



## **A parent's guide to the suspension and expulsion process**

As a parent, your child's safety and well-being is important to you. At Lakehead Public Schools, we understand and share that priority. We are committed to providing safe and healthy environments that support learning and working for all. To help students achieve to the best of their ability, we all work together to ensure that students feel safe, nurtured, welcomed, respected and included.

For learning to be successful, schools must be free of negative factors such as bullying, discrimination, intimidation, hateful words and actions, and physical violence in any form. Lakehead Public Schools supports the teaching and promotion of positive behaviour through the application of preventative programs and measures as well as a number of progressive discipline strategies, including suspension and expulsion where necessary, as consequences for inappropriate behaviour. This Guide gives you information about the suspension and expulsion process. It also provides an overview of the Board's programs for suspended and expelled students, and our commitment to helping students meet their learning goals.

### **What is the Safe Schools policy?**

The Lakehead District School Board Safe Schools policy is based on the provincial *Education Act* and the Ontario Code of Conduct. It sets clear standards of behaviour for students, staff, parents, volunteers and any other individuals involved in public education. Each school also develops its own code of conduct that is based on provincial legislation and board policies. An excerpt from the Safe Schools policy is included at the end of this Guide. You can get a copy of the entire policies, (8070 – System Expectations, 8074 – Suspension of Students, and 8075 – Expulsion of Students) from the school or at [www.lakeheadschoools.ca](http://www.lakeheadschoools.ca).

Students who behave contrary to the Safe Schools policy and/or their school's Code of Conduct face a range of consequences, including, but not limited to, loss of privileges, detention, community service, suspension and expulsion.

### **What is a suspension?**

All suspensions range between one and 20 school days. Suspensions between six and 20 school days are referred to as long-term suspensions. During a suspension, students are not permitted to ride the bus to school, enter the school building or come onto school property for any reason for the duration of the suspension. In addition, the student may not attend any school-related activities, functions or events, even if he/she was expected to participate in these activities.

### **What activities may lead to a suspension?**

Only Principals have the authority to suspend students. A Principal will consider whether to suspend a student if he/she believes that the student has engaged in any of the following activities while at school, at a school-related activity, or in any other circumstances where the activity has a negative impact on the school climate:

- i. Uttering a threat to inflict serious bodily harm on another person;
- ii. Persistent opposition to authority;
- iii. Habitual neglect of duty;
- iv. The wilful destruction of school property;

- v. Incidents off school property which impact on the school;
- vi. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
- vii. Swearing at a teacher or at another person in a position of authority;
- viii. Conduct inconsistent with the Code of Conduct of the school;
- ix. Conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school;
- x. Conduct affecting the safe learning environment for the students or working environment of staff of the school;
- xi. Possessing alcohol or illegal drugs;
- xii. Being under the influence of alcohol;
- xiii. Bullying;

### **What do Principals take into account when considering a suspension?**

In some situations, students involved in the same inappropriate activity may receive different consequences. For example, one student may not get suspended and another student might be suspended as a result of the same behaviour, or one student's suspension might be longer than another student's suspension.

Principals work through a careful and thorough process when deciding whether to suspend a student and for how long. When addressing inappropriate behaviour, Principals must consider the particular student and circumstances of the incident, the nature and severity of the behaviour, its impact on the school climate, and many other factors. The Principal must consider mitigating factors, which are defined by the Ministry of Education as:

- whether the student has the ability to control his/her behaviour
- whether the student has the ability to understand the foreseeable consequences of his/her behaviour
- whether the student's continuing presence in the school creates an unacceptable risk to the safety of any other individual at the school

Other factors that must be considered include:

- the student's academic, discipline and personal history
- whether other progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure
- whether the infraction for which the student might be disciplined was related to any harassment of the student because of his/her race, ancestry, place of origin, colour, ethnicity, citizenship, religion, gender, gender identity, sexual orientation, age, ability or any other attribute
- the impact of the discipline on the student's prospects for further education
- the student's age
- in the case of a student for whom an Individual Education Plan (IEP) has been developed:
  - whether the behaviour was a manifestation of a disability identified in the student's IEP
  - whether appropriate individualized accommodation has been provided
  - whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct.

### **Can suspensions be appealed?**

Yes. All suspensions can be appealed to the school board. If an expulsion is not being considered, the suspension can be appealed within 10 school days of the beginning of the suspension. The appeal will not mitigate the suspension.

In order to appeal a suspension, parent(s)/guardian(s)/adult student must submit a written request to the school's superintendent of education. A student who is no longer under parental control may submit an appeal on his/her own behalf. The appeal will be heard or determined within 15 school days of receiving the notice of intention to appeal, unless the parties have agreed to an extension.

### **What happens once I submit the request to appeal?**

Once a request for an appeal is received, the Superintendent of Education or designate will:

- inform the Principal and the other Superintendents
- let you know that a review of the suspension will take place prior to the appeal
- invite you to discuss the incident and the suspension appeal with him/her
- review the suspension, including the reason, duration and any mitigating or other factors
- consult, if necessary, with the Principal and other Superintendents about changing or expunging the suspension
- may request a meeting with you and the Principal to discuss the suspension and to try to reach a settlement
- arrange a date for an appeal before the Suspension Appeals/Expulsion Committee if a settlement is not reached, and provide you with the review decision

### **Who sits on the Suspension Appeals/Expulsion Committee?**

The Suspension Appeals/Expulsion Committee is a formal committee of the Board which consists of Trustees who are authorized to act on behalf of the Board in disciplinary matters involving suspension appeals and expulsion hearings.

### **I would like to move ahead with the appeal. What can I expect to happen next?**

When a suspension remains in place after the review process and you wish to continue the appeal, the Superintendent of Education or designate will:

- prepare a written report for the Board that will contain at least the following components:
  - a report of the incident and the Principal's rationale for suspending the student
  - a copy of the original suspension letter
  - a copy of the letter requesting the suspension appeal
  - a copy of any correspondence related to the Superintendent of Education's (or designate) review of the suspension
- inform you of the date of the suspension appeal, and provide you with a guide to the appeal process and copies of the documentation that will be provided to the Suspension Appeals/Expulsion Committee
- ask that the appeal be placed on the agenda for an upcoming meeting of the Suspension Appeals/Expulsion Committee

### **Who can be party to the appeal?**

The parties in an appeal to the Suspension Appeals/Expulsion Committee include the Principal, and the adult student or the student's parent(s)/guardian(s), if they appealed the decision.

You and/or your child may be represented by legal counsel at the suspension appeal. If you wish to be represented by a lawyer, you must include that in your letter indicating your intention to appeal.

A student who is not a party to the appeal has the right to be present at the appeal and to make a statement on his/her own behalf.

### **What can I expect at the suspension appeal?**

Suspension appeals will be heard orally, in-camera, by the Suspension Appeals/Expulsion Committee.

1. The person appealing will begin by making an oral statement and/or providing written submissions regarding the reason for the appeal and the desired result. The Committee may allow a person with daily care authority, e.g. a grandparent, to make submissions on behalf of the student.
2. The student will be asked to make a statement on his/her own behalf.
3. The Superintendent of Education and the Principal will make oral statements on behalf of the administration, including a response to any issues raised in the parent/guardian/adult student's submissions.
4. The person appealing may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the person appealing.
5. The Suspension Appeals/ Expulsion Committee may ask any party or the student questions of clarification.

Legal counsel for the board may be present at the appeal if the parent/guardian/adult student is represented by legal counsel or an agent.

An appeal may proceed in the absence of any party if proper notice regarding the appeal's location, date and time was given.

### **What could the Suspension Appeals/Expulsion Committee decide at the appeal?**

The Suspension Appeals/Expulsion Committee will consider, based on the written and oral submissions of both parties, whether the decision to suspend was reasonable under the circumstances, and will either:

- confirm the suspension and its duration
- confirm the suspension, but shorten its duration and amend the record
- withdraw the suspension and order that the record be expunged, or
- make another decision the committee considers appropriate

The Suspension Appeals/Expulsion Committee's decision is final and will be communicated to the parent/guardian/adult student in writing.

### **What activities resulting in a suspension may also lead to an expulsion?**

The Principal may consider recommending to the board that a student be expelled if he/she believes that the student has engaged in any of the following activities while at school, at a school-related activity, or in any other circumstances where the activity has a negative impact on the school climate:

- i. Possessing a weapon, including possessing a firearm.
- ii. Using a weapon to cause or to threaten bodily harms to another person.
- iii. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
- iv. Committing sexual assault.
- v. Trafficking in weapons or in illegal drugs.
- vi. Committing robbery.
- vii. Giving alcohol to a minor.
- viii. Any other activity that, under a policy of this Board, is an activity which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.
- ix. Issuing a bomb threat or causing a bomb threat to be issued.
- x. An act considered by the principal to be significantly injurious to the moral tone of the school ad/or to the physical or mental well-being of others.
- xi. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others.

- xii. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board.
- xiii. The pupil has demonstrated through a pattern of behaviour that she/he has not prospered by the instruction available to him or her and that he/she is persistently resistant to making changes in behaviour which would enable him or her to prosper.
- xiv. Any act considered by the principal to be a serious violation of the Board or School Code of Conduct.

When a student is on a suspension pending expulsion, the Principal must conduct an investigation to determine whether to recommend expelling the student. The investigation will begin promptly following the suspension. Based on this investigation, the Principal may decide to recommend to the Board that your child be expelled.

### **What is an expulsion?**

Expulsions may apply to only the student's current school or to all Lakehead District School Board schools. If a student is expelled from only his/her school, he/she will not be permitted on school property or school buses, and will not be able to participate in any school-related activities. If the Suspension Appeals/Expulsion Committee issues an expulsion from all Lakehead Public Schools, the student may only attend the program for expelled students. Expelled students will not be permitted on any other school property, and will not be able to participate in any activities that are connected to any other schools in the Lakehead District School Board.

Unlike suspensions that last for a specific period of time, expulsions don't have a time limit. A student expelled from only his/her school will be assigned by the Board to another school and may only return to his prior school with permission. A student expelled from all Board schools cannot return to school until he/she satisfies the objectives of a program for expelled students. Once the program is complete, a letter requesting readmission should be sent to the Superintendent of Education. The Board will re-admit a student if he/she has successfully met the program's objectives. At that time, a re-entry plan will be developed to help the student transition back into school.

### **How will my child continue her education while on suspension/expulsion?**

The Board is committed to providing suspended and expelled students with an opportunity to continue their education by providing an educational program and support to help students meet their learning goals.

Elementary students will be supported in continuing to acquire the necessary knowledge and skills outlined in the Ontario curriculum. Secondary students will be supported in continuing to earn credits towards their Ontario Secondary School Diploma.

As has been done in the past, school work will be provided to all suspended students to help ensure program continuity. School work will be provided within a reasonable time frame depending on the length of the suspension.

Students who are suspended between six and 20 school days will be offered an Alternative Suspension Program. If the ASP is accepted, the pupil will continue with the work that is provided by the home school classroom teachers.

Expelled students will be offered the Board's program for expelled students. Once a student chooses to attend a program for expelled students, program teachers will take over the student's educational programming.

When a student makes a commitment to attend an alternative Suspension Program, a Student Action Plan will be developed. If a student on a six to 20 day suspension chooses not to participate in an Alternative Suspension Program, some sections of the Student Action Plan may still need to be completed. For students heading towards a possible expulsion, the entire Student Action Plan will be completed whether or not the student attends the program. The plan will be reviewed with the student and his/her parent(s)/guardian(s), if the pupil is not considered an adult pupil, at a planning meeting.

### **Can expulsions be appealed?**

Yes. All expulsions can be appealed to the Child and Family Services Review Board within 30 school days of receipt of the decision to expel. Should you wish to appeal, you may contact the Child and Family Services Review Board at 1-888-728-8823. Your child will remain expelled until the appeal is resolved.

### **About this parent guide**

This Guide reflects the legislated changes required by Bill 212.

**Questions?** Contact your child's Principal or Vice-Principal, or call 807-625-5100. You can request a copy of the policies and procedures from the school or download it from the Lakehead Public Schools' website at [www.lakeheadschoools.ca](http://www.lakeheadschoools.ca).

## **Excerpt from Safe Schools Policy 8070- System Expectations – Code of Conduct – Section 3.4**

### **3.4 Code of Conduct**

*Elementary and secondary schools within the Board shall develop a Code of Conduct that clearly indicates the behaviour expectations of its school community and complies with the Board and the Provincial Code of Conduct.*

*The Code of Conduct should reflect a philosophy that for every inappropriate act the perpetrator will be given an appropriate consequence.*

*The Code of Conduct will be:*

- i. applicable to each and every member of its community - students, staff, parents/guardians, community partners, bus drivers and visitors;*
- ii. developed in collaboration with students, staff, parents/guardians and the community;*
- iii. reviewed annually in consultation with students, staff, parents/guardians and the community;*
- iv. be available to members of the school community;*
- v. communicated to students, staff, parents/guardians and the school community at the beginning of the school year, and at other times when appropriate;*
- vi. founded on the principles of fairness, respect, civility, responsible citizenship, and focus on teaching appropriate behaviour while maintaining individual self-respect.*

### **Purpose of the Board Code of Conduct**

*The purpose of the Board code of conduct is as follows:*

- i. to ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity;*
- ii. to promote responsible citizenship by encouraging appropriate participation in the civic life of the school community;*
- iii. to maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility;*

- iv. to encourage the use of non-violent means to resolve conflict;
- v. to promote the safety of people in the schools; and
- vi. to discourage the use of alcohol and illegal drugs.

#### Standards of Behaviour (Respect, Civility, and Responsible Citizenship)

All members of the school community must:

- i. respect and comply with all applicable federal, provincial, and municipal laws;
- ii. demonstrate honesty and integrity;
- iii. respect differences in people, their ideas, and their opinions;
- iv. treat one another with dignity and respect at all times, and especially when there is disagreement;
- v. respect and treat others fairly, regardless of, for example, race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age or disability;
- vi. respect the rights of others;
- vii. show proper care and regard for school property and the property of others;
- viii. take appropriate measures to help those in need;
- ix. seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- x. respect all members of the school community, especially persons in positions of authority;
- xi. respect the need of others to work in an environment that is conducive to learning and teaching;
- xii. not swear at a teacher or at another person in a position of authority;
- xiii. accept responsibility for one's own actions; and
- xiv. demonstrate respect through appropriate use of electronic equipment both in the school and outside school.

#### Standards of Behaviour (Safety)

All members of the school community must not:

- i. engage in bullying behaviours;
- ii. commit sexual assault;
- iii. traffic weapons or illegal drugs;
- iv. commit robbery;
- v. be in possession of any weapon, including firearms;
- vi. use any object to threaten or intimidate another person;
- vii. cause injury to any person with an object;
- viii. be in possession of, or be under the influence of, or provide others with alcohol or illegal drugs;
- ix. inflict or encourage others to inflict bodily harm on another person;
- x. engage in hate propaganda and other forms of behaviour motivated by hate or bias;
- xi. commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school; and
- xii. utter threats