

Topic:	Suspension and Expulsions
Effective:	February 2013
Cross-Reference:	<i>Ontario Human Rights Code</i> Bill 13: Accepting Schools Act <i>Education Act</i> , Part XIII Behaviour, Discipline and Safety PPM 119 (Equity and Inclusive Education) PPM 120 (Reporting Violent Incidents) PPM 128 (Provincial/Board/School Code of Conduct) PPM 141 (Programs for Students on Long-term Suspension) PPM 142 (Expulsion Programs) PPM 144 (Bullying Prevention and Intervention) PPM 145 (Progressive Discipline) Ontario Regulation 472/07 (Mitigating Circumstances) Ontario Regulation 474 (Access to School Premises) Occupational Health and Safety Act and Regulations HDSB Policy: Safe and Inclusive Schools HDSB Administrative Procedure: Bullying Prevention and Intervention HDSB Administrative Procedure: Positive School Climate-Progressive Discipline HDSB Administrative Procedure: Violence Threat Risk Assessment HDSB Administrative Procedure: Discrimination & Harassment HDSB Administrative Procedure: Managing Violent and Aggressive Behaviour of Students with Special needs Halton Region Police/School Board Protocol
Revision Date:	February 2017
Responsibility:	Superintendent of Education- Safe and Inclusive Schools

INTENDED PURPOSE

Halton District School Board is committed to a whole school approach to creating safe, caring, equitable, and inclusive school environments for all students, staff and members of the school community. The Board supports all students in developing healthy relationships, making good choices, continuing their learning and achieving success.

This administrative procedure has been developed to implement provincial legislation and the Safe and Inclusive Schools Policy of Halton District School Board. This procedure supports a progressive discipline approach that uses a continuum of interventions, supports, and consequences to address inappropriate student behaviour. This procedure also supports the authority of principals to use other tools, such as suspension, when early and ongoing interventions and supports to promote positive behaviour have not met with success, and/or in the case of serious incidents. Principals are also authorized to respond to situations with a recommendation for expulsion, which is further along the continuum of progressive discipline. 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.

The Board supports the use of suspension and expulsion where a student has engaged in one or more of the activities outlined in the *Education Act* under Part XIII Sections 306(1) and 310(1) and in Board Policy, on school property, during a school-related activity or event (on or off school property), and/or in

circumstances where the activity (on or off school property) has an impact on the school climate. In all cases where consequences may be imposed, teachers, administrators and the Board will consider the safety and dignity of all students, and the impact of the activity on the school climate. The principal and/or Discipline Committee of the Board shall consider whether or not the discipline will have a disproportionate impact on a student protected by the *Ontario Human Rights Code* and/or exacerbate the student's disadvantaged position in society. The purpose of this procedure is to outline how suspensions will be administered.

DEFINITIONS

1.0 Suspension

A suspension means students are removed from school temporarily for a specific period of time. Students may be suspended for a period of time ranging from one school day to twenty school days. Students who are suspended for more than five school days are considered to be on long-term suspension. Students cannot take part in school activities or events while suspended.

2.0 Expulsion

Expelled students are removed from school for an indefinite time period. Students are suspended first, while a principal's investigation/inquiry takes place. Students can be expelled from their own school, or they can be expelled from all schools in the Board. Students expelled from all schools in their Board cannot attend a day school program or take part in school activities or events. Students expelled from all schools may participate in the Board's H.O.P.E.S. program.

PROCEDURE

1.0 Principal Investigation/Inquiry

Before determining appropriate supports and/or consequences in response to inappropriate student behaviours, the principal, or designate, must complete an investigation as required by the *Education Act* and consistent with the *Ontario Human Rights Code* and the Board's expectations for principal investigations and must take into consideration any mitigating and other factors.

2.0 Mitigating and Other Factors

The principal, or designate, must consider any mitigating and other factors, as required by the *Education Act*, set out in Ontario Regulation 472/07, and their application for the purpose of mitigating the discipline to be imposed before imposing a suspension, or a suspension pending an investigation to determine whether to recommend expulsion. For students with special education and/or disability related needs, interventions, supports and consequences must be consistent with the expectations in the student's Individual Education Plan (IEP) and/or their demonstrated abilities.

Before applying discipline, the discriminatory impacts of disciplinary decisions on students protected by the *Ontario Human Rights Code* shall be considered. For the purpose of the Suspension and Expulsion Administrative Procedure, the Board interprets the provisions of the *Education Act* and Regulations in a broad and liberal manner consistent with the *Ontario Human Rights Code*. The principal or designate shall consider whether or not the discipline will have a disproportionate impact on a student protected by the *Ontario Human Rights Code* and/or exacerbate the student's disadvantaged position in society. If the principal imposes a suspension pending an investigation to determine whether to recommend expulsion, the principal must consider any mitigating and other factors, as set out below, for the purpose of mitigation when determining whether to recommend an expulsion from the student's school or from all schools of the Board, as required by the *Education Act*.

If the principal determines it is not appropriate to recommend an expulsion, the principal must consider mitigating and other factors in deciding whether to shorten the length of the suspension.

The Mitigating Factors to be considered are:

1. Whether the student has the ability to control their behaviour;
2. Whether the student has the ability to understand the foreseeable consequences of their behaviour;
3. Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any person at the school.

Other Factors to be considered are:

1. The student's academic, discipline and personal history;
2. Whether a progressive discipline approach has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, colour, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the student's prospects for further education;
5. The student's age;
6. Where the student has an individual education plan (I.E.P.) 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 a greater likelihood of further inappropriate conduct.

3.0 VIOLENT INCIDENT REPORTS

- a) All violent incidents that occur on school property during school run programs shall be reported by the principal. When a student, over 12 years of age, engages in an act considered to be violent, the principal shall complete a *Violent Incident Form* through the Halton Incident Tracking System. (See *Appendix A*) Violent incidents committed by non-HDSB persons are to be reported to the Superintendent responsible for discipline using the *Violent Incident Form for Persons other than HDSB Students*. (See *Appendix B*)
- b) Incidents considered to be violent are:
 - uttering (verbalizing, writing or sending) a threat to inflict serious bodily harm on another person
 - committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school.
 - possessing a weapon, including possessing a firearm
 - physical assault causing bodily harm requiring medical attention
 - sexual assault
 - robbery
 - using a weapon to cause or to threaten bodily harm to another person
 - extortion
 - hate and/or bias-motivated occurrences
- c) Police must be notified for students age twelve (12) and over when a violent incident occurs. Please refer to the *Halton Police/School Board Protocol*. The Parent/guardian(s) of the student should be contacted whenever possible before police speak with students in the course of an investigation.

4.0 SUSPENSION

a) As per the *Education Act*, Section 306 (1), the principal shall consider whether to suspend a student if he or she believes that the student has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. * Uttering (verbalizing, writing or sending) a threat to inflict serious bodily harm on another person
2. Possessing alcohol or illegal drugs
3. Being under the influence of alcohol
4. Swearing at a teacher or at another person in a position of authority
5. * Committing an act of vandalism that causes extensive damage to school property at the student's school or to property located on the premises of the student's school
6. Bullying

Any other activity that is an activity for which a principal may suspend a student under a policy of the Board. Halton District School Board Code of Conduct includes the following:

7. Disorderly conduct, persistent opposition to authority, conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school
8. ** Possession or use of explosive devices, including fireworks
9. ** Fire setting, initiating a false alarm, making a bomb threat, or an act that places individuals, property or community at risk
10. * Extortion – attempting to take money or property under threat of harm or duress
11. Harassment – repeated comments or conduct that is known or ought to be known as unwelcome; on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, special needs, disability and/or any other immutable characteristic or ground protected by the *Ontario Human Rights Code*, as well as inappropriate sexual behaviour
12. Hate crimes – words or actions considered offensive in reference to a person's gender identity, sexual orientation, race, colour, ethnicity, culture, citizenship, ancestry, origin, religion, creed, family status, socio-economic status, disability and/or any other grounds protected by the *Ontario Human Rights Code*
13. Smoking on school property – violation of the Tobacco Control Act, 1998
14. Theft – taking, possessing property without the permission of the owner
15. Vandalism of school or Board property
16. Reckless or dangerous use of a vehicle (e.g., car, motorcycle, bicycle, etc.) on school property

* Police **must** be contacted and a Violent Incident Form completed for these incidents.

** Fire Department **must** be notified when students engage in activities that involve incendiary devices (lighters, matches, fireworks, etc.) or when fire alarms are falsely initiated.

It is recommended that parents/guardians be contacted prior to imposing a consequence for the above noted activities.

b) Upon a decision to suspend a student, the principal shall:

- Inform the adult student or the parent of the student of the decision to suspend;
- Provide written notice of the suspension to the adult student or the parent of the student;
- Inform the student's teachers of the suspension;

- In conjunction with the teachers, arrange to have school work prepared and provided to the student for the duration of the suspension, and
- Inform the adult student or parent of the student of the alternative program for suspended students (H.O.P.E.S.) if the student is suspended for more than five days.

5.0 SUSPENSION APPEALS

- a) When a student's parent/guardian(s), an adult student, or the student 16 or 17 years old and withdrawn from parental control, disagree with the decision of a principal to suspend, they may appeal the principal's decision to suspend. The Discipline Committee will hear suspension appeals as required by the *Education Act*, Section 309 and in accordance with the Suspension Appeal Process. (See *Appendix C*). The suspension appeal process does not stay the suspension.
- b) Parties to the appeal shall include:
- Principal/Vice Principal(s) of the school in which the student is registered;
 - Superintendent of Education responsible for the school in which the student is registered;
 - Student if 18 years old, or if 16 or 17 and has withdrawn from parental control; and/or
 - Student's parent(s)/guardian(s)

A legal representative for the board may be in attendance when consultation is required.

6.0 EXPULSION

- a) As per the *Education Act*, Section 310(1) the infractions for which a principal **shall** suspend, and may consider recommending to the Board that a student be expelled from the student's school or from all schools of the Board, include:
1. * Possessing a weapon, including possessing a firearm
 2. * Using a weapon to cause or to threaten bodily harm to another person
 3. * Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
 4. * Committing sexual assault - touching of a sexual nature that is known or should be known to be unwanted
 5. * Trafficking in weapons, illegal or restricted drugs
 6. * Committing robbery
 7. Giving alcohol to a minor
 8. Bullying if
 - i. the pupil has previously been suspended for engaging in bullying, and
 - ii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person
 9. * Any activity listed in subsection 306 (1) 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

Any other activity that, under a policy of the Board, is an activity for which a principal must suspend a student and conduct an investigation to determine whether to recommend to the Board that the student be expelled. Halton District School Board Code of Conduct includes the following:

10. An act considered by the principal to be significantly injurious to the moral tone of the school and/or the physical or mental well-being of others
11. A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others

12. Activities engaged in by the student 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 other person(s) in the school or Board
 13. Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board, or to goods that are/were on Board property
- b) Where a student has no history of discipline or behaviour intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of student behaviour and/or a serious breach of the School/Board Code of Conduct may result in the principal suspending a student and conducting an investigation to determine whether to recommend to the Discipline Committee that the student be expelled.
 - c) When a principal issues a suspension pending expulsion (*Education Act* 310 (1), the principal shall:
 - follow the suspension procedures including notification, provision of school work and assigning the student to the H.O.P.E.S. program;
 - immediately commence an inquiry to determine if a recommendation to expel is applicable, and
 - ensure that the investigation is conducted separately and parallel to the police investigation, or once the police have advised that it may be conducted
 - d) When a principal recommends that a student is to be expelled from the school or all schools within the Board, the principal shall:
 - prepare a principal's report for submission to the Discipline Committee.
 - e) Expulsion by Consent
The student's parent/guardian(s), or the student, if 18 or older, (or 16 or 17 and has withdrawn from parental control), may elect to sign a consent to expel the student. This process completed with the Superintendent of Education – responsible for Safe and Inclusive Schools.
 - f) Expulsion Hearing Before the Discipline Committee
The Discipline Committee will conduct expulsion hearings as required by the *Education Act*, Section 311.3.

Parties to the hearing shall include:

- Principal/Vice Principal(s) of the school in which the student is registered
- Superintendent of Education responsible for the school in which the student is registered
- Student if 18 years old, or if 16 or 17 and has withdrawn from parental control and/or
- Student's parent(s)/guardian(s)

A legal representative for any of the parties may be in attendance.

The Discipline Committee shall take into account:

- submissions and views of all parties;
- mitigating and other factors ;
- any written responses to the principal's report provided to the committee before the completion of the hearing, and
- the discriminatory impacts of disciplinary decisions on students protected by the *Ontario Human Rights Code*

The Discipline Committee may, in its decision:

1. Decide not to expel the student and will:
 - uphold the decision of the principal regarding the suspension;
 - uphold the decision of the principal but decrease the number of days of the suspension or
 - overturn the decision of the principal regarding the suspension and remove it from the pupil's record.
2. Expel the student from their school only or all schools of the board and assign the student to the H.O.P.E.S. program.

The decision of the Discipline Committee will be communicated to all parties to the hearing in writing by the Superintendent of Education - Safe and Inclusive Schools.

An expulsion from the student's school or all schools may be appealed to the Social Justice Tribunal, Child and Family Services Review Board.

The Superintendent of the school and the Superintendent of Safe & Inclusive Schools will determine the placement of the student should they be expelled from their school only.

7.0 HALTON OPPORTUNITIES PROGRAMS FOR SUSPENDED/EXPELLED STUDENTS (H.O.P.E.S.)

Halton District School Board authorizes the operation of programs for students who are suspended for six to twenty days, and for students who are expelled from all schools as required by PPMs 141 and 142. Upon a decision to suspend for more than five days, the principal will provide the parent(s)/guardian(s) with information regarding the H.O.P.E.S. program. (*See Appendix D*)

Attendance is voluntary for suspended students. A student who does not participate in H.O.P.E.S. may return to their school following the suspension period.

Students who are expelled from all schools of the Board must attend H.O.P.E.S., and must complete a Student Action Plan (S.A.P.) prior to being allowed to return to any school, including schools operated by other public Boards of education in the Province of Ontario. The H.O.P.E.S. staff will arrange an intake meeting prior to students attending the program and a transition meeting following completion of the program.

8.0 EXCLUSION

The Board does not support the use of exclusion of students as a disciplinary measure. However, the *Education Act* Section 265 (1)(m) permits a principal, to refuse to admit, to the school or to a class, someone whose presence in the school or classroom would, in the principals judgment, be detrimental to the physical or mental well being of others. Exclusion from school should be temporary and for the purpose of putting in place a plan to promote the student's inclusion while supporting the safety of others.

When a principal is considering excluding a student the consultation and decision-making process must include the Superintendent responsible for the school, the Superintendent of Safe and Inclusive Schools, and when appropriate, the Superintendent of Special Education.

If the principal does decide that it is necessary to exclude a student from school, she/he is expected to notify the student's parents/guardian of the exclusion as soon as possible and to inform them of their right to appeal the exclusion to the Board of Trustees pursuant to Section 265(1)(m) of the *Education Act*.

Upon a decision to exclude a student, the principal shall:

- Inform the adult student or the parent of the student of the decision to exclude;
- Provide written notice of the exclusion to the adult student or the parent of the student;
- Inform the student's teachers of the exclusion;
- In conjunction with the teachers, arrange to have schoolwork prepared and provided to the student for the duration of the exclusion.



VIOLENT INCIDENT FORM

School: Phone #: Date:

Person who committed the incident: (Please complete a separate report for each person)

SURNAME: FIRST: AGE: DATE OF BIRTH:

STUDENT OEN: IEP IDENTIFIED:

ADDRESS: CITY/TOWN: POSTAL CODE:

DATE OF INCIDENT: TIME:

INCIDENT LOCATION:

INCIDENT TYPE:

* MUST BE REPORTED TO POLICE IF STUDENT IS OVER 12 YEARS OF AGE. REFER TO THE HALTON CODE OF BEHAVIOUR or THIS PROCEDURE FOR THE DEFINITIONS OF THE ABOVE.

DESCRIPTION:

POLICE CONTACTED: Date of Contact:

INVESTIGATING OFFICERS: BadgeNumber:

BOARD RESPONSE Parent/Guardian Notified: Date: Time:

VICTIM(S):

EXTENT OF INJURIES:

* HALTON DISTRICT SCHOOL BOARD ACCIDENT REPORTING PROCEDURES APPLY.

WITNESS(ES):

Date included in OSR: Principal's Signature:

A REPORT OF A VIOLENT OCCURRENCE MUST BE INCLUDED IN THE OSR for occurrences leading to police contact, suspension or expulsion. This information is required by the Ontario Ministry of Education for inclusion in the Ontario Student Record. It is privileged information for the use of supervisory officials and the principal and teachers of the school.

VIOLENT INCIDENT FORM FOR

Persons other than HDSB students

(reference PPM 120)

All violent incidents that occur on school premises during school-run programs must be reported to the Ministry, whether the violent incident was committed by a student of the school or whether it was committed by any other person.

Principals are to complete this form when a person other than a Halton District School Board student commits a violent incident on school premises during school-run programs. These incidents may occur during the school day or during before/after school activities.

Forms are to be submitted electronically to the Executive Assistant and Principal of Safe and Inclusive Schools upon completion.

EXAMPLES OF REPORTING USING THIS FORM:

QUESTIONS & ANSWERS

- a) *Three students from another school board are arrested on school premises during the school day for robbery. Is this reported?*
Yes. Even though it did not involve HDSB students, it happened on school premises and during school-run programs.
- b) *A 14 year old student was the victim of a sexual assault on school premises during the school day, the aggressor was not a student. Does this need to be reported?*
Yes, as it occurred on school premises and during school run-programs
- c) *An adult or a student from another Board physically assaults two students from my school down the street after school. Do I report this?*
No, as this did not occur on school premises.
- d) *Ten young people take part in hate-motivated activities on my school property during the school day. There is a mix of students from my school, students of a neighbouring school, and non-students, do I report this?*
Yes, it is reported using this form for the non-students. Violent Incident report should be completed for HDSB students through Trillium/HITS.

School where incident occurred:	
Date of Incident:	
Time:	
Person(s) who committed the incident:	
Police Contacted:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date police contacted:	
Extent of Injuries:	

Details of Violent Incident PPM 120

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

Suspension Appeal Process

(from HDSB Administrative Procedure: Suspension and Expulsions Feb 2013)

When a student's parent/guardian(s), the adult student or the student 16 or 17 years old and withdrawn from parental control, disagree with the decision of a principal to suspend, they may appeal the principal's decision to suspend as follows:

Step 1: Notice of Appeal

A person(s) who is/are entitled to appeal, described above, must give written notice of intent to appeal to the Superintendent of Education – Safe and Inclusive Schools, within 10 (ten) days of the commencement of the suspension. The notice must identify:

- the reason for appealing the suspension
- the remedy sought
- the names and relationships of all persons to be present at the appeal

The principal responsible for Safe and Inclusive Schools will confirm receipt of this notice.

Step 2: Meeting with the Principal

The person(s) who is/are entitled to appeal must meet with the principal of the school to discuss the suspension. If an agreement is not reached through meeting with the principal, proceed to Step 3.

Step 3: Superintendent Review

The Superintendent of Education with responsibility for the school will review the suspension. If an agreement is not reached through the Superintendent's Review, the person(s) who is/are entitled to appeal and the Superintendent of Education with responsibility for the school will notify the Superintendent of Education – Safe and Inclusive Schools. The appeal will then be heard by the Discipline Committee.

Step 4: Appeal to the Board

The Superintendent of Education – Safe and Inclusive Schools will arrange for the Discipline Committee of the Board to hear the appeal and contact the person(s) who is/are entitled to appeal to confirm. The Discipline Committee of the Board shall hear and determine the appeal within 15 school days of receiving the notice of appeal, unless the parties agree on a later deadline.

The Discipline Committee will be made up of a minimum of three trustees who will hear appeals as required by the *Education Act* Section 309(6). Suspension Appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*. Parties to the Appeal shall include:

- Principal and/or designate of the school in which the student is registered;
- Superintendent of Education responsible for the school in which the student is registered;
- Student, if 18 years old (or if 16 or 17 and has withdrawn from parental control); and/or
- Student's parent/guardian(s)

The Discipline Committee shall take into account:

- submissions and views of all parties;
- mitigating and other factors, and
- the discriminatory impacts of disciplinary decisions on students protected by the *Ontario Human Rights Code*

The Discipline Committee may, in its decision - As per the *Education Act* Section 309 (10):

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
- quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

The decision of the Discipline Committee is final and will be communicated to all parties in writing by the Superintendent of Education – Safe and Inclusive Schools.

Expulsion Process

(from HDSB Administrative Procedure: Suspension and Expulsions Feb 2013)

Expulsion Process

When a Principal recommends that a student be expelled from the school or all schools within the Board, the Principal shall prepare a Letter to Recommend Expulsion and a Principal's Report for submission to the Discipline Committee of the Halton District School Board. The Principal's report will include:

1. A summary of the principal's findings
2. An analysis of the mitigating and other factors
3. The principal's recommendation as to whether the pupil should be expelled from their school only or from all schools of the board.
4. The principal's recommendation as to,
 - i. the type of school that might benefit the pupil, if the pupil is expelled from their school only, or
 - ii. the type of program for expelled pupils that might benefit the pupil, if the pupil be expelled from all schools of the board.

Parents may elect to **Consent** to the expulsion or proceed to a **Formal Hearing** before the Discipline Committee of the Halton District School Board.

Consent Process

Step 1

The student's parent/guardian(s), or the student, if 18 or older, (or 16 or 17 and has withdrawn from parental control), will confirm with the Principal their willingness to sign a consent to expel.

Step 2

The student's parent/guardian(s), or the student, if 18 or older, (or 16 or 17 and has withdrawn from parental control) will meet with the Superintendent of Education responsible for Safe & Inclusive Schools to receive the Principal's Report and sign the *Consent to Order Expelling Student* at the JW Singleton Centre, Burlington Ontario.

Step 3

The Discipline Committee will review the *Consent to Order Expelling Student* and sign the *Decision and Consent Order to Expel* on or before the 20th day of the Student's suspension.

Step 4

The Superintendent of Education responsible for Safe & Inclusive Schools will sign the *Decision of the Discipline Committee* letter.

Step 5

A copy of the *Decision of the Discipline Committee* letter will be sent to the student's parent/guardian(s), or the student, if 18 or older, (or 16 or 17 and has withdrawn from parental control).

Formal Hearing Process Before the Discipline Committee

The hearing before the Discipline Committee will be conducted as per the requirements of the *Education Act* 311.3. The hearing will take place on or before the 20th day of the student's suspension.

Parties to the hearing shall include:

- Principal/Vice Principal(s) of the school in which the student is registered
- Superintendent of Education responsible for the school in which the student is registered
- Student if 18 years old, or if 16 or 17 and has withdrawn from parental control and/or
- Student's parent(s)/guardian(s)

A legal representative for any of the parties may be in attendance. Parties must inform all parties of parties of legal representation prior to the formal hearing.

Step 1

The student's parent/guardian(s), or the student, if 18 or older, (or 16 or 17 and has withdrawn from parental control), will confirm with the Principal their intent to proceed to a Formal Hearing.

Step 2

The student's parent/guardian(s), or the student, if 18 or older, (or 16 or 17 and has withdrawn from parent control), will receive a notice of the scheduled date and time of the hearing before the Discipline Committee and a copy of the Principal's Report to the Discipline Committee recommending expulsion.

Step 3

A written response to the Principal's Report, or other submission for the purposes of the hearing, may be submitted to the Discipline Committee through the Superintendent of Education responsible for Safe & Inclusive Schools. This written response must be provided to the Superintendent at least three days prior to the Expulsion Hearing.

Step 4

During the Hearing, the Discipline Committee will hear submissions from the parties.

Step 5

In making their decision, the Discipline Committee shall take into account:

- submissions and views of all parties;
- mitigating and other factors ;
- the principal's report and any written responses to the Principal's report provided to the committee before the completion of the hearing, and
- the discriminatory impacts of disciplinary decisions on students protected by the *Ontario Human Rights Code*

Step 6

The Discipline Committee may, in its decision:

1. Decide not to expel the students and will:
 - uphold the decision of the Principal regarding the suspension;
 - uphold the decision of the Principal but decrease the number of days of suspension or
 - overturn the decision of the Principal regarding the suspension and remove it from the pupil's record.
2. Expel the student from their school only or all schools of the Board, and sign the *Order to Expel*. In doing so they will also assign the student to the HOPES program.

Step 7

The Superintendent of the school and the Superintendent of Safe & Inclusive Schools will determine the placement of the student should he/she be expelled from their school only.

Step 8

The decision of the Discipline Committee will be communicated to all parties to the hearing in writing by the Superintendent of Education responsible for Safe & Inclusive Schools. A copy of the *Decision of the Discipline Committee* letter will be sent to the student's parent/guardian(s), or the student, if 18 or older, (or 16 or 17 and has withdrawn from parental control).

An expulsion from the student's school or all schools of the Board may be appealed to:

Social Justice Tribunal

The Child and Family Services Review Board

2 Bloor St. West, 24th Floor

Toronto, Ontario M4W 3V5

Fax: (416) 327-4379 Phone: (416) 327-4673 or 1-888-728-8823 Website: www.cfsrb.ca



Introduction

The *Education Act*, combines discipline with opportunities for students to continue their education. PPM 141 and PPM 142 provide direction to boards on the development and implementation of programs for students who are suspended (six or more days) and/or expelled from all schools of the board. Other relevant legislative direction is included in PPM 128 Provincial Code of Conduct and School Board Code of Conduct, PPM 145 Progressive Discipline and Promoting Positive Student Behaviour; and PPM 144 Bullying Prevention and Intervention.

Research evidence supports the following components as key to improving student learning and keeping students in school:

- prevention and early intervention strategies to address inappropriate student behaviour;
- improved access to professional resources for students;
- training for principals and teachers to increase their ability to support students;
- partnerships including parents and community agencies;
- programs and supports for students who have been expelled or suspended to facilitate their successful return to school.

These components will be incorporated in the H.O.P.E.S. program through individual student action plans (SAP), which will outline both the academic component, and the non-academic or social/emotional development component of the program for each student.

What is the H.O.P.E.S. program?

The Halton Opportunities Program for Expelled and Suspended Students (as per Ministry direction under PPM 141 and 142) provides academic and non-academic support to students in Grades 7 to 12 and their families. H.O.P.E.S. sites are based in Burlington and Milton. Transportation is supported by the Board so that students may access the program. H.O.P.E.S. staff includes the principal responsible for coordinating the program, a social worker and a teacher.

Once the decision has been made to suspend a student for six to twenty days, or to suspend pending expulsion, or to expel from all schools of the Board, the home school principal/vice principal will recommend to the student and their parents that they participate in H.O.P.E.S. Program information will be provided to the student and their parents.

Once the student and their parents are committed to participating in the program, a H.O.P.E.S. staff member will arrange an intake meeting, to be attended by the student, their parents, the H.O.P.E.S. principal, social worker, teacher, and home school administrator.

A Student Action Plan (SAP) will be developed in conjunction with the student, parents, home school and the H.O.P.E.S. staff. The expectations for successful completion of the program and plans for transition back to school will also be addressed in the SAP. The H.O.P.E.S. staff will assist students and parents with referrals to community agencies, as appropriate.

Once the student has successfully completed the expectations of the program (or completed the suspension if up to twenty days) the H.O.P.E.S. team will facilitate the student's transition back to school.

The H.O.P.E.S. Program is designed to meet the following objectives by providing:

- students with the opportunity to examine the reason(s) for their suspension or expulsion and to develop a more appropriate way of addressing a similar problem in the future;
- students with academic work that is presented in their home school, thus supporting credit accumulation;
- a stimulating and creative learning environment for students on long-term suspension or expulsion;
- an opportunity for students to develop/modify social interaction skills;
- learning materials to address anger management issues, conflict resolution strategies, and other life skills;
- access to community agencies to address the needs of the students and their families;
- constructive and relevant feedback to the referring school, student and parents.

H.O.P.E.S. Program Vision, Mission and Values

Vision

Our vision is that H.O.P.E.S. students will become successful and positive contributors to both their learning environments and their communities.

Mission

We will:

- ✓ Provide meaningful and differentiated learning experiences
- ✓ Nurture a respectful classroom environment
- ✓ Collaborate in goal setting
- ✓ Honour strengths and celebrate successes
- ✓ Be creative and responsive to student needs
- ✓ Advocate for students and their families
- ✓ Work together with schools and community resources

Values

- ✓ Relationships
- ✓ Respect for all
- ✓ Faith and belief in the capacity and goodness of our students
- ✓ Collaboration
- ✓ Creativity
- ✓ Restorative practices
- ✓ Inclusivity

Program Criteria

A student will be accepted into the H.O.P.E.S. program under the following conditions:

- the student is serving a suspension of six (6) or more days in length as part of a progressive discipline process, or
- the student is expelled from all schools of the board, as recommended by the Board of Trustees;
- the student is willing to attend and participate in the program;
- the student is in Grade 7 to 12.

NOTE:

For younger students serving a suspension of 6 or more days, academic support is provided on a home instruction basis. Emotional/behavioural support for the student and family may be provided through the school's Child and Youth Counsellor or through referral to community agencies.

Students who do not abide by the program expectations may be excluded from the H.O.P.E.S. program.

H.O.P.E.S. Referral Process

The following steps are necessary for placement of a student in the H.O.P.E.S. program:

- Step 1: The home school principal notifies the H.O.P.E.S. principal of a potential student candidate who is suspended or suspended pending expulsion.
- Step 2: The student and their parent or guardian will attend an intake meeting with the home school principal/vice principal, and H.O.P.E.S. staff (i.e., principal, teacher and social worker).
- Step 3: Preparation of the Student Action Plan (SAP) begins once the student commits to attending the H.O.P.E.S. program.

Student Action Plan (SAP) Components

A Student Action Plan (SAP) is developed for every student on a long-term suspension or expulsion that makes a commitment to attend the H.O.P.E.S. program. The SAP is developed through collaboration between H.O.P.E.S. staff, the student and parents and the home school principal/vice principal. Schools must provide a homework package for those students suspended from 1 to 5 days and for those students suspended for 6 to 20 days who attend H.O.P.E.S.

H.O.P.E.S. staff will provide subject/course work for those students who are expelled from all schools of the Board.

- For a student who is *suspended for six (6) to ten (10) days*, the SAP includes an academic component only.
- For a student *suspended for eleven (11) to twenty (20) days*, the SAP will consist of both academic and non-academic components.
- For students with *special education needs* who are subject to a long-term suspension or expulsion from all schools in the Board, appropriate supports, consistent with the student's IEP, will be in place in the H.O.P.E.S. program.
- The *content and balance of the academic and/or non-academic program* for the student will depend on the needs of the student, length of suspension and the nature and severity of the behaviour that led to the suspension, including any mitigating or other factors.
- The *academic program* allows the student to continue their education and may include credit recovery, credit completion, e-learning, distance learning, Independent Learning Centre courses from the Ministry of Education, cooperative education, community involvement through service learning, etc.

- The *non-academic program* is provided to a student who is suspended for more than ten (10) days or expelled from all schools of the board. This program is designed to identify and address the underlying causes of a student's behaviour and develop positive attitudes and behaviours, with the goal of reducing the risk that the student will be suspended or expelled in the future. Restorative practices may also be a component of this program, as appropriate. The H.O.P.E.S. program will make appropriate support available to the student and/or facilitate the student's referral to a community agency.

Conditions for exemption from H.O.P.E.S.

- A student who is *subject to a long-term suspension* cannot be compelled to participate in the H.O.P.E.S. program. The student may return to school once the period of suspension is served.
- A student who is *expelled from all schools in the board* cannot be compelled to participate in the H.O.P.E.S. program. However, an expelled student who wishes to return to school must satisfy the objectives required for successful completion of the program for expelled students. The active engagement of parents and families and linkages to community agencies for counseling support or treatment contributes to positive outcomes for the student.

Re-entry to school

Students returning from a long-term suspension

- Students who are suspended from one to twenty school days, *return* to school once the duration of their suspension has been served.
- The principal shall hold a re-entry meeting with the parent(s), student, H.O.P.E.S. staff, and others as appropriate to facilitate the student's transition back to school and to identify any additional academic or non-academic supports that may be required upon the student's return to school.

Students returning from an expulsion from all schools of the board

Expelled students who wish to return to school must successfully complete a program for expelled students or satisfy the objectives required for successful completion of a program.

In addition:

- A re-entry plan is developed to assist with the student's transition and integration back into the school.
- The re-entry plan must contain the following elements:
 - Description of the re-entry process for successful transition back to school
 - Identification of the types of supports in both the academic and non-academic components that are needed to sustain student learning
 - For students with an IEP, the supports, both academic and non-academic, must be consistent with the student's IEP.
 - A completed Student Action Plan and supporting documentation is provided to the student's school.