KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

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ADMINISTRATIVE REGULATION

Regulation Name: Expulsion **Regulation Code: ES-1.1.3**
Section: Educational Services **Policy Code Reference: ES-1.1**

Established: May 4, 1998
Revised or
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1. OBJECTIVE

This administrative regulation is written in accordance with the guiding principles in Board Policy ES-1.1, Safe and Caring Schools.

The Board supports the use of expulsion as outlined in Part XIII of the Education Act where a student has engaged in one or more of the infractions outlined below on a school-related activity or event, on school transportation, and/or in circumstances where the infraction has an impact on the school climate. Administrative Regulation ES-1.1.1, Discipline/Promoting Positive Student Behaviour/Code of Conduct, outlines the conditions for creating and maintaining positive school climates, sets clear standards of behaviour, and specifies a range of interventions and consequences for unacceptable behaviour. Expulsion, as a consequence, shall be fair, reflective of individual circumstances, related to the circumstances and/or actions and specific to the incident.

2. DEFINITIONS

Administrative Regulation
A document issued through the Director of Education, governing the implementation of a Board policy, or required to coordinate and control certain aspects of system operations.

Board
The corporate Board which maintains the daily operation of the system; Kawartha Pine Ridge District School Board; a reference specifically pertaining to Kawartha Pine Ridge District School Board as a legal entity; also referred to as KPR or KPRDSB.

Bullying
Bullying is unwanted, aggressive behaviour that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated, over time. Bullying includes actions such as making threats, spreading rumours, attacking someone physically or verbally, and excluding someone from a group on purpose.

Expulsion
The removal of a student from school for an indefinite time. An expulsion does not have a time limit. Students who are expelled from school must be: provided with opportunities

to continue their education, and offered non-academic supports, such as counselling, to help promote positive behaviours.

Harassment
Based on any prohibited ground(s) identified in the Human Rights Code, engaging in a course of vexatious comments or conduct that is known or reasonably known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate and includes sexual harassment.

Human Rights
Human Rights pertains to Ontario law that grants every person with a right to equal treatment with respect to services, goods, and facilities without discrimination where one or more of the 17 protected grounds (as stipulated in the Human Rights Code) is applicable. Human Rights pertain specifically to Code-based complaints and will always be handled according to Board Policy B-3.3, Human Rights: Code-Based Discrimination and Harassment and corresponding administrative regulation.

LTSEP
Long Term Suspension and Expulsion Program

Mitigating and Other Factors
Circumstances that must be considered by the board and school principals in situations involving suspension and/or expulsion of a student, as required by the Education Act and as set out in Ontario Regulation 472/07.

Physical Assault
When a person directly or indirectly applies force intentionally to another person, or who attempts or threatens to do so.

PPM
Policy and Program Memorandum

Progressive Discipline
Progressive discipline is an approach that makes use of a continuum of interventions, supports, and consequences, building upon strategies that promote positive behaviours.

Restorative Practice
Restorative practice is an overall approach where conflict and tensions are managed by repairing harm and strengthening relationships as a way of building school community.

SAP
Student Action Plan
A plan that outlines the academic and/or non-academic student program expectations while the student is participating in the Long Term Suspension and Expulsion Program.

Sexual Assault
Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used – instead, the victim may be threatened with words or pressured into doing something they do not want to do.

Suspension
A suspension means a student is removed from school temporarily for up to 20 school days. During this time, the student: cannot attend or take part in regular school activities or events and has other opportunities to continue learning to help them stay on track with their education.

3. APPLICATION

This administrative regulation applies to all Board employees who work with or support students, trustees, students, and parents/guardians.

4. RESPONSIBILITY

4.1 Responsibility for this administrative regulation is as outlined in the Board Policy ES-1.1, Safe and Caring Schools.

4.2 The Principal of the Long Term Suspension and Expulsion Program (LTSEP), or designate, is responsible for:

4.2.1 implementing this administrative regulation, and taking the initiative to seek appropriate guidance from the Superintendent of Safe and Caring Schools, whenever necessary,

4.2.2 ensuring that the LTSEP staff are carrying out their responsibilities under this administrative regulation.

5. PROCEDURE

5.1 Expulsion Recommendation

5.1.1 A principal shall suspend a student and shall conduct an investigation to determine whether to recommend to the Board that the student be expelled if they believe that the student has engaged in any of the following activities while at school, at a school-related activity, on school transportation, or in other circumstances where engaging in the activity will have an impact on the school climate:

5.1.1.1 possessing a weapon including possessing a firearm,

5.1.1.2 using a weapon to cause or to threaten bodily harm to another person,

5.1.1.3 committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner,

5.1.1.4 committing sexual assault,

5.1.1.5 trafficking in weapons or in illegal drugs,

5.1.1.6 committing robbery,

5.1.1.7 giving alcohol or cannabis to a minor,

5.1.1.8 bullying, if

5.1.1.8.1 the student has previously been suspended for engaging in bullying, and

5.1.1.8.2 the student's continued presence in the school creates an unacceptable risk to the safety of another person,

5.1.1.9 any incident, including bullying, 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 similar factor (e.g., socio-economic status, appearance, or other diverse abilities).

5.1.2 Any other activity that, under a policy of the Board, is an activity for which a principal must consider suspending a student and conduct an investigation to determine whether according to the Board that the student be expelled, including:

5.1.2.1 the student commits an infraction in the school community, and the infraction has an adverse effect on the school,

5.1.2.2 the student's pattern of behaviour is so refractory that the student's presence is injurious to the effective learning environment of others,

5.1.2.3 the student has engaged in activities that:

5.1.2.3.1 cause the student's presence in the school to be injurious to the physical or emotional well-being of other students or persons in the school, and/or

5.1.2.3.2 caused extensive damage to the property of the Board or to goods that are on Board property,

5.1.2.4 the student has committed a serious breach of the Board or School's Code of Conduct for Students.

5.1.3 The Education Act requires the principal to consider mitigating and other factors, set out below, in determining the length of the suspension and in determining whether to recommend expulsion. The principal shall also contact the police, consistent with the Police/School Board Protocol (2016) if the infraction the student is suspected of committing requires such contact. The principal shall consult with their family of schools superintendent.

5.2 Procedural Steps When Imposing a Suspension pending Possible Expulsion

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

5.2.1 Within 24 hours of imposing the suspension, take all reasonable steps to contact the parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control.

5.2.2 The principal must inform the student's teacher(s) of the suspension.

5.2.3 The principal must provide written notice of the suspension to the student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, and the family of schools superintendent which includes:

5.2.3.1 the reason for suspension,

5.2.3.2 the duration of the suspension,

5.2.3.3 information about the program for suspended students the student is assigned to,

5.2.3.4 information about the investigation the principal is conducting to determine whether to recommend expulsion,

5.2.3.5 a statement that there is no immediate right to appeal the suspension. Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Suspension Committee, and if the

principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing.

5.2.4 Every effort should be made to include the schoolwork with the letter of suspension to the student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, on the day the student is suspended if the letter is provided to the student to take home. If it is not possible to provide the letter because the student and/or the student's parent(s)/guardian(s) is/are not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and schoolwork should be made available for the adult student's designate or the student's parent/guardian or designate to pick-up from the school the following school day. Access to schoolwork may also be provided in a digital format, in consultation with parent(s)/guardian(s) or the adult student, if it is determined that the student has access to work in this format.

Note: If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent. If notice is sent electronically, it is deemed to have been received the first school day after it was sent.

5.2.5 Where the incident is a serious violent incident, such as possessing a weapon, physical assault (causing bodily harm requiring medical attention), sexual assault, robbery, using a weapon to cause/threaten bodily harm, extortion, hate and/or bias-motivated occurrences, the Serious Student Incident Reporting Form must identify the incident as a violent incident.

5.2.6 If the principal has identified the incident as a violent incident on the Serious Student Incident Reporting Form, the reporting form and documentation must be retained in the student's Ontario School Record (OSR) for the following periods set out in Ministry of Education Policy and Program Memoranda 145: Progressive Discipline and Promoting Positive Student Behaviour:

- five years if the student was expelled for the violent incident,
- three years if the student was suspended for the violent incident,
- at least one year if the student's suspension was quashed or withdrawn and the record of suspension expunged. Documentation of any other action taken (other than suspension or expulsion) must also be retained for this period.

5.3 Long Term Suspension and Expulsion Program

5.3.1 Where a student has been suspended pending an investigation to determine whether to recommend an expulsion, the student will be assigned to the Long Term Suspension and Expulsion Program (LTSEP). The principal or vice-principal of the student's home school shall communicate to the adult student or the student's parent(s)/guardian(s) the purpose and nature of the LTSEP.

5.3.2 A student cannot be compelled to participate in the LTSEP. Should the adult student or the student's parent(s)/guardian(s) choose not to have the student participate in the LTSEP, the student will be provided with schoolwork consistent with the Ontario curriculum or that student's modified and/or alternative curriculum to be completed at home for the duration of the suspension. This schoolwork will be available at the school for pick-up by the adult student's designate or the student's parent(s)/guardian(s) or a designate at regular intervals during the suspension period beginning the school day after the adult student or the student's parent(s)/guardian(s) refuses to participate in the LTSEP. Access to schoolwork may also be provided in a digital format, in consultation with parent(s)guardian(s) or the adult student, if it is determined that the student has access to work in this format.

5.3.3 A Student Action Plan (SAP) will be developed for every student who agrees to participate in the LTSEP. The principal of the LTSEP, or designate, will develop this plan in conjunction with the student's home school principal, or designate.

5.3.4 Agreement or refusal to participate in the LTSEP may be communicated to the student's home school verbally by the adult student or the student's parent(s)/guardian(s). Where the adult student or student's parent(s)/guardian(s) declines the offer to participate in the LTSEP, the home school principal or vice-principal shall record the date and time of such refusal.

5.3.5 For students who are suspended, pending an investigation to determine whether to recommend an expulsion, and who choose to participate in the LTSEP, the principal of the LTSEP, or designate, will hold a planning meeting with the home school principal, or designate, to develop the SAP.

5.3.5.1 The adult student or the student's parent(s)/guardian(s) and student (where appropriate), as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.

5.3.5.2 The planning meeting will be scheduled to occur within two school days of the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in the LTSEP.

5.3.5.3 If the adult student or the student's parent(s)/guardian(s) are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.

5.3.5.4 During the planning meeting the home school principal or vice-principal shall review the matters to be addressed in the student's SAP.

5.3.6 A student who is suspended, pending an investigation to determine whether to recommend an expulsion, will be provided with both academic and non-academic supports, which will be identified in the student's SAP.

5.3.7 The SAP will be developed under the direction of the home school principal with assistance, as appropriate, from the principal of the LTSEP, and any additional staff who may be able to provide input (i.e., vice-principal of the home school, guidance counsellor, special education teacher, classroom teacher, child and youth worker and/or social worker).

5.3.8 The home school principal will make every effort to complete the SAP within five school days following the adult student or the student's parent(s)/guardian(s) informing the school that the student will participate in the LTSEP. This timeline will be communicated to the adult student or the student's parent(s)/guardian(s) if they are unable to attend the planning meeting for the purpose of providing input.

5.3.9 Once completed, the SAP will be shared with the adult student or the student's parent(s)/guardian(s) and student, and all necessary staff in order to facilitate implementation.

5.3.10 A copy of the SAP will be stored in the student's OSR until such time as it is no longer relevant to the student's progress.

5.3.11 The SAP will identify:

5.3.11.1 the incident for which the student was suspended;

5.3.11.2 the progressive discipline steps taken prior to the suspension, if any, and if relevant;

5.3.11.3 any other progressive discipline measures imposed in addition to the suspension;

5.3.11.4 any other disciplinary matters regarding the student that have been identified by the home school;

5.3.11.5 any learning or other needs that might have contributed to the infraction resulting in discipline;

5.3.11.6 any program(s) or service(s) that might be provided to address those learning or other needs;

5.3.11.7 the academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;

5.3.11.8 where the student has an Individual Education Plan (IEP) or needs related to diverse abilities, information regarding how the accommodations/modifications of the student's academic program will be provided during the period of suspension;

5.3.11.9 the non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and

5.3.11.10 the measurable goals the student will be striving to achieve during the period of suspension.

5.4 Principal's Investigation

5.4.1 The principal shall conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Expulsion Committee that the student be expelled. As part of the investigation, the principal will consult with the family of schools superintendent and/or Superintendent overseeing Safe and Caring Schools regarding any issues of process and/or timing for conducting the investigation. The investigation must be completed at the earliest opportunity in order to make the substantive decision whether or not to recommend that the student be expelled. Before referring a student to the Expulsion Committee for expulsion, the administration shall consider if the recommendation might have a disproportionate impact on a student protected by the Human Rights Code, and/or exacerbate the student's disadvantaged position in society, and if accommodation is required. Should the decision be made to refer the student to the Expulsion Committee with a recommendation for expulsion, the student must be

referred to and brought before the Expulsion Committee within twenty school days from the date of suspension (unless timelines are extended on consent).

5.4.2 Any police investigation will be conducted separately from the principal's inquiry. The principal will consult the Police/School Board Protocol (2016) to determine whether the school investigation can be completed in parallel.

5.4.3 As part of the investigation, the principal shall:

5.4.3.1 make all reasonable efforts to speak with the adult student or the student's parent(s)/guardian(s) and the student,

5.4.3.2 include interviews with witnesses who the principal determines can contribute relevant information to the investigation,

5.4.3.3 make every reasonable effort to interview any witnesses suggested by the student or the student's parent(s)/guardian(s),

5.4.3.4 consider the mitigating and other factors when determining whether to recommend to the Expulsion Committee that the student be expelled, and

5.4.3.5 consider whether or not the student is protected by the Human Rights Code and/or is in a disadvantaged position in society and evaluate the appropriateness of the accommodation if any was provided.

5.5 Mitigating Factors

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

5.5.1 whether the student has the ability to control their behaviour,

5.5.2 whether the student has the ability to understand the foreseeable consequences of their behaviour, and

5.5.3 whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

5.6 Other Factors to be Considered

Where the student is able to control their behaviour and/or is able to understand the foreseeable consequences of their behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the student should be referred to the Expulsion Committee on a recommendation for expulsion.

5.6.1 the student's academic, discipline and personal history, reflecting on possible trauma, and/or including individual identities that may have been impacted differently by historical and current systemic biases and oppression;

5.6.2 whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) and outcome(s);

5.6.3 whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;

5.6.4 the impact of the discipline on the student's ongoing education;

5.6.5 the student's age and stage;

5.6.6 where the student has an IEP or needs related to diverse abilities:

5.6.6.1 whether the behaviour causing the incident was a manifestation of the student's exceptionality,

5.6.6.2 whether appropriate individualized accommodation has been provided to the point of undue hardship, and

5.6.6.3 whether a suspension is likely to result in aggravating or worsening the student's behaviour or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct, and

5.6.7 whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

5.7 Progressive Discipline

In reviewing whether progressive discipline approaches have been attempted with the student, and if so, the progressive discipline approaches and outcomes, the principal will consider:

5.7.1 whether the teacher, principal or vice-principal has utilized proactive strategies and positive practices.

Proactive strategies may include, but are not limited to:

- Human Rights strategy pursuant to PPM 119, Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools,
- anti-bullying and violence prevention programs,
- connection to an Indigenous student worker for students who self-identify as Indigenous,
- supports offered through the Equity, Diversity, and Inclusion department for students who are members of racialized and/or marginalized communities,
- mentorship programs,
- student success strategies,
- character education,
- citizenship development,
- student leadership,
- promoting mental health,
- promoting substance use prevention,
- promoting healthy student relationships, and
- promoting healthy lifestyles.

Positive behaviour management practices include:

- teaching social-emotional skills,
- program modifications or accommodations,
- class placement,
- positive encouragement and reinforcement,
- individual, peer and group counselling,
- conflict resolution / dispute resolution,
- restorative practices,
- mentorship programs,
- promotion of healthy student relationships,
- sensitivity programs,
- safety plans,
- wellness plans,
- school, Board and community support programs,
- referral to counselling and/or an Indigenous student worker if the student self-identifies as Indigenous, and/or
- student success strategies.

5.7.2 whether the teacher, principal or vice-principal has utilised early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:

- contact with the student's parent(s)/guardian(s),
- verbal reminders,
- review of expectations,
- written work assignments with a learning component,
- assigning the student to volunteer services to the community,
- conflict mediation and resolution,
- peer mentoring,
- referral to counselling, and/or an Indigenous student worker if the student self-identifies as Indigenous,
- consultation between two or more of the parties, and/or
- case conferences.

5.7.3 whether the principal or vice-principal has used progressive discipline approaches to address inappropriate behaviour for which a suspension could have been imposed, such as:

- meeting(s) with the student's parent(s)/guardian(s), student, and principal,
- referral of student to a community agency (i.e., anger management, substance use counselling),
- detentions,
- withdrawal of privileges,
- withdrawal from class,
- restitution for damages, i.e., financial, community service,
- restorative practices, and/or
- transfer to another class or school.

5.8 Consultation

Before making a decision to recommend expulsion, the principal of the school will consult with the student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control.

5.9 Decision Not to Recommend Expulsion

5.9.1 Following the investigation and consideration of the mitigating and other factors and the application of the Code of Conduct, if the principal decides not to recommend to the Expulsion Committee that the student be expelled, the principal must:

5.9.1.1 consider whether progressive discipline is appropriate in the circumstances,

5.9.1.2 uphold the suspension and its duration,

5.9.1.3 uphold the suspension and shorten its duration and amend the record accordingly, or

5.9.1.4 withdraw the suspension and expunge the record.

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

5.9.2.1 a statement of the principal's decision not to recommend expulsion to the Expulsion Committee,

5.9.2.2 a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn,

5.9.2.3 if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Suspension Committee, including:

5.9.2.3.1 a copy of the Board policies and guidelines regarding suspension appeals,

5.9.2.3.2 contact information for the Superintendent responsible for Safe and Caring Schools,

5.9.2.3.3 a statement that written notice of an intention to appeal must be given within five school days following receipt by the party of notice of the decision not to recommend expulsion, or

5.9.2.3.4 if the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension.

5.10 Decision to Recommend Expulsion

5.10.1 If a principal, in consultation with the family of schools superintendent and the Superintendent responsible for Safe and Caring Schools, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Expulsion Committee to be heard within twenty school days from the date the principal suspended the student, unless the parties to the expulsion hearing agree upon a later date.

5.10.2 For the purposes of the expulsion proceeding, the principal will:

5.10.2.1 Prepare a report to be submitted to the Expulsion Committee and provide the report to the student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control prior to the hearing. The report will include:

5.10.2.1.1 a summary of the findings the principal made in the investigation,

5.10.2.1.2 an analysis of which, if any, mitigating or other factors or Human Rights Code related grounds might be applicable,

5.10.2.1.3 a recommendation of whether the expulsion should be from the school or from the Board, and

5.10.2.1.4 a recommendation regarding the type of school that would benefit the student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.

5.10.2.2 Provide written notice of the expulsion hearing to the s student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control. The notice shall include:

5.10.2.2.1 a statement that the student is being referred to the Expulsion Committee to determine whether the student will be expelled for the activity that resulted in suspension,

5.10.2.2.2 a copy of the Board's guidelines and rules governing the hearing before the Expulsion Committee,

5.10.2.2.3 a copy of the Board Code of Conduct and school Code of Conduct,

5.10.2.2.4 a copy of the suspension letter,

5.10.2.2.5 a statement that the student and/or their parent(s)/guardian(s) has/have the right to respond to the principal's report in writing,

5.10.2.2.6 information about the procedures and possible outcomes of the expulsion hearing including that:

5.10.2.2.6.1 If the Expulsion Committee does not expel the student, they will either confirm, confirm and shorten, or withdraw the suspension.

5.10.2.2.6.2 Parties have the right to make submissions with respect to the suspension.

5.10.2.2.6.3 Any decision with respect to the suspension is final and cannot be appealed.

5.10.2.2.6.4 If the student is expelled from the school, they will be assigned to another school.

5.10.2.2.6.5 If the student is expelled from the Board, they will be assigned to a program for expelled students.

5.10.2.2.6.6 If the student is expelled there is a right of appeal to the Child and Family Services Review Board.

5.10.2.2.7 the name and contact information for the Superintendent responsible for Safe and Caring Schools.

5.11 Responsibilities of the Family of Schools Superintendent

The family of schools superintendent will:

5.11.1 advise the Superintendent responsible for Safe and Caring Schools of the general details of the incident, including actions taken or pending,

5.11.2 submit the principal's report for the Expulsion Committee to the Superintendent responsible for Safe and Caring Schools, and

5.11.3 hold a pre-expulsion hearing meeting with the parent(s)/guardian(s) and school administration to review the documentation for the expulsion to ensure accuracy of materials and full understanding of the process.

5.12 Responsibilities of the Superintendent Responsible for Safe and Caring Schools

The Superintendent responsible for Safe and Caring Schools will:

5.12.1 prepare a package of documents for the Expulsion Committee, which will include at least the following components:

5.12.1.1 a copy of the principal's report, and

5.12.1.2 a copy of the original suspension letter and the notice of expulsion sent to the student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control,

5.12.2 inform the student, parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, of the date and location of the expulsion hearing,

5.12.3 provide a copy of the Expulsion Hearing Rules, and a copy of the documentation to go to the Expulsion Committee,

5.12.4 ensure that the item is placed on the Expulsion Committee agenda.

5.13 Expulsion Hearing – Expulsion Committee

5.13.1 An Expulsion Committee of five (minimum three) trustees appointed by the Board will hear the information presented at the Expulsion Hearing.

5.13.2 Parties to an expulsion hearing shall include the student, the parent(s)/guardian(s) of the student (if the student is under 18 years of

age), unless the student is 16 or 17 years old and has withdrawn from parental control, and the principal of the school.

5.13.3 The student, and the student's parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control, may be represented by a lawyer or other agent. The Expulsion Committee determining the expulsion, including the principal, may exercise the right to legal counsel.

5.13.4 The expulsion hearing shall be held in accordance with the guidelines, Superintendent's Reference to Suspension Appeals and Expulsion Hearings/Appeals.

5.13.5 The Expulsion Committee may either:

5.13.5.1 expel the student, or

5.13.5.2 determine that an expulsion is not appropriate and will confirm the suspension, shorten the suspension (and order the record be amended) or quash the suspension (and order that the record be expunged).

5.13.6 Where the Expulsion Committee has decided to expel the student, they must:

5.13.6.1 decide whether to expel from one school or from all schools of the Board,

5.13.6.2 assign the student to another school of the Board if the student is expelled from one school of the Board,

5.13.6.3 assign the student to a program for expelled students if the student is expelled from all schools of the Board.

5.13.7 The Expulsion Committee must promptly provide written notice of the decision to expel the student to all parties, and the student, if they were not a party. The written notice shall include:

5.13.7.1 the reason for the expulsion,

5.13.7.2 a statement indicating whether the expulsion is from a school or from all schools of the Board,

5.13.7.3 information about the school or program to which the student has been assigned, and

5.13.7.4 information about the right to appeal the expulsion, including the steps to be taken.

5.13.8 A student who is subject to an expulsion from all schools of the Board shall not return to any school in the Board until the student meets the requirements established for returning.

5.13.9 The Chairperson of the Expulsion Committee shall make an information report to the in-camera session of the Board regarding expulsion hearings and/or expulsion appeals.

5.14 Expulsion Records Management

5.14.1 All information relevant to the expulsion shall be filed and maintained in the student's Ontario Student Record in accordance with Board procedures.

5.15 Re-entry Requirements Following an Expulsion

5.15.1 Upon successful completion of requirements set out below, the Board shall re-admit the student and inform the student in writing of the re-admission.

5.15.1.1 A student who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which they were expelled.

5.15.1.2 The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable.

5.15.1.3 The student will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate.

5.15.1.4 The student will be required to sign a Declaration of Performance form provided by the Board.

5.15.1.5 In accordance with the mission, vision, and values of the Kawartha Pine Ridge District School Board, the Board, in its sole discretion, may determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

5.15.2 If the Director of Education, in consultation with the appropriate superintendent(s), is satisfied that the information demonstrates that the requirements have been met, a recommendation to re-admit will be made.

5.16. Notification of Parents(s) or Guardian(s) of Person(s) Harmed

5.16.1 If the principal of a school believes that a student of the school has been harmed as a result of an activity described above, the principal shall, as soon as reasonably possible, notify the parent or guardian of the student who the principal believes has been harmed. The principal shall contact the parent(s)/guardian(s) (if the student is under 18 years of age), unless the student is 16 or 17 years old and has withdrawn from parental control.

5.16.2 The principal shall disclose:

5.16.2.1 the nature of the activity that resulted in harm to the student,

5.16.2.2 the nature of the harm to the student, and

5.16.2.3 the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity and the supports that will be provided for the student in response to the harm that resulted from the activity.

5.17 Not Notifying Parent(s) or Guardian(s) of Person(s) Harmed

5.17.1 Where, in the opinion of principal/ vice-principal/teacher-in-charge, providing information to the victim's parent(s)/guardian(s) would put the victim at risk of harm, such that notification would not be in the victim's best interests, or where the victim is an adult student and does NOT consent to his/her parent(s)/guardian(s) being informed, the principal/vice-principal/teacher-in-charge shall not inform the victim's parent(s)/guardian(s). A teacher-in-charge shall report to the administration at the earliest opportunity the reason(s) why notification was not provided to the parent(s)/guardian(s). The principal or vice-principal shall:

5.17.1.1 consider, as a result of the victim's disclosure, whether or not the victim is a child in need of protection and, if so, make a report to the Children's Aid Society (CAS), and if in doubt, the principal or vice-principal shall make a no-names call to CAS to inquire about the appropriateness of making a report;

5.17.1.2 document in the Student Information System why the parent(s)/guardian(s) was/were not notified;

5.17.1.3 inform the family of schools superintendent that the parent(s)/guardian(s) was/were not informed and why;

5.17.1.4 inform the teacher or other professional or para-professional staff person, if that individual informed the principal or vice-principal of the potential for harm, that the parent(s)/guardian(s) was/were not informed and why; and

5.17.1.5 inform other staff working to support the student, as appropriate.

5.17.2 The principal or vice-principal shall inform the victim of the steps being taken by the school to protect the victim's safety. These measures might include a Safety Plan and the implementation of prevention strategies identified in this procedure. Where the victim has been harassed, bullied or suffered violence as a result of one or more immutable characteristics, including any grounds protected by the Human Rights Code, or has been sexually assaulted, the principal or vice-principal shall provide the victim with contact information about professional supports, such as community agencies, public health facilities and telecommunications forums, such as a help-phone-line or website, that the victim may access for information, assistance and support. Supports might include, but are not limited to, Kids Help Phone and the Lesbian, Gay, Bisexual and Transgendered Youth Line (LGBT Youth Line). A written list of community contacts shall be provided to the victim. Where the victim requires equity centered and culturally responsive interventions, supports can be offered through the Equity, Diversity, and Inclusion department. If the student identifies as First Nation, Metis, or Inuit, supports can be offered through the Indigenous Education department. Where possible, all supports shall be shared with the victim in a form most accessible to them.

5.17.3 Where the student who has been disciplined shall no longer be attending the same school as the victim, this fact may be confirmed.

6. RELATED POLICIES, ADMINISTRATIVE REGULATIONS OR PROCEDURAL DOCUMENTS

Board Policies:
B-2.2, Annual Meetings and Committees of the Board
B-3.2, Equity, Diversity and Inclusion
B-3.3, Human Rights: Code-Based Discrimination and Harassment
ES-1.1, Safe and Caring Schools

Administrative Regulations:
ES-1.1.1, Discipline/Promoting Positive Student Behaviour/Code of Conduct
ES-1.1.1A, Appendix A: Discipline/Promoting Positive Student/Behaviour/Code of Conduct
ES-1.1.2, Suspension
ES-1.1.4, Child in Need of Protection
ES-1.1.8, Procedures in the Event of a Bomb Threat
ES-1.1.9, Substance Use
ES-1.1.10, Safe Arrival Program
ES-1.1.12, Sexual Misconduct by Students
ES-1.1.12A, Appendix A: Police/School Board Protocol
ES-1.1.13, Anti-Sex Trafficking

Procedural Documents (internal):
Ensuring Student Safety and Protection Together Protocol, 2019
Police/School Board Protocol (2016)
Superintendent's Reference to Suspension Appeals and Expulsion Hearings/Appeals
Violence Threat Risk Assessment (VTRA)

7. REFERENCE DOCUMENTS

Legislation:
Accessibility for Ontarians with Disabilities Act
Child and Family Services Act
Education Act
Municipal Freedom of Information and Protection of Privacy Act
Occupational Health and Safety Act
Ontario Human Rights Code
Ontario Regulation 440/20 – Suspension of Elementary School Pupils
Ontario Regulation 472/07 – Behaviour, Discipline and Safety of Pupils
Ontario Safe Schools Act

Other Documents:
Caring and Safe Schools in Ontario
Ministry of Education, Policy and Program Memoranda 119: Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
Ministry of Education, Policy and Program Memoranda 120: Reporting Violent Incidents to the Ministry of Education
Ministry of Education, Policy and Program Memoranda 141: School Board Programs for Students on Long-Term Suspension
Ministry of Education, Policy and Program Memoranda 142: School Board Programs for Expelled Students
Ministry of Education, Policy and Program Memoranda 144: Bullying Prevention and Intervention
Ministry of Education, Policy and Program Memoranda 145: Progressive Discipline and Promoting Positive Student Behaviour