



A PARENT'S GUIDE TO THE SUSPENSION AND EXPULSION PROCESS

"Our students, staff, and communities are supported in safe, inclusive, and collaborative learning environments."

OVERVIEW

As a parent, your child's safety and well-being is important to you. At the Rainy River District School Board, we understand and share that priority. We are committed to providing safe and healthy environments that support learning and working for all. To help students achieve to the best of their ability, we all work together to ensure that students feel safe, nurtured, welcomed, respected and included. Responsible citizenship involves appropriate participation in the civic life of the school community. Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others.

For learning to be successful, schools must be free of negative factors such as bullying, discrimination, intimidation, hateful words and actions, and physical violence in any form. The Rainy River District School Board supports the teaching and promotion of positive behaviour through the application of preventative programs and measures, as well as a number of progressive discipline strategies including suspension and expulsion, where necessary, as consequences for inappropriate behaviour. The following information will guide you through the suspension and expulsion process.

What are the standards for student behaviour?

The Board's Safe School and Student Discipline policies and procedures are based on the Ontario *Education Act* and the Ontario Code of Conduct. The Code sets clear standards of behaviour for students, staff, parents, volunteers and any other individuals involved in public education. Each school also develops its own code of conduct that is based on provincial legislation. RRDSB Procedure 4.30 Student Discipline and Policy 4.16 Safe Schools can be viewed online at <http://www.rrdsb.com>.

The standards of behaviour in school codes of conduct are consistent with the requirements outlined in the provincial code of conduct. Students who do not follow their school's code of conduct will be supported with natural consequences of progressive discipline. Progressive discipline includes a range of consequences, not limited to, loss of privileges, detention, administrative counselling, increased supervision, mediation, conflict resolution, restorative practices, community service, suspension, and expulsion.

What is a suspension?

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

What is an expulsion?

Expulsions may apply to only the student's current school or to all Rainy River District School Board schools. If a student is expelled from only their school, they will not be permitted on school property or school buses, and will not be able to participate in any school-related activities. If the Discipline Committee issues an expulsion from all Board schools, the student may only participate in a program for expelled students. Expelled students will not be permitted on any other school property, and will not be able to participate in any activities that are connected to any other schools in the Rainy River District School Board.

Unlike suspensions that last for a specific period of time, expulsions do not have a time limit. A student expelled from only their school will be assigned by the Board to another school and they may only return to their prior school with permission. A student expelled from all Rainy River District School Board schools cannot return to school until they satisfy the objectives of a program for expelled students. Once this has been done, a letter requesting readmission should be sent to the Superintendent of Education. The Board will re-admit a student if they have successfully met the program's objectives. At that time, a re-entry plan will be developed to help the student transition back into school.

What activities may lead to a suspension?

Only principals have the authority to suspend students. A principal will consider whether to suspend a student if they believe that the student has engaged in any of the following activities while at school, at a school-related activity, or in any other circumstances where the activity has a negative impact on the school climate:

- uttering a threat to inflict serious bodily harm on another person;
- possessing alcohol illegal and/or restricted drugs, or, cannabis, unless the student is prescribed medical cannabis; and under a Plan of Care;
- being under the influence of alcohol and/or illegal/or restricted drugs, or, cannabis, unless the student is prescribed medical cannabis and is under a Plan of Care;
- 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 student's school or to property located on the premises of the student's school;
- bullying;
- Any other activity that is an activity for which a principal may consider a suspension under a policy of the Board, being:
 - ⇒ Harassment (unwelcome and offensive conduct related to gender, gender orientation, gender identity, race, colour, ethnic or place of origin, ancestry, citizenship, disability, age, religion or creed, record of offences, sexual orientation, or marital or family status);
 - ⇒ Fighting;
 - ⇒ Persistent opposition and/or disrespect to authority;
 - ⇒ An act considered by the principal to be injurious to the moral tone of the school and/or to the physical or mental well-being of others;
 - ⇒ An act considered by the principal to be a violation of the requirements for student behaviour and/or a breach of the Board or School Code of Conduct.

What do principals take into account when considering a suspension?

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

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

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

Other factors that must be considered include:

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

Can suspensions be appealed?

Yes. All suspensions can be appealed. If an expulsion is not being considered, the suspension can be appealed within 10 school days of the beginning of the suspension. Your child will remain suspended until the appeal is resolved.

In order to appeal a suspension, parent(s)/guardian(s) must submit a written request to the Board's Superintendent of Education. A student who is 18 or older or a student who is 16 or 17 and no longer under parental control may submit an appeal. The appeal will be heard or determined within 15 school days of receiving your notice of intention to appeal, unless the parties have agreed to an extension.

What happens once I submit the request to appeal?

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

- inform the principal;
- let you know that a review of the suspension will take place prior to the appeal;
- invite you to discuss the incident and the suspension appeal with them;
- review the suspension, including the reason, duration and any mitigating or other factors;
- consult, if necessary, with the principal about changing or expunging the suspension;
- request a meeting with you and the principal to discuss the suspension and to try to reach a settlement;
- arrange a date for an appeal before the Discipline Committee if a settlement is not reached, and provide you with the review decision.

Who sits on the Discipline Committee?

The Discipline Committee is a formal committee of the Board which consists of trustees who are authorized to act on behalf of the Rainy River District School Board in disciplinary matters involving suspension appeals and expulsion hearings.

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

When a suspension remains in place after the review process and you wish to continue the appeal, the Superintendent of Education will prepare a written report for the Board that will contain at least the following components:

- a report of the incident and the principal's rationale for suspending the student (a copy of the original suspension letter);
- a copy of the letter requesting the suspension appeal;
- a copy of any correspondence related to the Superintendent of Education's review of the suspension;
- place the appeal on the agenda for an upcoming meeting of the Discipline Committee.

Who can be party to the appeal?

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

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

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

What can I expect at the suspension appeal?

Suspension appeals will be heard orally, in-camera, by the Discipline Committee.

The person appealing will begin by making an oral statement and/or providing written submissions regarding the reason for the appeal and the desired result. The Committee may allow a person with daily care authority, e.g. a grandparent, to make submissions on behalf of the student.

The student may make a statement on their own behalf.

The Superintendent of Education and the principal will make oral statements on behalf of the administration, including a response to any issues raised in the appellant's submissions.

The person appealing may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.

The Discipline Committee may ask any party or the student questions of clarification.

Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.

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

What could the Discipline Committee decide at the appeal?

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

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

The Discipline Committee's decision is final and will be communicated to the appellant in writing.

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

The principal may consider recommending to the Board that a student be expelled if they believe that the student has engaged in any of the following activities while at school, at a school-related activity, or in any other circumstances where the activity has a negative impact on the school climate:

- possessing a weapon, including but not limited to a firearm;
- 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 in illegal and/or restricted drugs;
- committing robbery;
- giving alcohol and/or illegal and/or restricted drugs or cannabis to a minor;
- Bullying, if,
 - ⇒ the student has previously been suspended for engaging in bullying and
 - ⇒ the student's continuing presence in the school creates an unacceptable risk to the safety of another person.
- any activity that is motivated by bias, prejudice or hate based on race, nationality 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 detrimental to the moral tone of the school and/or to the physical and mental well-being of others;
- an act considered by the principal to be a serious violation of the requirements for student behavior and/or a serious breach of the Board or School Code of Conduct.

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

Can expulsions be appealed?

Yes. All expulsions can be appealed to the Child and Family Services Review Board within 30 school days of receipt of the decision to expel. Should you wish to appeal, you may contact the Child and Family Services Review Board at 416-327-4673 or 1-888-728-8823. Your child will remain expelled until the appeal is resolved.

How will my child continue their education while on suspension/expulsion?

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

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

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

When a student makes a commitment to attend the Board's program for students on long-term suspension, a Student Action Plan will be developed. If a student on a six to 20 day suspension does not participate in this program, some sections of the Student Action Plan will still need to be completed. For students heading towards a possible expulsion, the entire Student Plan will be completed whether or not the student attends programming. The plan will be reviewed with the student and/or her parent(s)/guardian(s) at a planning meeting.

The Student Action Plan ensures that students have the opportunity to continue their education. Students will continue to follow the Ontario curriculum. If students have an Individual Education Plan (IEP), the Board will provide supports consistent with the IEP. The Action Plan will have a non-academic component (supports) to promote positive behaviour. These could include:

- anger management;
- referral for substance abuse counselling; and/or
- individual/family counselling for secondary school students to help engage and motivate them, and encourage positive behaviour.

Transportation to and from the program is a parent and student responsibility.

Re-entry plan

A re-entry plan will be developed to help the student make the transition back into school. School and school board staff, the student, and their parents (wherever possible) will meet with the principal to develop this plan. The plan should include:

- strategies to help make the student's return to school successful;
- identify any academic or non-academic requirements for successful return to school;
- Support needed for success.

About this parent guide

This guide reflects the rights and responsibilities of The Provincial Code of Conduct and School Board Codes of Conduct in Subsection 301(1) of Part XIII of the *Education Act*.

Questions? Contact your child's principal or vice-principal. You can request a copy of the entire policy from the school or download it from the Rainy River District School Board website at <http://www.rrdsb.com>.

CONTACT:

Rainy River District School Board

Education Centre

522 Second Street East

Fort Frances, Ontario P9A 1N4

Phone: (807) 274-9855 Fax: (807) 274-5078

Toll free: 1-800-214-1753 Website:

www.rrdsb.com

This publication is available in accessible formats upon request.