

Procedure Title	Suspensions and Expulsions		
Date of Issue	June 19, 2001	Related Policy	BP 6820-D
Revision Dates	February 11, 2004, January 22, 2008, January 19, 2010, December 15, 2010, October 5, 2011, March 8, 2012, June 12, 2013; May 21, 2014; November 25, 2015; January 13, 2017; October 17, 2018; October 15, 2019; September 15, 2020; January 11, 2023; April 19, 2023	Related Forms	AF 6410; AF 6820; AF 6408; Online Incident Reporting Tool
Review Date		Originator	Administrative Council
References			
AP 6801-D "Police/School Protocol"; AP 6825-D "Progressive Discipline - Students" ; AP 6821-D "Bullying Prevention and Intervention"; Policy/Program Memorandum No. 141 "School Board Program for Students on Long-Term Suspension"; Policy/Program Memorandum No. 142 "School Board Programs for Expelled Students"; Policy/Program Memorandum No. 144 "Bullying Prevention and Intervention"; Policy/Program Memorandum No. 145 "Progressive Discipline and Promoting Positive Student Behaviour"; Policy/Program Memorandum No. 120 "Reporting Violent Incidents to the Ministry of Education"; The Education Act; Cannabis Act; Smoke-Free Ontario Act; Controlled Drugs and Substances Act; O.Reg. 440/20 "Suspension of Elementary School Pupils"; BWDSB Combined Ministry of Education OSR Guidelines, 2000/AP 6701-D "Ontario Student Record"			

1.0 RATIONALE

- 1.1 Bluewater District School Board (BWDSB) recognizes and respects the exercise of professional discretion by its principals, and the safety and dignity of alleged victims and offenders. This procedure sets out guidelines and consequences to be used when dealing with inappropriate conduct. In no instance of violent behaviour will there be failure to intervene, provide appropriate disciplinary action, and record or report the incident to the appropriate authorities. In all instances mandated by the Criminal Code, BWDSB's policy BP 6820-D "Safe and Accepting Schools", and related procedures, there will be reporting to the police.
- 1.2 In cases of inappropriate behaviour involving students with special needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations that have been outlined in their Individual Education Plan (IEP).

2.0 MITIGATING AND OTHER FACTORS TO CONSIDER

- 2.1 Before imposing a suspension, or recommending an expulsion, the principal, as required by the Education Act, must consider any mitigating and other factors and their application for the purpose of mitigating the discipline to be imposed on the student. The board interprets the provisions of the Education Act and regulations in a broad and liberal manner consistent with the Ontario Human Rights Code (OHRC). The principal or designate shall consider whether the discipline will have a disproportionate impact on a student protected by the OHRC and/or exacerbate the student's disadvantaged position in society.
- 2.2 The following mitigating factors should be considered:
 - a) whether the student does not have the ability to control their behaviour;

- b) whether the student does not have the ability to understand the foreseeable consequences of their behaviour; or
- c) whether the student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

2.3 The following factors shall be taken into account if they would mitigate the seriousness of the activity for which the student may be suspended or possibly expelled:

- a) the student's history;
- b) whether a progressive discipline approach has been used;
- c) whether the activity is related to any harassment of the student because of their race, ethnic origin, religion, disability, gender or sexual orientation or any other type of harassment;
- d) how the suspension or expulsion will affect the student's ongoing education;
- e) the age of the student; and
- f) if an IEP has been developed consider:
 - i. whether or not the behaviour is a result of an identified disability,
 - ii. has appropriate accommodation been provided,
 - iii. will a suspension or expulsion result in making the student's behaviour or conduct worse?

3.0 VIOLENT INCIDENT REPORTING

3.1 Procedure for Dealing with Violent Incidents

3.1.1 The term violent incident is defined as the occurrence of any one of the following or the occurrence of a combination of any of the following:

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

3.1.2 Principals must follow the direction outlined in AP 6801-D "Police/School Protocol" regarding notification of the police if any of the above violent incidents occurs.

3.1.3 In occurrences where principals have reason to believe that a student may be in need of protection, they are required to call Bruce Grey Child and Family Services (BGCFS), in accordance with the requirements of the Child, Youth, and Family Services Act (CYFSA).

3.2 Procedure for Record Keeping of Violent Incidents

Information relating to serious violent incidents leading to reports to the police, as well as information relating to serious violent incidents leading to suspension or expulsion, must be maintained in the Ontario Student Record (OSR).

This information must be recorded on the Violent Incident Reporting form (AF 6820).

3.2.1 Insertion of Information in the OSR

The following information will be included in the OSR:

- a) Administrative form AF 6820 "Violent Incident Reporting – Student" which contains:
 - i. a description of the serious violent incident leading to suspension or expulsion or a call to the police;
 - ii. a reference to the call to the police, if applicable, and including an incident number, where possible;
 - iii. a reference to the school/board disciplinary response to the incident, if applicable.

- b) Where a letter and/or AF 6410 "Suspension Notice" has been sent to the student and/or parent(s)/guardian(s) regarding the suspension or expulsion for violent behaviour, a copy will be attached to the Violent Incident Reporting form (AF 6820) and shall be included in the OSR.

3.2.2 Retention in the OSR

- a) If the principal has identified the incident as violent, and if the student engaged in the incident is a student of the school, the reporting form must be retained in that student's OSR for:
 - i. 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;
 - ii. three years, if the student was suspended for the violent incident;
 - iii. five years, if the student was expelled for the violent incident.
- b) For non-violent incidents, if no further action is taken by the principal, the principal is not required to retain the report.

3.2.3 Transfer of OSR

- a) If the student transfers to another school, the information in the OSR relating to the serious violent incident that led to suspension or expulsion, as well as a report to the police, will remain in the OSR unless removed under 3.2 above. The transfer will occur in accordance with Section 6 of the BWDSB Combined Ministry of Education OSR Guidelines, 2000/AP 6701-D "Ontario Student Record".
- b) Please refer to Appendix B "Safe Schools Form Retention Summary" for proper form retention schedule.

3.3 Procedure for Reporting Violent Incidents to the Ministry

Section 265 (i) of the Education Act states that it is the duty of a principal "to furnish to the Ministry and to the appropriate supervisory officer any information that it may be in the principal's power to give respecting the condition of the school premises, the discipline of the school, the progress of students and other matter affecting the interests of the school, and to prepare such reports for the board as are required by the board".

- a) School principals will submit a copy of the AF 6820 "Violent Incident Report – Student" for each violent incident to their area superintendent.
- b) Boards are required to report the total number of violent incidents on an annual basis to the Ministry of Education (MOE) through the Ontario School Information System (OnSIS). All violent incidents that occur on school premises during school-run programs must be reported to the MOE, whether the violent incident was committed by a student of the school, or whether it was committed by any other person.
- c) Violent incident reporting forms (AF 6820) submitted to the area superintendent shall be for information purposes only, and to validate the effectiveness of the board's policy and action plans. All copies of AF 6820 shall subsequently be destroyed at the end of each school year, and the only ongoing record shall be maintained in the OSR.

4.0 SUSPENSIONS – OVERVIEW

4.1 Suspension Not Leading to Possible Expulsion [Education Act S.306 (1)] (Additional information can be found in Section 5)

- 4.1.1 As per the Education Act S.306 (4), the minimum duration of a suspension under this section is one school day, and the maximum is 20 school days. In considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

- 4.1.2** A principal shall consider suspending a student from their school where the principal believes that the student has engaged in any of the following activities while at the school, or while engaged in any school-related activities, or in any other circumstances, where engaging in an activity has had an impact on the school climate:
- a) Uttering a threat to inflict serious bodily harm on another person.
 - b) Possessing alcohol, drugs, or, unless the student is a medical cannabis user, cannabis.
 - c) Being under the influence of alcohol, [drugs- added by Bluewater District School Board], or, unless the student is a medical cannabis user, cannabis.
 - d) Swearing at a teacher or at another person in a position of authority.
 - e) 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.
 - f) Bullying (including cyber-bullying); and
 - g) Discretionary suspension - any other activity, that is an activity for which a principal may suspend a student under a policy of the board

- 4.1.3** In accordance with Ontario Regulation 440/20 "Suspension of Elementary School Pupils", a student in junior kindergarten, senior kindergarten, or Grades 1, 2, or 3 shall not be suspended under section 306(1) of the Education Act.

4.2 Suspension Requiring Investigation and Leading to Possible Expulsion [Education Act S.310 (1)] (Additional information can be found in Section 7)

- 4.2.1** As per the Education Act S.310 (3), the principal may suspend a student for up to 20 school days for activities in this section. In considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

- 4.2.2** The principal shall suspend a student and conduct an investigation to determine whether to recommend to the board that the student be expelled, if the principal believes that the student has engaged in any of the following activities while at the school, or while engaged in any school-related activities, or in any other circumstances where engaging in an activity has had an impact on the school climate. Some activities will also require that the police are called. Please refer to section 7.0 for specific details:
- a) Possessing a weapon, including possessing a firearm.
 - b) Using a weapon to cause or to threaten bodily harm to another person.
 - c) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
 - d) Committing sexual assault.
 - e) Trafficking in weapons or in drugs.
 - f) Committing robbery.
 - g) Giving alcohol or cannabis to a minor.
 - h) Bullying (including cyber-bullying), if
 - i. The student has previously been suspended for engaging in bullying (including cyber-bullying) (this criterion does not apply to students in JK to Grade 3 (O. Reg 440/20)), and
 - ii. The student's continuing presence in the school creates an unacceptable risk to the safety of another person.
 - i) Any activity listed in section 306 of the Education Act that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
 - j) Discretionary activities that require suspension, investigation, and may lead to expulsion of a student, include:
 - i. Committing an act of vandalism, on or off school property, causing extensive damage to the property of the board, or to goods that were/are on board property, or where vandalism takes place off board property but has a significant impact on board resources;
 - ii. refractory conduct;
 - iii. extortion.

- 4.2.3** In accordance with O. Reg 440/20, the principal must conduct (and document) an investigation respecting the allegations before imposing a mandatory suspension (s.310) on a student in junior kindergarten to Grade 3.

4.3 Not Permitted on School Grounds

Unless otherwise required by the principal, during the period of the suspension, the suspended student is not permitted on any school grounds, on the grounds of any other school, on school buses, nor to attend school activities at any time.

4.4 School Activities

A student is not to be considered to be engaged in school activities if that student is suspended.

4.5 Alternatives to Suspension

There are many alternatives to suspension (when a suspension is not mandatory under the Education Act). See BWDSB administrative procedure AP 6825-D "Progressive Discipline – Students".

5.0 SPECIFIC PROCEDURES FOR SUSPENSIONS UNDER SECTION 306 (1) (Those NOT leading to possible expulsion)

Where the principal has completed an informal investigation, taking into consideration mitigating and other factors, and has determined that a suspension will be imposed under section 306(1) of the Education Act, the following steps must be taken.

5.1 Activities Leading to Possible Suspension (not requiring investigation for possible expulsion)

5.1.1 Uttering a Threat to Inflict Serious Bodily Harm

When a student is deemed to have uttered a threat to inflict serious bodily harm and where the student has likely formed the intent and possesses the capacity to carry out the threat, the principal will:

- a) **suspend the student for a minimum of one (1) day and up to a maximum of 20 days, depending on the severity of the situation;**
- b) communicate with the student's parent/guardian if the student is under 18 years of age;
- c) contact the police (discretionary);
- d) contact BGCFS as required;
- e) contact the area superintendent as required;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider as appropriate; and
- g) review section 5.2 for additional requirements based on duration of suspension.

5.1.2 Possessing Alcohol, Illegal Drugs, or Cannabis / Being under the Influence of Alcohol, Illegal Drugs, or Cannabis

When a student is in possession of or under the influence of alcohol, illegal drugs, or, unless the student is a medical cannabis user, cannabis, the principal will:

- a) **suspend the student for a minimum of one (1) day and up to a maximum of 20 days, depending on the severity of the situation;**
- b) communicate with the student's parent/guardian if the student is under 18 years of age;
- c) contact the police (mandatory if in possession of illegal drugs, else discretionary);
- d) contact BGCFS as required;
- e) contact the area superintendent as required;

- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider as appropriate; and
- g) review section 5.2 for additional requirements based on duration of suspension.

5.1.3 Swearing at a Teacher or Person in Authority

When the student has sworn directly at a teacher or another person in authority with intent, the principal will:

- a) **suspend the student for a minimum of one (1) day and up to a maximum of 20 days, depending on the severity of the situation;**
- b) communicate with the student's parent/guardian, if the student is under 18 years of age; and
- c) review section 5.2 for additional requirements based on duration of suspension.

5.1.4 Committing an Act of Vandalism

When the student has committed an act of vandalism causing extensive damage to school property at the student's school or to property located on the premises of the student's school, the principal will:

- a) **suspend the student for a minimum of one (1) day and up to a maximum of 20 days, depending on the severity of the situation;**
- b) communicate with the student's parent/guardian if the student is under 18 years of age;
- c) contact the police (discretionary);
- d) contact BGCFS as required;
- e) contact the area superintendent as required;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider as appropriate; and
- g) review section 5.2 for additional requirements based on duration of suspension.

5.1.5 Bullying (including cyber-bullying)

When the student has demonstrated repeated, persistent, or aggressive behaviour that is directed at an individual(s) that is intended to cause fear, distress, and/or harm to another person's body, feelings, self-esteem or reputation, the principal will:

- a) **suspend the student for a minimum of one (1) day and up to a maximum of 20 days, depending on the severity of the situation;**
- b) communicate with the student's parent/guardian (if the student is under 18 years of age);
- c) contact the police (discretionary);
- d) contact BGCFS as required;
- e) contact area superintendent as required;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider as appropriate; and
- g) review section 5.2 for additional requirements based on duration of suspension.

5.1.6 Discretionary Suspension

The principal may give a discretionary suspension to a student for a fixed period (one (1) day up to 20 days), because of conduct inconsistent with the code of conduct of the school and/or administrative procedure AP 6822-D "Code of Conduct".

5.2 Program Requirements Based on Duration of Suspension

5.2.1 For short-term suspensions (less than six days), the school team will provide students with homework packages to ensure they do not fall behind in their schoolwork.

5.2.2 For suspensions from six to ten days, the principal must:

- a) consult with their area superintendent; and
- b) consider whether the student should be referred to the Long-Term Suspension Expulsion (LTSE) Program for academic support (see section 9.5).

5.2.3 If the decision of the principal is to suspend the student for 11 days or more, approval of the area superintendent is required. Once approved, the area superintendent will initiate the involvement of the Long-Term Suspension and Expulsion (LTSE) team. A Planning Intake Meeting (see section 9.0) will be scheduled to formally offer the suspension program to the student and their parent(s)/ guardian(s).

5.2.4 Responsibility for the establishment of time, date, location, and notification of the Planning Intake Meeting are the responsibility of the school principal, in consultation with the student support attendance counsellor, until the student and parent(s)/ guardian(s) have agreed to involvement in the suspension program and have signed the necessary consent and information forms.

5.3 Required Notifications

5.3.1 Written Notice

- a) In addition to the steps described in section 5.1, when a student has been suspended under section 306 (1) of the Education Act, the principal issuing the suspension shall notify promptly in writing, the student, the parent or guardian of the student (unless the student is 18 years old or the student is 16 or 17 and has withdrawn from parental control), the area superintendent and the attendance counsellor of the suspension, the reasons for the suspension and the right to appeal the suspension. For the purposes of suspensions under section 306 (1), administrative form AF 6410 "Suspension Notice" must be completed and will constitute written notice.
- b) All appropriate notification must be completed regardless of the length of the suspension and the written notice of suspension under section 306(1) will include (see AF 6410):
 - i. The reason for the suspension;
 - ii. The duration of the suspension;
 - iii. Information about the program for suspended students that the student has been assigned to (suspensions over five days);
 - iv. Information about the right to appeal the suspension, including board policies and procedures governing the appeal process;
 - v. The name and contact information of the area superintendent to whom the appeal must be given to.

5.3.2 Verbal Notice

- a) The principal issuing the suspension shall notify the teachers and the bus driver of the suspension.

6.0 APPEAL OF A SUSPENSION

The Education Act makes provisions for an appeal of suspension process to a committee of the board established for this purpose. All reasonable efforts will be made to resolve such a dispute before it is formalized in an appeal before the committee of the board; Prior to an appeal of a suspension being heard by the Suspension Appeal/Expulsion Committee the decision to suspend will be reviewed by the appropriate superintendent.

6.1 Initiation of the Appeal - Timing

- 6.1.1** For those suspensions not requiring an expulsion investigation (see section 5), an appeal may be made within 10 school days from the start of the suspension.

- 6.1.2** For those suspensions that may lead to an expulsion (see section 7), an appeal cannot be made until the principal's investigation has been completed, and the principal has provided notice that the suspension will NOT proceed to an expulsion hearing. An appeal may be made within 10 school days following the receipt of that notice (see Appendix A).
- 6.1.3** If a decision is made to move to an expulsion hearing (see section 8), a suspension appeal cannot be made.
- 6.1.4** The following persons may request an appeal of a decision to suspend a student;
- i. The student's parent or guardian, unless the student is 18 years old or older or if the student is 16 or 17 and has withdrawn from parental control;
 - ii. The student if they are 18 years old or older;
 - iii. The student if they are 16 or 17 and has withdrawn from parental control.
 - iv. The parent/guardian or adult student may appeal the suspension to the designated superintendent as noted on form AF 6410.
- 6.1.5** The director of education, or designate, must receive the written notice of appeal from the adult student or parent(s)/guardian(s) within the timelines noted in either section 6.1.1 or 6.1.2 (dependent on the type of suspension), unless extenuating circumstances exist which justify a period of longer than 10 school days. Examples of such a situation include: where the person requesting the review was precluded from doing so as a result of an accident in which the person or a close family member was badly injured, a death in the immediate family, other similar circumstances where intervening events give rise to extenuating circumstances which prevented a timely request for review from being made.
- 6.1.6** A request for an appeal does not stay the suspension.

6.2 Initiation of the Appeal – Review of Request for Appeal

- 6.2.1** Upon receipt of written notice of the intention to appeal the suspension, the director of education, or designate:
- a) will advise the chair of the board, area superintendent, and school principal of the appeal.
 - b) will advise the adult student or the parent(s)/guardian(s) that a review of the suspension will take place and invite the appellant to contact the area superintendent to discuss any matter respecting the incident and/or appeal of the suspension.
 - c) will review the suspension in consultation with the area superintendent (reason, duration, any mitigating or other factors).
 - d) may consult with the principal and area superintendent regarding modification or expunging the suspension.
 - e) will request that the area superintendent meet with the adult student, or the parent(s)/guardian(s), and the principal to narrow the issues and try to affect a settlement and arrange a date for the appeal before the Suspension Appeal/Expulsion Hearing Committee.
 - f) where a settlement is not affected, will request that the area superintendent provide notice of the review decision to the adult student or parent(s)/guardian(s).
 - g) will request that the area superintendent coordinate the preparation of the Principal's Report Package, which will contain at least the following components:
 - i. A report prepared by the principal regarding the incident and the rationale for the suspension;
 - ii. A copy of the original suspension form and letter(s);
 - iii. A copy of the letter requesting the suspension appeal;
 - iv. A copy of the notice of review decision from the area superintendent.
 - h) will provide a Notice of a Suspension Appeal Hearing to the adult student or parent(s)/guardian(s). This notice will include a copy of the board's Safe and Accepting Schools policy (BP 6820-D), a copy of this procedure, and a copy of all documentation that will be presented to the Suspension Appeal/Expulsion Hearing Committee (i.e., Principal's Report Package).

- 6.2.2** The Suspension Appeal Hearing will be coordinated with the Suspension Appeal/Expulsion Committee, area superintendent, and principal, and will take place within 15 school days from the time of the receipt of the notice of appeal, unless the parties involved agree on a later deadline. The Suspension Appeal/Expulsion Committee will be composed of three trustees, the director of education, or designate, and the area superintendent of education.

6.3 Suspension Appeal Hearing

- 6.3.1 Pre-Hearing Disclosure:** Both parties shall ensure that the other party and the director of education or designate is provided with a list of witnesses if any, which that party intends to call, together with a statement of what any witness will say.
- 6.3.2 Considerations:** The Suspension Appeal/Expulsion Committee shall consider the Principal's Report and submissions and any other information provided by the parent/guardian or adult student. In conducting the appeal, the committee shall consider any mitigating and other factors that may be applicable.
- 6.3.3 Time Limits for Presentations at Hearing:** The maximum time allotted for each hearing will be two hours, with up to an hour allotted to each party. Opening statements, cross-examination of the other party's witnesses, if any, and closing comments shall be taken into account in the hour allotted to each party.
- 6.3.4 Order of Presentation:** The principal will proceed to make their presentation first, commencing with an opening statement. The student/parent/legal guardian may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the principal calls any witnesses the student/parent/legal guardian will be given an opportunity to cross-examine any such witnesses. Following the completion of the principal's presentation, the student/parent/legal guardian will make their presentation. If the student/parent/legal guardian calls any witnesses, the principal will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the principal.
- 6.3.5 Failure of Party to Attend Hearing After Due Notice:** Where a notice of pre-hearing has been given in accordance with this procedure, and the party fails to attend the pre-hearing, the party will be deemed to have waived any procedural issues that they may have had regarding disclosure or any other procedural issue, unless the party can satisfy the Suspension Appeal/Expulsion Committee that there was a reasonable excuse for their failure to attend.
- Further, if the party does not attend at the Hearing, the Committee may proceed with the Suspension Appeal Hearing in their absence and the party may not be entitled to any further notice of the proceeding.
- 6.3.6 Criteria for Determining Suspension:** In the event the Suspension Appeal/Expulsion Committee determines that the student did commit an infraction for which a suspension must be or should be imposed, the Committee shall consider the duration of the suspension which the principal imposed on the student, having regard to the following factors:
- i. the student's history;
 - ii. any factors prescribed by regulation, if any;
 - iii. such other matters as the Suspension Appeal/Expulsion Committee considers appropriate.
- 6.3.7 Decision:** Upon the completion of the appeal hearing, the Suspension Appeal/Expulsion Committee may confirm the principal's decision, modify the duration of the suspension, or expunge all record of the suspension. The Suspension Appeal/Expulsion Committee's decision is final and notice of the decision shall be provided to the student/parent/legal guardian in writing.

7.0	SPECIFIC PROCEDURES FOR SUSPENSIONS UNDER SECTION 310 (1) (Those requiring investigation and possible expulsion)
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Please refer to Appendix A: Suspension/Expulsion Flow Chart and the “Checklist for an Expulsion Hearing” file included in the Administrators’ Handbook → Suspension and Expulsion folder.

7.1 Activities Leading to Mandatory Suspension, Investigation, and Possible Expulsion

Where a principal believes that a student may have committed an expulsion infraction that falls under section 310(1) of the Education Act, the principal must suspend the student in order to investigate the circumstances (and any mitigating or other factors – see section 7.3 for additional information regarding the investigation) to make a decision regarding whether the matter will be referred to the board for an expulsion hearing.

7.1.1 Possessing a Weapon

If, in the opinion of the principal, the student is in possession of an object deemed to be a weapon (see definition below), the principal will:

- a) **suspend the student, pending an investigation, for a minimum of three (3) days and up to a maximum of 20 days depending on the severity of the situation;**
- b) contact the police (mandatory);
- c) contact BGCFS as required;
- d) communicate with the student’s parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- e) contact the area superintendent;
- f) confiscate the weapon (only if possible and safe) and release it to the police as required by law;
- g) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- h) conduct an investigation; and
- i) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

Weapon means:

- Anything used or intended for use in causing death or injury to persons whether designated for that purpose or not, and without restricting the generality of the foregoing, including any firearm;
- Anything used or intended for use for the purpose of threatening or intimidating any person and without restricting the generality of the foregoing including any firearm.

Firearm means:

- Any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm (e.g., gun, airsoft pistol etc.).

Possession of Weapons means:

- Being knowingly in custody of a weapon on one’s person or in one’s personal belongings;
- Having a weapon in any place, whether or not that place belongs to or is occupied by the person, for the use or benefit of that person or of another person;
- Where one of two or more persons, with knowledge and consent of the rest, has a weapon in custody or possession, it shall be deemed in the possession of each and all of them.

7.1.2 Using a Weapon to Cause or Threaten Bodily Harm to Another Person

When the principal deems that a student has used a weapon to cause or threaten bodily harm, the principal will:

- a) **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- b) contact the police (mandatory);
- c) contact BGCFS as required;
- d) communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- e) contact the area superintendent;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- g) conduct an investigation; and
- h) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

7.1.3 Committing Physical Assault on Another Person Causing Bodily Harm Requiring Treatment by a Medical Practitioner

When the principal deems that a student has committed a physical assault causing bodily harm requiring treatment by a medical practitioner, the principal will:

- a) **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- b) contact the police (mandatory);
- c) contact CAS as required;
- d) communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- e) contact the area superintendent;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- g) conduct an investigation; and
- h) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

7.1.4 Committing Sexual Assault

When the principal deems that a student has committed a sexual assault, the principal will:

- a) **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- b) contact the police (mandatory);
- c) contact BGCFS as required;
- d) communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- e) contact the area superintendent;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- g) conduct an investigation; and
- h) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

Sexual Assault means:

- An assault which is committed in circumstances of a sexual nature such that the sexual integrity of the victim is violated. This includes sexual assault with a weapon or causing bodily harm and aggravated sexual assault.

7.1.5 Trafficking in Weapons or in Drugs

When the principal deems that a student has been trafficking in weapons or in drugs, the principal will:

- a) **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- b) contact the police (mandatory);
- c) contact BGCFS as required;
- d) communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- e) contact the area superintendent;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- g) conduct an investigation; and
- h) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

Drugs means:

- Any substance, other than food, which is taken to change the way the body and/or mind function.

Trafficking in Drugs means

- Trafficking, or possession for the purpose of trafficking, any drug as set out in the Controlled Drugs and Substance Act. This includes prescription and/or non-prescription medication beyond what is prescribed.

7.1.6 Committing Robbery

When a student is deemed by the principal to have committed robbery and/or obtained anything by threats, accusations, menaces or violence, the principal will:

- a) **suspend the student for a minimum of three (3) days and up to a maximum of 20 days, depending on the severity of the situation;**
- b) contact the police (mandatory);
- c) contact BGCFS as required;
- d) communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- e) contact the area superintendent;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- g) conduct an investigation; and
- h) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

Robbery means:

- The use of violence or intimidation to commit theft.

7.1.7 Giving Alcohol or Cannabis to a Minor

When the principal deems that a student has been giving alcohol or cannabis [or otherwise providing - added by Bluewater District School Board] to a minor, the principal will:

- a) **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- b) contact the police (discretionary);

- c) contact BGCFS as required;
- d) communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- e) contact the area superintendent;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- g) conduct an investigation; and
- h) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

7.1.8 Bullying (including cyber-bullying)

When the student has previously been suspended for engaging in bullying, and the student's continuing presence in the school creates an unacceptable risk to the safety of another person, the principal will:

- a) **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- b) communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- c) contact the police (discretionary);
- d) contact BGCFS as required;
- e) contact the area superintendent as required;
- f) recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider as appropriate; and
- g) conduct an investigation; and
- h) at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

7.1.9 Hate, Prejudice, and/or Bias-Motivated Violence

- a) The school principal will take action when it deems that a student has used verbal or written communication, including communication transmitted by electronic means, or has engaged in any other activity listed in section 306 (1) of the Education Act that is hate, prejudice, and/or bias-motivated and encourages violence, in any one of the following areas:
 - i. racism, or intimidation and discrimination based on national or ethnic origin, colour, sex or age, religious, or linguistic differences;
 - ii. sexual harassment;
 - iii. discrimination based on sexual orientation, gender identity, gender expression;
 - iv. discrimination based on mental or physical disability;
 - v. discrimination based on class/income level or occupation; and
 - vi. intolerance based on other characteristics, such as appearance.
- b) The principal will:
 - i. **suspend the student for a minimum of three (3) days and up to a maximum of 20, depending on the severity of the situation;**
 - ii. communicate to the student's parent/guardian (if the student is under 18 years of age), that an investigation of the incident may result in an expulsion;
 - iii. contact the police (mandatory – discretionary if student is under 12 years old);
 - iv. contact BGCFS as required;
 - v. contact the area superintendent;
 - vi. recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
 - vii. conduct an investigation; and

- viii. at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

7.1.10 Bluewater District School Board Defined Discretionary Activities (in accordance with Section 310(1)8 of the Education Act)

a) Vandalism

When the school principal deems that a student, on or off school property, has committed an act of vandalism that has caused extensive damage to the property of the board or to goods that were/are property of the board, or where vandalism takes place off board property but has a significant impact on board resources, the principal will:

- i. **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- ii. communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- iii. contact the police (discretionary);
- iv. contact BGCFS as required;
- v. contact the area superintendent;
- vi. recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- vii. conduct an investigation; and
- viii. at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

Vandalism is defined either in monetary terms or in relation to the impact of the damage on the operation of the school or board.

b) Refractory Conduct

Refractory conduct is defined as a pattern of behaviour that indicates that the student has not prospered by the instruction available to them, and/or they are persistently resistant to making changes in behaviour, and/or they are unwilling to respect or respond to authority, and/or the student's continued presence is injurious to the effective learning and/or working environment of others, despite being given reasonable opportunity to do so.

When the school principal deems that a student has engaged in refractory conduct or a course of refractory conduct, the principal will:

- i. **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- ii. communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- iii. contact the police (discretionary);
- iv. contact BGCFS as required;
- v. contact the area superintendent;
- vi. recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- vii. conduct an investigation; and
- viii. at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

c) Extortion

When the school principal has deemed that a student has unlawfully obtained either money, property or services from another student/person(s), entity, or institution, through coercion, the principal will:

- i. **suspend the student for a minimum of five (5) days and up to a maximum of 20 days, depending on the severity of the situation;**
- ii. communicate with the student's parent/guardian, if the student is under 18 years of age, that an investigation of the incident may result in an expulsion;
- iii. contact the police (mandatory);
- iv. contact BGCFS as required;
- v. contact the area superintendent;
- vi. recommend that the student participate in a counselling program and/or provide a referral to an appropriate community service provider;
- vii. conduct an investigation; and
- viii. at the conclusion of the investigation refer the matter to the board for an expulsion hearing or confirm no expulsion, confirm the suspension and the duration of the suspension, or withdraw the suspension.

7.2 Program and Notification Requirements for Mandatory Suspensions (requiring investigation and possible expulsion)

- 7.2.1** When a student has been suspended by a principal under section 310 of the *Education Act* the principal will ensure that the following requirements are met:
- a) notification of the suspended student's teacher(s) and transportation
 - b) all reasonable efforts will be made to notify the student's parent(s)/guardians within 24 hours if the student is under the age of 18 (exception to this notification occurs if the student is between the age of 16 and 17 and has withdrawn from parental control)
 - c) for short-term suspensions (less than six days), the school team will provide students with homework packages to ensure they do not fall behind in their schoolwork.
 - d) for suspensions from six to 10 days, the principal must:
 - i. consult with their area superintendent; and
 - ii. consider whether the student should be referred to the LTSE Program for academic support (see section 9.5).
 - e) if the decision of the principal is to suspend the student for 11 days or more, approval of the area superintendent is required. Once approved, the area superintendent will initiate the involvement of the Long-Term Suspension and Expulsion (LTSE) team. A Planning Intake Meeting (see section 9.0) will be scheduled to formally offer the suspension program to the student and their parent(s)/guardian(s).
 - f) establishment of time, date, location, and notification of the Planning Intake Meeting is the responsibility of the principal, in consultation with student support attendance counsellor, until the student and parent(s)/ guardian(s) have agreed to involvement in the suspension program and have signed the necessary consent and information forms.
- 7.2.2** The principal must also ensure that AF 6410 "Suspension Notice", along with written notice of the suspension (see 7.2.3), is given promptly to the student and, if the student is under 18 years of age, to the student's parent or guardian (unless the student is 18 years of age or is 16 or 17 years old and has withdrawn from parental control).
- 7.2.3** The written notice of suspension (a sample notice letter is provided in Appendix C (a) and an editable version is available in the Administrators' Handbook → Suspension and Expulsion folder) will include:
- a) the reason for the suspension
 - b) the duration of the suspension
 - c) information about the program provided for students who are suspended for more than five days

- d) information about the investigation that the principal is conducting to determine whether or not an expulsion will be recommended
- e) a statement that the suspension pending expulsion may not be appealed
- f) a statement that if the principal does not recommend expulsion, then the suspension is subject to an appeal
- g) a statement that if an expulsion hearing is conducted by the board to expel the student, then the suspension may be addressed at the hearing.

This information should also be forwarded to the appropriate superintendent of education for information and notification of possible expulsion hearing.

7.3 Principal's Investigation

- 7.3.1** The principal's investigation must incorporate "fairness" in the sense that the student, or their parents, if they are under 18 years, is informed of circumstances which are alleged against the student, together with a full opportunity to respond to the allegations, before any final decision is taken. During the investigation, the principal must take into account any mitigating factors listed in section 2.0.
- 7.3.2** When conducting the investigation, principals should:
- a) make every effort to interview the student, and where possible, the student's parents and any other person who the principal believes may have relevant information, such as teachers, witnesses and victims
 - b) let the parties be heard, and keep an open mind;
 - c) conduct individual vs. group interviews to preserve the credibility and veracity of your evidence.
 - d) consider taking statements and making written notes, since those notes may be helpful in the course of an appeal hearing;
 - e) include dates and times when taking notes;
 - f) make copies of statements submitted by witnesses and/or victims.
- 7.3.3** The principal's investigation must be completed within five school days from the day the principal suspended the student. The parties will include the student and, if the student is under 18 years, the student's parents, together with any person who has a direct interest in the matter. If the principal decides to refer the matter to the board to hold an expulsion hearing, the principal must make this decision within five school days of the beginning of the suspension.
- 7.3.4** The principal's investigation should include the questioning of any witnesses who may have any direct knowledge of the circumstances at issue, as well as the examination of any pertinent documentation or other physical evidence. Care should be taken by the principal to provide the impugned student with fair opportunity to respond to the allegations and evidence against him/her before reaching a final conclusion. The test to be used by the principal in assessing the relevant information which has been collected through the investigation is the "balance of probabilities" – that is, that it is more likely than not that the student committed the infraction, based on the relevant evidence available.

7.3.5 Expulsion Not Recommended

Where following the investigation, the principal does not recommend to the board that the student be expelled, the principal shall:

- a) confirm the suspension and duration of the suspension; confirm the suspension but shorten the duration, even if the suspension has already been served, and amend the record of suspension accordingly; or withdraw the suspension and expunge the record of suspension, even if the suspension has already been served;
 - i. If homework packages/LTSE referrals have not yet been assigned/taken place, the principal will follow-up with LTSE team.
- b) ensure that written notice (see Appendix C (b) and/or the Administrators' Handbook → Suspension and Expulsion folder for a sample letter) confirming the above decision (7.3.5

(a)) containing the following information, is given promptly to the student and, if the student is under 18 years of age, to the student's parent(s)/guardian(s) unless the student is 18 years of age, or is 16 or 17 years old and has withdrawn from parental control, and also to the area superintendent of education:

- i. a statement that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension;
- ii. A statement indicating whether the principal has confirmed the suspension and its duration, confirmed the suspension but reduced the duration or withdrawn the suspension;
- iii. Unless the suspension has been withdrawn, information regarding the right to appeal the suspension (see section 6.0);
- iv. A copy of this procedure, which defines the suspension appeal process; and
- v. The name and contact information for the area superintendent of education to whom the notice of an appeal must be given.

7.3.6 Expulsion Recommended

Where, following the investigation, the principal is satisfied that the student committed an infraction for which the student should be expelled, the principal shall provide all parties involved with a Notice of Referral to Expulsion Hearing letter (see Appendix C (c) and/or the Administrators' Handbook → Suspension and Expulsion folder for a sample letter) and, in consultation with the superintendent, will also prepare a report (Principal's Report – see Appendix D and/or the Administrators' Handbook → Suspension and Expulsion folder for sample layout) that contains:

- a) an outline of allegations
- b) a summary of findings which support the principal's belief that the student may have committed an infraction for which an expulsion should be imposed
- c) a recommendation on whether or not the student should be expelled from the originating school or all schools of the board
- d) a recommendation pertaining to the type of school that may benefit the student, if it is recommended that the student be expelled only from the originating school, or the type of program that the student may benefit from if the recommendation is to expel from all the schools of the board.

This report must be completed and forwarded to the area superintendent of education within nine (9) school days from the date of suspension.

Please refer to Section 8.0 "Expulsion Hearing by a Committee of the Board".

8.0 EXPULSION HEARING BY A COMMITTEE OF THE BOARD (see also Appendix A)

- 8.1 Under section 311.3 (9) of the Education Act, the board may delegate its duty to hold an expulsion hearing to a committee of the board (Suspension Appeal/Expulsion Committee). The Suspension Appeal/Expulsion Committee will be composed of three trustees and the director of education or designate. Resource members to the committee will include the area superintendent, school administration, and may also include the board representative(s) of the Long-Term Suspension and Expulsion program.
- 8.2 **General Timelines for Expulsion Hearing Process:** The hearing by the Suspension Appeal/Expulsion Committee must be completed and the committee's decision must be made and implemented within 20 school days following the date on which the principal suspended the student in the belief that the student committed an infraction for which the student could be expelled. This deadline may be extended upon agreement of the parties (who will include the parent(s)/guardian(s) and the principal).
- 8.3 **Setting Dates:** Upon receipt of the notice of referral, the area superintendent of education will promptly notify the director of education. Corporate Services will notify the members of the Suspension

Appeal/Expulsion Committee and shall arrange to set dates for a pre-hearing conference and the hearing, having regard to the timeline stipulated under the Education Act.

- 8.4 Notice of Hearing and Pre-Hearing Conference:** The director of education or designate shall promptly send to the parties to the hearing a Notice of Hearing/Notice of Pre-hearing Conference.
- 8.5 Parties to the Hearing:** Students have the right to attend the expulsion hearing to make a statement on their own behalf. Others who may attend are the parent(s)/guardian(s) if the student has not attained the age of 18 or the student if the student is 16 or 17 and has withdrawn from parental control.
- 8.6 Pre-Hearing Disclosure:** The parties shall exchange the following, with a copy to the director of education, or designate, prior to the pre-hearing:
- a) an outline of the party's position, setting out with particularity the party's position on the circumstances which gave rise to the recommendation for expulsion and the party's position on the discipline imposed;
 - b) copies of any documents which the party proposes to submit at the hearing; and
 - c) Where the party proposes to call witnesses, a list of the witnesses whom the party intends to call and a brief outline of what the witnesses will say.
- 8.7 Time Limits for Presentations at Hearing:** The maximum time allotted for the hearings will be two hours, with up to an hour allotted to each party. Opening statements, cross-examination of the other party's witnesses and closing comments shall be taken into account in the hour allotted to each party.
- 8.8 Hearing Order of Presentation:** The principal will proceed to make their presentation first, commencing with an opening statement. The student/parent/legal guardian may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the principal calls any witnesses the student/parent/legal guardian will be given an opportunity to cross-examine any such witnesses. Following the completion of the principal's presentation, the student/parent/legal guardian will make their presentation. If the student/parent/legal guardian calls any witnesses, the principal will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the principal.
- 8.9 Record of Hearing:** The Suspension Appeal/Expulsion Committee shall compile a record of the hearing. The record will include the principal's referral for an Expulsion Hearing, the Notice of Pre-Hearing and Hearing, any interim decision arising out of the pre-hearing conference, any order of the Committee, all documents filed with the Committee during the hearing, the Notice of Decision of the Suspension Appeal/Expulsion Committee.
- 8.10 Failure of Party to Attend Pre-Hearing/Hearing After Due Notice:** Where a notice of pre-hearing has been given in accordance with this procedure, and the party fails to attend the pre-hearing, the party will be deemed to have waived any procedural issues that they may have had regarding disclosure or any other procedural issue, unless the party can satisfy the Suspension Appeal/Expulsion Committee that there was a reasonable excuse for their failure to attend.
- Further, if the party does not attend at the Hearing, the Committee may proceed with the Expulsion Hearing in their absence and the party may not be entitled to any further notice of the proceeding.
- 8.11 Conflict of Evidence:** Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed a mandatory or discretionary expulsion infraction, the Suspension Appeal/Expulsion Committee shall assess the evidence and determine whether, on the balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.
- 8.12 Decision NOT to Expel:** If the Suspension Appeal/Expulsion Committee decides that the student has not committed an infraction for which an expulsion should be imposed, the Suspension Appeal/Expulsion Committee will determine whether to:

- a) consider whether alternative discipline is appropriate in the circumstances;
- b) uphold the suspension and its duration;
- c) uphold the suspension and shorten its duration and amend the record accordingly;
- d) quash the suspension and expunge the record from the students Ontario Student Record; or
- e) make such other orders as the Suspension Appeal/Expulsion Hearing Committee considers appropriate.

The Suspension Appeal/Expulsion Hearing Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

8.13 Decision to Expel: If the decision is to expel the student, the Suspension Appeal/Expulsion Hearing Committee must decide if the expulsion is from just the school that the student attended or all schools of the board. In determining the type of expulsion, the Suspension Appeal/Expulsion Committee shall consider the following factors:

- a) the student's history;
- b) mitigating factors;
- c) factors prescribed by regulation, if any; and
- d) such other matters as the Suspension Appeal/Expulsion Committee considers appropriate

If the Suspension Appeal/Expulsion Committee decides to impose a school expulsion the student will be assigned to another school.

If the Suspension Appeal/Expulsion Committee decides to impose a board expulsion the student will be assigned to the Long-Term Suspension and Expulsion (LTSE) program.

8.14 Notice of Decision to Expel: In the event the Suspension Appeal/Expulsion Committee decides to expel the student, the director of education or designate shall ensure that a written notice of the expulsion is sent promptly to all parties and will include the following:

- a) the reason for the expulsion;
- b) a statement indicating if the student was expelled from their own school or all schools of the board;
- c) information explaining the program for expelled students;
- d) information pertaining to the right to appeal the decision of the committee of the board.

8.15 Appeal of the Board's Expulsion

An appeal of a decision to expel a student must be made within 30 days after the date of the decision that is being appealed and may be requested by:

- a) the parent or guardian of a student who is under the age of 18 years;
- b) the student, if aged 18 years or older.
- c) the student, if aged 16 or 17 and has withdrawn from parental control

In the case of an expulsion by a committee of the board, the decision of the board can be appealed to The Child and Family Services Review Board as the entity designated by regulation [s.311.7]

See Appendix A – Suspension Appeal / Expulsion Flow Chart

9.0 BLUEWATER DISTRICT SCHOOL BOARD PROGRAMS FOR STUDENTS ON LONG-TERM SUSPENSION

- 9.1 The program offered to students on long term suspension for periods of 11 days or more is called the Long-Term Suspension Expulsion (LTSE) Program. The LTSE team consists of a LTSE teacher and a student support attendance counsellor (SSAC). The LTSE teacher provides case management and academic support for the student and the SSAC provides non-academic or therapeutic supports as determined by the needs of the student. These services are voluntary and confidential.

- 9.2 The LTSE team works with students, families, and schools with the goal of a successful transition, re-entry, and fresh start back into school after a suspension or expulsion.
- 9.3 In accordance with Policy/Program Memorandum 141, the LTSE program must be offered to the student where the suspension is between 11 and 20 days but may also be requested by the school administration as deemed appropriate for suspensions between six and ten days. Support for students who are suspended for between six and ten days will be provided based on the available space in the LTSE program.
- 9.4 The LTSE information is accessible to the school to assist the school administration team in preparation for the Planning Intake Meeting.

9.5 Learning Plan for Absent Student (LPAS) for Suspended Student

A Learning Plan for Absent Student (LPAS) (form AF 6408) must be developed for every student on a long-term suspension.

9.5.1 Programs for Students on a Suspension of Six to Ten School Days

- a) Pending space availability, students suspended for six (6) to 10 school days may be referred to the LTSE program. Principals must consult with the area superintendent of education to determine space availability in the LTSE program.
- b) The program provided for in the LPAS must include an academic component to support the student on a long-term suspension of six (6) to ten school days in continuing their education.

9.5.2 Programs for Students on a Suspension of Eleven to Twenty School Days

- a) The program provided for in the LPAS will consist of both an academic and a non-academic component to support the student on a long-term suspension of 11 to 20 school days in continuing their education.
- b) The LTSE program must be offered to students who are suspended for 11 to 20 school days.
- c) Upon approval of the suspension by the area superintendent of education, and where the area superintendent of education has requested the involvement of the LTSE team, a Planning Intake Meeting will be convened. This meeting should include all individuals deemed appropriate by school administration to explore the issues around the student's suspension. This decision is made by the school. A Student Action Plan (SAP) will be developed and provided at the intake meeting (see section 9.5.7) by the LTSE team.
- d) The student's participation in the program is voluntary. Therefore, there must be a commitment to the program as outlined in the Planning Intake Meeting on the part of the student for the LTSE team to remain involved. Should the student choose not to participate in the suspension program the suspension will proceed as indicated in the Notice of Suspension.
- e) Assuming that this commitment does exist, the student will receive academic support during the suspension. The student will also receive non-academic or therapeutic support during the suspension and for a period following the suspension.
- f) In some cases, a student may have demonstrated behaviours which would make it significantly less likely that the student will be successful in their return to school at the conclusion of the suspension. The LTSE team will, as appropriate, report to the school administration in a timely fashion with respect to these findings.

9.5.3 Academic Component

- a) In all cases, every effort must be made to maintain the student's regular academic course work throughout the suspension period.
- b) The student's work will be governed by the LPAS (using AF 6408) which is completed as much as possible by the school in preparation for the Planning Intake Meeting. In most cases, the work will be provided as well as assessed and evaluated by the school. Ongoing communication between the LTSE Team, the principal, the student's teacher, and the parent(s)/guardian(s) may be required.
- c) The academic component must follow the curriculum outlined in the Ontario curriculum policy documents, unless the student has an IEP that provides for modifications to the Ontario curriculum or an alternative program.

9.5.4 Non-Academic or Therapeutic Component

- a) The purpose of the non-academic, or therapeutic, component is to assist students in the development of positive attitudes and behaviours. Assistance could be provided to help the student with social, emotional, behavioural, and mental health issues as appropriate.
- b) The SAP developed by the LTSE team will most often reflect short term goals, primarily centred on those issues which led to the student's suspension. Students may receive support on a broader range of non-academic or therapeutic needs as appropriate to address longer term goals as time permits.

9.5.5 Developing and Implementing the Learning Plan for Absent Student (LPAS)

- a) The LPAS will outline the objectives for students and be tailored to meet the specific needs of the student.
- b) The LPAS will be developed by the principal in co-operation with appropriate staff, the student, and their parent(s)/guardian(s).
- c) A homework package will be provided to students on long-term suspension until the LPAS is in place.

9.5.6 Planning Intake Meeting

The purpose of the meeting is to:

- a) allow the LTSE team to meet with the student, family, school, and other parties as appropriate (this meeting is arranged by the school administrative team in consultation with all involved parties);
- b) present the suspension program to the student and family to determine the student's willingness to participate;
- c) provide a positive and supportive process through which the student can access help for their academic and non-academic or therapeutic needs;
- d) sign the program consent forms and complete a student/family information form;
- e) review the student's history at school;
- f) review the details of the event(s) which led to the suspension;
- g) review the LPAS developed by the school;
- h) identify the needs of the student along with risk factors and protective factors;
- i) identify the supports or materials/equipment needed for the student to continue their learning;
- j) begin to establish the objectives and goals of the SAP);
- k) establish next meeting times for both academic and non-academic or therapeutic programs (assuming that the student has agreed to support, and a parent or guardian has signed the consent) and to determine the meeting locations;
- l) to conduct a preliminary OSR review with a more comprehensive review to follow as required; and

- m) to gather any other information from the school which the LTSE team will require to carry out their duties.

9.5.7 Student Action Plan (SAP) for Students on Long-Term Suspension

A SAP must be created by the LTSE Team. The SAP will be developed and provided at the Planning Intake Meeting by the LTSE team, or immediately after the meeting if more information impacting the delivery of service is needed (e.g., access to technology, transportation, work schedule of parent, etc.)

The SAP will:

- a) be developed by the LTSE team in consultation with all appropriate stakeholders (e.g., principal in cooperation with staff, student, and parent(s)/guardian(s));
- b) outline both the academic and non-academic or therapeutic objectives and goals for students which are tailored to meet the specific needs of the student; and
- c) shared with the student, family and school as needed to ensure that all parties understand the plan and are able to contribute to its delivery.

9.5.8 Re-entry Transition Meeting Report (RTMR)

The Re-entry Transition Meeting Report (RTMR) addresses the academic outcomes of the program. The Re-entry Transition Meeting Report (RTMR) is prepared and presented by the LTSE teacher at the Re-entry Transition Meeting (RTM), with copies being provided to the school, the student, and family as appropriate.

The SSAC will also be a contributing member to the RTMR and the RTM.

9.5.9 Re-entry Transition Meeting (RTM)

The principal will hold a meeting with the student, family, the LTSE team and any board or outside parties as deemed appropriate by the school administrative team to ensure that the student is welcomed back into the school following their suspension. This meeting should be held as close as possible to the student's scheduled school re-entry date as indicated on their AF 6410 "Suspension Notice". The meeting is intended both to review the information provided in the Re-entry Transition Meeting Report (RTMR) and to prepare the way for a positive and productive return to school for the student.

10.0 BLUEWATER DISTRICT SCHOOL BOARD PROGRAMS FOR EXPELLED STUDENTS

- 10.1** The BWDSB Programs for Expelled Students will be provided in accordance with Policy/Program Memorandum 142.

10.2 Expulsion from Home School Only

- a) If the student is expelled from their school only, the student will be assigned to another school of the board.
- b) Where a student is assigned to another school additional supports and resources will be made available to that student based on student need. These additional supports are determined during the Re-entry Transition Meeting (RTM) as a part of the transition from one school to another at the conclusion of the student's suspension.

10.3 Expulsion from All Schools of the Board

- a) The program offered to students on expulsion from all schools of the board is called the Expulsion Program and is coordinated by the LTSE team (see section 9.0). The Expulsion Program is a voluntary program. As a result of the voluntary nature of the program the student and their parent(s)/guardian(s) must notify the principal verbally or in writing that the student will commit to participation in the program.

- b) Where a student chooses not to participate in the Expulsion Program, the student remains ineligible to return to any school in the board until such time as an Expulsion Program acceptable to the board has been successfully completed.

10.4 Program Requirements

10.4.1 Academic Component

- a) In all cases, every effort must be made to ensure that expelled students who are assigned to the Expulsion Program are able to continue their education.
- b) The student's course work will be governed initially by the LPAS which is completed by the school in preparation for the Planning Intake Meeting during the suspension. After the expulsion is confirmed, the course selection and work will reflect the longer-term nature of the student's involvement in the Expulsion Program and may be altered to reflect this change of status. A transition will be undertaken to move the duties of the creation of course work as well as assessment and evaluation from the school to the LTSE teacher. The school will provide a mark which represents the student's achievement in their course work to that point.
- c) The academic component must follow the curriculum outlined in the Ontario curriculum policy documents unless the student has an IEP that provides modifications to the Ontario curriculum or an alternative program. The academic program may include but is not limited to, the use of Independent Learning Courses, e-learning, remedial help, and support in literacy and numeracy skill development. Individual student need is what determines the services the student will receive.

10.4.2 Non-academic or Therapeutic Component

- a) The purpose of therapeutic component is to assist students in the development of positive attitudes and behaviours and will be provided by the SSAC.
- b) The SAP will be adjusted as needed to reflect the change to the expulsion program. Expelled students are able to receive support on a broader range of non-academic or therapeutic needs, as appropriate to address longer term non-academic or therapeutic goals.

10.5 Student Action Plan (SAP) for Expelled Students

When an expulsion is confirmed by a committee of the board, and the student and family have committed to participation in the program, the SAP written for the suspension period may be reviewed and updated as needed. The SAP will form the basis for the Expulsion Program and, as such, the academic and non-academic or therapeutic objectives and goals should be re-affirmed to ensure that the needs of the student continue to be addressed including consideration of risk and protection factors.

10.6 Plan for Re-entry to School

- a) There will be a meeting scheduled to review the objectives and goals stated in the SAP and determine if the student is ready to re-enter the school system. The meeting is convened when it is determined that the student has successfully completed the expulsion program. This determination is made by the LTSE team in consultation with the area superintendent. A student who has been expelled from all schools of a board and/or their parent(s) may apply in writing to the area superintendent of education requesting that the student be readmitted to a school of that board.
- b) If the student is to re-enter the school system, the meeting is to be held in sufficient time to allow for a proper transition back into the school or alternate program. This transition should include but is not limited to establishing a new timetable for the student, scheduling any additional meetings with the school, parents and other parties as appropriate to ensure that issues surrounding the student's return to school are adequately addressed and supports for the student as appropriate are in place.

- c) Should the decision be to not allow the student to re-enter the school system the student will be provided with other options. The options made available to the student may be affected by the age of the student at the time of re-entry.
- d) The area superintendent of education, or designate, will provide a copy of final decision letter to Corporate Services for inclusion in the student's expulsion hearing file.

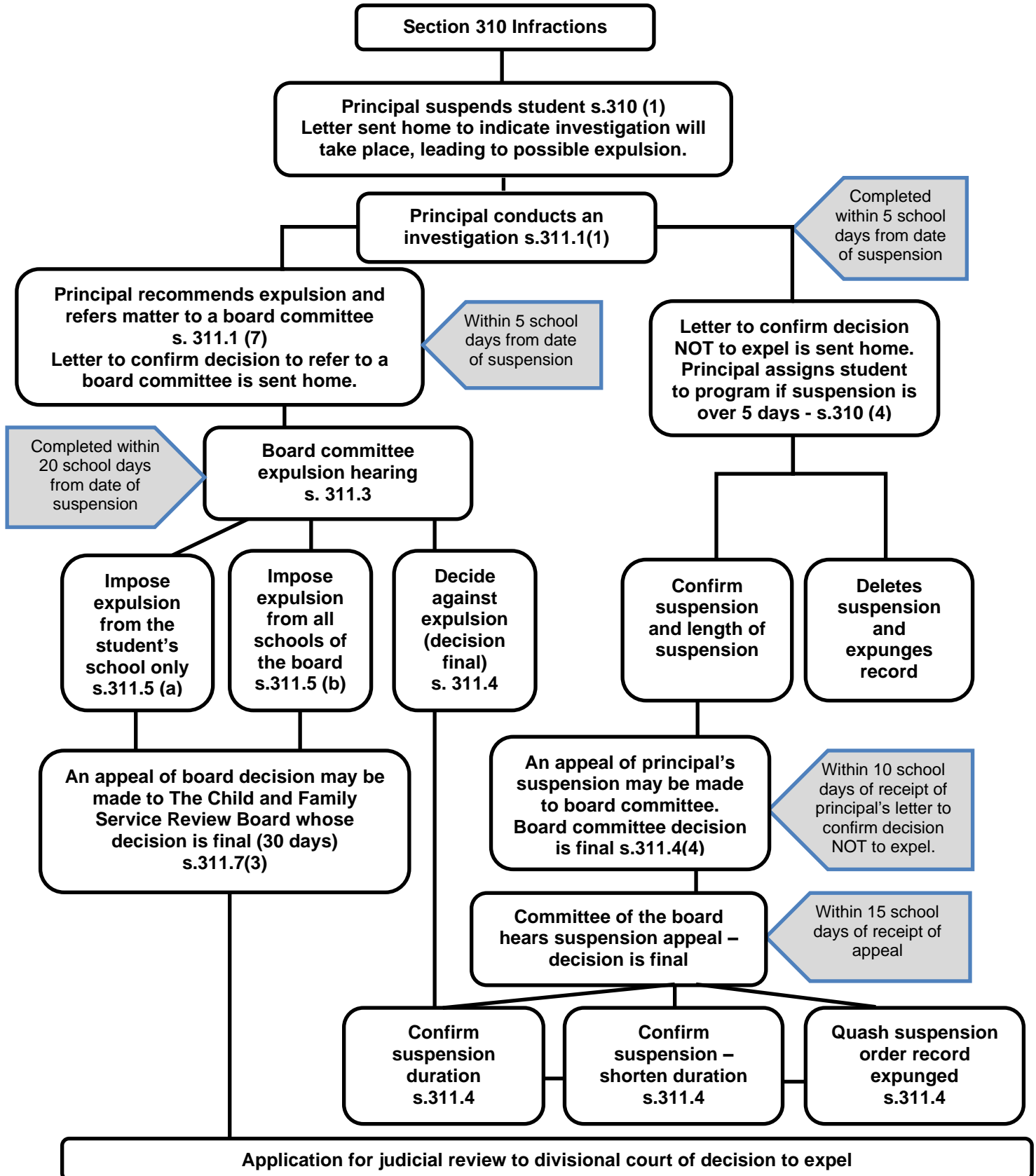
10.7 Re-entry Transition Meeting Report (RTMR)

The Re-entry Transition Meeting Report (RTMR) addresses the academic outcomes of the program. The RTMR is prepared LTSE teacher and the SSAC and presented at the Re-entry Transition Meeting (RTM) and copies will be provided to the school, the student, and family, as appropriate.

10.8 Re-entry Transition Meeting (RTM)

Once the student's expulsion order has been lifted, the area superintendent of education, or designate, will complete and mail the 'Return to School Parent/Guardian Final Decision and Notification Letter'. School administration will then hold a Re-entry Transition Meeting (RTM) with the student, family, and the LTSE team to ensure that student is welcomed back into the school. This RTM should be held in close proximity to the return to school date of the student while allowing time to ensure all of the critical issues for a successful transition are attended to. The RTM is intended both to review the outcomes of the SAP and to prepare the way for a positive productive return to school for the student.

**APPENDIX A: Mandatory Suspensions Requiring Investigation and Possible Expulsion -
Suspension Appeal/ Expulsion Flow Chart** (see sections 7.0 and 8.0 for more information)



**APPENDIX B
SAFE SCHOOLS FORM RETENTION SUMMARY**

Form	Retention Schedule
Online Incident Reporting Tool Safe and Accepting School Incident Report	<ul style="list-style-type: none"> • To be filed in the OSR (or the School Safe School Incident Report (SSIR) file) for a minimum of one (1) calendar year • If OSR is requested by another school, all SSIRs for the student must be included in the OSR prior to sending the OSR • SSIR(s) to be removed from OSR or School Safe School Incident Report file at principal's discretion after one (1) calendar year. Consideration to be given to culling reports at times of transition.
AF 6410 Suspension Notice	<ul style="list-style-type: none"> • To be filed in the OSR (if violent) or School Suspension Notice file for two (2) years • Information related to a suspension for violent incident shall be filed in OSR for three (3) years, or five (5) years for if student expelled. Violent Incident Report to be attached to AF 6410 Suspension Notice.
AF 6408 Learning Plan for Absent Students (LPAS)	<ul style="list-style-type: none"> • This form must be completed for all students who have a long-term suspension • A copy of the form is to be given to long-term suspension expulsion (LTSE) teacher. The original is to be attached to suspension notice.
Documentation Related to Expulsion	<ul style="list-style-type: none"> • Information relating to expulsion shall be removed five (5) years after the date on which the school board expelled the student • Where an expelled student has been re-admitted to school by a school board and is expelled again, the information relating to the expulsion shall not be removed from the OSR until five (5) consecutive years have passed without any further expulsion
AF 6820 Violent Incident Report	<ul style="list-style-type: none"> • Where the student has not been suspended or expelled, the violent incident form shall be removed after one year if no further serious violent incident is reported to the police during that time • To be attached to suspension notice
AF 2810 Delegation of Authority	<ul style="list-style-type: none"> • A copy of the form is to be given to the principal and vice-principal/teacher who are named on the form • The form must be completed annually

APPENDIX C (a): SAMPLE LETTERS

EXAMPLE LETTER A: NOTICE OF SUSPENSION AND POSSIBLE EXPULSION

(Notices are to be prepared on school letterhead and sent by mail/courier that can be tracked and requires a signature)

{Date}

{Name of Parent/Guardian/Adult Student}
{Mailing Address of Parent/Guardian or Adult Student}

Dear {Name of Parent/Guardian/Adult Student}:

Re: Notice of Suspension and Possible Expulsion of {name of student}

This will confirm that {name of student} has been suspended from {name of school} and from engaging in all school related activities from {effective date of suspension} to {last date of suspension}, pursuant to the requirements of s.310 of the Education Act. This suspension applies to all school buildings, grounds, school buses, school functions, activities, and trips.

The Education Act requires that the principal immediately suspend a student where the principal believes that the student may have committed an infraction for which the student may be expelled under s.310 of the Education Act. Based on the information which has come to my/our attention, it is my/our belief that {name of student} may have committed the following infraction:

{state infraction}

Please be advised that I am investigating the circumstances of this matter in order to determine whether to recommend that the matter be referred to the board for expulsion. You will be provided with the results of this investigation in writing.

In accordance with the Education Act, you do not have the right to appeal the suspension at this time. However, if it is determined at the conclusion of the investigation that a recommendation for expulsion is not made, you will then be entitled to appeal the suspension to the Suspension Appeal/Expulsion Committee of the Board.

Sincerely,

{Principal Name}, Principal
School Address

cc: {Name of area superintendent}, Superintendent of Education
{NOTE: OSR if a violent incident form has been completed or the principal deems it to be conducive to the improvement of instruction of the student}

APPENDIX C (b): SAMPLE LETTERS continued

**EXAMPLE LETTER B: DECISION LETTER - OUTCOME OF INVESTIGATION
(NOT TO RECOMMEND EXPULSION)**

(Notices are to be prepared on school letterhead and sent by mail/courier
that can be tracked and requires a signature)

{Date}

{Name of Parent/Guardian/Adult Student}
{Mailing Address of Parent/Guardian or Adult Student}

Dear {Name of Parent/Guardian/Adult Student}:

Re: Decision Letter – Outcome of Investigation of Circumstances for Suspension of {name of student}

Subsequent to {name of student}'s suspension notice letter dated {date of letter A}, I have determined not to refer the matter to the board recommending expulsion.

Following my investigation, I have reviewed {name of student} suspension, and have determined that the suspension should be {confirmed / confirmed but shortened to {insert number} school days and the record amended accordingly / withdrawn and the record expunged}.

{Unless the suspension is withdrawn}. Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to {the area superintendent name and contact information}, within 10 school days of the receipt of this notice.

Enclosed is a copy of the board's administrative procedure, AP 6820-D "Suspensions and Expulsions", which governs the suspension appeal process.

If you provide notice of your intention to appeal, you may contact {the area superintendent name} (contact information noted above) to discuss the appeal. If the suspension has been reduced in length, the appeal is from the reduced suspension and not the original suspension. Please be aware that an appeal does not stay the suspension.

Sincerely,

{Principal Name}, Principal
School Address

cc: {Name of area superintendent}, Superintendent of Education
{NOTE: OSR if a violent incident form has been completed or the principal deems it to be conducive to the improvement of instruction of the student}

APPENDIX C (c): SAMPLE LETTERS continued

EXAMPLE LETTER C: NOTICE OF REFERRAL TO EXPULSION HEARING

(Notices are to be prepared on school letterhead and sent by mail/courier
that can be tracked and requires a signature)

{Date}

{Name of Parent/Guardian/Adult Student}
{Mailing Address of Parent/Guardian or Adult Student}

Dear {Name of Parent/Guardian/Adult Student}:

Re: Notice of Referral to Expulsion Hearing

Subsequent to {name of student}'s suspension notice letter dated {date of letter A}, I have determined to refer the matter to the Suspension Appeal/Expulsion Committee of the Board, recommending that {name of student} be expelled for the infraction of {name infraction}, pursuant to the requirements of s. 310 of the Education Act.

You will receive further information from the Director of Education regarding the expulsion hearing, including the date and time of the hearing.

If I can provide any additional information, please do not hesitate to contact me at the school.

Sincerely,

{Principal Name}, Principal
School Address

cc: {Name of director of education}, Director of Education
{Name of area superintendent}, Superintendent of Education
{NOTE: OSR if a violent incident form has been completed or the principal deems it to be conducive to the improvement of instruction of the student}

APPENDIX D: SAMPLE PRINCIPAL'S REPORT

(On report template – available on SharePoint → Forms, Templates and Reference Documents site)
(Final report to be forwarded to the area superintendent of education)

PRINCIPAL'S REPORT

{Date of Report}

{Name of Student}

D.O.B.: {student date of birth}

**REQUEST FOR FULL EXPULSION FROM ALL SCHOOLS IN
BLUEWATER DISTRICT SCHOOL BOARD FOR {NAME INFRACTION}**

PREPARED BY: {Principal's Name (Vice-Principal's name as well if applicable)}

BACKGROUND

{Provide a brief summary of the student's background. This may include the current grade of the student, what school they currently attend, school history, credits earned, special education identifications etc.}

SUMMARY OF INCIDENT

{Provide a brief recitation of the facts of/information about the circumstances which prompted the belief that the student may have committed an infraction for which expulsion must/may be imposed, including events, dates, times, location of events and, where critical to an understanding of the facts, the names of other persons involved in the incident(s).}

SUMMARY OF INVESTIGATION

{Include details of the investigation following the suspension that have prompted the expulsion recommendation.}

BALANCE OF PROBABILITIES

PRINCIPAL'S RECOMMENDATION

cc: {Name of area superintendent}, Superintendent of Education