

Topic:	Suspensions and Expulsions
Effective:	February 2013
Cross-Reference:	Ontario Human Rights Code Accepting Schools Act S.O. 2012, c.5; Education Act, Part XIII Behaviour, Discipline and Safety Policy and Program Memoranda: 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); PPM 166 (Anti Sex Trafficking); Ontario Regulation 472/07 (Behaviour, Discipline and the Safety of Pupils); Ontario Regulation 474/00(Access to School Premises); Ontario Regulation 440/20 (Suspension of Elementary Pupils) Occupational Health and Safety Act and Regulations; HDSB Policy: Safe Schools; HDSB Administrative Procedures: Positive School Climate – Progressive Discipline Bullying Prevention and Intervention Discrimination & Harassment Violence Threat Risk Assessment Anti Sex Trafficking Halton Region Police – School Board Protocol Smoke-Free Ontario Act 2017 Youth Criminal Justice Act (YCJA)(S.C. 2002, c. 1) Trespass to Property , R.S.O. 1990, c. T.21
Review Date:	March 2023
Revision Date:	March 2027
Responsibility:	Superintendent of Education – Safe Schools

PURPOSE:

The purpose of this procedure is to outline how suspensions and expulsions will be administered. The Statutory Powers Procedure Act (as amended) shall **not** apply to the conduct of suspension appeal proceedings and expulsion hearings.

The 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 support and implement provincial legislation and the Safe 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 results in discrimination or differential treatment on the basis of protected grounds under the Ontario Human Rights Code.

DEFINITIONS

1. Suspension

A suspension means students are removed from school temporarily for a specified 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 and are eligible for Halton Opportunities Program for Expelled/Suspended Students (HOPES). Students cannot take part in school activities or events or be on any Board property while suspended, with the exception of attending the Board's program for suspended and expelled students (HOPES).

2. 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 the Board cannot attend any HDSB school program or take part in school activities or events or be on any Board property with the exception of attending the Board's program for suspended and expelled students (HOPES).

PROCEDURE

1. Principal Investigation/Inquiry

Before determining appropriate supports and/or consequences in response to inappropriate student behaviours, the Principal 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. The Principal must take into consideration any mitigating and other factors.

2. Mitigating and Other Factors

The Education Act requires Principals consider mitigating and other factors before imposing any disciplinary measure such as a suspension or suspension pending an investigation to determine whether to recommend expulsion. Before applying discipline, the discriminatory or disproportionate impacts of disciplinary decisions on the basis of protected grounds under 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*.

Principals are asked to mitigate twice (where possible):

1. Firstly, the Principal shall consider whether to suspend/expel or not by considering mitigating factors and determining if the discipline will result in discrimination or differential treatment on the basis of protected grounds under the Ontario Human Rights Code.
2. Secondly, if the Principal determines a suspension/expulsion is appropriate, the Principal must consider mitigating and other factors when determining length/severity of that discipline.

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 (IEP) or disability-related needs:
 - a) whether the behaviour causing the incident was a manifestation of the student's disability;
 - b) whether appropriate individualized accommodation has been provided, and
 - c) whether a suspension is likely to result in a greater likelihood of further inappropriate conduct.

2. VIOLENT INCIDENT REPORTS

- a) For the purposes of Safe Schools reporting, practices, and procedures, "violent incidents" are identified and defined as those outlined in PPM 120 by the Ministry of Education. As such, they cannot be modified by the Board.
- b) All violent incidents that occur on school property during school run (including childcare) programs shall be reported by the Principal. When a student 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 of Safe Schools using the *Violent Incident Form for Persons other than HDSB Students* (see Appendix B).
- b) Incidents considered to be violent as per PPM 120 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 by a medical practitioner
 - sexual assault
 - robbery
 - using a weapon to cause or to threaten bodily harm to another person
 - extortion
 - hate and/or bias-motivated occurrences
 - trafficking in weapons or illegal drugs
- c) Police must be notified for violent incidents involving students aged twelve (12) and over. Please refer to the *Halton Police – School Board Protocol*. As outlined in the Police – School Board Protocol, every effort must be made to contact the parent(s)/guardian(s) of the student before police speak with students in the course of an investigation.

3. SUSPENSION (Grades 4-12)

- a) As per the *Education Act*, Section 306 (1), the Principal shall consider whether to suspend a student if they believe 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:

- i. Uttering (verbalizing, writing or sending) a threat to inflict serious bodily harm on another person * **
- ii. Possessing alcohol, **illegal drugs**, cannabis (unless the student is a medical cannabis user) *
- iii. Being under the influence of alcohol, cannabis or other controlled substance, unless the student has a medical exemption
- iv. Swearing at a teacher or at another person in a position of authority
- v. 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
- vi. Bullying (*as defined in Administrative Procedure: Bullying Prevention and Intervention*) *
- vii. Disorderly conduct and/or persistent opposition to authority
- viii. Fire setting, initiating a false alarm, making a bomb threat, inappropriate or dangerous use of an incendiary device or a related act that places individuals, property, or community at risk * ***
- ix. Extortion – attempting to take money or property under threat of harm or duress * **
- x. 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
- xi. Hate or bias-motivated occurrences – 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, mental or physical disability, socioeconomic status, and/or any other grounds protected by the *Ontario Human Rights Code* * **
- xii. Smoking or vaping on school property – in violation of the *Smoke Free Ontario Act, 2017*
- xiii. Theft – taking, possessing property without the permission of the owner
- xiv. Reckless or dangerous use of a vehicle (e.g., car, motorcycle, bicycle, etc.) on school property
- xv. Conduct injurious to the moral tone of the school and/or to the physical or mental well-being of others in school
- xvi. Fighting
- xvii. Assault *
- xviii. Aiding or inciting harmful behaviour (e.g., arranging or recording a fight)
- xix. Inappropriate use of electronic media, devices, and/or HDBS network

* Police **must** be contacted if student is 12 years or older (Principal's discretion under the age of 12)

** Violent Incident Form **must** be completed for these incidents (Form is mandatory for all incidents, calling Police is at Principal's discretion under age 12 as noted above)

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

- b) Upon a decision to suspend a student, the Principal shall promptly:
- Inform the student's parent(s)/guardian(s), an adult student, or the student 16 or 17 years old and withdrawn from parental control of the decision to suspend;
 - Provide prompt written notice of the suspension to the adult student or the parent/guardian of the student;
 - Arrange, in conjunction with the student's teacher(s), to have school work prepared and provided to the student for the duration of the suspension; and

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- Inform the adult student or parent/guardian of the student of the alternative program for suspended students (HOPES) if the student is suspended for more than five (5) days.

4. SUSPENSION APPEALS

- a) When either a student's parent/guardian(s), an adult student, or a 16 or 17 year-old student who has withdrawn from parental control, disagrees with the decision of a Principal to suspend, they may appeal the Principal's decision to suspend within ten (10) days of the decision to suspend. The Discipline Committee will hear suspension appeals as required by the *Education Act* and in accordance with the HDSB 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 years old and has withdrawn from parental control; and/or
 - Student's parent(s)/guardian(s)
 - Any and all parties are entitled to have legal representation (at their own expense) present during the hearing. We request that Legal representation be communicated to the Superintendent of Safe Schools at minimum 5 school days notice prior to the suspension / expulsion hearing.

The Halton District School Board Process for Resolving Suspension Appeals:

Step 1: Notice of Appeal communicated to the Safe Schools department as outlined in the suspension letter within ten (10) days of the commencement of the suspension.

Step 2: Meeting with the school Principal in an effort to resolve the appeal.

Step 3: Meeting with the Family of Schools Superintendent in an effort to resolve the appeal.

Step 4: Hearing before the Discipline Committee of the Board (within 15 school days of receiving the notice of appeal, unless the parties agree on a later deadline).

The above process may be amended at the discretion of the Superintendent of Education of Safe Schools in consultation with the respective Family of Schools Superintendent.

The HDSB Suspension Appeal Process is outlined in detail in Appendix C.

5. EXPULSION

- a) As per the *Education Act*, Section 310(1), the Principal **shall** suspend and may, upon the conclusion of a thorough and impartial investigation, consider recommending to the Board that a student be expelled from the student's school or from all schools of the Board when the Principal has determined that a 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:
 - i. Possessing a weapon, including possessing a firearm (includes knives, guns, or other weapons and includes replica weapons) * **
 - ii. Using a weapon to cause or to threaten bodily harm to another person (includes knives, guns, or other weapons and includes replica weapons) * **
 - iii. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner * **
 - iv. Committing sexual assault - touching of a sexual nature that is known or should be known to be unwanted * **
 - v. Trafficking in weapons or illegal drugs * **
 - vi. Committing robbery * **
 - vii. Giving alcohol or cannabis to a minor
 - viii. Bullying if
 - i. the student has previously been suspended for engaging in bullying, and
 - ii. the students' continuing presence in the school creates an unacceptable risk to the safety

-
- of another person *
- iii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person for students in junior kindergarten to grade 3
 - ix. 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, class or any other identified ground under the Ontario Human Rights Code * **
 - x. 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
 - xi. 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
 - xii. 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
 - xiii. 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
 - xiv. Possession or use of explosive devices, including fireworks * ***
 - xv. Trafficking in controlled or illegal drugs *

* Police **must** be contacted (Principal's discretion under the age of 12)

** Violent Incident Form must be completed for these incidents (Form is mandatory for all incidents, calling Police is at Principal's discretion under age 12 as noted above)

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

- 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 under *Education Act* 310 (1), the Principal shall:
 - follow the suspension procedures including notification of parent/guardian, provision of school work, and making a referral to HOPES ;
 - immediately commence an investigation to determine if a recommendation to expel is applicable;
 - ensure, as per the Police – School Board Protocol, that the investigation is conducted parallel to but independently of any police investigation and begins only after the police have advised the school investigation may proceed; and
 - work in coordination with the Safe Schools department to conclude the investigation, prepare the Principal's Report, and communicate the Principal's Report to the parents/guardians of the student or to the student if over 18 years of age or 16 or 17 years of age and withdrawn from parental control.

When a Principal recommends a student 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.

6. EXPULSION HEARINGS

- a) The Discipline Committee of the Board will conduct expulsion hearings as required by the *Education Act*.

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 years old and has withdrawn from parental control and/or
- Student's parent(s)/guardian(s)
- Any and all parties are entitled to have legal representation (at their own expense) present during the hearing. We request that Legal representation be communicated to the Superintendent of Safe Schools at minimum 5 school days notice prior to the suspension / expulsion hearing.

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

b) 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 on the basis of identity grounds protected by the *Ontario Human Rights Code*.

The Discipline Committee may, in its decision:

- Decide not to expel the student and:
 - 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.
- Expel the student from their school only or all schools of the board and assign the student to HOPES.

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

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

The Superintendent of Safe Schools, in consultation with the Superintendent of Education for the student's school, will determine the placement of the student should they be expelled from their designated school only. The Board's Safe Schools Transfer process will be followed in such cases. The Superintendent of Special Education Services (or designate) will be consulted if the student has special education needs requiring specific program requirements.

7. DOCUMENT RETENTION – SUSPENSIONS AND EXPULSIONS

Safe Schools Incident Reporting (SSIR) Forms

Retain Part I of the Safe Schools Incident Report Form (SSIR) in the Documentation File of the student's OSR as per the following schedules:

Non Violent Incidents as per PPM 120		
No action taken	Discard	
All other action including suspension or expulsion	Minimum 1 year	Subject to culling 5 years after the student retires from school
Violent Incidents as per PPM 120		
Any action taken other than suspension or recommend expulsion	Minimum 1 year	Subject to culling 5 years after the student retires from school

Suspension or expulsion quashed	1 year	Must be removed from OSR after 1 year
Suspension	Minimum 3 years	Attach Part I to suspension letter Subject to culling 5 years after the student retires from school
Expulsion	Minimum 5 years	Attach Part I to expulsion letter Subject to culling 5 years after the student retires from school

See also the *HDSB Administrative Procedure: Positive School Climate – Progressive Discipline*.

Suspension Letters

Suspension letters are to be placed in the Documentation File of a student's OSR. Retention periods for suspension letters are as follows:

Suspensions, Non Violent as per PPM 120	
Minimum 1 year, thereafter may be removed at the discretion of the Principal	Subject to culling (including electronic records) 5 years after the student retires from school
Suspensions, Violent as per PPM 120	
Minimum 5 years, thereafter may be removed at the discretion of the Principal	Subject to culling 5 years after the student retires from school

In the event a suspension is quashed for any reason (e.g., on appeal or with the Principal's consent), the applicable suspension letter is immediately expunged (i.e. removed from the OSR and destroyed). Any electronic version of the suspension letter must also be deleted.

If a Principal makes an agreement with a family to remove a suspension letter on a given date, removal of the documentation is subject to the requirements outlined above.

Expulsion Letters

Expulsion letters are to be placed in the Documentation File of a student's OSR. Retention periods for expulsion letters are as follows:

Expulsions, Non Violent as per PPM 120
5 years after the student retires from school
Expulsions, Violent as per PPM 120
5 years after the student retires from school

In the event a recommendation to expel is not upheld by the Discipline Committee of the Board, the resultant suspension letters are subject to the applicable guidelines as outlined above.

In the event the Discipline Committee overturns a recommendation to expel and quashes the suspension entirely, the applicable suspension letters are immediately expunged (i.e. removed from the OSR and destroyed). Any electronic version of the suspension letter must also be deleted. It is HDSB practice that *both* the electronic *and* printed copies of the suspension letters are expunged when a suspension has been quashed. Note that SSIR Forms must be retained for a year even when a suspension or expulsion is quashed.

8. HALTON OPPORTUNITIES PROGRAMS FOR SUSPENDED/EXPELLED STUDENTS (HOPES)

The 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 HOPES (see

Appendix D for full details about HOPES).

In all cases (suspension or expulsion), HOPES staff will communicate with the student's parents/guardians (or the student if over 18 years of age or 16 or 17 years old and withdrawn from parental control) in order to describe HOPES and arrange an intake meeting prior to students attending the program. Transportation to and from HOPES is provided by the Board for all students attending the program.

Attendance in HOPES is voluntary for suspended students. A student who does not participate in HOPES may return to their school following the suspension period.



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 Schools upon completion.

EXAMPLES OF REPORTING USING THIS FORM:

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 and/or Board Policy

- possessing a weapon, including possessing a firearm (310)
- trafficking in weapons or illegal drugs (310)
- uttering a threat to inflict serious bodily harm on another person (306)
- physical assault causing bodily harm requiring medical attention (310)
- sexual assault (310)
- robbery (310)
- using a weapon to cause or to threaten bodily harm to another person (310)
- extortion (306)
- hate and/or bias-motivated occurrences (306 or 31)

- **Suspension Appeal Process**

(from HDSB Administrative Procedure: Suspension and Expulsions September 2020)

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 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 Principal responsible for Safe 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, the appeal will proceed to Step 3.

Step 3: Superintendent Review

The Superintendent of Education with responsibility for the school will review the suspension in an effort to reach a resolution. 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 Schools. The appeal will then be heard by the Discipline Committee.

Step 4: Hearing of the Board Discipline Committee

The Superintendent of Education – Safe 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*. 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)
- Any and all parties are entitled to have legal representation (at their own expense) present during the hearing. We request that Legal representation be communicated to the Superintendent of Safe Schools at minimum 5 school days notice prior to the suspension / expulsion hearing.

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:

- uphold the decision of the Principal regarding the suspension;
- confirm the suspension but decrease the number of days provided for in the suspension, or
- overturn the decision of the Principal regarding the suspension and remove it from the pupil's record.

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

NOTE: The above process may be modified at the discretion of the Superintendent of Education (Safe

Schools) in consultation with the respective Family of Schools Superintendent in consideration of the circumstances.

Expulsion Process

(from HDSB Administrative Procedure: Suspension and Expulsions September 2020)

● **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 his or her 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 his or her 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.

● **Formal Hearing Process Before the Discipline Committee**

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

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)
- Any and all parties are entitled to have legal representation (at their own expense) present during the hearing. We request that Legal representation be communicated to the Superintendent of Safe Schools at minimum 5 school days notice prior to the suspension / expulsion hearing.

Step 1

The student's parent/guardian(s), or the student if 18 years or older (or 16 or 17 years old 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 parental 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 & Accepting 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 Discipline 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 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 suspension; or
 - overturn the decision of the Principal regarding the suspension and remove it from the pupil's record.
2. Expel the student from his/her 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 School Superintendent and the Superintendent of Safe Schools will determine the placement of the student should they 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 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 years or older (or 16 or 17 years 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 655 Bay St, 14th Floor

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Halton Opportunities Program for Expelled/Suspended Students

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 outlined 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 HOPES program through individual student action plans (SAPs), 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 HOPES Program?

The Halton Opportunities Program for Expelled/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. HOPES sites are based in Burlington (“HOPES South”) and Milton (“HOPES North”). Transportation is provided by the Board so all students may access the program. HOPES staff includes the Principal responsible for coordinating the program, a Behavioural Support Worker, a teacher, and access to a Social Worker.

Once the decision has been made to suspend a student for six to twenty days, 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/guardians that they participate in HOPES information will be provided to the student and their parents. HOPES staff will also reach out to families to provide details about the program and encourage the student’s attendance.

Once the student and their parents/guardians are committed to participating in the program, HOPES staff will arrange an intake meeting to be attended by the student, their parents/guardians, HOPES Social Worker, HOPES teacher, and home school administrator.

A Student Action Plan (SAP) will be developed in conjunction with the student, parents/guardians, home school and the HOPES staff. The expectations for successful completion of the program and plans for transition back to school will also be addressed in the SAP. The HOPES staff will assist students and parents/guardians 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 HOPES team will facilitate the student's transition back to school.

Programming and support at HOPES are designed to:

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

HOPES Program Vision, Mission and Values

- **Vision**

Our vision is that HOPES 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

Students who do not abide by the program expectations may not attend the HOPES program in person. In such circumstances, program support can be delivered online or through other means and/or locations in the community.

- **Program Criteria**

A student will be accepted into the HOPES 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;
- the student is expelled from all schools of the board, as recommended by the Discipline Committee of the Board of Trustees;
- the student is willing to attend and participate in the program; and

-
- the student is in Grades 7 to 12

Note:

For younger (Grades 4-6) students serving a suspension of 6 or more days, academic work will be provided through the school. 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.

HOPES Referral Process

The following steps are necessary for placement of a student in HOPES:

- Step 1: The home school Principal notifies the HOPES 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 HOPES staff (i.e., Principal, teacher, behaviour support worker and social worker).
- Step 3: Preparation of the Student Action Plan (SAP) begins once the student commits to attending the HOPES 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 HOPES program. The SAP is developed through collaboration between HOPES staff, the student, the student's parents, and the home school Principal/Vice Principal. Schools must provide a homework package for those students suspended for 6 to 20 days who attend HOPES.

HOPES staff will provide subject/course work for those students who are expelled from all schools of the Board. Please note:

- 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 HOPES 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 HOPES program will make appropriate support available to the student and/or facilitate the student's referral to a community agency.

Conditions for Exemption from HOPES

- A student who is *subject to a long-term suspension* cannot be compelled to participate in the HOPES 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 HOPES 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 counselling 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, HOPES 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 identified 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 (SAP) and supporting documentation is provided to the student's school