Being regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of pupils, staff, and others in the school.
- 6.8 Other Factors to be Considered
- Where the pupil is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal will 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 pupil:
- 6.8.1 The pupil's academic, discipline and personal history;
  - 6.8.2 Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
  - 6.8.3 Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
  - 6.8.4 The impact of the discipline on the pupil's prospects for ongoing education;
  - 6.8.5 The pupil's age;
  - 6.8.6 Where the pupil has an IEP or disability related needs,
    - Whether the behaviour causing the incident was a manifestation of the pupil's

disability;

- Whether appropriate individualized accommodation has been provided; and
- Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and

6.8.7 Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

6.8.8 Factors Mitigating Decision to Suspend

In circumstances where one or more of the above factors mitigate the decision to apply a suspension as a form of discipline for the pupil, the principal may consider whether alternative discipline and/or other intervention is appropriate in the circumstances.

## 6.9 Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider the following:

6.9.1 Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:

- Contact with the pupil's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignments with a learning component;
- Assigning the pupil to volunteer services to the community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counseling;
- Consultation;
- Restorative practices.

6.9.2 Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:

- Meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
- Referral of pupil to a community agency for anger management or substance abuse counseling;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices;
- Transfer with full disclosure to the receiving school. The receiving school must ensure appropriate supports are implemented. The sending school must contact their Superintendent, Student Achievement & Well-Being prior to the transfer.

6.9.3 Consultation

Before imposing a suspension of eleven (11) or more school days, the principal will use the Suspension Consultation Guide (Appendix A) and consult with their Superintendent, Student Achievement & Well-Being regarding:

- The investigation undertaken;
- The circumstances of the incident;
- Whether or not one or more of the factors outlined above are applicable in the circumstances;
- The appropriate length of the suspension.

6.9.4 School Work

A pupil who is subject to a suspension of 2-5 days must be provided with school work to complete at home while serving the suspension. The school work must be available to the adult pupil's designate or the pupil's parent/guardian or designate the 2<sup>nd</sup> day of the pupil's suspension. The pupil must be given an opportunity to catch up on missed school work as part of the re-entry process.

In addition to receiving school work during the first five (5) school days of suspension, a pupil

who is subject to a suspension of six (6) or more school days must be assigned an alternative **suspension** program (ASP) for pupils subject to lengthy suspension. A pupil participating in an ASP is not considered to be engaging in school or school-related activities.

#### 6.10 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 effect the following procedural steps:

- 6.10.1 Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
- 6.10.2 The principal must inform the pupil's teacher(s) of the suspension;
- 6.10.3 The principal in conjunction with the pupil's teacher(s) must organize school work to be provided for the pupil to be completed during the duration of the pupil's suspension;
- 6.10.4 Within 48 hours of the suspension decision, the principal must provide written notice to the pupil and if the pupil is a minor, to the pupil's parent or guardian. (Note: the Superintendent, Student Achievement & Well-Being will receive electronic notice of the suspension.)

The written notice of suspension will include:

  - The reason for suspension;
  - The duration of the suspension;
  - Information about the ASP the pupil is assigned to, where the pupil is suspended for six (6) or more school days;
  - Information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the respective Superintendent, Student Achievement & Well-Being;

(see Suspension Letter IS-08-S-01)
- 6.10.5 A copy of the Suspension Letter (IS-08-S-01) will be placed in the Ontario Student Record (OSR).

This letter will be kept in the OSR indefinitely. Other documentation related to the investigation of the incident will not be kept in the OSR. This information may be kept in a separate file;
- 6.10.6 Where the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to WRDSB property or property located on WRDSB property, a Violent Incident Form (IS-19-01) must be completed and placed in the pupil's Ontario Student Record. The Violent Incident Form (IS-19-01) will be kept in the OSR indefinitely.

### 7. Alternative Suspension Program

- 7.1 Where a pupil has been suspended for six (6) or more school days, the pupil will be provided with school work until the Student Action Plan (SAP) is implemented and will be assigned an alternative program for pupils subject to lengthy suspension (Alternative Suspension Program or ASP).
  - 7.1.1 A pupil cannot be compelled to participate in an ASP. Should the adult pupil or a pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will continue to be provided with school work consistent with the Ontario curriculum or that pupil's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian or designate at regular intervals during the suspension period. (where the school work is not picked up, the school should contact the adult pupil or the pupil's parent/guardian to determine whether the school work will be picked up. The principal should record the follow-up and response.)
  - 7.1.2 A Student Action Plan (SAP) will be developed for every pupil subject to a suspension of six (6) or more school days who agrees to participate in an ASP.
  - 7.1.3 The adult pupil or the pupil's parent/guardian may communicate agreement or refusal to participate in an ASP to the school orally. Where the adult pupil or pupil's parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.
  - 7.1.4 **Planning Meeting**

For pupils subject to a suspension of six (6) or more school days who choose to participate

in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.

- 7.1.5 The adult pupil or pupil's parent/guardian and the pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- 7.1.6 The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
- 7.1.7 If the adult pupil or the pupil's parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 7.1.8 During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.

## 7.2 Student Action Plan

A pupil subject to suspension for eleven (11) or more school days will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP. Pupils subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.

- 7.2.1 The SAP will be developed under the direction of the principal or designate of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teachers, CYW and/or social worker.
- 7.2.2 The principal or designate will make every effort to complete the SAP within three (3) school days following the SAP planning meeting.
  - This timeline will be communicated to the adult pupil and/or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
  - The principal must ensure that the pupil is provided with school work until the SAP is in place.
- 7.2.3 Once completed, the SAP will be shared with the adult pupil, or the pupil's parent/guardian and the pupil and all necessary staff to facilitate implementation.
- 7.2.4 A copy of the SAP will be stored in the pupil's Ontario Student Record.
- 7.2.5 The SAP will identify:
  - The incident for which the pupil was suspended;
  - The progressive discipline steps taken prior to the suspension, if any;
  - Any alternative discipline measures imposed in addition to the suspension;
  - Any other disciplinary issues regarding the pupil that have been identified by the school;
  - Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
  - Any program(s) or service(s) that might be provided to address those learning or other needs;
  - The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil; accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
  - The non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
  - The measurable goals the pupil will be striving to achieve during the period of suspension.

## 7.3 Suspension Appeal Process

- 7.3.1 The adult pupil or the pupil's parent/guardian may appeal a suspension.
- 7.3.2 All suspension appeals will be received by the Superintendent, Student Achievement & Well-Being.
- 7.3.3 An appeal of a suspension does not stay the suspension.
- 7.3.4 A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- 7.3.5 The WRDSB must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).
- 7.3.6 Upon receipt of written notice of the intention to appeal the suspension, the



Superintendent, Student Achievement & Well-Being:

- Will promptly advise the school principal of the appeal;
- Will promptly advise the adult pupil or the pupil's parent/guardian that a review of the suspension will take place and invite the appellant to discuss any matter respecting the incident and/or appeal of the suspension;

(see Notice of Suspension Review IS-08-S-03)

- Will review the suspension (reason, duration, any mitigating or other factors);
- Will consult with the principal regarding modification or expunging the suspension;
- May request a meeting with the adult pupil or the pupil's parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
- Will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent/guardian.

(see Suspension Review Decision IS-08-S-04)

7.3.7 Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the Superintendent, Student Achievement & Well-Being will:

• Coordinate the preparation of a written report for the Discipline Committee. This report will contain at least the following components:

- A report of the incident and rationale for suspension prepared by the principal;
- A copy of the original suspension letter;
- A copy of the letter requesting the Suspension Appeal; and
- A copy of the correspondence with respect to the decision of the Superintendent, Student Achievement & Well-Being regarding the suspension review.
- Inform the adult pupil or the pupil's parent/guardian of the date of the Suspension Appeal, provide a guide to the process for the appeal, and a copy of the documentation that will go to the Discipline Committee.

(see Notice of Suspension Appeal IS-08-S-05)

- Ensure that the item is placed on the Discipline Committee's agenda.

7.3.8 The parties in an appeal to the Discipline Committee shall be:

- The principal;
- The adult pupil or the pupil's parent/guardian, if they appealed the decision;

#### 7.4 Suspension Appeal before the Discipline Committee of the Board

7.4.1 Suspension appeals will be heard by the Discipline Committee of Trustees. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil.

- The principal and/or Superintendent, Student Achievement & Well-Being responsible for a different area of schools will make oral submissions on behalf of the administration.
- The appellant and/or the person with daily care will make oral submissions and/or provide written submissions regarding the reason for the appeal and the result desired.
- The pupil will be asked to make a statement on his/her own behalf.
- The Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification.

7.4.2 Legal counsel for the WRDSB will be present at the appeal if the appellant is represented by legal counsel or an agent. Prior notice must be given to the principal and Superintendent, Student Achievement & Well-Being if the appellant is bringing legal counsel. The meeting will not proceed if this notice is not provided.

7.4.3 The Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.

7.4.4 Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.

7.4.5 The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:

- Confirm the suspension and its duration; or
  - Confirm the suspension but shorten its duration and amend the record, as necessary;
  - or
  - Quash the suspension and order that the record be expunged; or
  - Make such other appropriate order.
- 7.4.6 The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing.  
(see Suspension Appeal Decision IS-08-S-06)

#### 7.5 Re-Entry

Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the pupil, and the pupil's parent/guardian (unless the parent/guardian is unable to attend). The purpose of the meeting is to provide positive and constructive redirection for the pupil. Where the pupil has participated in an ASP, the pupil's success in achieving the goals outlined in the SAP will be reviewed with the adult pupil or the pupil's parent/guardian and pupil. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

### 8. Expulsion of Pupils [see Appendix B – Expulsion Procedures Process]

- 8.1 Subject to the factors to consider before deciding to impose a suspension below, reasonable grounds to believe that a pupil 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 an impact on the school climate, the principal will suspend the pupil.
- 8.2 The principal must also contact the police consistent with the School Police Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent, Student Achievement & Well-Being.
- 8.3 The enumerated activities are:
- 8.3.1 Possessing a weapon, including possessing a firearm or knife;
  - 8.3.2 Using a weapon to cause or to threaten bodily harm to another person;
  - 8.3.3 Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
  - 8.3.4 Committing sexual assault;
  - 8.3.5 Trafficking in weapons, illegal or restricted drugs;
  - 8.3.6 Committing robbery;
  - 8.3.7 Giving alcohol to a minor;
  - 8.3.8 Giving cannabis to a minor;
  - 8.3.9 Bullying or cyberbullying, if:
    - The student has previously been suspended for engaging in bullying or cyberbullying, and
    - The student's continued presence in the school creates an unacceptable risk to the safety of another person.
  - 8.3.10 Any activity listed in Section 306(1) of the Education Act that is motivated by bias, prejudice or hate based on the 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;
  - 8.3.11 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;
  - 8.3.12 A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
  - 8.3.13 Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or the WRDSB;
  - 8.3.14 Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the WRDSB or to goods that are/were on WRDSB property;

#### 8.4 Factors to Consider Before Deciding to Impose a Suspension

8.4.1 When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian, if the pupil is not an adult pupil, to identify whether any mitigating factors might apply in the circumstances.

##### 8.4.2 Mitigating Factors

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

- Whether the pupil has the ability to control his or her behaviour;
- Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
- Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

8.4.3 If a pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal will not suspend the pupil. The principal in such circumstances may consider alternative discipline and/or other intervention.

8.4.4 If the pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent, Student Achievement & Well-Being regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

#### 8.5 Suspension Pending Recommendation for Expulsion

8.5.1 If the pupil is to be suspended pending an investigation, the pupil should be suspended for (20) twenty school days. If the pupil has been suspended pending an investigation to determine whether the pupil will be recommended for expulsion, the principal must assign the pupil to a program for suspended pupils (ASP).

8.5.2 The principal must follow the WRDSB's procedure for recommendation for expulsion.

#### 8.6 Procedural Steps When Imposing a Suspension Pending Recommendation for Expulsion

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

8.6.1 Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;

8.6.2 The principal must inform the pupil's teacher(s) of the suspension;

8.6.3 The principal must provide written notice of the suspension to the adult pupil or the pupil's parent/guardian and pupil within 48 hours by registered mail and the Superintendent Student Achievement & Well-Being. The written notice of suspension will include:

- The reason for suspension;
- The duration of the suspension;
- Information about the program for suspended pupils the pupil is assigned to;
- Information about the investigation the principal is conducting to determine whether to recommend expulsion;
- A statement that there is no immediate right to appeal the suspension. Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Discipline Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing. (see Suspension Pending Possible Expulsion IS-08-S-02)

8.6.4 Homework will be provided by the second day of the suspension. The letter of suspension to the pupil and pupil's parent/guardian (unless the pupil is an adult pupil) must be sent by registered mail within 48 hours of the decision to suspend pending expulsion.

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

8.6.6 Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate-motivated violence, a Violent Incident Form (IS-19-01) must be completed and filed in the pupil's OSR.

## **9. Alternative Suspension Program [see Appendix B – Expulsion Procedures Process]**

- 9.1 Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned an alternative program for pupils subject to lengthy suspension (ASP).
- 9.2 A pupil cannot be compelled to participate in an ASP. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the pupil's parent/guardian refuses to participate in an ASP.
- 9.3 A Student Action Plan (SAP) will be developed for every pupil who agrees to participate in an ASP.
- 9.4 The adult pupil or the pupil's parent/guardian may communicate agreement or refusal to participate in an ASP to the school orally. Where the pupil or his/her parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.
- 9.5 Planning Meeting
- 9.5.1 For pupils subject to a suspension pending an investigation to determine whether to recommend an expulsion who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.
- 9.5.2 The adult pupil or the pupil's parent/guardian and pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
  - If the adult pupil or the pupil's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 9.5.3 During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.
- 9.6 Student Action Plan
- 9.6.1 A pupil subject to suspension, pending an investigation to determine whether to recommend an expulsion, will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP.
- The SAP will be developed under the direction of the principal of the school or designate with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teachers, CYW and/or social worker.
  - The principal or designate will make every effort to complete the SAP within three (3) school days following the SAP Planning meeting.
  - This timeline will be communicated to the adult pupil or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
  - Once completed, the SAP will be shared with the adult pupil or the pupil's parent/guardian and pupil and all necessary staff to facilitate implementation.
  - A copy of the SAP will be stored in the pupil's Ontario Student Record.
- 9.6.2 The SAP will identify:
- The incident for which the pupil was suspended;
  - The progressive discipline steps taken prior to the suspension, if any;
  - Any alternative discipline measures imposed in addition to the suspension;
  - Any other disciplinary issues regarding the pupil that have been identified by the school;
  - Any learning needs or other needs that might have contributed to the underlying

- infraction resulting in discipline;
- Any program(s) or service(s) that might be provided to address those learning or other needs;
- The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
- Where the pupil has an IEP, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
- The non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
- The measurable goals the pupil will be striving to achieve during the period of suspension.

## **10. Principal's Investigation** [see Appendix B – Expulsion Procedures Process]

10.1 The principal will conduct an investigation promptly following the suspension of the pupil to determine whether to recommend to the Discipline Committee that the pupil be expelled. As part of the investigation, the principal will consult with the Superintendent, Student Achievement & Well-Being 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 pupil be expelled. Should the decision be made to refer the pupil to the Discipline Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless the parties to the expulsion hearing agree upon a later date by mutual agreement.)

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

10.3 As part of the investigation, the principal will:

- 10.3.1 Make all reasonable efforts to speak with the adult pupil or the pupil's parent/guardian and the pupil;
- 10.3.2 Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
- 10.3.3 Make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent/guardian; and
- 10.3.4 Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the pupil be expelled.

10.4 Mitigating Factors

- 10.4.1 The mitigating factors to be considered by the principal before deciding whether to recommend an expulsion are:
  - Whether the pupil has the ability to control his or her behaviour;
  - Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
  - Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

10.5 Other Factors to be Considered

- 10.5.1 Where the pupil is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the pupil should be referred to the Discipline Committee on a recommendation for expulsion.
  - The pupil's academic, discipline and personal history;
  - Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
  - Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;

- The impact of the discipline on the pupil's prospects for further education;
- The pupil's age;
- Where the pupil has an IEP or disability related needs,
- Whether the behaviour causing the incident was a manifestation of the pupil's disability;
- Whether appropriate individualized accommodation has been provided; and
- Whether a suspension is likely to result in aggravating or worsening the pupil'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 pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

## 10.6 Progressive Discipline

10.6.1 In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider but not be limited to the following:

10.6.2 Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:

- Contact with the pupil's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignments with a learning component;
- Assigning the pupil to volunteer services to the community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counseling; and/or
- Consultation.

10.6.3 Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:

- Meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
- Referral of pupil to a community agency for anger management or substance abuse counseling;
- Detentions;
- Withdrawal of privileges;
- Withdrawal from class;
- Restitution for damages;
- Restorative practices; and/or
- Transfer.

## 10.7 Consultation

10.7.1 Before making a decision, the principal will consult with the Superintendent, Student Achievement & Well-Being.

10.7.2 Before making a decision, the principal will make every effort to consult with the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil).

## 10.8 Decision Not to Recommend Expulsion

10.8.1 Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend to the Discipline Committee that the pupil be expelled, the principal must:

- 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; or
- Withdraw the suspension and expunge the record.

10.8.2 If the principal has decided not to recommend an expulsion of the pupil, the principal will provide written notice of this decision to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:

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

- If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
    - A copy of the WRDSB policies and guidelines regarding suspension appeals;
    - Contact information for the Superintendent, Student Achievement & Well-Being;
    - 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; or if the length of the suspension has been shortened, the adult pupil or the pupil's parent/guardian shall be given notice of their right to appeal the shortened length of the suspension.
- (see Decision Not To Recommend Expulsion IS-19-E-03)

## **11. Recommendation to the Board for an Expulsion Hearing [see Appendix C – Expulsion Hearing Rules and Guidelines]**

If a principal, in consultation with the Superintendent, Student Achievement & Well-Being determines that a referral 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 pupil, unless the parties to the expulsion hearing agree upon a later date.

### **11.1 The principal:**

11.1.1 Will prepare the Principal's Report (IS-19-E-01) to be submitted to the Discipline Committee and provide the Principal's Report to the pupil and the pupil's parent or guardian (unless the pupil is an adult pupil) 24 hours prior to the pre-expulsion meeting. The report will include;

- A summary of the findings the principal made in the investigation;
- An analysis of which, if any, mitigating or other factors might be applicable;
- A recommendation of whether the expulsion should be from the school or from the WRDSB; and
- A recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion.

11.1.2 Will inquire with the System Administrator as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:

- A statement that the pupil is being referred to the Discipline Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
  - A copy of the WRDSB guidelines and rules governing the hearing before the Discipline Committee;
  - A copy of the WRDSB Code of Conduct and School Code of Conduct;
  - A copy of the Suspension Pending Possible Expulsion (IS-08-S-02);
  - A statement that the pupil and/or his or her parent/guardian has the right to respond to the Principal's Report in writing and provide four copies of the submission;
  - Information about the procedures and possible outcomes of the expulsion hearing, including that:
    - If the Discipline Committee does not expel the pupil they 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 pupil is expelled from the school, they will be assigned to another school;
    - If the pupil is expelled from the WRDSB, they will be assigned to a program for expelled pupils;
    - If the pupil is expelled there is a right of appeal to the Child and Family Services Review Board.
  - Arrange a meeting the adult pupil or the pupils parent/guardian and the pupil with principal and Superintendent, Student Achievement & Well-Being.
  - The name and contact information for the Superintendent, Student Achievement & Well-Being.
- (see Notice of Recommendation for Expulsion IS-19-E-04)

- 11.2 The Superintendent, Student Achievement & Well-Being:
- 11.2.1 Will chair the pre-expulsion meeting with the principal and the adult pupil or the pupil's parent/guardian and pupil no sooner than 24 hours after the pupil and parent/guardian has received the Principal's Report (IS-19-E-01) and Notice of Recommendation for Expulsion (IS-19-E-04).
  - 11.2.2 The Principal will review the Principal's Report and answer any questions.
  - 11.2.3 The pupil and/or parent/guardian may respond to the Principal's Report and answer any questions.
  - 11.2.4 During the meeting the Superintendent, Student Achievement & Well-Being may assist to narrow the issues, identify agreed upon facts and mediate an Expulsion Joint Recommendation (IS-19-E-02), if possible.
  - 11.2.5 The Superintendent, Student Achievement & Well-Being will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident.

11.3 The System Administrator:

- 11.3.1 Will ensure that the item is placed on the Discipline Committee agenda for the date and time set out on the notice to the adult pupil or the pupil's parent/guardian and co-ordinate the attendance of the Trustees.
- 11.3.2 Will prepare a package of documents for delivery to the Discipline Committee for review 24 hours prior to the Expulsion Hearing. The Principal will provide this package of documents to the System Administrator 48 hours prior to the disciplinary hearing. The documentary evidence provided to the Discipline Committee shall include: the Principal's Report (IS-19-E-01) and any written response to the Principal's Report; the Expulsion Joint Recommendation (IS-19-E-02) if required; and any other documents submitted by the parties.

Any further documentary evidence submitted by a party for consideration at the hearing must be provided to the other party and to the Discipline Committee, preferably in advance of the hearing. The Discipline Committee should not have access to any documentation that has not also been disclosed to both parties in advance of the hearing.

- 11.3.3 Will confirm with the adult pupil or the pupil's parent/guardian the date and location of the expulsion hearing, and a copy of the package to go to the Discipline Committee.

**12. Hearing before the Discipline Committee** [see Appendix C – Expulsion Hearing Rules and Guidelines]

- 12.1 If the principal recommends expulsion, the Discipline Committee shall hold a hearing.
- 12.2 Parties before the Discipline Committee will be:
  - 12.2.1 The principal and/or designate;
  - 12.2.2 The adult pupil or the pupil's parent/guardian;
- 12.3 Copies of any further documentary evidence submitted by a party at the hearing must be provided to the other party and to the Discipline Committee.
- 12.4 Both parties are entitled to legal counsel, and have an obligation to notify the other party of their intent to be represented. Failure to notify will result in an adjournment of the hearing, and will be deemed as consent to an extension of the twenty day time limit under Section 113.3(8) of the Act. Legal counsel for the WRDSB will be present at the appeal if the appellant is represented by legal counsel or an agent
- 12.5 If a pupil is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil.
- 12.6 Where any party who has received proper notice of the location, date and time of the hearing fails to attend the hearing or comply with the necessary time lines, the hearing may proceed in the



absence of the party and the party is not entitled to any further notice of the proceedings.

12.7 The hearing will be conducted in accordance with the Expulsion Hearing Rules and Guidelines (Appendix C) for Expulsion Hearings:

12.7.1 The Discipline Committee shall consider oral and written submissions, if any, of all parties;

12.7.2 The Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion; and

12.7.3 The Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn.

12.8 In determining whether to impose an expulsion the Discipline Committee shall make two distinct determinations and consider the mitigating and other factors:

12.8.1 Determinations:

12.8.1.1 A finding of fact as to whether, on the balance of probabilities, the pupil committed the infraction which led to the recommendation of expulsion, as described in the Principal's Report;

12.8.1.2 If there is a finding of fact that the pupil committed the infraction; and the appropriate disciplinary measure was imposed. Mitigating and other factors should only be considered in determining the disciplinary response.

12.8.2 Mitigating and Other Factors:

12.8.2.1 Whether the pupil has the ability to control his or her behaviour;

12.8.2.2 Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;

12.8.2.3 Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;

12.8.2.4 The pupil's academic, discipline and personal history;

12.8.2.5 Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;

12.8.2.6 Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;

12.8.2.7 The impact of the discipline on the pupil's prospects for further education;

12.8.2.8 The pupil's age;

12.8.2.9 Where the pupil has an IEP or disability related needs,

- Whether the behaviour causing the incident was a manifestation of the pupil's disability;

- Whether appropriate individualized accommodation has been provided; and

- Whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and

12.8.2.10 Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;

12.8.2.11 The submissions and views of the parties; and

12.8.2.12 Any written response to the Principal's Report provided before the completion of the hearing.

12.9 Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Discipline Committee may request further evidence as set out in the Expulsion Hearing Rules, subject to the requirement that the hearing take place within 20 school days, or the Discipline Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the pupil committed the infraction.

12.10 No Expulsion

12.10.1 If the Discipline Committee decides not to expel the pupil, the Discipline Committee shall take the submissions of the parties into account, including mitigating and other factors, in

determining whether to:

- 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;
- Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record.

12.10.2 The Discipline Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

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

#### 12.11 Expulsion

In the event the Discipline Committee decides to impose an expulsion on the pupil, the Discipline Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Discipline Committee shall consider the following factors:

The mitigating and other factors:

12.11.1 Whether the pupil has the ability to control his or her behaviour;

12.11.2 Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;

12.11.3 Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;

12.11.4 The pupil's academic, discipline and personal history;

12.11.5 Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;

12.11.6 Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;

12.11.7 The impact of the discipline on the pupil's prospects for further education;

12.11.8 The pupil's age;

12.11.9 Where the pupil has an IEP or disability related needs,

i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;

ii. Whether appropriate individualized accommodation has been provided; and

iii. Whether a school or Board expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct; and

12.11.10 Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;

12.11.11 All submissions and views of the parties;

12.11.12 Any written response to the principal's report provided before the completion of the hearing.

12.12 Where the Discipline Committee decides to impose a school expulsion, then the Discipline Committee must direct the Superintendent, Student Achievement & Well-Being to assign the pupil to another school.

12.13 Where the Discipline Committee decides to impose a Board expulsion, then the Discipline Committee must assign the pupil to a program for expelled pupils.

12.14 The Discipline Committee must promptly provide written notice of the decision to expel the pupil to all parties, and the pupil, if he or she was not a party. The written notice shall include:

12.14.1 A statement indicating whether the expulsion is a school expulsion or a Board expulsion;

12.14.2 Information about the school or program to which the pupil has been assigned, as provided by the Superintendent, Student Achievement & Well-Being. (see Recommendation for Expulsion Decision of the Discipline Committee IS-19-E-06, IS-19-E-07 or IS-19-E-08)

12.14.3 A copy of this letter will be kept in the OSR indefinitely.

12.15 Once the co-coordinator of the expulsion program has received notice that a pupil has been expelled, s/he must create a SAP in a manner consistent with the WRDSB's policies and procedures for programs for expelled pupils.

12.16 An expelled pupil is a pupil of the WRDSB, even where s/he attends a program for expelled pupils at another school of the WRDSB, unless s/he does not attend the program or registers at another school of the WRDSB.

### **13. Re-entry Requirements Following an Expulsion**

#### **13.1 Board Expulsion**

13.1.1 A pupil who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the WRDSB once s/he has successfully completed a program for expelled pupils and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.

13.1.2 The WRDSB shall re-admit the pupil and inform the pupil in writing of the re-admission.

#### **13.2 School Expulsion**

13.2.1 A pupil who is subject to a school expulsion may apply in writing to the WRDSB to be re-assigned to the school from which s/he was expelled.

13.2.2 The Superintendent, Student Achievement & Well-Being will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;

13.2.3 The pupil will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;

13.2.4 The pupil will be required to sign a Declaration of Performance form (IS-19-E-09) provided by the WRDSB; (see Notice of Suspension Appeal IS-08-S-05)

13.2.5 The Superintendent, Student Achievement & Well-Being may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

### **14. Appeal of Board Decision to Expel**

14.1 The adult pupil or the pupil's parent/guardian may appeal a Board decision to expel the pupil to the Child and Family Services Review Board.

14.2 The Child and Family Services Review Board are designated to hear and determine appeals of Board decisions to expel pupil.

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