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Effective: Until revoked or modified

Subject: **SCHOOL BOARD PROGRAMS FOR EXPELLED STUDENTS**

Application: Directors of Education
Superintendents of School Authorities
Principals of Elementary Schools
Principals of Secondary Schools
Principals of Provincial Schools
Special Education Advisory Committees

References: The Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007.
Ontario Regulation 472/07, “Suspension and Expulsion of Pupils”.
Policy/Program Memorandum No. 141, “School Board Programs for Students on Long-Term Suspension”, August 23, 2007.

INTRODUCTION

The Ministry of Education is committed to ensuring that all students¹ who are expelled have the opportunity to continue their education. The Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007, requires school boards,² as of February 1, 2008, to:

- provide at least one program for students who have been expelled from all schools of the board;
- assign a student who has been expelled only from his or her school to another school of the board.

The purpose of this memorandum is to provide direction to school boards regarding the development of board programs for expelled students. For excerpts from the relevant sections of the Education Act and the regulation, see the Appendix to this memorandum.

1. In this memorandum, *student* refers to *pupil*, as used in the Education Act. *Expelled student* refers to a student who has been expelled from his or her school only or from all schools of a board.

2. In this memorandum, *school boards* and *boards* refer to district school boards and school authorities.

With respect to programs for expelled students, research³ has demonstrated that positive outcomes for students are related to specific program elements that are tailored to meet the needs of each student. In accordance with this memorandum, boards must establish programs that include the following elements:

- a planning meeting to determine the specific academic and non-academic program requirements
- a Student Action Plan (SAP) that outlines goals, objectives, and learning expectations, including provision for a review of the student's progress with regard to his or her SAP
- a re-entry plan to assist with the student's transition back to school and integration in the school

In the case of students with special education needs, boards are required to provide appropriate support consistent with the student's Individual Education Plan (IEP).

It is expected that boards will actively encourage expelled students to participate in the board program for expelled students. While boards cannot compel expelled students to participate in a board program for expelled students, students who wish to return to school must satisfy the objectives required for successful completion of a program for expelled students.

The active engagement of parents⁴ and families and linkages to community agencies,⁵ such as agencies that provide counselling support and addiction treatment, also contribute to positive overall outcomes for students.

Resources that are dedicated to programs for expelled students may also be used to benefit students who have not been expelled but who have shown behaviours that, if unchanged, could lead to an expulsion. However, the needs of expelled students remain the priority.

GENERAL REQUIREMENTS

Suspension Pending Expulsion

A student who has been suspended pending an expulsion hearing shall be assigned to a board program for students on long-term suspension. See Policy/Program Memorandum No. 141, "School Board Programs for Students on Long-Term Suspension", August 23, 2007.

In accordance with Policy/Program Memorandum No. 141, an SAP will be developed for every student who makes a commitment to attend the board program for suspended students. The student and/or his or her parent(s) must notify the principal⁶ verbally or in writing that the student wishes to attend the

3. This memorandum is informed by findings from programs currently available to students in Ontario; the Safe Schools Action Team's provincial consultations; a review of the Strict Discipline Programs; Model Projects to Promote Positive Student Behaviour initiative; and a review of the literature on practices in Ontario, other provinces, and a number of countries around the world.

4. In this memorandum, *parent(s)* refers to parent(s) and guardian(s). Parental involvement applies, except in cases where the student is eighteen years of age or over or is sixteen or seventeen years of age and has "withdrawn from parental control".

5. Community agencies include a range of community service agencies, local organizations, and programs.

6. In this memorandum, *principal* refers to the principal or to a person designated by the principal or by the board.

program. Once the principal has received this notification, development of the SAP must begin immediately. The SAP must be implemented as soon as possible. Every effort must be made to provide an opportunity for the student to maintain his or her regular academic course work throughout the suspension period.

Boards are also expected to provide a homework package for the student until the SAP is in place.

Expulsion

A student may be expelled either from his or her school only or from all schools of the board. If a student is expelled from his or her school only, he or she must be assigned to another school of the board.

If a student is expelled from all schools of the board, he or she must be assigned to a board program for expelled students. The student and/or his or her parent(s) must notify the principal verbally or in writing that the student is committed to attending the program. Once the principal has received this notification, development of the SAP must begin immediately.

In the notice of expulsion, parents must be provided with information on either the new school or the board program to which the expelled student has been assigned.

Where an expelled student who is transferred to another school requires additional support and resources, boards should make appropriate support available and/or facilitate the student's referral to community agencies.

Considerations for Program Development

In developing programs, boards have the flexibility to take into account local needs and circumstances, such as geographical considerations, demographics, cultural needs, and availability of board and community support and resources.

Boards should draw upon evidence-based practices that promote positive student behaviour. For example, the program should incorporate board-wide initiatives such as character development and bullying prevention.

In the development of board policies related to the creation of these programs, boards should consult with parents, principals, teachers, students, school councils, their Parent Involvement Committee, their Special Education Advisory Committee, community partners, social service agencies, members of Aboriginal communities (e.g., Elders), and those groups that are traditionally not consulted.

Boards must take into account the needs of individual students by showing sensitivity to diversity and to cultural needs in their programs for expelled students. Their programs should be in keeping with the relevant ministry policies on antiracism and ethnocultural equity and antidiscrimination education and with the principles in the ministry document *Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*.

Boards are required to adhere to the Municipal Freedom of Information and Protection of Privacy Act, the Ontario Human Rights Code, and the Education Act and regulations made under the Act in the development and implementation of programs. Boards should consult with their legal counsel and freedom of information coordinators to ensure that they are fulfilling their legal responsibilities.

School Board Policies on Program Operation

School boards are required to develop policies regarding the operation of their programs for students who are suspended or expelled. These policies must deal with, but are not limited to, the following issues:

- discipline (e.g., what constitutes unacceptable behaviour and the consequences of such behaviour)
- safety (e.g., what measures will be taken to ensure a safe learning and teaching environment)

Boards are expected to make their policies publicly available. Boards are also expected to provide their policies directly to students and their parents before and/or upon entry to a program for suspended or expelled students. In particular, students and their parents must be informed of the discipline and safety rules and the ways in which the rules will be implemented. Boards are advised to consult their legal counsel in the development of these policies, particularly on the aspects related to discipline and safety.

PROGRAM REQUIREMENTS

Components of Programs for Expelled Students

Boards are responsible for determining the content and balance of the program for each student for both the academic and non-academic components of the program. The content and balance of the program for a student will depend on the needs of the student and the nature and severity of the behaviour that led to the expulsion.

Academic Component

The purpose of the academic component is to ensure that expelled students who are assigned to a board program have the opportunity to continue their education.

The academic component must follow the curriculum outlined in the Ontario curriculum policy documents, unless the student has an IEP that provides for modifications to the Ontario curriculum or an alternative program. The academic component may include, but is not limited to, the provision of distance learning, e-learning, remedial help in literacy and numeracy, individual instruction, and/or opportunities within the board.

Elementary school students must be supported in continuing to acquire the necessary knowledge and skills outlined in the Ontario curriculum policy documents for elementary schools.

Secondary school students must be supported in continuing to earn credits towards their Ontario Secondary School Diploma through such options as credit completion and credit recovery.

Non-academic Component

The purpose of the non-academic component is to assist expelled students in the development of long-term positive attitudes and behaviours by identifying and addressing the underlying causes of the behaviour that led to the expulsion.

Students may require a range of services and types of support that may include access to culturally appropriate support. The board should make appropriate support available and/or facilitate a student's referral to community agencies and/or provide support through other methods, such as remote access to resources (e.g., video conferencing, telepsychiatry). To meet the alternative programming requirements of a student with special education needs, the board should refer to the student's IEP.

Protocols between boards and community agencies should be in place to facilitate referral processes and the provision of services and support for students and their parents and families. Where such protocols already exist, they should be reviewed, and where they do not, new protocols should be developed to increase the board's capacity to respond to the needs of expelled students.

Developing and Implementing the Student Action Plan

An SAP must be developed for every expelled student who makes a commitment to attend the board program for expelled students (see page 3 under "Expulsion"). The SAP will be developed on the basis of the information gathered at a planning meeting (see below). The SAP should build on the SAP that was developed for the student while he or she was on a long-term suspension pending expulsion, if the student attended the board program for suspended students.

The SAP will be developed by the principal in cooperation with appropriate staff, the student, and his or her parent(s). It is important that parents participate in the development and implementation of the SAP on an ongoing basis. Boards should make reasonable efforts to enable parents to participate by, for example, reaching out to community members who can provide translation services for those whose first language is not English or French.

It is the responsibility of the board to coordinate the types of support required to assist the student in continuing his or her learning. For students with special education needs, boards are required to provide appropriate support consistent with the student's IEP.

The Planning Meeting

Once the student and/or his or her parent(s) have indicated that the student is committed to attending the program, the principal shall hold a planning meeting. The planning meeting should be a collaborative process and must include school and board staff and the student. Where possible, the student's parent(s) or other significant family member(s), as well as the student's teacher(s), should also be present at the meeting. Principals should make reasonable efforts to include parents in this meeting. If the parents cannot be present, the planning meeting should proceed nevertheless, and the principal must attempt to

follow up with the parent(s) of the student as soon after the meeting as possible. In addition, where appropriate, community agency staff and any other relevant persons or professionals should also be included in the planning meeting.

The purpose of the planning meeting is to:

- identify the needs of the student and determine whether any assessment is required;
- identify the student's risk factors and protective factors;
- describe the types of support and services required to assist the student in achieving the goals of the academic and non-academic components (e.g., career development counselling, use of mentors from appropriate communities).

The following information should be considered during the planning meeting and should be used to develop the SAP:

- the student's history
- the student's learning experiences from any long-term suspension program that he or she may have attended
- the student's strengths
- the nature and severity of the behaviour that led to the expulsion, including any mitigating or other factors
- information from anyone who has provided a specialized service (e.g., a speech therapist)
- information from other sources who have helped or are expected to help the student, including culturally appropriate support persons

All relevant information on the student, including existing documentation (e.g., current assessments, the IEP), should be considered while complying with all legal and statutory requirements and privacy laws.

Development and Review of the Student Action Plan

The SAP must contain both an academic and non-academic component. For both the academic and non-academic components, the SAP must outline:

- goals, objectives, and learning expectations;
- measures of success;
- strategies and types of support.

The SAP should be reviewed on a regular basis to determine the student's progress in meeting the stated objectives in both the academic and the non-academic components of the plan. When a student enters a program for expelled students, all parties, including the student, must be made aware of the process for determining when the student has satisfied the objectives required for successful completion of the program and is therefore eligible to be readmitted to a school of the board. The student and/or his or her parent(s) should be involved in the review of the SAP.

Information on the person who is designated by the board to be responsible for overseeing the student's readmission should also be included in the SAP.

Development of a Plan for Re-entry to School

A student who has been expelled from all schools of a board and/or his or her parent(s) may apply in writing to a person designated by the board requesting that the student be readmitted to a school of that board. For a student who has been expelled from only one school of a board, and where the student and/or his or her parent(s) wish that the student return to his or her original school, the student and/or his or her parent(s) may apply in writing to a person designated by the board requesting that the student be reassigned to the school.

When the student has successfully met the objectives of the program for expelled students, as outlined in the SAP, the student must be readmitted to school. The person who has provided the program must determine whether an expelled student has successfully completed a program for expelled students, or has satisfied the objectives required for successful completion of a program for expelled students.

When a student is considered ready to be readmitted to school, a re-entry plan must be developed as part of the SAP to assist with the student's transition and integration back into the school.

As part of the development of the re-entry plan, the board must hold a meeting that includes board staff, staff of the school to which the student is seeking readmission, and the student. Where possible, the student's parent(s) or other significant family member(s), as well as the student's teacher(s), should also be present. Principals should make reasonable efforts to include parents in this meeting. If the parents cannot be present, the planning meeting should proceed nevertheless, and the principal must attempt to follow up with the parent(s) of the student as soon after the meeting as possible. In addition, where appropriate, community agency staff and any other relevant persons or professionals should also be included in the meeting.

The re-entry plan should contain the following elements:

- description of the re-entry process for successful transition back to school
- identification of the types of support in both the academic and non-academic components that are needed to sustain student learning

Program Delivery

Boards may enter into agreements with other boards for the provision of a program for students who are expelled from all schools of a board. Coterminous boards should, wherever possible, collaborate on providing coordinated support to expelled students and their parents. Boards may also obtain or continue to obtain services from community agencies in the provision of the non-academic program component. These partnerships must respect collective agreements.

ACCOUNTABILITY AND REPORTING REQUIREMENTS

Boards must meet the following requirements:

- Boards must continue to collect data on expulsions and report on it to the ministry.
- Boards must establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of the board program. These indicators should be developed in consultation with their school community, including principals, teachers, students, parents, school councils, their Special Education Advisory Committee, and their Parent Involvement Committee, as well as service providers in the community. Boards will also conduct a cyclical review of their programs in a timely manner.
- Boards must collect program data and share this data with the ministry, as required. Boards will also allow monitoring visits by the ministry, as required.
- Boards must enter into transfer payment agreements with the ministry. These agreements will outline requirements for board accountability and reporting.

APPENDIX: EXCERPTS FROM THE LEGISLATION**Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007**

Relevant excerpts from sections of the Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007, are provided below for ease of reference.

SUSPENSION, INVESTIGATION AND POSSIBLE EXPULSION**Activities leading to suspension**

310. (1) A principal shall 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:

1. Possessing a weapon, including possessing a firearm.
2. Using a weapon to cause or to threaten bodily harm to another person.
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
4. Committing sexual assault.
5. Trafficking in weapons or in illegal drugs.
6. Committing robbery.
7. Giving alcohol to a minor.
8. 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.

Same

(2) A pupil who is suspended under this section is suspended from his or her school and from engaging in all school-related activities.

Duration of suspension

(3) A principal may suspend a pupil under this section for up to 20 school days and, in considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

Assignment to program, etc.

(4) When a principal suspends a pupil under this section, he or she shall assign the pupil to a program for suspended pupils in accordance with any policies or guidelines issued by the Minister.

Notice of suspension

- 311.** (1) A principal who suspends a pupil under section 310 shall,
- (a) inform the pupil's teacher of the suspension; and
 - (b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, 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.

Same

(2) A principal who suspends a pupil under section 310 shall ensure that written notice of the suspension is given promptly to the following persons:

1. The pupil.
2. 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.
3. Such other persons as may be specified by board policy.

Contents of notice

- (3) The notice under subsection (2) must include the following:
1. The reason for the suspension.
 2. The duration of the suspension.
 3. Information about any program for suspended pupils to which the pupil is assigned.
 4. Information about the investigation the principal will conduct under section 311.1 to determine whether to recommend that the pupil be expelled.
 5. A statement indicating that,
 - i. there is no immediate right to appeal the suspension,
 - ii. if the principal does not recommend to the board that the pupil be expelled following the investigation under section 311.1, the suspension will become subject to appeal under section 311.2, and
 - iii. if there is an expulsion hearing because the principal recommends to the board that the pupil be expelled, the suspension may be addressed by parties at the hearing.

Investigation following suspension

311.1 (1) When a pupil is suspended under section 310, the principal shall conduct an investigation to determine whether to recommend to the board that the pupil be expelled.

If expulsion recommended: report

(7) If, on concluding the investigation, the principal decides to recommend to the board that the pupil be expelled, he or she shall prepare a report that contains the following:

1. A summary of the principal's findings.
2. The principal's recommendation as to whether the pupil should be expelled from his or her school only or from all schools of the board.
3. The principal's recommendation as to,
 - i. the type of school that might benefit the pupil, if the pupil is expelled from his or her school only, or
 - ii. the type of program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the board.

Written notice

(9) The principal shall ensure that written notice containing the following is given to every person to whom the principal was required to give notice of the suspension under section 311 at the same time as the principal's report is provided to that person:

4. Detailed information about the procedures and possible outcomes of the expulsion hearing, including, but not limited to, information explaining that,
 - iv. if the board expels the pupil from his or her school only, the board will assign the pupil to another school, and
 - v. if the board expels the pupil from all schools of the board, the board will assign the pupil to a program for expelled pupils.

Decision

311.3 (6) After completing the hearing, the board shall decide,

- (a) whether to expel the pupil; and
- (b) if the pupil is to be expelled, whether the pupil is expelled from his or her school only or from all schools of the board.

If pupil expelled

311.5 If a board expels a pupil, the board shall assign the pupil to,

- (a) in the case of a pupil expelled from his or her school only, another school of the board; and
- (b) in the case of a pupil expelled from all schools of the board, a program for expelled pupils.

Notice of expulsion

311.6 (1) A board that expels a pupil shall ensure that written notice of the expulsion is given promptly to,

- (a) all the parties to the expulsion hearing; and
- (b) the pupil, if the pupil was not a party to the expulsion hearing.

Contents of notice

(2) The notice under subsection (1) must include the following:

1. The reason for the expulsion.
2. A statement indicating whether the pupil is expelled from his or her school only or from all schools of the board.
3. Information about the school or program for expelled pupils to which the pupil is assigned.
4. Information about the right to appeal under section 311.7, including the steps that must be taken to appeal.

Programs for suspended, expelled pupils

312. (1) Every board shall provide, in accordance with policies and guidelines issued by the Minister, if any,

- (a) at least one program for suspended pupils; and
- (b) at least one program for expelled pupils.

Policies and guidelines

(2) The Minister may establish policies and guidelines with respect to programs for suspended and expelled pupils and may,

- (a) impose different requirements on the provision of the programs for different circumstances, different locations or different classes of pupils;
- (b) set criteria respecting pupils' eligibility to participate in the programs and respecting the criteria to be met for successful completion of the programs;
- (c) require boards to offer plans to assist pupils who have successfully completed a program for expelled pupils with their transition back to school and to set criteria respecting those plans; and
- (d) authorize boards, subject to such conditions and restrictions as the Minister imposes, to enter into agreements with other boards for the provision of the programs.

Status of expelled pupil

313. (1) An expelled pupil continues to be a pupil of the board that expelled him or her if the pupil attends a program for expelled pupils,

- (a) offered by that board; or
- (b) offered by another board under an agreement between that board and the board that expelled the pupil.

Same

- (2) An expelled pupil ceases to be a pupil of the board that expelled him or her if,
 - (a) the pupil is assigned by that board to a program for expelled pupils and does not attend the program; or
 - (b) the pupil registers as a pupil of another board.

Powers of other board

314. (1) If a pupil who has been expelled from one board registers as a pupil of another board, the other board may,

- (a) assign the pupil to a school of that board; or
- (b) assign the pupil to a program for expelled pupils, unless the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils.

Clarification

(2) If the other board assigns the expelled pupil to a school without knowing that he or she has been expelled by another board, the board may subsequently remove the pupil from the school and assign him or her to a program for expelled pupils, subject to the following conditions:

- 1. The board must assign the pupil to a program for expelled pupils promptly on learning that he or she has been expelled from another board.
- 2. The board shall not assign the pupil to a program for expelled pupils if the pupil satisfies the requirements of clause 314.1 (1) (a) or (b) as determined by a person who provides a program for expelled pupils.

Return to school after expulsion

314.1 (1) A pupil who has been expelled from all schools of a board is entitled to be readmitted to a school of the board if the pupil has, since being expelled,

- (a) successfully completed a program for expelled pupils; or
- (b) satisfied the objectives required for the successful completion of a program for expelled pupils.

Determination

(2) The determination of whether an expelled pupil satisfies the requirements of clause (1) (a) or (b) is to be made by a person who provides a program for expelled pupils.

Board must readmit pupil

(3) An expelled pupil may apply in writing to a person designated by the board that expelled him or her to be readmitted to a school of that board and, if the pupil satisfies the requirements of clause (1) (a) or (b) as determined by a person who provides a program for expelled pupils, the board shall,

- (a) readmit the expelled pupil to a school of the board; and
- (b) promptly inform the pupil in writing of his or her readmittance.

Clarification: successful completion of program

314.2 A pupil who has successfully completed a program for expelled pupils provided by any board or person under this Part has satisfied the requirements of clause 314.1 (1) (a), and no board shall,

- (a) require the pupil to attend a program for expelled pupils provided by that board before being admitted to a school of the board; or
- (b) refuse to admit the pupil on the basis that the pupil completed a program for expelled pupils provided by another board or person.

Return to original school after expulsion

314.3 A pupil who has been expelled from one school of a board but not from all schools of the board may apply in writing to a person designated by the board to be re-assigned to the school from which he or she was expelled.

Clarification: resident pupils

314.4 For greater certainty, nothing in this Part requires a board to admit or readmit a pupil who is not otherwise qualified to be a resident pupil of the board.

Ontario Regulation 472/07, “Suspension and Expulsion of Pupils”

Relevant excerpts from Ontario Regulation 472/07, made under the Education Act, are provided below for ease of reference.

Mitigating factors

2. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:

1. The pupil does not have the ability to control his or her behaviour.
2. The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
3. The pupil’s continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other factors

3. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1. The pupil’s history.
2. Whether a progressive discipline approach has been used with the pupil.
3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
4. How the suspension or expulsion would affect the pupil’s ongoing education.
5. The age of the pupil.
6. In the case of a pupil for whom an individual education plan has been developed,
 - i. whether the behaviour was a manifestation of a disability identified in the pupil’s individual education plan,
 - ii. whether appropriate individualized accommodation has been provided, and
 - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil’s behaviour or conduct.