Where a student receives a suspension from a Principal for an activity for which the principal must suspend the student, the Principal then has a duty to conduct an investigation to determine whether to recommend to the Board that the student be expelled. This Administrative Procedure details the investigation that must be conducted and the subsequent expulsion hearing that may result.

## 1. Principal's Investigation

1.1. The Principal's investigation must begin promptly following the suspension and must be conducted in accordance with the requirements established by this Board Administrative Procedure. For the purposes of the investigation, the Principal has all of the powers and duties set out in this Administrative Procedure.

1.2. As part of the investigation, the Principal must make all reasonable efforts to speak with the following persons:

1. the student;
2. the student's parent or guardian (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control); and
3. any other person whom the Principal believes may have relevant information.

1.3. In considering whether to recommend to the Board that the student be expelled, the Principal must take into account the following "mitigating" and "other" factors:

Mitigating Factors

1. The student does not have the ability to control his/her behaviour;
2. The student does not have the ability to understand the foreseeable

consequences of his/her behaviour; and

3. The student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

1. The student's history;
2. Whether a progressive discipline approach has been used with the student;
3. Whether the activity for which the student may be or is being suspended was related to any harassment of the student because of his/her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
4. How the suspension would affect the student's ongoing education;
5. The age of the student; and
6. In the case of a student for whom an individual education plan has been developed,
    i. whether the behaviour was a manifestation of a disability identified in the student's individual education plan;
    ii. whether appropriate individualized accommodation has been provided; and
    iii. whether the suspension is likely to result in an aggravation or worsening of the student's behaviour or conduct.

1.4. The principal shall make every effort to complete the investigation within five school days.

1.5. If, at the conclusion of the investigation, the Principal decides not to recommend to the Board that the student be expelled, the Principal must then either:

1. confirm the decision to suspend and the duration of the suspension;
2. confirm the decision to suspend but shorten the duration of the suspension; or
3. withdraw the suspension and expunge the record of the suspension (even if the suspension has already been served).

1.6. Where a Principal concludes his/her investigation and decides not to recommend to the Board that the student be expelled, the Principal shall ensure that everyone entitled to receive written notice of the suspension also promptly receives written notice of the following:

1. that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension;
2. an indication of whether the Principal has confirmed the decision to suspend and the duration of the suspension, confirmed the decision to suspend but reduced its duration, or withdrawn the decision to suspend;
3. information about the right to appeal the decision to suspend (unless the decision to suspend is withdrawn) including a copy of Policy no. 13 and the name and contact information of the supervisory officer to whom notice of the intention to appeal must be given.

## 2. Expulsion Hearing

2.1. If, at the conclusion of the investigation, the Principal decides to recommend to the Board that the student be expelled, the Principal must prepare a report that contains the following:

1. a summary of the Principal's findings;

2. the Principal's recommendation as to whether the student should be expelled from his/her school only or from all schools of the Board; and

3. the Principal's recommendation as to,

   i. the type of school that might benefit the student, if the student is expelled from his/her school only, or

   ii. the type of program for expelled students that might benefit the student if the student is expelled from all schools of the Board.

2.2. The Principal must then promptly ensure that everyone entitled to written notice of the suspension is also provided with a copy of the Principal's report.

2.3. The Principal must immediately notify the Director of Education and the Superintendent or Supervisor designated by the Director of Education, and must provide the latter with a copy of the report. The Principal must also include, if not within the body of the report, an outline of the allegations which have been made against the student and the ground or grounds for which the Principal believes that an expulsion should be imposed.

2.4. At the same time as the Principal's report is provided, everyone entitled to receive written notice of the suspension must also receive written notice that an expulsion hearing will be held. Written notice of the expulsion hearing must contain the following:

1. a statement that the student will be subject to an expulsion hearing for the activity that resulted in the suspension;

2. information about the expulsion hearing including a copy of Policy No. 17;

3. a statement that the person has a right to respond, in writing, to the Principal's report in which the decision to recommend expulsion was made;

4. detailed information about the procedures and possible outcomes of the

expulsion hearing (including an explanation that if the Board does not expel the student then it may confirm the suspension, shorten its duration or withdraw it, that if the student is not expelled then the parties have a right to make submissions during the expulsion hearing as to the appropriateness of the decision to suspend and/or the length of the suspension, that any decision made by the Board at the expulsion hearing with respect to the suspension is final and not subject to appeal, that if the Board decides to expel the student from his/her school only then will the student be reassigned to another school, and that if the Board decides to expel the student from all schools of the Board then it will assign the student to a program for expelled students; and

5. the name and contact information of the supervisory officer whom the person may contact to discuss any matter relating the expulsion hearing.

2.5. An expulsion hearing is held in accordance with Board Policy No. 13.

## 3. Consequences of Expulsion

3.1. A student who has been expelled continues to be a student of the Board if that student attends a program for expelled students that is either offered by the Board or offered by another Board under an agreement between this Board and the other Board. A student who has been expelled ceases to be a student of this Board if the student is assigned to a program for expelled students and does not attend the program or if the student registers as a student of another Board.

3.2. If a student who has been expelled from one Board registers as a student of another Board, the other Board may:

1. assign the student to a school of the other Board; or

2. assign the student to a program for expelled students, unless the student would otherwise have satisfied the requirements for a return to a school of the original Board (below) as determined by a person who provides a program for expelled students.

If the other Board assigns the student to a school without knowing that the student had been expelled by another Board, the second Board may subsequently remove the student from the school and assign him/her to a program for expelled students, subject to the following conditions:

1. the second Board must assign the student to a program for expelled students promptly upon learning that the student had been expelled from another Board; and

2. the second Board shall not assign the student to a program for expelled students if the student satisfies the requirements for a return to a school of the original Board (below) as determined by a person who provides a program for expelled students.

3.3. A student who has been expelled is entitled to be readmitted to a school of the Board if the student has, since being expelled:

1. successfully completed a program for expelled students; or

2. satisfied the objectives required for the successful completion of a program for expelled students.

The determination of whether a student satisfies either of these two requirements is to be made by a person who provides a program for expelled students.

3.4. An expelled student may apply in writing to a person designated by the Board to be readmitted to a school of that Board. If the student satisfies either of the two requirements above then the student shall be readmitted and the Board will promptly advise the student of this in writing. For clarification, once an expelled student has satisfied either of the two requirements above the Board cannot require the student to attend a further program for expelled students or refuse readmittance.

3.5. A student who has been expelled from his/her school but not from all schools of the Board may apply in writing to the person designated by the Board to be readmitted to his/her school.

Legal References:

*Education Act, Part XIII Behaviour, Discipline and Safety, s. 310*
*Ontario Regulation 472/07 "Suspension and Expulsion of Pupils"*
*Policy No. 13 (Appeals of Suspension and Expulsion)*
*P/PM 128 Ontario Schools Code of Conduct*