

What happens at the Expulsion Hearing?

The Superintendent Responsible for Safe & Caring 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 will be invited to make a statement
- both parties will be provided an opportunity to make summary statements before the Discipline Committee of Trustees deliberate and make their decision.

Who will communicate the decision of the Discipline Committee of Trustees?

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 (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 Schools or the Superintendent Responsible for Safe Schools. You may also obtain further information from the Board's website www.ycdsb.ca, by clicking on "Safe Schools".

CONTACT INFORMATION:

Superintendent Responsible for Safe & Caring Schools:

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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 2010**

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 pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil 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 of legal counsel's attendance at the Appeal must be provided to the Superintendent Responsible for Safe Schools. If prior notice is not provided, the Suspension Appeal may be rescheduled.*

Who hears the Expulsion Hearing?

The Discipline Committee of Trustees will hear the appeal. 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 appeals will be scheduled by the Superintendent Responsible for 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 Safe and Caring 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.