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1. Policy

Lakehead District School Board is committed to supporting and maintaining a positive, safe, inclusive and secure environment, including bullying prevention, for its students, staff and community through the implementation of effective safe schools expectations and procedures.

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3. System Expectations

3.1 The School Environment

The school environment must be safe so that learning can take place. It is the obligation of all members of the school community to establish a safe and secure school environment.

The school environment is both physical and social. It includes the school building, its surroundings, the people in it and the way they interact, the material resources, and the extensions of this environment that are necessary for the delivery of the program (e.g., field trips, school buses and extracurricular activities).

To establish and maintain a safe and secure school environment:

- the school staff will design activities to provide a positive, inviting school atmosphere and maintain a safe school culture for all people in Lakehead District School Board (LDSB);
- discipline strategies will be fair and focus on teaching students about appropriate behaviours while maintaining their self-respect;
- guidelines for supervision will be developed by individual schools to ensure the safety of staff and students at school-sponsored activities; these guidelines will be consistent with the school's Code of Conduct;
- principals will deny entry to the school to a person found in possession of materials and/or substances deemed to be unsafe and/or inappropriate (e.g., hate literature, guns, knives, illegal drugs);
- principals may deny entry to school-sponsored activities to individuals whom they know have a record of violence or who have been found in possession of weapons;
- schools will establish procedures for dealing with visitors and/or strangers in the school consistent with LDSB's appropriate policy and procedures;
- students with a record of violence or who have been found in possession of weapons and who request a transfer from one school to another will be identified by principals; this information will be communicated to the appropriate superintendent and to the students so identified;
- principals will cooperate with bus operators to ensure that school buses, as extensions of the school environment, are safe and secure;
- schools will operate Health and Safety Committees;

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- schools will establish a Dress Code consistent with LDSB's 8073 Dress Code Policy that determines the dress code expectations at the school level; and
- schools will conduct school climate surveys every two years, and each school will develop school improvement goals based on the data.

3.2 Violence Prevention in the Curriculum

Violence prevention must be integrated into the curriculum for all students. It is the joint responsibility of the school, home and community to work together to guide students to become good citizens in a society that promotes an equitable, safe environment for all.

The prevention component is guided by the following principles:

- prevention is the most humane and efficient way to deal with violence, conflict and acts of aggression; and
- Lakehead District School Board is committed to promoting appropriate methods of resolving conflict that are safe and respect the rights of others.

To achieve this there must be:

- early exposure to appropriate social skills;
- early identification of forms of violence and reporting of threats to safety;
- early identification of problem behaviours and support to develop social skills; and
- guided practice that will lead to the independent application of a variety of social skills as a regular part of daily living and the ability to resolve conflict in a non-violent way.

The curriculum must be free of bias, reflect the diverse groups that compose our society and provide opportunities for students to:

- understand how to be alert and prudent about personal safety;
- develop, practice, and reflect on interpersonal communication and problem-solving skills such as negotiation, mediation, management of conflicts, assertiveness and the ability to cope with change or frustration;
- develop self-confidence and enhance self-esteem;
- acquire the ability to understand, respect and care for others;
- develop awareness that discrimination is hurtful and unacceptable;
- acquire skills that will be useful in their existing and future relationships; and
- develop the ability to value social diversity and points of view.

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3.3 Intervention Program

- 3.3.1 Lakehead District School Board will build on its early identification practices and procedures to help children at risk of being bullies and/or victims. As much as possible, this assistance must take place within the classroom and with the involvement of parents or guardians.
- 3.3.2 Where appropriate, LDSB will develop and implement programming to address the special needs of students as identified through the Individual Education Plan. Teachers, in consultation with parents, will be the primary resource for identifying these children and referring them to the appropriate person and/or agency.
- 3.3.3 The school will ensure that staff has the opportunity to consult with parents about the behaviour of their children.
- 3.3.4 Lakehead District School Board will continue to develop partnerships with community organizations and agencies that can provide support to students in need.

3.4 Code of Conduct

- 3.4.1 Elementary and secondary schools within LDSB shall develop a School Code of Conduct that clearly indicates the behaviour expectations of its school community and complies with LDSB's or the Provincial Code of Conduct.
- 3.4.2 The Code of Conduct should reflect a philosophy that for every inappropriate act the perpetrator will be given an appropriate consequence.
- 3.4.3 The purpose of a Code of Conduct governs the behaviour of all persons in the school. It will:
- ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity;
 - promote responsible citizenship by encouraging appropriate participation in the civic life of the school community;
 - maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility;
 - encourage the use of non-violent means to resolve conflict;
 - promote the safety of people in schools;
 - discourage the use of alcohol, illegal drugs and, except by a medical cannabis user, cannabis; and
 - prevent bullying in schools.

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3.4.4 The School Code of Conduct will be:

- applicable to each and every member of its community - students, staff, parents, community partners, bus drivers and visitors;
- developed in collaboration with students, staff, parents and the community;
- reviewed annually in consultation with students, staff, parents and the community;
- available to members of the school community;
- communicated to students, staff, parents and the school community at the beginning of the school year, and at other times when appropriate;
- founded on the principles of fairness, respect, civility, responsible citizenship, and focus on teaching appropriate behaviour while maintaining individual self-respect; and
- consistent with the requirements set out in the Provincial or LDSB's Code of Conducts.

3.5 Bullying Prevention and Intervention

- 3.5.1 Bullying is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.
- 3.5.2 Students may attain or maintain power over others in the school through real or perceived differences. Some areas of difference may be size, strength, age, intelligence, economic status, social status, solidarity of peer group, religion, ethnicity, ability, need for special education, sexual orientation, family circumstances, gender and race.
- 3.5.3 Bullying is a dynamic of unhealthy interaction that can take many forms. It can be physical (e.g. hitting, pushing, tripping), verbal (e.g. name calling, mocking, or making sexist, racist or homophobic comments), or social (e.g. excluding others from a group, spreading gossip or rumours). It may also occur through the use of technology (e.g. spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, internet websites, other technology).
- 3.5.4 Bullying adversely affects students' ability to learn, adversely affects healthy relationships and the school climate, and adversely affects a school's ability to educate its students. Bullying will not be accepted on school property, at school-related activities, on school buses, or in any other circumstances (e.g. online) where engaging in bullying will have a negative impact on the school climate.

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3.6 Staff Development

- 3.6.1 Lakehead District School Board will provide opportunities for all staff to acquire the knowledge and skills necessary to develop and maintain a welcoming and safe school environment.
- 3.6.2 The staff will receive strong support, professional preparation and ongoing professional development focusing on the skills and knowledge that are required to teach appropriate conduct.
- 3.6.3 Lakehead District School Board's support staff, school administrators and staff groups representing all staff will provide awareness/information opportunities for the purpose of applying school board and school practices in a fair and consistent manner. Staff development topics may include information about, but are not limited to:
- school-based programs that address conflict resolution, mediation, self-esteem, decision-making;
 - medical conditions that may be associated with violent behaviour;
 - community services that provide counselling, anger management, parenting skills, management of disturbed behaviour, etc.;
 - signs/profiles of physical/sexual/emotional abuse and appropriate interventions, such as reporting of an incident;
 - programs that focus upon identification and elimination of bias and discrimination on the basis of race, sex, colour, ethnicity, citizenship, ancestry, origin, culture, religion, creed, gender, gender identity, language, ability, sexual orientation, family or socio-economic status, and/or any other immutable characteristic or ground protected by the Ontario Human Rights Code;
 - programs supporting the safety and welfare of victims; and
 - programs and procedures for reintegrating perpetrators.

3.7 Roles and Responsibilities

- 3.7.1 Lakehead District School Board and its schools will involve its community in the development, implementation and maintenance of a safe environment.

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3.7.2 The roles and responsibilities of all school members, students, staff, parents and members of school councils will be defined. Refer to:

- Education Act;
- The Provincial Code of Conduct Policy/Program Memorandum No. 128
- Child and Family Services Act;
- Children's Law Reform Act;
- Divorce Act;
- Health Protection and Promotion Act;
- Immunization of School Pupils Act;
- Occupational Health and Safety Act;
- Sabrina's Law;
- Ryan's Law;
- Trespass to Property Act;
- Youth Criminal Justice Act;
- Municipal Freedom of Information and Protection of Privacy Act;
- Personal Health Information Protection Act;
- Ontario College of Teachers Act;
- Teaching Profession Act;
- Early Childhood Educators Act;
- Human Rights Code; and
- Canadian Charter.

3.7.3 All members of the school community must:

- respect and comply with all applicable federal, provincial and municipal laws;
- demonstrate honesty and integrity;
- respect differences in people, their ideas and opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement;
- respect and treat others fairly, regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability;
- respect the rights of others;
- show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;
- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- respect all members of the school community, especially persons in positions of authority;
- respect the need of others to work in an environment that is conducive to learning and teaching, including by ensuring that personal mobile devices are only used during instructional time for the educational and other permitted purposes (permitted purposes are: for educational purposes, as directed by an educator; for health and medical purposes; to support special education needs; as an accommodation under the Human Rights Code); and
- not swear at a teacher or at another person in a position of authority.

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3.7.4 All members of the school community must not:

- engage in bullying behaviours, including cyberbullying;
- commit sexual assault;
- traffic in weapons or illegal drugs;
- give alcohol or cannabis to a minor;
- commit robbery;
- be in possession of any weapon, including firearms;
- use any object to threaten or intimidate another person;
- cause injury to any person with an object;
- be in possession of, or be under the influence of alcohol, cannabis (unless the individual has been authorized to use cannabis for medical purposes) and illegal drugs;
- provide others with alcohol, illegal drugs, or cannabis (unless the recipient is an individual who has been authorized to use cannabis for medical purposes);
- inflict or encourage others to inflict bodily harm on another person;
- engage in hate propaganda and other forms of behaviour motivated by hate or bias; and
- commit an act of vandalism that causes extensive damage to school property or to property located on the premises of the school.

3.7.5 Students will:

- be represented in the development and review of the school's Code of Conduct;
- have input in reviews of the school environment; and
- be encouraged to assume leadership roles in the implementation of Safe Schools' practices (e.g., facilitate information sessions, peer mentoring, peer counseling, peer mediation).

3.7.6 Students are to be treated with respect and dignity. In return, students must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when students:

- come to school prepared, on time, and ready to learn;
- shows respect for themselves, and for others, and for those in positions of authority;
- refrain from bringing anything to school that may compromise the safety of others; and
- follow the established rules and take responsibility for their own actions.

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3.7.7 Staff members will:

- be represented in the development and review of the school's Code of Conduct;
- be involved in dealing with all aspects of inappropriate behaviour;
- report to the principal situations that compromise the safety of students and staff;
- demonstrate appropriate role modeling;
- have input in reviews of the school environment; and
- be encouraged to assume leadership roles in the implementation of safe school practices.

3.7.8 Principals, under the direction of LDSB, take a leadership role in the daily operations of a school. They provide this leadership by:

- demonstrating care for the school community and a commitment to student achievement and well-being in a safe, inclusive, and accepting learning environment;
- holding everyone under their authority accountable for their behaviour and actions;
- empowering students to be positive leaders in their school and community; and
- communicating regularly and meaningfully with all members of their school community.

3.7.9 Teachers and school staff, under the leadership of the principal, maintain a positive learning environment and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, teachers and other school staff uphold these high standards when they:

- help students work to their full potential and develop their sense of self-worth;
- empower students to be positive leaders in their classroom, school and community;
- communicate regularly and meaningfully with parents;
- maintain consistent and fair standards of behaviour for all students;
- demonstrate respect for one another, all students, parents, volunteers and other members of the school community; and
- prepare students for the full responsibilities of citizenship.

3.7.10 Parents will:

- be encouraged to take responsibility for supporting the efforts of the school in maintaining a safe and respectful learning environment for all students; and
- be represented in the development and annual review of the school's Code of Conduct.

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3.7.11 Parents fulfill their role when they:

- are engaged in their child’s school work and progress;
- communicate regularly with the school;
- help their child be appropriately dressed and prepared for school;
- ensure that their child attends school regularly and on time;
- promptly report to the school their child’s absence or late arrival;
- become familiar with the provincial Code of Conduct, or LDSB’s Code of Conduct, and, if applicable, the school’s Code of Conduct;
- encourage and assist their child in following the rules of behaviour; and
- assist school staff in dealing with disciplinary issues involving their child.

3.7.12 School Councils will:

- be represented in the development and annual review of the school’s Code of Conduct; and
- have input in reviews of the school environment.

3.7.13 Community members, including police, will:

- be included in the development and maintenance of partnerships with the school to implement the Safe Schools policies.

3.7.14 Police and community members are essential partners in making our schools and communities safer. Community members need to support and respect the rules of their local schools. Police investigate incidents in accordance with the protocol developed with the local school board. These protocols are based on a provincial model developed by the Ministry of Community Safety and Correctional Services and the Ministry of Education.

4. Procedure for Dealing with Critical Incidents

- 4.1 Under normal circumstances, the determination of whether a critical incident has occurred is based on the administrator’s judgment.
- 4.2 In all cases of possession of a weapon, use of a weapon, physical assault, sexual assault, trafficking in weapons or in illegal drugs, robbery, giving alcohol to a minor, or bullying (as per Education Act Section 310) school administrators will report the incident to the local police. (See Appendix B - Violent Incident Report Form.)
- 4.3 In cases of critical incidences involving students younger than twelve years of age, similar actions may apply or the principal, in consultation with the parent and the appropriate superintendent, may select more suitable disciplinary action.

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5. Search and Seizure

In order for the principal to fulfill their statutory duty to maintain proper order and discipline in the school, the following will take place:

- 5.1 A principal shall carry out an investigation to establish the nature and extent of an alleged offence. School administrators must react swiftly and effectively when faced with a situation that could unreasonably disrupt the school or jeopardize the safety of the students.
- 5.2 It is the responsibility of the principal to advise the students at the beginning of the school year and, through the school's Code of Conduct, that desks and lockers are considered school property, and that a search of such property is permissible by school administration.
- 5.3 Any search conducted must be based on reasonable grounds. School administrators must have reasonable grounds to believe that there has been a breach of school regulations and that a search of a student's desk or locker, or person would reveal evidence of that breach.
- 5.4 Administrators may ask students to open up personal backpacks or handbags or to remove shoes and socks where there are reasonable grounds to believe that a student is carrying stolen property, a dangerous weapon, or an illegal substance. In any case where a more intensive search is required, school administrators must notify the police, parents and appropriate superintendent. The search will be conducted by the police. Efforts must be made to notify parents of any process involving their children and the police.

6. Procedure for Dealing with the Aftermath of an Incident

Lakehead District School Board recognizes that community partnerships are necessary and that authentic partnerships with the community can facilitate and support shared obligations. Schools are encouraged to develop, maintain and strengthen their working relationships with various community organizations in an effort to establish and maintain a safe and supportive school environment.

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To respond to violent incidents the following procedures will be followed:

6.1 For Victim(s):

- communicate with the student's parent, if the student is under eighteen years of age;
- when appropriate, contact community agencies to facilitate counselling and/or referral in consultation with parents and the victim;
- plan for re-entry of victim with staff, parents, agencies and, where appropriate, the perpetrator;
- monitor progress of victim's re-entry; and
- make every effort to ensure the victim's safety and mental well-being.

6.2 For Perpetrator(s):

- list essential components of the perpetrator's re-entry and rehabilitation that consider the needs of the victim and witnesses of the critical incident (for example, an understanding of the impact on the victim);
- enter into partnerships with community agencies to establish procedures to facilitate counselling and/or referral to the appropriate community service-provider;
- plan for re-entry of perpetrator with staff, parents, agencies and where appropriate, the victim;
- monitor the progress of the perpetrator's re-entry; and
- review the individual Educational Plan (IEP), when the perpetrator has been identified with an exceptionality.

7. Procedure for Reporting Violent Incidents

This portion of the Safe Schools Procedure addresses, specifically, the strategy for reporting critical incidents to the police and to the Ministry of Education.

7.1 Categories of Students, By Age

Because different legislative frameworks exist, based on age, students of differing ages must be dealt with differently. The three age groups to be addressed are: under twelve years; twelve to seventeen years; and adults, i.e. eighteen years or older.

7.1.1 Students Under Twelve Years of Age

Children under twelve years of age cannot be charged with an offence under the Youth Criminal Justice Act, 2002 or the Criminal Code (R.S.C. 1985, c. C. 46). For these children, the Child and Family Services Act applies (R.S.O. 1990, c. C. 11).

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7.1.2 Students Twelve to Seventeen Years of Age

For students aged twelve to seventeen years of age, the Youth Criminal Justice Act will apply.

7.1.3 Adults

Students who are eighteen years of age or over are considered adults, and the procedures of the Criminal Code will be followed if these students are charged with a criminal offence.

7.2 Categories of Critical Incidents

7.2.1 8070 Safe Schools - System Expectations Procedures - Section 4 deals with specific responses expected of the school community in relation to unacceptable behaviours. It identifies when administrators must report violent incidents to the police.

7.2.2 In the event that any of the identified critical incidents outlined 8070 Safe Schools - System Expectations Procedures - Section 4 occur and the school administration is not readily available, school staff will follow the process in the 8070 Safe Schools - System Expectations Procedures – Section 4 and, additionally notify school administration as quickly as possible.

7.3 Reported Incidents On and Off School Property

In addition to LDSB policy requiring school administration to respond to inappropriate conduct within schools, at a school-related activity, on buses and during school-sponsored events, or in other circumstances where engaging in the activity will have an impact on the school climate, school administration should:

- consult with local police authorities regarding critical incidents that have been reported to them and which are alleged to have occurred beyond school premises or school-sponsored activities and are perceived to adversely affect the welfare of the student(s); or
- consult with local police authorities regarding critical incidents that have been reported to them and which are alleged to be about to occur either on school premises, during school-sponsored activities or beyond the jurisdiction of the school.

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7.4 Parent Involvement

8070 Safe Schools - System Expectations Procedures clearly prescribes the need for school administrators to contact parents of the involved students, as per the guidelines set out in the Education Act, Regulations or Policy Program Memorandums as appropriate.

7.5 Police Investigation at School and the Rights of Students

Principals should make reference to the current Lakehead District School Board Police/School Protocol.

7.6 Insertion of Information in the OSR

The following information will be included in the OSR:

- a completed Violent Incident Report form (Appendix B); and
- where a letter or the Notice of Suspension has been sent to the student and/or parent(s) regarding the suspension or expulsion for violent behaviour, a copy will be attached to the Violent Incident Report Form (Appendix B) and shall be included in the OSR.

7.7 Procedure for Reporting Critical Incidents to the Ministry

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 pupils and other matter affecting the interests of the school, and to prepare such reports for the board as are required by the Board":

- school administrators will submit a copy of the Violent Incident Report Form (Appendix B) for each critical incident to the appropriate superintendent.

8. Progressive Discipline

Progressive discipline is a non-punitive, whole-school approach that uses a continuum of corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting pupils to make good choices.

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- 8.1 Prevention and early intervention are important for assisting pupils to achieve their potential and for maintaining a positive school environment and are effected through programs and activities that focus on building healthy relationships, character development and civic responsibility and encourage positive participation of the school community in the life of the school.
- 8.2 Each school is required to develop and implement a school-wide progressive discipline policy that is consistent with LDSB's suspension and expulsion policies and procedures. The teacher, principal or designate should select the most appropriate response to address the pupil's behaviour.
- 8.3 Where a pupil has special education and/or ability related needs, the interventions, supports and consequences must be consistent with expectations for the pupil, including those in the pupil's Individual Education Plan.
- 8.4 Progressive discipline includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour. When using progressive discipline, the principal may consider what strategies have been used with the student over the last several years. Parents should be actively engaged in the progressive discipline approach (see Appendix C - Progressive Discipline).
- 8.5 Early and Ongoing Intervention Strategies
- 8.5.1 A teacher, the principal or designate, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe and inappropriate behaviours. These may include contact with parents, oral reminders, review of expectations, written work assignment addressing the behaviour, volunteer services to the school community, conflict mediation and resolution, peer mentoring, referral to counseling and consultation.
- 8.5.2 In all cases where ongoing intervention strategies are used, parents should be consulted. The teacher, or the principal or designate, should keep a record for each pupil with whom progressive discipline approaches are utilized. The record should include the name of the pupil, the date and nature of the incident or behaviour, the progressive discipline approach used, the outcome, and any contact with the parent.
- 8.6 Addressing Inappropriate Behaviour
- 8.6.1 If a pupil has displayed inappropriate behaviour, the principal or designate may utilize a range of interventions, supports, and consequences that are developmentally appropriate, and include opportunities for pupils to focus on improving their behaviour.
- 8.6.2 Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.

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8.6.3 Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed: a principal shall consider whether to suspend a pupil if they believe that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- uttering a threat to inflict serious bodily harm on another person;
- possessing alcohol, illegal and/or restricted drugs or unless the pupil is a medical cannabis user, cannabis;
- being under the influence of alcohol, illegal and/or restricted drugs or, unless the pupil is a medical cannabis user, cannabis;
- swearing at a teacher or at another person in a position of authority;
- 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;
- bullying;
- any act considered by the principal to be injurious to the moral tone of the school;
- any act considered by the principal to be injurious to the physical or mental well-being of members of the school community;
- persistent opposition to authority;
- the willful destruction of school property;
- incidents off school property which impact on the school;
- habitual neglect of duty;
- conduct inconsistent with the Code of Conduct of the Provincial Code of Conduct, LDSB or school;
- conduct affecting the safe learning environment for the students or working environment of staff of the school; and
- any other activity that is an activity for which a principal may suspend a pupil under a policy of LDSB.

If a pupil has committed an infraction listed above and it is the first time that the pupil has committed that infraction, the principal or designate may choose to use a progressive discipline strategy to address the infraction. Interventions may include meeting with parents, pupil and principal; referral to a community agency for anger management or substance abuse, counseling/intervention; detentions (if supervision is available); withdrawal of privileges; withdrawal from class; restitution for damages; restorative practices; and transfer. In some cases, short-term suspension may also be considered a useful progressive discipline approach.

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- 8.6.4 In all cases where progressive discipline is being considered to address inappropriate behaviour, the principal or designate must: consider the particular pupil and circumstances, including considering the mitigating or other factors; consider the nature and severity of the behaviour; consider the impact of the inappropriate behaviour on the school climate; and consult with the pupil's parents. The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are: whether the pupil has the ability to control his or her behaviour; whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 8.6.5 The other factors to be considered are: the pupil's academic, discipline and personal history; whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approaches that have been attempted and any success or failure; whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, ability, gender or gender identity, sexual orientation or harassment for any other reason; the impact of the discipline on the pupil's prospects for further education; the pupil's age; where the pupil has an IEP or ability related needs, whether the behaviour causing the incident was a manifestation of the pupil's ability, whether appropriate individualized accommodation has been provided and whether the suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate; and whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
- 8.6.6 The principal or designate should keep a record for each pupil with whom progressive discipline approaches are utilized. The record should include the name of the pupil, the date and nature of the incident or behaviour, considerations taken into account, progressive discipline used, outcome, and contact with parent.
- 8.6.7 If the pupil's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate and other interventions, such as suspension and expulsion, may be necessary.

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8.7 Responding to Incidents

Board employees who work directly with students must respond to student behaviour that is likely to have a negative impact on the school climate, if in the employee's opinion it is safe to do so. Such behaviour includes all inappropriate and disrespectful behaviour (e.g., swearing, homophobic or racial slurs, sexist comments or jokes, graffiti), as well as those incidents that must be considered for suspension or expulsion.

8.7.1 Responses shall be made in a timely, supportive and sensitive manner. The response is intended to stop and correct the behaviour in a manner that is developmentally appropriate and takes into consideration any special needs that the student may have.

8.7.2 Responses may include:

- asking the pupil to stop the behaviour;
- identifying the behaviour as inappropriate and disrespectful;
- explaining the impact of the behaviour on others and the school climate;
- modelling appropriate communication;
- asking the pupil for a correction of their behaviour by restating or rephrasing their comments;
- asking the pupil to apologize for their behaviour;
- asking the pupil to promise not to repeat their behaviour;
- asking the pupil to explain why and how a different choice with respect to their behaviour would have been more appropriate and respectful; and
- where applicable, identifying the application of the Human Rights Code.

8.7.3 A response by the staff to the incident shall not prevent or preclude the principal from imposing appropriate progressive discipline, up to and including a recommendation for expulsion. Where, in the opinion of an LDSB employee who works with students, the behaviour observed or heard might lead to suspension or suspension and a recommendation for expulsion, the employee must report the behaviour orally to the principal or designate at the earliest opportunity and again, in writing, before the end of the school day using the confidential safe schools incident report form 1 (see Appendix D).

9. Strategies for Dealing with Bullying

9.1 Bullying is identified and defined in the LDSB's 8070 Safe Schools – System Expectations Policy and 8071 Bullying Prevention and Intervention Policy and Procedures. Strategies for dealing with bullying include developing healthy relationships as mentioned earlier.

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9.2 Each school will have a team in place that will be responsible for school safety (this may be an existing team or committee). The team or committee will include at least one student (where appropriate), one parent, one teacher, one support staff member, one community partner, and the principal. The team must have a staff chair. This team will develop a plan which will include LDSB's definition of bullying, prevention strategies, intervention strategies, as well as training strategies for members of the community, communication and monitoring and reviewing the process. In this plan schools should put in place procedures to allow students to report bullying incidents safely and in a way that will minimize the possibility of reprisals. These procedures will define the roles of the principal, teachers, parents and students. These plans will provide supports for students who have been bullied, students who have bullied others and students who have been affected by observing bullying.

9.3 Training Strategies for Members of the School Community

Lakehead District School Board has and will continue to provide training support for members of the school community. Some examples of this support are:

- Effective Behavioural Supports training for all principals and vice principals;
- bullying prevention strategies for all principals and vice principals;
- Ontario Teachers' Federation (OTF) training on bullying for key teachers;
- OTF Safe School bullying prevention project that is interactive and will be available to every safe schools team (will work on or enhance their behavioural prevention strategies);
- bullying prevention strategies training for school bus drivers;
- resources from the character development working group for each school that will include cross-curricular resources (e.g., books); and
- other training and strategies as they are developed.

10. Suspension of Students

10.1 When a principal's investigation of an incident, which should include consultation with the adult pupil or the pupil's parent and pupil, determines that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, a principal or vice principal shall consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

10.2 The principal or vice principal will also contact the police consistent with the Police/School Board Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with the appropriate superintendent.

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- 10.3 A principal or vice principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:
- uttering a threat to inflict serious bodily harm on another person;
 - possessing alcohol, illegal and/or restricted drugs or, unless the pupil is a medical cannabis user, cannabis;
 - being under the influence of alcohol, illegal and/or restricted drugs or, unless the pupil is a medical cannabis user, cannabis;
 - swearing at a teacher or at another person in a position of authority;
 - 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;
 - bullying;
 - any act considered by the principal to be injurious to the moral tone of the school;
 - any act considered by the principal to be injurious to the physical or mental well-being of members of the school community;
 - persistent opposition to authority;
 - the willful destruction of school property;
 - incidents off school property which impact on the school;
 - habitual neglect of duty;
 - conduct inconsistent with the Provincial Code of Conduct, LDSB or school;
 - conduct affecting the safe learning environment for students or working environment of staff of the school; and
 - any other activity that is an activity for which a principal may suspend a pupil under a policy of LDSB.
- 10.4 A pupil may be suspended only once for any incident of an infraction and may be suspended for a minimum of one school day and a maximum of 20 school days. Suspensions should be applied in the least restrictive manner possible to be effective and so as not to add to the historical disadvantage of racialized pupils and/or pupils with disabilities.
- 10.5 Factors to Consider Before Deciding to Impose a Suspension
- 10.5.1 Before deciding whether to impose a suspension, a principal or vice principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent(s) (if the pupil is not an adult pupil) to identify whether any mitigating and/or other factors might apply in the circumstances.

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The following mitigating factors shall be taken into account:

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

10.5.2 The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the student is being suspended:

- the pupil's academic, discipline and personal history;
- whether a progressive discipline approach has been used with the pupil;
- whether the activity for which the pupil may be or is being suspended was related to any harassment of the pupil because of their race, national or ethnic origin, citizenship, colour, religion, ability, gender, gender identification, socio-economic status, or sexual orientation or to any other harassment;
- how the suspension would affect the pupil's ongoing education;
- the age of the pupil; and
- in the case of a pupil for whom an individual education plan has been developed:
 - a) whether the behaviour was a manifestation of an ability identified in the pupil's individual education plan;
 - b) whether appropriate individualized accommodation has been provided; and
 - c) whether the suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

If a principal decides to suspend a pupil for engaging in an activity described in this section, the principal shall suspend the pupil from their school and from engaging in all school-related activities.

10.6 Consultation

Before imposing a suspension of 11 or more school days, the principal shall consult with the appropriate superintendent regarding:

- whether or not accommodation pursuant to the Human Rights Code has been considered, and where applicable, applied to the point of undue hardship;
- the investigation undertaken;
- the circumstances of the incident;
- whether or not one or more of the factors outlined above are applicable in the circumstances; and
- the appropriate length of the suspension.

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10.7 Procedural Steps When Imposing a Suspension

Where a principal imposes a suspension, the principal will follow these steps:

- within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent of the suspension;
- the principal must inform the pupil's teacher(s) of the suspension;
- the principal, in conjunction with the pupil's teacher(s), must organize school work to be provided for the pupil to be completed during the duration of the pupil's suspension;
- the principal must provide written notice of the suspension to the pupil, the pupil's parent and the appropriate superintendent;
- the written notice of suspension will include:
 - the reason for suspension;
 - the duration of the suspension, including the pupil's date of return to school;
 - information about the Alternative Suspension Program (ASP) the pupil is assigned to, where the pupil is suspended for six or more school days; and
 - information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the appropriate superintendent.
- If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent. If notice is sent by fax or email, it is deemed to have been received the first school day after it was sent.
- Where the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to LDSB property or property located on LDSB property, consideration should be given to filling out and filing a Violent Incident Form (Appendix B) in the pupil's Ontario Student Record.

10.8 Programs for Suspended Students

10.8.1 Homework packages will be made available for the student who is suspended for one day or longer.

10.8.2 A student suspended for more than five days will be referred to an Alternative Suspension Program (ASP). The principal of the school, in consultation with the student's teacher, will develop a Student Action Plan (SAP) to direct the activities and learning involved in the program. Cooperation with the student and the student's parents will be sought in developing the SAP.

10.8.3 Participation in the recommended program is not mandatory.

10.8.4 Should a student choose not to participate in a recommended program, homework packages will continue to be made available only on request, and following the completion of previously provided assignments.

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10.9 Planning Meeting

For pupils subject to a suspension of six or more school days who choose to participate in an ASP, the principal will hold a planning meeting for the purpose of developing the SAP. The student or parent as well as any appropriate teaching and support staff will be invited to participate in the planning meeting. The student or parent shall be invited for the purpose of providing input. The planning meeting will be scheduled to occur within two school days of the adult pupil or the pupil's parent informing the school that the pupil will participate in an ASP.

If the adult pupil or the pupil's parent is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting. During the planning meeting, the principal will review the issues to be addressed in the pupil's SAP.

10.10 Student Action Plan

A pupil subject to suspension for 11 or more school days shall be provided with both academic and non-academic supports, which shall be identified in the pupil's SAP. Pupils subject to a suspension of fewer than 11 school days may be offered non-academic supports where such supports are appropriate and available. The principal of the school, in consultation with the student's teacher(s), will develop a SAP to direct the activities and learning involved in the program. Cooperation with the student and the student's parent will be sought in developing the SAP.

10.11 Suspension Appeal Process

10.11.1 The adult student or the student's parent may appeal a suspension to the appropriate superintendent. An appeal of a suspension does not stay the suspension.

10.11.2 A person who intends to appeal a suspension must give written notice of their intention to appeal the suspension within ten school days of the commencement of the suspension.

10.11.3 An individual who appeals a suspension may argue that their rights pursuant to the Human Rights Code have been infringed. In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes their rights pursuant to the Human Rights Code have been infringed. Lakehead District School Board must hear and/or determine the appeal within 15 school days of receiving the notice of intention to appeal (unless the parties agree to an extension).

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10.11.4 Upon receipt of written notice of the intention to appeal the suspension, the appropriate superintendent:

- will promptly advise the school principal of the appeal;
- will promptly advise the adult pupil or the pupil's parent that a review of the suspension will take place and invite the appellant to contact the appropriate superintendent to discuss any matter respecting the incident and/or appeal of the suspension;
- will review the suspension (reason, duration, any mitigating or other factors, whether or not the Human Rights Code should be or was appropriately applied);
- may consult with the principal regarding modification or expunging the suspension;
- will request a meeting with the adult pupil or the pupil's parent and the principal to narrow the issues and try to effect a settlement; and
- will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent.

10.11.5 Where the suspension is upheld on review and the adult pupil or pupil's parent chooses to continue with the appeal, the appropriate superintendent will:

10.11.5.1 Coordinate the preparation of a written report for LDSB. This report will contain at least the following components:

- a report prepared by the principal regarding the incident, the rationale for suspension and how the principles of equity and inclusion were applied;
- a copy of the original suspension letter;
- a copy of the letter requesting the suspension appeal; and
- a copy of the correspondence with respect to the decision of the appropriate superintendent regarding the suspension review.

10.11.5.2 In consultation with the office of the director, arrange a date for the appeal before the Suspension Appeals/Expulsion Hearing Committee and ensure that the item is placed on the committee's agenda.

10.11.6 The office of the director will inform the adult pupil or the pupil's parent of the date of the suspension appeal and provide a guide to the process for the appeal and a copy of the documentation that will go to Suspension Appeals/Expulsion Hearing Committee.

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10.11.7 The parties in an appeal to the Suspension Appeals/Expulsion Hearing Committee shall be:

- the principal who suspended the pupil;
- the pupil, if;
 - i. the pupil is at least 18 years old; or
 - ii. the pupil is 16 or 17 years old and has withdrawn from parental control;
- the pupil's parent, if the pupil's parent appealed the decision to suspend the pupil;
- the person who appealed the decision to suspend the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent; and
- such other persons as may be specified by LDSB policy.

A pupil who is not a party to the appeal has the right to be present at the appeal and to make a statement on their own behalf.

10.12 Suspension Appeal before the Suspension Appeals/Expulsion Hearing Committee of the Board

10.12.1 Suspension appeals will be heard orally, in camera, by the Suspension Appeals/Expulsion Hearing Committee of trustees. The Board may authorize a Suspension Appeals/Expulsion Hearing Committee of at least three members of the Board to exercise and perform powers and duties on behalf of the Board.

10.12.2 The Suspension Appeals/Expulsion Hearing Committee may grant a person with daily care the authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent may bring legal counsel, an advocate or support person with them to the appeal:

- the appellant and/or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired;
- the pupil will be asked to make a statement on their own behalf;
- the superintendent for the school and/or the principal will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The superintendent/principal may rely on the report prepared for the Suspension Appeals/Expulsion Hearing Committee;
- the appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant; and
- the Suspension Appeals/Expulsion Hearing Committee may ask any party or the pupil, where appropriate, questions of clarification.

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- 10.12.3 Adult pupils or a pupil's parent may be represented by legal counsel or attend with an advocate/agent or the support of a community member. Legal counsel for LDSB may be present at the appeal if the appellant is represented by legal counsel or an agent.
- 10.12.4 The Suspension Appeals/Expulsion Hearing Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, the chair of the committee may call for the assistance of a police officer to enforce any such order or direction.
- 10.12.5 Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
- 10.12.6 The Suspension Appeals/Expulsion Hearing Committee will consider, based on the written and/or oral submissions of both parties, whether or not the consequence might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and ability, and/or exacerbate the pupil's disadvantaged position in society, and whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:
- confirm the suspension and its duration;
 - confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served and order that the record of the suspension be amended accordingly; and
 - quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

The decision of the Suspension Appeals/Expulsion Hearing Committee, which is final, will be communicated to the appellant in writing.

10.13 Re-Entry

Following a suspension of six or more school days, a re-entry meeting will be held with school and appropriate LDSB staff, the pupil, and the pupil's parent, if possible, to provide positive and constructive redirection for the pupil. Where the pupil has participated in an ASP, the pupil's success in achieving the goals outlined in the SAP will be reviewed with the adult pupil or the pupil's parent and pupil. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

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10.14 Transfer to a Another School

Following an incident at the school, it might be necessary to transfer to another school the pupil who has been disciplined or victim for safety reasons and/or for compliance with an Order of the Court or police restrictions. To the extent possible, the pupil who has been disciplined rather than the victim should be transferred.

The decision to transfer a student to another school shall only be made by a superintendent, in consultation with the sending and receiving school principals, and shall be made only where it is consistent with the Human Rights Code.

When it has been determined that a pupil will be transferred to another school, the principal shall ensure that a Transition Plan is developed identifying any additional supports and resources required, in the principal's opinion, to ensure a successful transition which might include, where appropriate, referrals for social work support, child and youth worker support and/or support from community agencies as well as the development of a transitional IEP. Where the pupil has been subject to suspension, the Transition Plan shall be consistent with and coordinated with the SAP developed for suspension purposes.

The principal of the sending school shall invite the adult pupil or parent and the pupil, where appropriate, to a meeting with representatives from both schools for the purpose of reviewing the Transition Plan, including the timeline for transition and the provision of school work prior to transition in circumstances where the pupil is not subject to a SAP and will not be attending school during the intervening period, to obtain any necessary consents for support services, and to respond to any questions or concerns identified by the receiving school and/or the parent or pupil. Teaching and support staff of the receiving school who will be working with the pupil once the pupil has transferred should be in attendance, where possible.

All individuals attending the meeting must be informed by the principal that the information shared during the meeting is personal information that must be kept confidential pursuant to the Municipal Freedom of Information and Protection of Privacy Act and/or Education Act.

11. Expulsion of Pupils

Principals are required to suspend a student for up to 20 school days if the principal believes that the student has engaged in an activity for which the student might ultimately be expelled by the school board. This provides for the removal of the student from the school while allowing the principal to investigate the incident and decide whether to recommend to LDSB that the student be expelled.

The principal will also contact the police consistent with the Police/School Protocol if the infraction the pupil is suspected of committing requires such contact. The principal will also consult with their superintendent.

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A principal shall suspend a pupil for up to 20 school days if they believe that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- possessing a weapon, including possessing a firearm or knife;
- using a weapon to cause or to threaten bodily harm to another person;
- committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- committing sexual assault;
- trafficking in weapons or illegal or restricted drugs;
- committing robbery;
- giving alcohol or cannabis to a minor;
- issuing a bomb threat or causing a bomb threat to be issued;
- bullying, if,
 - i. the pupil has previously been suspended for engaging in bullying, and
 - ii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;
- any activity listed in Ontario Education Act subsection 306 (1) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor;
- an act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
- a pattern of behavior that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
- activities engaged in by the student on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or LDSB;
- activities engaged in by the student on or off school property that have caused extensive damage to the property of LDSB or to goods that are/were on LDSB property;
- the student has demonstrated through a pattern of behavior that they have not prospered by the instruction available to them and that they are persistently resistant to making changes in behavior which would enable them to prosper;
- any act considered by the principal to be a serious violation of the requirements of student behavior and/or a serious breach of the Provincial, LDSB or school Code of Conduct;
- where a student has no history of discipline or behavior intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of student behavior and/or a serious breach of the Provincial, LDSB or school's Code of Conduct; and
- any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil, and therefore, in accordance with this, conduct an investigation to determine whether to recommend to LDSB that the pupil be expelled.

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11.1 Mitigating Factors and Other Factors

The principal will consider mitigating and other factors (see 10.5.1) in determining the length of the suspension and in determining whether to recommend expulsion. The principal will make every effort to consult with the student and parent to assist to identify whether any mitigating factors might apply in the circumstances. In addition to the mitigating and other factors, the principal will consider whether the pupil's continuing presence in the school creates or does not create an unacceptable risk to the safety of any other individual at the school.

11.2 Suspension Pending Recommendation for Expulsion

If the pupil is suspended pending an investigation to determine whether expulsion will be recommended, mitigating and other factors must be considered in determining the length of the suspension which can be for one to 20 school days.

11.3 Procedural Steps when Imposing a Suspension

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

11.3.1 Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent of the suspension.

11.3.2 The principal must inform the pupil's teacher(s) of the suspension.

11.3.3 The principal must provide written notice of the suspension to the adult pupil, or the pupil's parent and pupil, and the superintendent. The written notice of suspension will include:

- the reason for suspension;
- the duration of the suspension;
- information about the program for suspended pupils the pupil is assigned to;
- information about the investigation the principal is conducting to determine whether to recommend expulsion; and
- a statement that there is no immediate right to appeal the suspension.

Any appeal must wait until the principal decides whether to recommend an expulsion and, if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Suspension Appeals/Expulsion Hearing Committee, and, if the principal decides to recommend an expulsion, that the suspension may be addressed at the expulsion hearing.

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11.3.4 If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent. If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

11.3.5 Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence, consideration should be given to filling out and filing a Violent Incident Form (Appendix B) in the pupil's Ontario Student Record.

11.4 Alternative Suspension Program

11.4.1 Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned an alternative program for pupils subject to lengthy suspension (ASP). The principal shall communicate to the student or parent the purpose and nature of the ASP.

11.4.2 A pupil cannot be compelled to participate in an ASP. Should the student or parent choose not to have the pupil participate in an ASP, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil's modified and/or alternative curriculum to be completed at home for the duration of their suspension. This school work will be available at the school for pick-up by the student's designate or the pupil's parent or a designate at regular intervals during the suspension period beginning the school day after the student or their parent refuses to participate in an ASP.

11.4.3 A SAP will be developed for every pupil who agrees to participate in an ASP.

11.4.4 Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult pupil or the pupil's parent. Where the pupil or their parent declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

11.5 Planning Meeting

For pupils subject to a suspension pending an investigation to determine whether to recommend an expulsion who choose to participate in an ASP, the principal will hold a planning meeting for the purpose of developing the SAP. The adult pupil or the pupil's parent and pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting. The planning meeting will be scheduled to occur within two school days of the adult pupil or the pupil's parent informing the school that the pupil will participate in an ASP. If the adult pupil or the pupil's parent is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting. During the planning meeting the principal will review the issues to be addressed in the pupil's SAP.

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11.6 Student Action Plan (SAP)

A pupil subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP. The principal of the school, in consultation with the student's teacher(s) will develop a SAP to direct the activities and learning involved in the program. Cooperation with the student and the student's parent will be sought in developing the SAP.

11.7 Principal's Investigation

The principal shall conduct an investigation promptly following the suspension of the pupil to determine whether to recommend to the Suspension Appeals/Expulsion Hearing Committee that the pupil be expelled. As part of the investigation, the principal will consult with the superintendent and/or appropriate superintendent regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the decision whether to recommend that the pupil be expelled. Before referring a pupil to the Suspension Appeals/Expulsion Hearing Committee of LDSB for expulsion, the administration shall consider whether the recommendation might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and ability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation is required. Should the decision be made to refer the pupil to the Suspension Appeals/Expulsion Hearing Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Suspension Appeals/Expulsion Hearing Committee within 20 school days from the date of suspension (unless timelines are extended on consent). Any police investigation will be conducted separately from the principal's inquiry.

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As part of the investigation, the principal shall:

- make all reasonable efforts to speak with the adult pupil or the pupil's parent and the pupil;
- include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
- make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent;
- consider the mitigating and other factors when determining whether to recommend to the Suspension Appeals/Expulsion Hearing Committee that the pupil be expelled; and
- consider whether or not the pupil is protected by the Human Rights Code, including but not limited to race and ability, and/or is in a disadvantaged position in society, and evaluate the appropriateness of the accommodation if any was provided.

11.8 Decision Not to Recommend Expulsion

Following the investigation and consideration of the mitigating and other factors and the application of the Code, if the principal decides not to recommend to the Suspension Appeals/Expulsion Hearing Committee that the pupil be expelled, the principal must:

- consider whether progressive discipline is appropriate in the circumstances;
- uphold the suspension and its duration;
- uphold the suspension and shorten its duration and amend the record accordingly; or
- withdraw the suspension and expunge the record.

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

- a statement of the principal's decision not to recommend expulsion to the Suspension Appeals/Expulsion Hearing Committee;
- a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
- if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Suspension Appeals/Expulsion Hearing Committee, including:
 - a copy of LDSB policies and guidelines regarding suspension appeals;
 - contact information for the appropriate superintendent;
 - a statement that written notice of an intention to appeal must be given within five school days following receipt by the party of notice of the decision not to recommend expulsion; or
 - if the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension does not stay the suspension.

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11.9 Recommendation to Lakehead District School Board for an Expulsion Hearing

If a principal, in consultation with the superintendent, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Suspension Appeals/Expulsion Hearing Committee to be heard within 20 school days from the date the principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

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

11.9.1 Prepare a report to be submitted to the Suspension Appeals/Expulsion Hearing Committee and provide the report to the pupil and the pupil's parent (unless the pupil is an adult pupil) prior to the hearing. The report will include:

- a summary of the findings the principal made in the investigation;
- an analysis of which, if any, mitigating or other factors or Human Rights Code related grounds might be applicable;
- a recommendation of whether the expulsion should be from the school or from LDSB; and
- a recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a LDSB expulsion.

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11.9.2 Provide written notice of the pending expulsion hearing to the adult pupil or the pupil's parent and pupil. The notice shall include:

- a statement that the pupil is being referred to the Suspension Appeals/Expulsion Hearing Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
- a copy of LDSB's guidelines and rules governing the hearing before the Suspension Appeals/Expulsion Hearing Committee;
- a copy of the Provincial or LDSB's Code of Conduct and school Code of Conduct;
- a copy of the suspension letter;
- a statement that the pupil and/or his or her parent has the right to respond to the principal's report in writing;
- information about the procedures and possible outcomes of the expulsion hearing, including that:
 - if the Suspension Appeals/Expulsion Hearing Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 - parties have the right to make submissions with respect to the suspension;
 - any decision with respect to the suspension is final and cannot be appealed;
 - if the pupil is expelled from the school, they will be assigned to another school;
 - if the pupil is expelled from LDSB, they will be assigned to a program for expelled pupils;
 - if the pupil is expelled there is a right of appeal to the Child and Family Services Review Board; and
 - the name and contact information for the appropriate superintendent.

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The superintendent:

- may arrange a meeting with the adult pupil or the pupil's parent and pupil and the principal, as appropriate:
 - if a meeting is arranged, the superintendent will review the Suspension Appeals/Expulsion Hearing Committee procedure for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent may have regarding the process or incident; and
 - if a meeting is arranged, during the meeting the superintendent may assist to narrow the issues and identify agreed upon facts.
- will prepare a package of documents for the Suspension Appeals/Expulsion Hearing Committee, which will include at least the following components:
 - a copy of the principal's report; and
 - a copy of the original suspension letter and the notice of expulsion sent to the adult pupil or pupil's parent.
- will ensure that the item is placed on the Suspension Appeals/Expulsion Hearing Committee agenda.

The office of the director will:

- inform the adult pupil or the pupil's parent of the date and location of the expulsion hearing, will provide a copy of the procedure to be followed in an expulsion hearing, and a copy of the documentation to go to the Suspension Appeals/Expulsion Hearing Committee.

11.10 Hearing before the Suspension Appeals/Expulsion Hearing Committee

If the principal recommends expulsion, the Suspension Appeals/Expulsion Hearing Committee shall hold a hearing. Parties before the Suspension Appeals/Expulsion Hearing Committee will be:

1. The principal.
2. The pupil, if,
 - i. the pupil is at least 18 years old; or
 - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. The pupil's parent or guardian, unless;
 - i. the pupil is at least 18 years old; or
 - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
4. Such other persons as may be specified by LDSB policy.

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If a pupil is not a party, they have the right to be present at the expulsion hearing and to make submissions on their own behalf. The Suspension Appeals/Expulsion Hearing Committee may grant a person with daily care the authority to make submissions on behalf of the pupil. An adult pupil or pupil's parent may bring legal counsel, and advocate or support person with them to the expulsion hearing.

11.10.1 The hearing will be conducted in accordance with the procedure to be followed in an Expulsion Hearing of a Student, of the Suspension Appeals/Expulsion Hearing Committee:

- the Suspension Appeals/Expulsion Hearing Committee shall consider oral and written submissions, if any, of all parties;
- the Suspension Appeals/Expulsion Hearing Committee shall consider whether or not the Human Rights Code should be applied in the circumstances to mitigate the discipline, if any;
- suspension Appeals/Expulsion Hearing Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or LDSB expulsion;
- the Suspension Appeals/Expulsion Hearing Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and
- such other matters as the Suspension Appeals/Expulsion Hearing Committee considers appropriate.

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11.10.2 In determining whether to impose an expulsion, the Suspension Appeals/Expulsion Hearing Committee shall consider the following factors:

The mitigating and other factors:

- whether the pupil has the ability to control his or her behaviour;
- whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
- whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
- the pupil's academic, discipline and personal history;
- whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
- whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, ability, gender or gender identity, sexual orientation or any other immutable characteristic or harassment for any other reason;
- the impact of the discipline on the pupil's prospects for further education;
- the pupil's age;
- where the pupil has an IEP or ability related needs:
 - whether the behaviour causing the incident was a manifestation of the pupil's ability;
 - whether appropriate individualized accommodation has been provided to the point of undue hardship;
 - whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
 - whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

11.10.3 The application of the Ontario Human Rights Code.

11.10.4 The submissions and views of the parties.

11.10.5 Any written response to the principal's report provided before the completion of the hearing; and

11.10.6 Whether or not the expulsion might have a disproportionate impact on a pupil protected by the Human Rights Code, including but not limited to race and ability, and/or exacerbate the pupil's disadvantaged position in society, and whether or not accommodation is required in the circumstances.

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11.10.7 Such matters as the Suspension Appeals/Expulsion Hearing Committee considers appropriate.

Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Suspension Appeals/Expulsion Hearing Committee may request further evidence as set out in the procedure to be followed in an Expulsion Hearing of a Student, subject to the requirement that the hearing take place within 20 school days, or the Suspension Appeals/Expulsion Hearing Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the pupil committed the infraction.

11.11 No Expulsion

If the Suspension Appeals/Expulsion Hearing Committee decides not to expel the pupil, the Suspension Appeals/Expulsion Hearing Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

- consider whether other progressive discipline is appropriate in the circumstances;
- uphold the suspension and its duration;
- uphold the suspension and shorten its duration and amend the record accordingly;
- quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or
- make such other orders as the Suspension Appeals/Expulsion Hearing Committee considers appropriate.

The Suspension Appeals/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. The Suspension Appeals/Expulsion Hearing Committee's decision with respect to the suspension is final.

11.12 Expulsion

11.12.1 In the event the Suspension Appeals/Expulsion Hearing Committee decides to impose an expulsion on the pupil, the Suspension Appeals/Expulsion Hearing Committee must decide whether to impose a LDSB expulsion or a school expulsion. In determining the type of the expulsion, the Suspension Appeals/Expulsion Hearing Committee shall consider the mitigating and other factors as outlined in 11.10 as well as other factors the Suspension Appeals/Expulsion Hearing Committee considers appropriate.

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- 11.12.2 Where the Suspension Appeals/Expulsion Hearing Committee decides to impose a school expulsion, then the Suspension Appeals/Expulsion Hearing Committee must assign the pupil to another school. The requirements of school transfers set out in these procedures shall apply. Where the Suspension Appeals/Expulsion Hearing Committee decides to impose a Board expulsion, then the Suspension Appeals/Expulsion Hearing Committee must assign the pupil to a program for expelled pupils.
- 11.12.3 The Suspension Appeals/Expulsion Hearing Committee must promptly provide written notice of the decision to expel the pupil to all parties, and the pupil, if he or she was not a party. The written notice shall include:
- the reason for the expulsion;
 - a statement indicating whether the expulsion is a school expulsion or a LDSB expulsion;
 - information about the school or program to which the pupil has been assigned; and
 - information about the right to appeal the expulsion, including the steps to be taken.
- 11.12.4 Once the principal of alternative programs has received notice that a pupil has been expelled, they must create an SAP in a manner consistent with LDSB's policy and procedures for programs for expelled pupils.
- 11.12.5 An expelled pupil is a pupil of LDSB, even where they attend a program for expelled pupils at another school board, unless they do not attend the program or registers at another school board.

11.13 Re-entry Requirements Following an Expulsion

A pupil who is subject to a LDSB expulsion is entitled to apply, in writing, for re-admission to a school of LDSB once they have successfully completed a program for expelled pupils and has satisfied the objectives required for completion of the program, as determined by the person who provides the program. Lakehead District School Board shall re-admit the pupil and inform the pupil, in writing, of the re-admission. A pupil who is subject to a school expulsion may apply, in writing, to LDSB to be re-assigned to the school from which they were expelled.

- 11.13.1 Lakehead District School Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable.
- 11.13.2 The pupil will be required to demonstrate that they have learned from the incident and have sought counselling, where appropriate.

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11.13.3 The pupil will be required to sign a Declaration of Performance form provided by LDSB.

11.13.4 Following consideration of the principles of equity and inclusion, LDSB, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

11.14 Appeal of Lakehead District School Board Decision to Expel

The adult pupil or the pupil's parent may appeal a LDSB decision to expel the pupil to the Child and Family Services Review Board. The Child and Family Services Review Board is designated to hear and determine appeals of school board decisions to expel pupils. An individual who appeals an expulsion may argue that their rights, pursuant to the Human Rights Code, have been infringed. In addition, a separate right to apply to the Human Rights Tribunal of Ontario exists where an individual believes their rights, pursuant to the Human Rights Code, have been infringed. The decision of the Child and Family Services Review Board is final.

12. Exclusion

12.1 Lakehead District School Board does not support the use of exclusion as a disciplinary measure. However, in Part X of the Education Act, clause 265(1)(m) permits a principal to "refuse to admit" to the school or to a class someone whose presence in the school would be "detrimental to the physical or mental wellbeing of the pupils".

12.2 This provision is frequently referred to as the "exclusion provision".

12.3 Exclusion is not to be used as a form of discipline. If a principal does decide that it is necessary to exclude a student from the school, they are expected to notify the student's parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265(1)(m).

12.4 A pupil shall not be excluded from the school pursuant to section 265(1)(m) of the Education Act as a disciplinary measure, as an alternative to discipline.

12.5 An exclusion from the school pursuant to section 265(1)(m) of the Education Act shall only be effected in accordance with the Education Act and consistent with the Human Rights Code.

12.6 Exclusion from school should be temporary and for the purpose of putting in place both internal and/or external supports and program(s) to promote the student's inclusion while supporting the safety of others.

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12.7 A pupil is NOT excluded from a class or from the school pursuant to section 265(1)(m) of the Education Act in circumstances where the parent and the principal, in consultation with the superintendent, AGREE that, as an accommodation and in the best interests of the pupil, the pupil's educational program should be modified such that the pupil is not participating in one or more specific class(es) or is excused from attending school for part or all of the school day during a specific period of time and/or during a specific school event or series of school events.

12.8 A pupil is NOT excluded from a class pursuant to section 265(1)(m) of the Education Act by virtue of serving a detention or in-school suspension in another part of the school as part of progressive discipline that has been imposed by the principal or designate.

13. Delegation of Authority

Whenever possible, LDSB will attempt to have an administrator present on school property. A principal may delegate authority for discipline matters to a vice principal or teacher-in-charge in accordance with LDSB's procedures. A delegation of authority to a teacher-in-charge will only come into effect if there are no administrators present on school property. Those who are delegated authority for discipline matters must respect and implement their duties and decisions as required by the Education Act, LDSB policies and procedures and the Human Rights Code of Ontario.

13.1 Delegation of Authority to a Vice Principal

Vice principals may be delegated authority by the principal to receive oral and written reports of suspension and expulsion infractions from LDSB employees and transportation providers in accordance with this procedure, and to report infractions to the police in accordance with the Police/School Protocol.

Vice principals may be delegated authority by the principal to conduct an investigation and/or inquiry when an infraction has occurred requiring further information before further action can be taken.

A vice principal may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, or during a school activity or in circumstances having an impact on the school climate and that by its nature does not require the principal to consider imposing a suspension and does not require the principal to consider imposing a suspension pending an inquiry for the purposes of recommending an expulsion.

A vice principal may be delegated authority to impose a suspension of five or fewer days in accordance with these procedures.

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A vice principal may be delegated authority to create and facilitate all aspects of the Student Action Plan process when a pupil has been suspended for five or more days or when a pupil who is referred to the Suspension Appeals/Expulsion Hearing Committee of LDSB for expulsion.

A vice principal may be delegated authority to notify a parent of a pupil who has been the victim of an incident in accordance with the notification provisions outlined in these procedures, including an incident that might lead to a suspension or recommendation for expulsion. The vice principal may communicate the supports being provided for the victim, such as a Safety Plan, as well as any other board and community supports in accordance with these procedures. A vice principal may be delegated authority to develop a victim's Safety Plan.

A vice principal may be delegated authority to develop a Transition Plan for a pupil where a decision has been made by the superintendent in consultation with the principal and consistent with the Human Rights Code that the pupil must be transferred to another school in accordance with these procedures following an incident. The vice principal may also be delegated responsibility for organizing and conducting the transfer meeting.

Authority delegated to the vice principal shall be identified, in writing, in documentation identifying all of the vice principal's responsibilities and duties within the school, and may include one or more of the following:

- receive reports about suspension and expulsion infractions from LDSB employees and transportation providers;
- contact police in accordance with the Police/School Protocol;
- conduct investigations and inquiries;
- consider and implement progressive discipline measures;
- impose suspensions of between one and five days;
- develop and implement Student Action Plans;
- notify a parent of a pupil who has been the victim of an incident;
- develop a Safety Plan;
- develop a Transition Plan; and
- organize and be responsible for a school transfer meeting.

The principal may delegate the performance of one or more of the above noted responsibilities to a vice principal, to be performed by the vice principal, despite the principal's presence in the school.

Despite authority to conduct investigations and inquiries, as noted above, where, in the vice principal's opinion, the allegations might attract discipline requiring a suspension of five or more days, the vice principal shall consult with and/or receive direction from the principal or superintendent throughout the investigation process.

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A vice principal may not be delegated the power to impose a suspension of more than five days or make the final decision with respect to recommending to LDSB that a pupil be expelled.

13.2 Delegation of Authority to Teacher-in-Charge

A teacher-in-charge may be delegated authority by the principal to receive reports about suspension and expulsion infractions from LDSB employees and transportation providers, in which case; the teacher-in-charge shall, at the earliest opportunity, inform the principal or vice principal and when the absence of the principal and vice principal might be for two or more days, the superintendent.

A teacher-in-charge may be delegated authority to contact the police in an emergency or in the event of an incident requiring police involvement in accordance with the Police/School Protocol.

A teacher-in-charge may be delegated authority by the principal to conduct an investigation when an infraction has occurred requiring further information before action can be taken. When it appears that the incident might attract discipline in the form of suspension or expulsion, the teacher-in-charge shall NOT proceed to investigate, but shall, at the earliest opportunity, provide the principal or vice principal, and in the absence of the principal and vice principal for two or more days, the superintendent, with a detailed written and oral account of the steps taken and information determined up to that point.

All incidents on school property occurring during a school related activity or having an impact on school climate that might result in suspension or suspension and a recommendation for expulsion shall be reported by the teacher-in-charge to the principal, or the vice principal in the principal's absence, at the earliest opportunity, and in the absence of the principal and vice principal for two or more days, the superintendent.

In such circumstances, the teacher-in-charge may be delegated authority to provide information to the parent of a pupil, who is NOT an adult pupil and where the teacher-in-charge is NOT of the opinion that informing the parent would put the pupil at risk of harm, about the fact that harm has been caused and the nature of the harm that has occurred. The teacher-in-charge shall also inform the parent that, at the earliest opportunity, an administrator will contact the parent to provide further information about the activity causing harm and the steps that will be taken to support the victim and ensure the victim's safety. The teacher-in-charge may inform a parent of an adult pupil if that pupil consents to the disclosure of information.

A teacher-in-charge shall NOT be delegated authority to share with the parent of a victim the name of the suspected perpetrators and/or the discipline measures that might be taken by the school to address the infraction.

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The teacher-in-charge may be delegated authority to consider and implement progressive discipline measures following the investigation of an incident, which has occurred on school property, during a school activity, or in circumstances having an impact on the school climate, that by its nature does not require the principal to consider imposing a suspension and does not require the principal to consider imposing a suspension pending an inquiry for the purposes of recommending an expulsion.

A teacher-in-charge shall not be delegated authority to suspend a pupil.

If at any time the teacher-in-charge is uncertain or uncomfortable about the duties that have been delegated and/or the possible application of the Human Rights Code, they should take immediate steps to contact an administrator. In emergency circumstances, where an administrator is not available, the teacher-in-charge shall contact the emergency administrator who has been identified as a resource.

Written notice identifying the authority being delegated to the teacher-in-charge, the timeframe for the delegation of the authority and the resources available to the teacher-in-charge must be provided in LDSB-approved form.

When a teacher-in-charge has been identified to assume duties for a particular timeframe, communication by internal electronic mail shall be provided to all staff members of the school, who are anticipated to be in attendance during the particular timeframe, identifying the name of the teacher-in-charge and the timeframe for the administration's absence.

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14. Review

These procedures shall be reviewed in accordance with 2010 Policy Development and Review Policy.

<u>Cross Reference</u>	<u>Date Received</u>	<u>Legal Reference</u>
Policy & Procedures:	September 5, 1995	
1020 Equity and Inclusive Education	<u>Date Revised</u> June 22, 1999	Education Act s. Part XIII Behaviour, Discipline and Safety
7030 Harassment & Human Rights	December 11, 2001 March 5, 2002 June 27, 2006	Refer to Appendix F of 8070 Safe Schools – System Expectations Procedures
7040 Violence in the Workplace	January 22, 2008 September 28, 2010	Policy/Program Memorandum No. 128 The Provincial Code of Conduct / School Board Codes of Conduct
8040 Trespass to Schools	January 22, 2013 September 22, 2015 November 27, 2018	
8071 Bullying Prevention and Intervention	October 8, 2019 April 25, 2023	Policy/Program Memorandum No. 144 Bullying Prevention and Intervention
8072 Sexual Orientation and Gender Identity		Policy/Program Memorandum No. 145 Progressive Discipline and Promoting Positive Student Behaviour
8073 Dress Code		
8092 Code of Conduct		Policy/Program Memorandum No. 166 Keeping Students Safe: Policy Framework for School Board Anti-Sex Trafficking Protocols
Anti-Sex Trafficking Protocol		Policy/Program Memorandum No. 120 Reporting Violent Incidents to the Ministry of Education
		Provincial Model for a Local Police/School Board Protocol, 2015