

What happens at the Expulsion Hearing?

The Superintendent of Education: Safe Schools or designate will introduce everyone and outline the process to be followed during the appeal.

- copies of the Principal's Report and any other documents will be distributed
- the Administrator (the Principal and/or Superintendent of Education) will make a presentation
- the parent(s)/guardian(s) will be invited to make an oral presentation
- the pupil, if present, will be invited to make a statement
- both parties will be provided an opportunity to make summary statements before the Board's Safe Schools Committee deliberates and makes their decision.

Who will communicate the decision of the Board's Safe Schools Committee?

In most cases, the decision will be communicated at the hearing of the Board's Safe Schools Committee; followed by a written notice to the adult pupil or the pupil(s) guardian(s); otherwise, the parties involved will be contacted by phone the following day

What is the procedure for the Appeal of an Expulsion?

Written notice must be given to the Child and Family Services Review Board within thirty (30) days after the expulsion hearing. The Appeal Notice must include a written statement setting out all the reasons for the appeal, and a copy of the expulsion decision by the tribunal. The Child and Family Services Review Board will hear the expulsion appeal within thirty (30) days of receiving the notice to appeal the expulsion. The decision of the Child and Family Services Review Board is final.

SAFE SCHOOL LEGISLATION

All boards in Ontario are subject to the Education Amendment Act (Progressive Discipline and School Safety) 2007. Any expulsion hearing shall be held in accordance with this legislation and the Board's Safe Schools Policy (Student Discipline, Policy 202).

PURPOSE OF THIS GUIDE

The purpose of this guide is to assist students and their parent(s)/guardian(s) to understand their rights in an expulsion hearing. This guide is a simplified summary of the law, Board Policy and the Board's Rules of Procedure. For further information and more detail, please contact your Superintendent of Education: School Leadership or the Superintendent of Education: Safe Schools.

Contact Information

Superintendent of Education: Safe Schools

**320 Bloomington Road West
Aurora, Ontario L4G 0M1**

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For further information, visit:

<http://www.ycdsb.ca/Schools/SafeSchools.htm>



Student Expulsion Guidelines

**York Catholic District School Board
Shared Vision**

We are a Catholic Learning Community of collaborative partners, called to serve one another by being committed to and accountable for quality learning by all with Jesus as our inspiration.

**Safe Schools (Student Discipline)
Policy 202
September 2011**

Who may be expelled?

A Principal may consider issuing a suspension pending expulsion, if the pupil engages in the following behaviours:

- possessing a weapon, including possessing 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 drugs;
- committing robbery;
- giving alcohol to a minor;
- any other activity that, under a policy of a board, is an activity for which a Principal must suspend a student and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the student be expelled.

What factors must be considered prior to expelling a student?

A Principal must consider the following mitigating circumstances:

- the pupil's academic, discipline and personal history;
- if the pupil has an IEP with accommodations or modifications;
- if the pupil has any related medical and/or educational needs;
- pupil's age;
- whether the activity may be related to any harassment of the pupil because of his/her race, ethnic origin, religion, disability, gender or any other harassment.

Who may attend an Expulsion?

The Education Act, ss. 311(3) outlines the parties to the appeal as follows:

- the Principal who suspended the student
- the adult pupil
- the pupil and his/her parent(s) or guardian(s)
- legal counsel may represent the pupil/parent(s)/guardian(s)*

**Note: prior notice and name of legal counsel attendance at the Appeal must be provided to the Superintendent of Education: Safe Schools. If prior notice is not provided, the Suspension Appeal may be rescheduled.*

Who hears the Expulsion Hearing?

The Board's Safe Schools Committee will hear the expulsion hearing This committee is composed of three (3) trustees appointed by the board:

- the appointed trustees must have no previous knowledge of the incident, and must have had no contact with the family ;
- one trustee will be elected Chair of the Board's Safe Schools Committee;
- hearings will be scheduled by the Superintendent of Education: Safe Schools;
- the Board will hear the expulsion hearing within 20 school days from the initial suspension, unless the parties agree on a later deadline, and shall not refuse to deal with the hearing.

What Information will parents receive prior to the Expulsion?

Parent(s)/Guardian(s) will receive from the Superintendent of Education: Safe Schools a summary of the Principal's Report.

This will include:

- the pupil's disciplinary and academic history,
- progressive discipline interventions, and
- any mitigating and other factors that may be applicable.

What options are before the Board's Safe Schools Committee at the conclusion of the Expulsion Hearing?

- The Board's Safe Schools Committee will decide whether to expel the pupil; if so, the pupil is expelled from his/her school only, or from all schools in YCDSB.
- The pupil will be assigned to a program for expelled students.
- Should the Board's Safe Schools Committee decide not to expel a pupil, the Committee will review the suspension.