



Procedure Section: **School Administration**

300

Procedure Name: **Suspension and Expulsion
Administrative Procedures**

321

PROCEDURE

Suspension and Expulsion Administrative Procedures

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Cross References

Ontario Human Rights Code
Criminal Code of Canada
Child, Youth and Family Services Act
Education Act
Trespass to Property Act
Statutory Powers Procedure Act
Police and School Board Response Protocol

Policy 321, Safe and Supportive Schools
Policy 322, Code of Conduct
Policy and Procedure 329, Progressive
Discipline and Promoting a Positive School
Climate
Board Suspension and Expulsion
Administrative Procedures

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1. Purpose

The purpose of these Administrative Procedures is to provide an outline of the procedures which will apply to processes which may result in the suspension and/or expulsion of a student.

2. Suspension Procedures

2.1 Activities Leading to Possible Suspension

A Principal shall consider whether to suspend a student if he or she believes that the student has engaged in any of the activities listed in KPDSB Policy 321 - Safe and Supportive Schools, as leading to possible suspension while the student is at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate, subject to mitigating and other factors.

2.2 Activities Leading to Suspension and Possible Expulsion

A Principal shall suspend a student if they believe that the student has engaged in any of the activities listed in Policy 321 [Safe and Supportive Schools] as leading to suspension and possible expulsion 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, subject to mitigating and other factors.

3. Procedures

3.1 Terms of Suspension

A student may be suspended only once for the same occurrence and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

3.2 Mitigating Factors

In considering whether to suspend a student, and when considering the length of a suspension, a Principal must take any mitigating factors into consideration, and must specifically address the following:

- a) Whether the student does not have the ability to control their behaviour;

- b) Whether the student does not have the ability to understand the foreseeable consequences of their behaviour; and/or
- c) Whether the student's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

3.3 Other Factors

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

- a) The student's history, which includes extenuating circumstances that, when considered, may mitigate the application of a suspension and whether further investigation should be undertaken to recommend the expulsion of a student. Where the student is a ward, or in the guardianship of a Child and Family Services Agency, the legal guardian and/or worker shall be contacted to ensure all accurate information available as possible of the student's history is considered;
- b) Whether a progressive discipline approach has been used with the student;
- c) Whether the activity for which the student may be or is being suspended or expelled was related to any harassment of the student because of their race, ethnic origin, religion, disability, gender, or sexual orientation, or to any other harassment;
- d) How the suspension or expulsion would affect the student's ongoing education;
- e) The age of the student;
- f) In the case of a student for whom an Individualized Education Plan (IEP) has been developed:
 - i) whether behaviour was a manifestation of a disability identified in the student's IEP;
 - ii) whether appropriate individualized accommodation has been provided;
 - iii) whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.

3.4 Consultation with Superintendent

Suspensions of up to five (5) school days' duration are the mandate of the school Principal. Suspensions over five (5) school days must be approved by the Superintendent of Education before the student is suspended.

3.5 Restrictions on Suspended Student

A student who is subject to a suspension is not entitled to attend the school the student was attending when they committed the infraction which gave rise to the suspension and is not entitled to engage in school-related activities of that school until the completion of the period of suspension.

3.6 Exception to Restrictions

A student who is suspended is not considered to be engaged in school-related activities by virtue of using services, taking a course, or participating in a program designed to assist such students.

3.7 Suspension Pending Expulsion Hearing

When a student is being suspended for activities leading to possible expulsion, the Principal shall conduct an investigation to determine whether to recommend to the Board that the student be expelled.

4. Notice

4.1 Verbal Notice of Suspension

A Principal who suspends a student shall:

- a) Inform the student's teacher of the suspension; and
- b) Make all reasonable efforts to inform the student's parent/guardian of the suspension within twenty-four (24) hours of the suspension being imposed unless:
 - i) the student is at least eighteen (18) years old; or
 - ii) the student is sixteen (16) or seventeen (17) years old and has withdrawn from parental control.

4.2 Written Notice of Suspension

A Principal who suspends a student shall ensure that written notice of the suspension is given promptly to the following persons:

- a) The student;
- b) The student's parent/guardian, unless:

- i) the student is at least eighteen (18) years old; or
- ii) the student is sixteen (16) or seventeen (17) years old and has withdrawn from parental control.

c) Such other person(s) as may be specified by KPDSB policy.

4.3 Content of Notice

The written notice shall follow the format of the sample letters set out in Appendices A-1, A-2, and A-5, and must include the following:

4.3.1 Activities Leading to Possible Suspension:

- a) the reason for the suspension;
- b) the duration of the suspension;
- c) information about any program for suspended students to which the student is assigned (for suspensions of more than five (5) school days);
- d) information about the right to appeal the suspension, including:
 - i) a copy of the KPDSB policies and guidelines governing the appeal, and
 - ii) the name and contact information of the supervisory officer to whom notice of appeal must be given.

4.3.2 Activities Leading to Mandatory Suspension Pending Possible Expulsion:

- a) the reason for the suspension;
- b) the duration of the suspension;
- c) information about any program for suspended students to which the student is assigned (for suspensions of more than five (5) school days);
- d) information about the investigation the Principal will conduct to determine whether to recommend that the student be expelled (refer to KPDSB's Expulsion Administrative Procedures);
- e) 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 student be expelled following the investigation, the suspension will become subject to appeal under the KPDSB's Suspension Administrative Procedures and Safe and Supportive School Procedures; and
 - iii) if there is an expulsion hearing because the Principal recommends to the Board that the student be expelled, the suspension may be addressed by parties at the hearing.

5. Supports for Suspended Students

5.1 School Work

A student who is subject to a suspension for more than five (5) school days should be provided with schoolwork to help ensure that they do not fall behind while on suspension.

5.2 Programs for Suspended Students

Where a student has been suspended for more than five (5) re-entry days (long-term suspension), the student will be assigned to a Program for Suspended Students.

5.3 Participation in a Program for Suspended Students

Principals will encourage suspended students to participate in the Board Program for Suspended Students, however, Boards cannot compel students on long-term suspension to participate in a Board program for suspended students.

5.4 Agreement or Refusal to Participate

Agreement or refusal to participate in a Program for Suspended Students may be communicated to the school orally by the student, or parent/guardian of a student under eighteen (18) years of age. The date and time of acceptance or refusal to participate in a Program for Suspended Students shall be recorded by the school.

5.5 Student Action Plan

A Student Action Plan will be developed for every student subject to a suspension of six (6) or more school days to participate in a Program for Suspended Students. If a student does not agree to participate in the Program for Suspended Students, this will be indicated on the Student Action Plan. A copy of the Student Action Plan will be sent to the Safe and Supportive Schools Administrator (see 10 below).

5.6 Planning Meeting

For students suspended for six (6) or more school days, and who chose to participate in a Program for Suspended Students, the Principal, or Designate, will hold a planning meeting for the purpose of:

- identifying the needs of the student;
- identifying the student's risk factors and protective factors;
- clearly identifying any supports that the student may need; and
- establishing the objectives of the Student Action Plan.

5.7 Participants at the Planning Meeting

Participants at the planning meeting shall include the student and, when possible, the student's parents/guardians as well as any appropriate teaching and support staff, counsellors, agency supports, and any other relevant person(s).

5.8 Time Frame for Student Action Plan

The Principal will make every effort to complete the Student Action Plan as promptly as possible following the date of suspension.

5.9 Recordkeeping

A copy of the Student Action Plan will be placed in the student's Ontario Student Record (O.S.R.) for a period of time conducive to the improvement of instruction of the student.

5.10 Contents

The Student Action Plan will contain:

- a) details of the incident for which the student was suspended;
- b) progressive discipline steps taken prior to the suspension;
- c) any other underlying factors that may have contributed to the suspension;
- d) any special education identification or IEP considerations;
- e) details of the academic program to be provided to the student during the suspension period and details about how that program will be accessible to the student;
- f) for suspensions of more than ten (10) school days, details of the non-academic supports to be provided to the student and details about how those supports will be accessible to the student;
- g) any other supports or services that may be provided to address academic or non-academic needs; and
- h) measurable goals and timelines that will be expected for the student while on suspension.

6. Principal's Investigation

- 6.1 It is imperative that investigations of all discipline incidents be conducted in a thorough, professional, and sensitive manner that ensures that the rights of every individual involved as a participant or witness are protected. The investigation should produce evidence that clearly describes the activities of all participants and supports any disciplinary actions that are taken or are recommended to the Board.

6.2 The nature and intensity of administrative roles in schools dictate that the majority of day-to-day discipline situations will be dealt with by a Principal, Vice-Principal, or a teacher-in-charge. All incidents should be investigated thoroughly in a fair and consistent manner. Minor incidents do not require the use of the following process, however, many of the guidelines outlined demonstrate good investigative practice and may be adapted for use on a day-to-day basis. Any incident that may require action beyond the school level requires a different approach. In all of these situations, the Principal should actively function as the leader of the team conducting the investigation. They should manage the entire investigation. In organizing and directing investigation activities, the Principal will ensure that the following guidelines are considered.

6.3 Conflict of Interest and Bias

6.3.1 The individual interviewer and those recommending disciplinary action should not be directly connected with the incident. For example, a Vice-Principal or teacher who has been assaulted by a student should neither conduct the investigation nor make recommendations. On occasion, this will mean that the Principal will be required to conduct the entire investigation.

6.3.2 In cases where the Principal is directly connected to the incident, a Vice-Principal or teacher-in-charge will manage the process.

6.3.3 In cases where the Principal is absent and there is no Vice-Principal, the Superintendent of Schools will provide ongoing support and direction throughout the investigation.

6.4 Where the Principal is considering a suspension of greater than five (5) school days, the School Superintendent will provide ongoing support and direction throughout the investigation.

6.5 Activities Leading to Suspension and Possible Expulsion

When a student is suspended for activities that may lead to expulsion as described in section 310 of the Education Act and the KPDSB Policy 321 - Safe and Supportive Schools, the Principal shall promptly conduct an investigation to determine whether to recommend to the Board that the student be expelled.

6.6 As part of the investigation, the Principal shall make all reasonable efforts to speak with the following persons:

- 1) The student;

- 2) The student's parent/guardian, unless:
 - i) the student is at least eighteen (18) years old; or
 - ii) the student is sixteen (16) or seventeen (17) years old and has withdrawn from parental control.
- 3) Any other person(s) whom the Principal has reason to believe may have relevant information.

6.7 Timelines

The decision to expel a student must be made within twenty (20) school days of the date on which the Principal suspended the student, unless the parties to the expulsion hearing agree to extend this deadline.

6.8 Consultation

The Principal shall consult with the Superintendent who is responsible for the school about the process for conducting the investigation.

6.9 Mitigating Factors

In considering whether to recommend that a student be expelled, a Principal must take the following mitigating factors into consideration:

- i) The student does not have the ability to control their behaviour;
- ii) The student does not have the ability to understand the foreseeable consequences of their behaviour; and/or
- iii) The student's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

6.10 Other Factors

The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the student may be recommended for expulsion:

- i) The student's history;
- ii) Whether a progressive discipline approach has been used with the student;
- iii) Whether the activity for which the student may be, or is being, suspended or expelled was related to any harassment of the student because of their race, ethnic origin, religion, disability, gender or sexual orientation, or to any other harassment;
- iv) How the suspension or expulsion would affect the student's ongoing education;
- v) The age of the student; and/or

- vi) In the case of a student for whom an IEP has been developed:
 - a) Whether the behaviour was a manifestation of a disability identified in the student's IEP;
 - b) Whether the appropriate individualized accommodation has been provided; and
 - c) Whether the suspension or expulsion is likely to result in an aggravation or worsening of the student's behaviour or conduct.

6.11 Incidents Involving Police

This section sets out guidelines for investigating incidents involving police that may result in a recommendation for extended suspension or expulsion being made to the Board. Individual circumstances may vary and require appropriate adjustments to the processes detailed in this document.

- 6.11.1 All incidents involving weapons including possession, bomb threats, criminal harassment, non-consensual sharing of intimate images, hate and/or bias-motivated occurrences relationship-based violence, gang-related occurrences, robbery, extortion, sexual assault, possession of an illegal drug, trafficking in weapons or illegal drugs, physical assault causing bodily harm requiring treatment by a medical practitioner, intentionally summoning emergency services without cause, and all deaths require immediate police involvement consistent with the Police and School Board Response Protocol. Dangerous situations that require an emergency response will be reported via 911. Others will be handled in the normal manner through a telephone call to the appropriate dispatcher.
- 6.11.2 Police will conduct their own separate investigation and make decisions with respect to criminal charges based on their view of the circumstances. Whether or not charges are laid by the police will not alter the school's responsibility under the Education Act to investigate and take appropriate disciplinary action. The issue of double jeopardy does not apply. Police charges are made under the Canadian Criminal Code and the school/KPDSB disciplinary decisions and actions are taken under the Education Act.
 - i) schools may have established a working relationship with neighbourhood policing/community officers in their area. These resources are available to schools at any point in an incident or investigation.
 - ii) refer to the Police and School Board Response Protocol for more specific direction.

6.11.3 Communication:

- i) all serious incidents are reported by the school to the appropriate Superintendent of Schools;
- ii) the Director of Education will ensure that the Trustee(s) for the school involved in the incident is advised. The general details of the incident will be provided at this time, including information that is available concerning actions taken or pending. Details of individual student involvement will be avoided to prevent a possible conflict of interest on the part of the Trustee(s) if a recommendation for expulsion or appeal is subsequently presented to the Board;
- iii) the Superintendent of Schools will work with the Principal to provide advice and guidance;
- iv) parents/guardians of those involved (where the student is under eighteen (18) unless the student is sixteen (16) or seventeen (17) and has withdrawn from parental control) will be contacted as early as possible to be advised of the situation; and
- v) refer to the Police and School Board Response Protocol for more specific direction.

6.11.4 Collection of Evidence

- i) once a situation has been stabilized, police called, and the risk of imminent danger is reduced, the school team headed by the Principal will identify staff and students that are witnesses or participants;
- ii) it is necessary for the school Principal to conduct a thorough investigation regardless of police involvement;
- iii) an incident report or violent incident report should be completed, if applicable;
- iv) all participants and witnesses should be interviewed by a member of the school administration and detailed notes should be kept for those interviews, including date, time, those present, and signed by the administrator doing the interview;
- v) in the case where school staff are directly involved in the event or situation, especially where witnesses are few or non-existent, one (1) administrator and another staff member should be present during the interview;
- vi) witnesses should be separated following the incident and prior to being interviewed. During this time they should be asked to write out and sign a statement describing the events that have been witnessed. When this is neither possible nor appropriate, a student can also be interviewed by an administrator who will take detailed notes. They may wish to modify their written statement if they recall additional details. Those alterations should be initiated by the student. It may be necessary to have statements typed, read, and signed by the witness. Staff who witness incidents should be requested to provide written and signed statements also. Handwritten statements, typed copies, and administrator notes will be retained;

- vii) if the police arrest and remove the participants from the building it may be necessary to wait and get participant statements at a later time;
- viii) if witness statements are clear and complete, they will form the basis of a written report. Consultation will occur at this point between the Principal and the Superintendent of Schools; and
- ix) legal advice will be obtained, as required.

6.11.5 Principal's Report of the Incident

- i) the Principal will write a draft report in sufficient detail to ensure that all the key elements of the incident are clearly set out. The report should be concise but completed in a logical and sequential manner, and provide a factual account of the events as described by witnesses and victims, and substantiated by witness, victim, and/or participant statements;
- ii) names of individual student witnesses or victims should not be included but rather referred to in a manner as to distinguish the contributions of each. Editorial comments should be avoided in the report;
- iii) the details of the report should support the recommendations that may be made. At this point, the Principal may wish to draft recommendations or to wait until the consultation process with the appropriate Supervisory Officers have been completed; and
- iv) it is recommended that this report be completed within five (5) school days of the suspension pending expulsion.

6.11.6 Consultation Concerning Outcomes of Incident

The Superintendent of Schools should convene a meeting with the Principal and others as required. The Principal will provide those present with a copy of their draft report and copies of witness and participant statements. The purpose of this meeting is to review in detail the facts pertaining to the incident, to identify additional information that may be required, and to decide collaboratively whether a recommendation to the Board is required, and if so the nature of that recommendation. The nature of any recommendation to the Board must reflect the degree of danger and concern to other students and staff that the presence of that individual student would present. Any decision made at this meeting will reflect the need to guarantee the continued safety of other students and staff and the appropriate moral tone of the school environment.

6.12 Burden of Proof

Where there is a conflict in the evidence collected by the Principal on the issue of whether the student committed a mandatory or discretionary expulsion infraction, the Principal shall assess the evidence and determine whether, on the balance of probabilities, it is more probable than not that the student committed the infraction.

6.13 Suspension Included in Expulsion

The period of time during which the student was suspended pending a decision on expulsion shall be deemed to be part of the period of expulsion and the period of suspension shall not be greater than twenty (20) school days.

7. Decision NOT to Recommend Expulsion

7.1 If the Principal does not recommend to the Board that the student be expelled, the Principal shall ensure that written notice containing the following information is given promptly to every person to whom they were required to give notice of the suspension (Appendix A-4):

- a) A statement that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension;
- b) A statement indicating whether the Principal has, under KPDSB Policy/Procedure 321 – Safe and Supportive Schools, confirmed the suspension and its duration, confirmed the suspension but reduced its duration, or withdrawn the suspension; and
- c) Unless the suspension was withdrawn, information about the right to appeal the suspension, including:
 - i) a copy of the KPDSB policies and guidelines governing the appeal established by the KPDSB; and
 - ii) the name and contact information of the supervisory officer to whom notice of the appeal must be given.

7.2 Discipline Other than Expulsion

When the Principal does not refer the matter to the Board for expulsion, the Principal may consider whether alternative discipline is appropriate in the circumstances. Such discipline may include a suspension, in which case the considerations in determining the length of the suspension under KPDSB Policy and Procedure 321 – Safe and Supportive Schools will be taken into account, and notice shall be sent to the student, and if the student is under eighteen (18) years of age unless the student is sixteen (16) or seventeen (17) and has withdrawn from parental control, the parent/guardian of the student in the form set out in Appendix A-4. Where the Principal determines that discipline or some step other than a suspension is in order, the Principal shall advise the student and, if the student is under eighteen (18) years of age or the student is sixteen (16) or

seventeen (17) and has withdrawn from parental control, the parent/guardian, and the Principal shall ensure that no record of suspension remains in the O.S.R.

7.3 Appeal of Suspension

If, after the investigation, the Principal does not recommend to the Board that the student be expelled, and does not withdraw the suspension, the suspension may be appealed in accordance with Section 10 of this Administrative Procedure, subject to the following:

- a) A person who is entitled to appeal must give written notice of their intention to appeal within five (5) school days of the date on which they are considered to have received the written notice of the Principal's decision; and
- b) If the Principal confirmed the suspension but reduced its duration, the appeal is from the reduced suspension and not the original suspension.

8. Decision to Recommend Expulsion

8.1 If, on concluding the investigation, the Principal decides to recommend to the Board that a student be expelled, they shall prepare a report that contains the following:

- a) A summary of the Principal's findings;
- b) The Principal's recommendation as to whether the student should be expelled from their school only, or from all schools of the KPDSB; and
- c) The Principal's recommendation as to:
 - i) The type of school that might benefit the student if the student is expelled from their school only; or
 - ii) The type of program for expelled students that might benefit the student if the student is expelled from all schools of the KDPSB.

8.2 Notice

The Principal shall provide a copy of the report and of the Principal's decision to the Board (Appendix A-4) and to every person whom the Principal was required to give notice of the suspension.

8.3 Content of Notice

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 4.2 of this procedure, at the same time as the Principal's report is provided to that person:

- a) A statement that the student will be subject to an expulsion hearing for the activity that resulted in the suspension;
- b) A copy of the KPDSB policies and procedures governing the expulsion hearing. These include KPDSB Policy 321 and Procedure 321, and KPDSB Suspension and Expulsion Administrative Procedures;
- c) A statement that the person has the right to respond, in writing, to the Principal's report provided under this section;
- d) Detailed information about the procedures and possible outcomes of the expulsion hearing, including but not limited to, information explaining that:
 - i) if the Board does not expel the pupil, it will, with respect to the suspension imposed, confirm the suspension, shorten its duration, or withdraw it;
 - ii) the parties will have the right to make submissions during the expulsion hearing as to whether, if the pupil is not expelled, should be confirmed, reduced, or withdrawn;
 - iii) any decision of the Board with respect to the suspension imposed at the expulsion hearing is final and not subject to appeal;
 - iv) if the Board expels the pupil from their 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.
- e) The name and contact information of a supervisory officer whom the person may contact to discuss any matter respecting the expulsion hearing.

8.4 Parties May Respond

A person who is entitled to receive the Principal's report and written notice of the Principal's decision may respond, in writing, to the Principal and to the Board.

9. Expulsion Hearing

9.1 Delegation to Committee

The powers and the duties of the Board to conduct an expulsion hearing and make a decision on the expulsion of a student following such hearing shall be exercised and performed by a committee of three (3) or more members of the Board, as designated by the Chairperson of the Board. The supervisory office, or designate, will act in an advisory role to the committee on procedural matters during the expulsion hearing and the committee's subsequent deliberations.

9.2 Parties to the Hearing

The parties to the hearing will be:

- a) The Principal;
- b) The student, if:
 - i) the student is at least eighteen (18) years old; or
 - ii) the student is sixteen (16) or seventeen (17) years old and has withdrawn from parental control.
- c) The student's parent/guardian, unless:
 - i) the student is at least eighteen (18) years old; or
 - ii) the student is sixteen (16) or seventeen (17) years old and has withdrawn from parental control.
- d) Such other persons as may be specified by Board policy.

9.3 Student May Attend

The suspended student who is not party to the expulsion hearing has the right to be present at the expulsion hearing and to make a statement on their own behalf.

9.4 Timing of Hearing

A hearing will be held by the hearing committee and a decision on the expulsion will be given within twenty (20) school days of the date on which the Principal suspended the student, unless the parties to the hearing agree to extend this deadline.

9.5 In Camera Hearing

Since intimate personal matters involving the student, and in some cases, other persons, may be disclosed at the hearing, the interests of the privacy of the student and such other persons outweigh the desirability of holding a public hearing, and require that the hearing be conducted in camera. However, this may be reconsidered by the committee in any particular case and the committee may direct that the hearing be opened to the public where the committee determines that the holding of an open public hearing outweighs the interests of the student(s) or other persons concerning the matter of privacy.

9.6 Pre-Hearing Disclosure

The parties shall exchange the following at least five (5) days prior to the hearing:

- a) An outline of the party's position, setting out with particularity the party's position on the circumstances which gave rise to the expulsion and the party's position on the discipline imposed;
- b) Copies of any documents which the party proposes to submit at the hearing; and
- c) Where the party proposes to call witnesses, a list of the witnesses whom the party intends to call, and a brief outline of what the witness will say.

9.7 Pre-Hearing Conference

- a) Where possible, a Pre-Hearing Conference will be held within five (5) school days prior to the hearing to deal with procedural issues. Substantive issues should not be discussed at the Pre-Hearing Conference;
- b) The Pre-Hearing Conference will be conducted by the Chair of the Expulsion Committee or a member of the Committee designated by the Chair;
- c) The purpose of this Pre-Hearing Conference is to ensure that all such issues are dealt with in advance of the hearing. Accordingly, any issue which either party has regarding disclosure, the length of time set for the hearing, the conduct of an electronic hearing, any other procedural issue which may properly be dealt with in advance of the hearing, or any other procedural matter which may assist in the just and expeditious disposition of the proceeding should be raised at the Pre-Hearing Conference;
- d) Each party must notify the other and supervisory officer in advance of the Pre-Hearing Conference of any procedural issues which the party wishes to raise at the Pre-Hearing Conference;

- e) Each party shall have the opportunity to state their position on any procedural issue which either raises at the Pre-Hearing Conference. However, if a party raises an issue at the Pre-Hearing Conference but did not provide sufficient notice of the issue to other party in advance of the Pre-Hearing Conference, the other party may request an opportunity to respond to the issue in writing within 1 day following the Pre-Hearing Conference to the issue;
- f) Should any procedural issue arise in the Pre-Hearing Conference which requires a decision by the Expulsion Committee, or the person who presided over the Pre-Hearing Conference, the parties will be advised of the decision by the supervisory officer and the decision will be subsequently confirmed in writing;
- g) If neither party has any procedural issue which requires a Pre-Hearing Conference, the Pre-Hearing Conference may be cancelled by the supervisory officer; and
- h) If either party declines to participate in the Pre-Hearing Conference, the party will be deemed to have waived any procedural issues which the party might otherwise have raised at the Pre-Hearing Conference regarding disclosure or any other procedural issue, unless the party can satisfy the Expulsion Committee that there was a reasonable excuse for the party's failure to participate in the Pre-Hearing Conference.

9.8 Electronic Hearing and Pre-Hearing Conference and Meeting

The hearing may be conducted electronically, in whole or in part unless one of the parties satisfies the committee that holding an electronic rather than a face-to-face hearing is likely to cause the party significant prejudice. This issue, and any other preliminary issues which either party wishes to have determined prior to the hearing, may be determined at a Pre-Hearing Conference involving the committee and both parties prior to the hearing, and this Pre-Hearing Conference may be conducted electronically.

10. Suspension Appeals

10.1 Where Appeal Is Not Possible

There is no immediate right to appeal a suspension for activities that may lead to a recommendation for expulsion. An appeal only arises if the Principal does not recommend to the Board that the pupil be expelled and does not withdraw the suspension.

10.2 Notice of Appeal

Where a student has been suspended, the student, if eighteen (18) years or older, or is sixteen (16) or seventeen (17) years old and has withdrawn from parental control, or the parent or guardian of the student, if the student is less than eighteen (18) years of age (hereafter “appellant”) may appeal the suspension imposed by the Principal to the Board.

10.3 Delivery of Notice of Appeal

A student aged eighteen (18) or older, or a parent/guardian of a student under eighteen (18) years of age, may appeal the decision of the Principal to suspend a student by delivering a written notice of appeal to the Principal within five (5) school days following receipt of the Notice of Suspension.

10.4 Timing of Appeal

The Board shall hear and determine the appeal within fifteen (15) school days from the date of receipt of the notice of appeal by the Board, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

10.5 Delegation to Committee

The powers and duties of the Board under the Education Act and Regulations in dealing with an appeal of a suspension shall be exercised and performed by the Suspension Appeal Hearing Committee of three (3) or more members of the Board, as designated by the Chairperson of the Board. The Superintendent of Education, or Designate, will act in an advisory role to the Committee on procedural matters during the suspension hearing and the Committee’s subsequent deliberations.

10.6 Copy of Policy and Procedures to Appellant

Upon receipt of the Notice of Appeal, the supervisory officer shall promptly forward to the Appellant a copy of the Board’s suspension policy and procedures. In addition, the supervisory officer shall notify the Principal and the Director of Education. The Director of Education will notify the Chair of the Board or the Chair of the Suspension Appeal Hearing Committee.

10.7 Reasons for Suspension

If the Principal has not already done so, upon receipt of the notice of appeal, the Principal shall provide the student/parent/guardian with a statement of the reasons for their decision, upon review, to affirm or modify the suspension.

10.8 Summary Dismissal

The Committee has the right to dismiss a proceeding without a hearing if:

- a) the proceeding is frivolous, vexatious, or is commenced in bad faith;
- b) the proceeding relates to matters that are outside the jurisdiction of the tribunal; or
- c) some aspect of the statutory requirements for bringing the proceeding has not been met.

Before dismissing a proceeding the Committee must first give notice of the intention to dismiss the proceeding to all parties. The notice shall set out the reasons for the dismissal and to advise of the right to make written submissions within the timeframe set out in the notice, which shall be five (5) school days. The requirements of a statement of the grounds to dismiss, the right of the parties to receive notice and the time within which submissions may be made are made in accordance with section 4.6 of the Statutory Powers Procedure Act, and available to the public by posting of this policy on the Board's web site. After consideration of submissions made within the timeframe, or after failure to provide submissions within the timeframe, the Committee may dismiss the proceeding.

10.9 Setting Dates

Once disclosure has been completed and a determination on the calling of witnesses, if required, has been made by the Suspension Appeal Hearing Committee, the supervisory officer will promptly notify the Director of Education. The Director of Education will notify the Chair of the Suspension Appeal Hearing Committee and shall arrange to set dates for the appeal within a reasonably short time frame, which will allow a Pre-Hearing Conference to take place.

10.10 Student May Attend

The suspended student who is not party to the appeal has the right to be present at the appeal and to make a statement on his or her own behalf.

10.11 Notice of Hearing and Pre-Hearing Conference

The supervisory officer shall promptly send to the parties to the hearing a Notice of an Appeal Hearing in the form set out in *Appendix C-1*. At the same time, a Notice of Pre-Appeal Hearing Conference will be sent out in the form set out in *Appendix C-2*.

10.12 Advance Notice of Issues Disclosure

Each party shall advise each other, if possible, in writing prior to the Pre-Appeal Hearing Conference, of any issue which the party wishes to raise at the Pre-Appeal Hearing Conference. As well, each party shall advise the supervisory officer of any issue which the party wishes to raise at the Pre-Appeal Hearing Conference. If the supervisory officer determines that there are no issues to be dealt with at a Pre-Appeal Hearing Conference, the supervisory officer may notify the parties that the Pre-Appeal Hearing Conference is cancelled.

- a) The appellant must provide the supervisory officer with a written statement setting out with particularity the nature of the appellant's disagreement with the Principal's decision including the appellant's position on the events which gave rise to the suspension and whether those events justified suspension of the student, and the appellant's position on the duration of the suspension.
- b) The Principal must provide the appellant with a written statement setting out the Principal's findings in respect of the events, which gave rise to the suspension and why those events justified the suspension imposed. The Principal shall include a brief outline of what each witness interviewed stated.
- c) Each party must provide the other with copies of any documents which the party proposes to submit at the hearing.
- d) The appellant must indicate to the supervisory officer whether the appellant seeks to call witnesses and, if so, the reasons why and a list of the witnesses whom the appellant seeks to call, including a brief outline of what each witness would say.

10.13 Determination on Calling Witnesses

Where the Appellant has indicated that they seeks to call witnesses at the suspension appeal hearing, the parties shall discuss at the Pre-Hearing Conference whether it is possible to agree to a statement of facts which can be considered by the Suspension Appeal Hearing Committee in lieu of calling witnesses. Such statement of facts may eliminate the need to call some or all of the witnesses which either party would otherwise call and is most appropriate in a case where there is no conflict between the parties on the events which gave rise to the Principal's or the teacher's decision to suspend. Both parties shall ensure, following the Pre-Hearing Conference, that the other party and the supervisory

officer is provided with a list of witnesses, if any, which that party intends to call, together with a statement of what any witness, not previously disclosed, will say.

10.14 Agreement on Issues

The parties are encouraged, where possible, to agree on facts, documents, or other evidence which are not in dispute between them.

10.15 Time Limits for Presentations at Hearing

The maximum time allotted for each hearing will be two (2) hours, with up to an hour allotted to each party. Opening statements, cross-examination of the other party's witnesses, if any, and closing comments shall be taken into account in the hour allotted to each party. Where either or both parties persuade the Suspension Appeal Hearing Committee that additional time is reasonably required in order to have a fair opportunity to present their cases in the particular circumstances, the Suspension Appeal Hearing Committee may extend the timelines for the presentation, including scheduling additional hearing dates.

10.16 Order of Presentation

The Principal will proceed to make their presentation first, commencing with an opening statement. The Student/Parent/Guardian may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the Principal calls any witnesses the Student/Parent/Guardian will be given an opportunity to cross-examine any such witnesses. Following the completion of the Principal's presentation, the Student/Parent/Guardian will make their presentation. If the Student/Parent/Guardian calls any witnesses, the Principal will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the Principal.

10.17 Maintenance of Order at Hearing

The Suspension Appeal Hearing Committee may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing. Should any person disobey or fail to comply with any such order or direction, the Suspension Appeal Committee or a member may call for the assistance of a peace officer to enforce the order or direction.

10.18 Scope of Cross-Examination

Cross-examination of witnesses by the opposite party shall be as reasonably required for a full and fair disclosure of all matters relevant to the issues in the hearing.

10.19 Limit on Unduly repetitious evidence

The Suspension Appeal Hearing Committee may exclude any evidence which is unduly repetitious.

10.20 Protection for Witnesses

A witness at an oral or electronic hearing shall be deemed to have objected to answer any question asked him or her upon the ground that the answer may tend to incriminate him or her or may tend to establish his or her liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be received in evidence against the witness in any trial or other proceeding against him or her thereafter taking place, other than a prosecution for perjury in giving such evidence. (Statutory Powers Procedure Act, s. 14(1)).

10.21 Failure of Party to Attend Hearing After Due Notice

Where a notice of an oral or electronic hearing has been given to a party to the hearing in accordance with this procedure, and that party fails to attend the hearing, the Suspension Appeal Hearing Committee may proceed in the absence of the party and the party is not entitled to any further notice of the proceeding.

10.22 Burden of Proof

Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed a mandatory or discretionary suspension infraction, the Suspension Appeal Hearing Committee shall assess the evidence and determine whether, on the balance of probabilities, it is more probable than not that the student committed the infraction.

10.23 Criteria for Determining Suspension

In the event the Suspension Appeal Hearing Committee determines that the student did commit an infraction for which a suspension must be or should be imposed, the Committee shall consider the duration of the suspension which the Principal imposed on the student, having regard to the following factors:

- i) the student's history;
- ii) any factors prescribed by regulation, if any;
- iii) such other matters as the Suspension Appeal Hearing Committee considers appropriate.

10.24 Disposition

Upon the completion of the appeal hearing, the Suspension Appeal Hearing Committee may confirm the Principal's decision, modify the duration of the suspension or expunge the student's record. In any event, Notice of the

Suspension Appeal Hearing Committee's decision shall be provided to the student/parent/guardian in the format of the sample letter set out in *Appendix D-1*.

11. Procedures: Expulsion Hearing

11.1 Setting Dates

Upon receipt of the notice of referral, the supervisory officer will promptly notify the Director of Education. The Director of Education will notify the Chair and shall arrange to set dates of a Pre-Hearing Conference and the hearing, having regard to the timeline stipulated under the Education Act.

11.2 Notice of Hearing and Pre-Hearing Conference

The supervisory officer shall promptly send to the parties to the hearing a Notice of Hearing in the form set out in *Appendix E-2*. All the same time, a Notice of Pre-Hearing Conference will be sent out in the form set out in *Appendix E-3*.

11.3 Advance Notice of Issues

Each party shall advise each other, if possible, in writing, prior to the Pre-Hearing Conference of any issue which the party wishes to raise at the Pre-Hearing Conference. As well, each party shall advise the supervisory officer of any issue which the party wishes to raise at the Pre-Hearing Conference. If the supervisory officer determines that there are no issues to be dealt with at a Pre-Hearing Conference, the supervisory officer may notify the parties that the Pre-Hearing Conference is cancelled.

11.4 Amending List of Witnesses

Under the policy, the parties are required to disclose certain information to each other, including the names of any witnesses to be called and an outline of the evidence to be given. Either party, after receiving this information from the other, may amend their list of witnesses, if any, to be called by that party so long as that party provides notice to the other party of this change at least two (2) school days in advance of the hearing. If the change involves calling a witness not mentioned in the initial disclosure, a brief outline of what this witness will say to the other party as soon as possible after making the decision to call the witness.

11.5 Insufficient Notice of Witness

If a party does not provide sufficient notice to the other party that the party wishes to call a witness at the hearing, the party will not be permitted to call the witness unless the Expulsion Committee determines that the other party will not be prejudiced by the short notice if the witness is permitted to testify at the hearing as scheduled. If the Expulsion Committee determines that the other party would be prejudiced by the witness being called on short notice, the witness may not be

called at the scheduled hearing; however, if the parties agree to extend the time limit for the Expulsion Committee's decision on expulsion, an additional and subsequent hearing date may be scheduled at which time the evidence of the witness will be received and the hearing completed.

11.6 Agreement on Issues

The parties are encouraged, where possible, to agree on facts, documents, or other evidence which are not in dispute between them.

11.7 Time Limits for Presentations at Hearing

The maximum time allotted for each hearing will be two (2) hours, with up to an hour allotted to each party. Opening statements, cross-examination of the other party's witnesses, and closing comments shall be taken into account in the hour allotted to each party. Where either or both parties persuade the Expulsion Committee that additional time is reasonably required in order to have a fair opportunity to present their cases in the particular circumstances, the Expulsion Committee may extend the timelines for the presentation, including scheduling additional hearing dates, so long as the parties agree to extend the time limit for the Expulsion Committee's decision where such extension is necessary to permit any additional hearing date to be scheduled.

11.8 Order of Presentation

The Principal will proceed to make their presentation first, commencing with an opening statement. The Student/Parent/ Guardian may choose to make an opening statement at this point or may choose to wait until the beginning of their case to make an opening statement. If the Principal calls any witnesses the Student/Parent/Guardian will be given an opportunity to cross-examine any such witnesses. Following the completion of the Principal's presentation, the Student/Parent/Guardian will make their presentation. If the Student/Parent/Guardian calls any witnesses, the Principal will have an opportunity to cross-examine any such witnesses. Each party may make a closing statement, commencing with the Principal.

11.9 Maintenance of Order at Hearing

The Expulsion Hearing Committee may make such orders or give such directions at a hearing as it considers necessary for the maintenance of order at the hearing. Should any person disobey or fail to comply with any such order or direction, the Expulsion Hearing Committee or a member may call for the assistance of a peace officer to enforce the order or direction.

11.10 Scope of Cross-Examination

Cross-examination of witnesses by the opposite party shall be as reasonably required for a full and fair disclosure of all matters relevant to the issues in the hearing.

11.11 Limit on Unduly Repetitious Evidence

The Expulsion Committee may exclude any evidence which is unduly repetitious.

11.12 Protection for Witnesses

A witness at an oral or electronic hearing shall be deemed to have objected to answer any question asked of them upon the ground that the answer may tend to criminate them or may tend to establish their liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against the witness in any trial or other proceeding against them thereafter taking place, other than a prosecution for perjury in giving such evidence. (Statutory Power Procedure Act, s. 14(1)).

11.13 Record of Hearing

The Expulsion Hearing Committee shall compile a record of the hearing. The record will include the Principal's Referral for an Expulsion Hearing, the Notice of Hearing, any interim decision arising out of the pre-hearing conference, any interlocutory order of the Committee, all documents filed with the Committee during the hearing, the Notice of Decision of the Expulsion Committee, and where they are requested, reasons for the decision.

11.14 Failure of Party to Attend Hearing After Due Notice

Where a notice of an oral or electronic hearing has been given to a party to the hearing in accordance with this procedure, and that party fails to attend the hearing, the Expulsion Committee may proceed in the absence of the party and the party is not entitled to any further notice of the proceeding.

11.15 Burden of Proof

Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed a mandatory or discretionary expulsion infraction, the Expulsion Committee shall assess the evidence and determine whether, on the balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.

12. Disposition

- 12.1 After completing the hearing, the Board will decide:
- a) Whether to expel the student; and
 - b) If the student is expelled, whether the student is to be expelled from their school only, or from all schools of the Board.
- 12.2 In making the decision required above, the Board shall take into account:
- a) All submissions and views of the parties, including their views as to whether the student, if expelled, should be expelled from their school only, or from all schools
 - b) Any mitigating or other factors as described above; and
 - c) Any written response to the Principal's report recommending expulsion that a person who was entitled to give a response gave to the Board before completion of the hearing.
- 12.3 If a Board does not expel a student, the Board shall, with respect to the suspension originally imposed:
- a) Confirm the suspension and the duration of the suspension;
 - b) Confirm the suspension, but shorten its duration, even if the suspension has already been served, and order that the record of suspension be amended accordingly; or
 - c) Quash the suspension and order that the record of suspension be expunged, even if the suspension has already been served.
- 12.4 In determining which action to take in the above, the Board shall take into account:
- a) Any submissions made by the parties as to whether the suspension and its duration should be confirmed, the suspension should be confirmed but its duration reduced, or the suspension should be withdrawn; and
 - b) Any mitigating or other factors as described above.
- 12.5 If the Board expels a student, the Board shall assign the student to:
- a) In the case of a student expelled from their school only, another school of the Board; and

- b) In the case of a student expelled from all schools of the Board, a program for expelled students.

12.6 The decision of the Board to not expel a student is final.

13. Notice

13.1 Notice of the Board's Expulsion Committee decision shall be provided promptly to:

- a) All parties to the expulsion hearing; and
- b) The student if the student was not party to the expulsion hearing.

13.2 The form of notice provided will be in accordance with the sample provided in *Appendix F-1* and must include the following:

- a) The reason for the expulsion;
- b) A statement indicating whether the student is expelled from their school only or from all schools of the Board;
- c) Information about the school or program for expelled students to which the student is assigned; and
- d) Information about the right to appeal the decision of the Board.

14. Appeal of a Board Decision to Expel a Student

14.1 The following persons may appeal a Board decision to expel a student to the Child and Family Services Review Board in accordance with the procedures set out by the Ministry of Education:

- a) The student, if:
 - i) the student is at least eighteen (18) years old; or
 - ii) the student is sixteen (16) or seventeen (17) years old and has withdrawn from parental control.
- b) The student's parent/guardian, unless:
 - i) the student is at least eighteen (18) years old; or
 - ii) the student is sixteen (16) or seventeen (17) years old and has withdrawn from parental control.
- c) Such other persons as may be specified by the Child and Family Services Review Board.

15. Re-Entry

15 .1 Re-Entry Meeting for Suspended Student

At the conclusion of a suspension and prior to resuming and re-entering classes, the suspended student is required to attend a re-entry meeting with a school administrator. The purpose of the meeting will be the provision of positive and constructive direction for the student. The parent(s)/guardian(s) will be encouraged to attend and participate.

15 .2 Re-Entry Meeting for Expelled Student

At the conclusion of an expulsion and prior to resuming and re-entering classes, the returning student is required to attend a re-entry meeting that includes board staff and staff of the school to which the student is seeking readmission. The parent(s)/guardian(s) will be encouraged to attend and participate as well as any other relevant persons who may be seen as ongoing supports for the student. The purpose of the meeting will be the development of the re-entry plan for the student. The re-entry plan should contain a description of the re-entry process for successful transition back to school and should identify both the academic and non-academic supports that are needed to sustain and support the student in their transition back to school.

15 .3 Review of Student Action Plan

Where a student has participated in a program for suspended students, the student's progress toward their goals should be reviewed with the student and the parent/guardian, when available. Further programs and on-going supports for the student may also be recommended in the re-entry meeting.

Appendix A-1: 306 Suspension Letter Template Grades 4-12

<place on school letter head>

<date>

<parent/guardian name(s) or name of student>

<address>

Dear *<parent/guardian name(s) or name of student>*

Re: *<student name and D.O.B>*

This letter will serve to notify you that you have been suspended from *<name of school>* for *<#>* school day(s) pursuant to section 306 (1) of the Education Act. This suspension will remain in effect from *<date>* to *<date>* inclusive. You are expected to return to school on *<date>*, you must report to the office prior to returning to class. During the term of the suspension you are not permitted to participate in any school or KDPSB sponsored activities, or to be on school property without my permission.

This disciplinary action is the result of the following conduct:

Under Section 306 (1)

<specific reference to the Education Act is listed here>

Specifically:

<student name and what occurred>

The school will provide a homework package to you to help that you do not fall behind in your schoolwork. Should you wish to discuss this matter, I shall be pleased to arrange a time for us to meet.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal within ten (10) school days of the start of the suspension. You may forward such written notice to the Director of Education – 240 Veteran’s Drive

4th Floor
Kenora, ON P9N 3Y5

Please be advised that an appeal of the suspension does not delay this suspension.



Procedure Section: **School Administration**

300

Procedure Name: **Suspension and Expulsion
Administrative Procedures**

321

A copy of the KPDSB's Suspension Administrative Procedures is available at any school office, the Board office, or on the KPDSB website at www.kpdsb.ca.

Please note the appropriate sections of the Education Act attached to this letter.

Sincerely,

<name of Principal, school>

cc: Superintendent of Education
Ontario Student Record
Safe and Supportive Schools Administrator

- S. 306 (1) A 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:
1. Uttering a threat to inflict serious bodily harm on another person;
 2. Possessing alcohol, illegal drugs or, unless the pupil is a medical cannabis user*, cannabis;
 3. Being under the influence of alcohol or, unless the pupil is a medical cannabis user*, cannabis;
 4. Swearing at a teacher or at another person in a position of authority;
 5. 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;
 6. Bullying, including cyber bullying;
 7. Persistent truancy, habitual neglect of duty or persistent opposition to authority;
 8. The willful destruction of school property;
 9. Use of profane or improper language;
 10. Conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school;
- (3) The principal shall suspend the pupil from his or her school and from engaging in all school-related activities;
- (4) A suspension shall be for no less than one school day and no more than 20 school days.
- S.309 (1) Appeal of Suspension – The following persons may appeal, to the board, a principal's decision to suspend a pupil under section 306:
1. 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.
 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

Appeal Process: In any case of a suspension, an appeal of this suspension may be made within 10 days to Keewatin-Patricia District School Board in accordance with S.309 of the *Education Act*. In order to initiate an appeal, please contact <Name of Superintendent> at the Board Office (807) 223-5311 Ext. <number>.

Note: If a violent incident has prompted this notice of suspension, then a Violent Incident Report form must be completed by the Principal. This information is collected in accordance with the Municipal Freedom of Information and *Protection of Privacy Act*, R.S.O. 1990, cM56, as amended. In this situation only a copy of this notice should be attached to the Violent Incident Report form.

*As defined in the *Education Act*, a medical cannabis user is a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law.

Keewatin-Patricia District School Board

Appendix A-2: 310 Suspension Pending Expulsion

<place on school letter head>

<date>

<parent/guardian name(s) or name of student>

<address>

Dear <parent/guardian name(s) or name of student>

Re: Suspension: 20.0 School Days

Name: <student name >

D.O.B.: <student D.O.B>

This letter will serve to notify you that you have been suspended from <name of school> for twenty (20.0) school days pursuant to section 310 (1) of the *Education Act*, R.S.O. 1990, c. E.2 (the "Education Act"). This suspension will begin on <date>. A Principal's Investigation will begin promptly following the suspension and a determination will be made with respect to a recommendation of expulsion. This disciplinary action is a result of the following conduct:

Section 310 (1) states in part,

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:

<Specific reference to the Education Act is listed here>

Under KPDSB Policy and Procedure 321 Safe and Supportive Schools, and Policy and Procedure 329 Progressive Discipline and Promoting a Positive School Climate:

Suspensions shall be for no less than one (1) school day and no more than twenty (20) school days, and in considering how long the suspensions should be, a Principal shall take into account any mitigating or other factors set out in the Safe and Supportive Procedures.

The infractions for which a Principal may consider recommending to the Board that a student be expelled from the student's school or from all schools of the Board include:

- j. Issuing a bomb threat or causing a bomb threat to be issued.
- k. Engaging in a pattern of behaviour that is so refractory that the student's presence is injurious to the effective learning and /or working environment of others.

- I. Engaging in an act:
 - i. that causes the student's continuing presence in the school to be injurious to the physical or mental well-being of other students or persons in the school; or
 - ii. that causes extensive damage to the property of the Board or to goods that are on school board property.

Specifically:

<student name and what occurred>

Please be advised that I will conduct an investigation of this matter in order to determine whether to recommend your expulsion to the Suspension Appeals/Expulsion Committee of the Board of Trustees, pursuant to section 311.1 of the Education Act. This investigation process may include, but is not limited to, the following steps: reviewing surveillance and other evidence, interviewing you, interviewing witnesses who can contribute relevant information, and/or those witnesses suggested by you, and considering mitigating and other factors.

As part of the investigation, you are invited to attend a meeting with myself and *<enter other names>*, to be held *<enter where or via Zoom and link>* on *<enter date>* at *<time>*. You will be given the opportunity to provide information pertaining to the investigation in this meeting. Should you be unable to attend the meeting at this time on *<enter date>*, please contact *<Name of Principal>* at *<enter phone number and extension>* by 9:00 a.m. on *<enter date>* so that we can make alternative arrangements.

An expulsion may be recommended from *<name of school>* or from all schools of the KPDSB as a result of this investigation. You will be informed of the results of the investigation in a written report.

Please note that there is no immediate right to appeal this suspension. The Education Act provides that:

- 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.

You have been assigned a Program for Students on Long-Term Suspension. This is a program for students suspended for more than five (5) days. In consultation with your teacher and guidance counsellor, I will develop a Student Action Plan ("SAP") to direct the activities and learning involved in the program. We will seek your cooperation in developing the SAP. Participation in this program is recommended, but not mandatory. Should you choose not to participate in the recommended Program for Students on Long-Term Suspension, homework packages will continue to be made available only on request and following the completion of previously provided assignments.



Procedure Section: **School Administration**

300

Procedure Name: **Suspension and Expulsion
Administrative Procedures**

321

We ask that you confirm your participation in this program at your earliest opportunity by contacting the school at the phone number listed above. As soon as notice of your participation is received, a planning meeting to develop a Student Action Plan will be arranged.

Please note the applicable sections of the Education Act, Policy 321 and 329, and KPDSB Procedure 321 Safe and Supportive Schools are enclosed for your reference.

Sincerely,

<name of Principal, school>

cc: Superintendent of Education
Ontario Student Record
Safe and Supportive Schools Administrator

**Appendix A-3: 310 Suspension Pending Expulsion
Recommendation to Expel Letter**

<place on school letter head>

<date>

<parent/guardian name(s) or name of student>

<address>

Dear <parent/guardian name(s) or name of student>

Re: Recommendation for Expulsion

Name: <student name >

D.O.B.: <student D.O.B>

I am writing to you following my investigation to determine whether to recommend an expulsion. As a result of my investigation, I have decided to **recommend to the Expulsion Committee of the Board of Trustees that <name of student> born <MM/DD/YYYY>, be expelled from <name of school> OR <all schools> of the Keewatin-Patricia District School Board** (hereinafter the “Board”) on account of the conduct that resulted in your <date of suspension> suspension.

This matter is now subject to an expulsion hearing and has been referred to the Suspension Appeals/Expulsion Hearing Committee (hereinafter “Expulsion Committee”) to determine whether you will be expelled for the activity that resulted in the suspension.

A copy of my report recommending expulsion, which I will be presenting to the Expulsion Committee at the hearing, is enclosed.

You may respond to this report in writing to me at <name of school>. A copy of your written submissions will be provided to the Superintendent of Education, <name of superintendent>, Keewatin-Patricia District School Board, Email: <firstname.lastname@kpbsb.ca>

This letter will serve to notify you that an Expulsion Hearing has been scheduled to be held at the Keewatin-District School Board, Kenora Board of Education Office, 240 Veterans’ Drive, 4th Floor, Kenora, Ontario on <Date> at <time>.

You will be provided with an opportunity to make a presentation to the Expulsion Committee about whether you should be expelled, and whether your expulsion should be from <name of school> or from all of the schools in the Keewatin-Patricia District School Board.

If the Expulsion Committee expels you from *<name of school>* only, you will be assigned to a program provided at another school of the Board. If the Expulsion Committee expels you from the Keewatin-Patricia District School Board, you will be assigned to a program for expelled pupils. Information about the assigned program will be provided following the decision. The programs will provide you with an opportunity to pursue academic work and receive additional supports. Further information about these programs will be made available to you following the Committee's decision.

In accordance with Keewatin-Patricia School Board's Policy and Procedures 321 and 329, if you are expelled there is a right of appeal to the Child and Family Services Review Board.

Should the Expulsion Committee decide not to expel you, they will review the suspension. In those circumstances, the Expulsion Committee may either confirm the suspension, or confirm and shorten the suspension and amend the record accordingly. Alternatively, the Expulsion Committee may decide to withdraw the suspension and expunge the record. All parties will also be provided with the right to make submissions as to whether the suspension imposed under section 310 of the Education Act should be confirmed, reduced, or withdrawn. Any decision with respect to the suspension made by the Expulsion Committee is final and not subject to appeal.

You may bring legal counsel to represent you before the Expulsion Committee, which might be funded by Legal Aid, depending upon your circumstances. **If you intend to bring legal counsel, please provide the Superintendent of Education with notice at your earliest opportunity.**

We enclose copies of the following documents with this letter:

1. Principal's Report dated *<date>*.
2. Suspension letter dated *<date>*.
3. Keewatin-Patricia District School Board, Safe and Supportive Schools Policy 321
4. Keewatin-Patricia District School Board, Safe and Supportive Schools Procedure 321
5. Keewatin-Patricia District School Board, Progressive Discipline and Promoting a Positive School Climate Policy 329
6. Keewatin-Patricia District School Board, Progressive Discipline and Promoting a Positive School Procedure 329
7. Name of School, Student Handbook, 2021-2022, including Code of Conduct
8. Relevant portions of Education Act, R.S.O. 1990, c.E.2.
9. Ont. Reg. 472/7 Behaviour, Discipline and Safety of Pupils.

Please note that the Expulsion Committee will wait for thirty (30) minutes from the scheduled start time for your arrival prior to commencing the hearing but will proceed in your absence should you not arrive within this timeframe.



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If you have any questions regarding the above please do not hesitate to contact *<name of Superintendent>*, Superintendent of Education at *<phone number and extension>* or by email at *<firstname.lastname@kpdsb.ca>*.

Sincerely,

<name of Principal, school>

cc: Superintendent of Education
Ontario Student Record
Safe and Supportive Schools Administrator



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Procedure Name: **Suspension and Expulsion
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**Appendix A-4: 310 Suspension Pending Expulsion
Recommendation to NOT Expel Letter**

<place on school letter head>

<date>

<parent/guardian name(s) or name of student>

<address>

Dear *<parent/guardian name(s) or name of student>*

Re: Expulsion NOT Recommended

Name: <student name >

D.O.B.: <student D.O.B>

I am writing to you to report the result of my investigation following *<name of student's/your>* suspension. I have decided not to recommend to the Discipline Committee that *<you/student name>* be expelled.

As part of my investigation, I have reviewed *<name of student's/your>* suspension, and I have determined that the suspension should be *<1. confirmed or 2. confirmed but shortened to (insert number) school days and the record amended accordingly or 3. withdrawn and the record expunged>*.

[Unless the suspension is withdrawn] Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Superintendent of Education, *<name of Superintendent>*, 4th Floor - 240 Veterans Drive, Kenora Ontario, P9N 3Y5, within five (5) school days of the receipt of this notice.

[Unless the suspension is withdrawn] If you provide notice of your intention to appeal, you may contact the Superintendent of Education to discuss the appeal. If the suspension has been reduced in length, the appeal is for the reduced suspension. Please be aware that an appeal does not stay the suspension.

Sincerely,

<name of Principal, school>

cc: Superintendent of Education
Ontario Student Record
Safe and Supportive Schools Administrator

**Appendix A-5 310 Suspension Letter Template Junior Kindergarten to
Grade 3**

<place on school letter head>

<date>

<parent/guardian name(s) or name of student>

<address>

Dear *<parent/guardian name(s) or name of student>*

Re: *<student name and D.O.B>*

This letter will serve to notify you that you have been suspended from *<name of school>* for *<#>* school day(s) pursuant to section 310 (1) of the Education Act. This suspension will remain in effect from *<date>* to *<date>* inclusive. You are expected to return to school on *<date>*, you must report to the office prior to returning to class. During the term of the suspension you are not permitted to participate in any school or KDPSB sponsored activities, or to be on school property without my permission.

This disciplinary action is the result of the following conduct:

Under Section 310 (1)

<specific reference to the Education Act is listed here>

Specifically:

<student name and what occurred>

The school will provide a homework package to you to help that you do not fall behind in your schoolwork. Should you wish to discuss this matter, I shall be pleased to arrange a time for us to meet.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal within ten (10) school days of the start of the suspension. You may forward such written notice to the Director of Education – 240 Veteran’s Drive

4th Floor
Kenora, ON P9N 3Y5



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Please be advised that an appeal of the suspension does not delay this suspension.

A copy of the KPDSB's Suspension Administrative Procedures is available at any school office, the Board office, or on the KPDSB website at www.kpdsb.ca.

Please note the appropriate sections of the Education Act attached to this letter.

Sincerely,

<name of Principal, school>

cc: Superintendent of Education
Ontario Student Record
Safe and Supportive Schools Administrator

- S. 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 or cannabis to a minor;
 8. Issuing a bomb threat or causing a bomb threat to be issued;
 9. Any activity that is motivated by bias, prejudice, or hate;
 10. Engaging in a pattern of behaviour that is so refractory that the student's presence is injurious to the effective learning and/or working environment of others;
 11. Engaging in an act that causes the student's continuing presence in the school to be injurious to the physical or mental well-being of other students or persons in the school;
 12. Engaging in an act that causes extensive damage to the property of the KPDSB or goods that are on School Board Property;
- (3) The principal shall suspend the pupil from his or her school and from engaging in all school related activities;
- (4) A suspension shall be for no less than one school day and no more than 20 school days.
- S.309 (1) Appeal of Suspension – The following persons may appeal, to the board, a principal's decision to suspend a pupil under section 306:
1. 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.
 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

Appeal Process: In any case of a suspension, an appeal of this suspension may be made within 10 days to Keewatin-Patricia District School Board in accordance with S.309 of the *Education Act*. In order to initiate an appeal, please contact <Name of Superintendent> at the Board Office (807) 223-5311 Ext. <number>.

Note: If a violent incident has prompted this notice of suspension, then a Violent Incident Report form must be completed by the Principal. This information is collected in accordance with the Municipal Freedom of Information and *Protection of Privacy Act*, R.S.O. 1990, cM56, as amended. In this situation only a copy of this notice should be attached to the Violent Incident Report form.



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*As defined in the *Education Act*, a medical cannabis user is a person who is authorized to possess cannabis for the person's own medical purposes in accordance with applicable federal law.

Keewatin-Patricia District School Board



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Appendix B: 310 Student Action Plan

STUDENT ACTION PLAN: < SCHOOL NAME >		
STUDENT NAME:	GENDER:	DATE OF BIRTH:
ADMINISTRATOR:	Suspension Start Date:	Suspension End Date:
<input type="checkbox"/> Bullying <input type="checkbox"/> Vandalism <input type="checkbox"/> Drug Offence <input type="checkbox"/> Alcohol Offence	<input type="checkbox"/> Threats to inflict harm <input type="checkbox"/> Disruptive behaviour <input type="checkbox"/> Defiance / Oppositional <input type="checkbox"/> Inappropriate language	<input type="checkbox"/> Fighting <input type="checkbox"/> Neglect of responsibilities <input type="checkbox"/> Swearing at person of authority <input type="checkbox"/> Other: _____
Details of Suspension:		
Progressive Discipline Steps:		
Underlying Factors:		
IEP: <input type="checkbox"/> Yes <input type="checkbox"/> No Identification:		
Special Considerations:		
AREA OF GROWTH:		
ACADEMIC ASSIGNMENTS:	DUE DATE	COMPLETED
NON - ACADEMIC SUPPORTS:		DATE:
RESOURCE MATERIALS AVAILABLE:		
OTHER SUPPORTS:		
Student Signature:	Date:	
Parent/Guardian Signature:	Date:	

**If unable to obtain signatures, please document the school's attempts (dates/times). *Student Action Plans must be sent to the Safe & Supportive Schools Administrator and the Superintendent of Education.*

Appendix C: Notice of Suspension Appeal Hearing

IN THE MATTER of the Suspension Appeal Hearing of
the pupil *[PUPIL NAME]*,
before the Keewatin Patricia District School Board,
pursuant to section 309 of the
Education Act, Part XIII

TO: *[Parent/Guardian or Pupil]*

AND TO: *[Principal]*

NOTICE OF SUSPENSION APPEAL HEARING

TAKE NOTICE that a hearing before the Keewatin Patricia District School Board or Committee appointed pursuant to s. 309(12) of *the Education Act Part XIII* (hereinafter the "Board") will be held by videoconference/teleconference, on _____ the *[DATE]*, commencing at *[TIME]* (or so soon thereafter as the matter may be heard) for the purpose of determining whether to confirm the suspension of the pupil, *[PUPIL NAME]*.

The link for the hearing is as follows:

[VIDEOCONFERENCE DETAILS]

If you are unable to attend the hearing by videoconference, you may also attend by teleconference:

[TELECONFERENCE DETAILS]

AND FURTHER TAKE NOTICE that if you do not attend at this hearing, the Board may proceed in your absence, and you will not be entitled to any further notice in the proceedings.



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AND FURTHER TAKE NOTICE that the Statutory Powers Procedure Act, R.S.O. 199, c.S.22, as amended applies to the hearing. A copy may be obtained from the Board office at 240 Veterans Drive – 4th Floor, Kenora, Ontario, from the Secretary to the Director of Education, or can be viewed at www.ontario.ca/laws.

Please note that the Suspension Appeal Committee will wait for your arrival thirty (30) minutes from the scheduled start time for your arrival prior to commencing the hearing but will proceed in your absence should you not arrive within this timeframe.

DATED this [DATE].

KEEWATIN PATRICIA DISTRICT SCHOOL
BOARD

Per:

Director of Education



Procedure Section: **School Administration**

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**Appendix C-2: Suspension Appeal Notice
Of Pre-Hearing Conference**

In connection with the Suspension Appeal Hearing of *[PUPIL'S NAME]*, a Pre-Hearing Conference has been scheduled for:

Date: *[DATE]*

Time: *[TIME]*

This Pre-Hearing Conference will be conducted by videoconference:

[VIDEOCONFERENCE DETAILS]

If you are unable to attend the pre-hearing conference by videoconference, you may also attend by teleconference:

[TELECONFERENCE DETAILS]

The purpose of the Pre-Hearing Conference is to deal with any procedural issues which you may have, including any issues relating to disclosure, length of the hearing, procedure or any issue which may assist in the just and expeditious disposition of this proceeding.

Please note that you are required under the Board's policy to have completed pre-hearing disclosure prior to this Pre-Hearing Conference.

Each party must notify the other, and supervisory officer, in advance of the Pre-Hearing Conference of any procedural issues which the party wishes to raise at the Pre-Hearing Conference.

If you do not attend at the meeting, you will be deemed waived any procedural issues which you might have raised at the Pre-Hearing Conference regarding disclosure or any other procedural issue, unless you can satisfy the Suspension Appeal Committee that there was a reasonable excuse for your failure to participate in the Pre-Hearing Conference.

Please note that the Suspension Appeal Committee will wait for thirty (30) minutes from the scheduled start time for your arrival prior to commencing the hearing but will proceed in your absence should you not arrive within this timeframe.

Please contact me if you have any questions.

Yours truly,

[Name]

Appendix D-1: Notice of Decision of Suspension Appeal

[DATE]

[Parent/Guardian]

[Address]

Re: [Pupil]

Please be advised that the Suspension Appeal Hearing Committee of the Keewatin-Patricia District School Board has determined, following the Hearing, that [Pupil] [did/did not] commit the infraction of [summary of infraction(s)].

Having regard to the relevant and required considerations, in accordance with section 309(10) of the Education Act, the Committee has decided to [confirm/modify or quash] the suspension. The reason for this decision is [give overview of decision].

If suspension confirmed: This suspension will remain in effect from <date> to <date> inclusive. [Pupil] is expected to return to school on <date> and must report to the office prior to returning to class. During the term of the suspension, [pupil] is not permitted to participate in any school or KPDSB sponsored activities or be on school property without my permission.

If suspension modified: This suspension will be reduced to [#of days], meaning the suspension will remain in effect from <date> to <date> inclusive. [Pupil] is expected to return to school on <date> and must report to the office prior to returning to class. During the term of the suspension, [pupil] are not permitted to participate in any school or KPDSB sponsored activities or be on school property without my permission.

If suspension not upheld: [Pupil] is welcome to return to school immediately. Further, any reference to the suspension will be expunged from [pupil's] records.

Please be advised that pursuant to section 309(11) of the Education Act, the decision of the Suspension Appeal Hearing Committee is final.

Yours truly,

[Chair of the Suspension Appeal Hearing Committee]

cc: Principal

Appendix E-2: Notice of Expulsion Hearing

IN THE MATTER of the Expulsion Hearing of
the pupil *[PUPIL NAME]*,
by the Keewatin Patricia District School Board,
pursuant to section 311.3 (1) of the
Education Act, Part XIII

TO: *[Parent/Guardian or Student]*

AND TO: *[Principal]*

NOTICE OF EXPULSION HEARING

TAKE NOTICE that a hearing before the Keewatin Patricia District School Board or Committee appointed pursuant to s. 311.3 (1) of the Education Act Part XIII (hereinafter the "Board") will be held by videoconference/teleconference, on _____ the *[DATE]*, commencing at *[TIME]* (or so soon thereafter as the matter may be heard) for the purpose of determining whether to expel the pupil, *[PUPIL NAME]*.

The link for the hearing is as follows:

[VIDEOCONFERENCE DETAILS]

If you are unable to attend the hearing by videoconference, you may also attend by teleconference:

[TELECONFERENCE DETAILS]

AND FURTHER TAKE NOTICE that if you do not attend at this hearing, the Board may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

AND FURTHER TAKE NOTICE that the Statutory Powers Procedure Act, R.S.O. 199, c.S.22, as amended applies to the hearing. A copy may be obtained from the Board office at 240 Veterans Drive – 4th Floor, Kenora, Ontario, from the Secretary to the Director of Education, or can be viewed at www.ontario.ca/laws.

Please note that the Expulsion Committee will wait for thirty (30) minutes from the scheduled start time for your arrival prior to commencing the hearing but will proceed in your absence should you not arrive within this timeframe.

DATED this *[DATE]*.

KEEWATIN PATRICIA DISTRICT SCHOOL BOARD

Per:

Director of Education

Appendix E-3: Notice of Expulsion Pre-Hearing Conference

< school letterhead >

NOTICE OF PRE-HEARING CONFERENCE

In connection with the Expulsion Hearing of *[PUPIL'S NAME]*, a Pre-Hearing Conference has been scheduled for:

Date: *[DATE]*

Time: *[TIME]*

This pre-hearing conference will be conducted by videoconference:

[VIDEOCONFERENCE DETAILS]

If you are unable to attend the pre-hearing conference by videoconference, you may also attend by teleconference:

[TELECONFERENCE DETAILS]

The purpose of the Pre-Hearing Conference is to deal with any procedural issues which you may have, including any issues relating to disclosure, length of the hearing, procedure, or any issue which may assist in the just and expeditious disposition of this proceeding.

Please note that you are required under the Board's policy to have completed pre-hearing disclosure prior to this pre-hearing conference.

Each party must notify the other, and supervisory officer, in advance of the Pre-Hearing Conference of any procedural issues which the party wishes to raise at the Pre-Hearing Conference

If you do not attend at the meeting, you will be deemed waived any procedural issues which you might have raised at the Pre-Hearing Conference regarding disclosure or any other procedural issue, unless you can satisfy the Expulsion Committee that there was a reasonable excuse for your failure to participate in the Pre-Hearing Conference.

Please note that the Expulsion Committee will wait for thirty (30) minutes from the scheduled start time for your arrival prior to commencing the pre-hearing but will proceed in your absence should you not arrive within this timeframe.

Please contact me if you have any questions.

Yours truly,

[Name]

Appendix F-1: Notice of Expulsion Committee Decision

IN THE MATTER of the Expulsion Hearing of
the pupil *[NAME OF PUPIL]*,
by the Keewatin Patricia District School Board,
pursuant to section 311.3 (1) of the
Education Act, Part XIII

**DECISION, ORDER, AND NOTICE OF EXPULSION
PURSUANT TO Section 311.6 of the Education Act**

UPON CONVENING THE EXPULSION HEARING on the *[NUMBER]* day of *[MONTH]*, *[YEAR]*,
regarding pupil *[NAME OF PUPIL]* heard by the three trustees making up the Expulsion Hearing
Committee of the Keewatin-Patricia District School Board (“the Committee”);

AND UPON being satisfied that the Committee has jurisdiction to hold the Expulsion Hearing
pursuant to section 311.3 of the Education Act, as amended;

AND UPON being satisfied that the proper parties to the Expulsion Hearing are *[NAME]* as the
Parent/Guardian of the pupil, and *[NAME]* as the Principal of *[NAME OF SCHOOL]*, a school
operated by the Board and the school in which the pupil is enrolled;

AND UPON being satisfied that the parties to the Expulsion Hearing have received reasonable
notice of the hearing in a form that complies with the requirements of the Statutory Powers
Procedures Act;

AND IN the presence of the parties;

AND UPON receiving the consent of the parties as to the procedures to be followed in the
conduct of the hearing of the Expulsion Hearing;

AND UPON hearing the submissions presented by or on behalf of the parties;

AND UPON having retired to consider the matter:

THE COMMITTEE does hereby *[Decision in accordance with section 12 of the Board’s
Suspension and Expulsion Administrative Procedure 321. If pupil is to be expelled, give reasons
for the decision.]*;

The COMMITTEE provides the following information about the program for expelled pupils:
[Insert information]



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The Parent/Guardian of the pupil has the right to appeal the above expulsion decision under section 311.7 of the Education Act. For more information on the process for appeal and time limits, please contact the following organization:

Child and Family Services Review Board

General Inquiry: 416-327-0111

Toll-Free: 1-888-777-3616

Email: cfsrb@ontario.ca

Web: <https://tribunalsontario.ca/cfsrb/>

15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

DATED at the City of Kenora, in the Province of Ontario, this [Date], and signed on behalf of the Committee by the Chair and members of the Hearing Committee.

KEEWATIN-PATRICIA DISTRICT SCHOOL BOARD

By _____
[Name], Chair
Expulsion Hearing Committee

By _____
[Name], Member
Expulsion Hearing Committee

By _____
[Name], Member
Expulsion Hearing Committee