

# AVON MAITLAND DISTRICT SCHOOL BOARD

## ADMINISTRATIVE PROCEDURE

### NO. 354

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#### **SUBJECT: STUDENT EXPULSION**

Legal References: *Education Act: Section 265 Duties of Principal; Part XIII Behaviour, Discipline and Safety; Ontario Regulation 298 Operation of Schools Section 23 Requirements for Pupils; Ontario Regulation 37/01 Expulsion of a Pupil; Bill 212: Progressive Discipline and School Safety, Regulation 472/07: Behaviour, Discipline and Safety of Pupils, Regulation 474/00: Access to School Premises, P/PPM 128: The Provincial Code of Conduct and School Board Codes of Conduct, P/PPM 144: Bullying Prevention and Intervention, P/PPM 145 Progressive Discipline and Promoting Positive Student Behaviour, Guideline—Ontario Schools Code of Conduct; Statutory Powers Procedure Act; Youth Criminal Justice Act, Child and Family Services Act; Children’s Law Reform Act; Criminal Code of Canada; PPM 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools (2009); PPM 130 School Board Programs for Students Who Have Received a Full Expulsion; Reg 181/98 Ontario First Nation, Metis and Inuit Education Policy Framework 2007; Bill 157 Keeping Our Kids Safe at School; Ontario Human Rights Code*

Related References: *Board Policy No. 13 Appeals and Hearings Regarding Student Matters, AP138 Positive Workplace Environment; AP 160 Access to School Premises; AP 179 Lockdown and Hold/Secure; AP 266 Field Trips and Excursions; AP 351 Code of Conduct; AP 352 Promoting Positive Student Behaviors; AP 353 Student Suspension; AP 356 Substance Abuse by Students; AP357 Violence Free Schools; AP 364 Search and Seizure Guidelines; AP 370 Ontario Student Record; Police/School Board Protocol (Appendix B, AP 351)*

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#### **Definitions**

*Adult-Student* – is a student who is 18 years of age or older, or 16 or 17 years of age who has removed him/herself from parental control.

*Student Matters, Appeals and Hearings Committee* – a committee of three (3) or more Trustees designated to determine suspension appeals and recommendations for expulsion.

*Parent/Guardian* – where there is reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not an adult-student.

The following AMDSB documents should be used in conjunction with the *Student Expulsion* policy:

- AP 352 *Promoting Positive Student Behavior*
- AP 353 *Student Suspension*

The following documents may also be considered in reference to the *Student Expulsion* policy:

- AP 351 *Code of Conduct*
- AP 357 *Violence Free Schools*

#### **1. System Expectations**

- 1.1. This administrative procedure has been established to set out the legal basis for expulsion of students and the process to be followed when an expulsion is considered or imposed.

- 1.2. The expulsion of students shall be conducted in accordance with this procedure and implementation procedures as outlined in the *Education Act*, as amended by the *Education Amendment Act (Progressive Discipline and School Safety) 2007*, Ontario Regulations, and the *Ontario Human Rights Code*. Expulsion appeals and hearings shall be conducted in accordance with the terms of Board Policy No. 13 Appeals and Hearings Regarding Student Matters.
- 1.3. The board will review annually the Student Information System (Maplewood) documentation steps for expulsion with principals and vice-principals.
- 1.4 An expelled student is a student of the Board.

## **2. Infractions for Which a Student May be Expelled**

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 Avon Maitland District School Board include:

- a) Possessing a weapon, including possessing a firearm;
- b) Using a weapon to cause or threaten bodily harm to another person;
- c) Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
- d) Committing sexual assault;
- e) Trafficking in weapons, illegal and/or restricted drugs;
- f) Committing robbery;
- g) Giving alcohol to a minor;
- h) Bullying if
  - i) a student has been previously suspended for bullying and
  - ii) the student's continued presence in the school creates (in the principal's opinion) an unacceptable risk to the safety of another person;
- i) Any incidents under Section 306(1) of the Education Act (Activities Leading To Possible Suspension) if they are motivated by bias, prejudice or hate based on such factors as race, religion, sex, mental or physical disability or sexual orientation (refer to Administrative Procedure 353 Student Suspensions);
- j) An act considered by the principal to be a serious violation of the Board or school Code of Conduct, an act which is significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
- k) A pattern of behaviour that is so inappropriate that the student's continued presence is injurious to the effective learning and/or working environment of others;
- l) Activities engaged in by the student on or off school property that cause the student's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
- m) Activities engaged in by the student on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
- n) The student has demonstrated through a pattern of behaviour that she or he has not prospered by the instruction available to him or her and that she or he is persistently resistant to making changes in behaviour, which would enable him or her to prosper.
- o) Where a student has no history of discipline or behavior intervention, or no relevant history, a single act, incident or infraction considered by the principal to be a serious violation of the expectations of student behavior and/or a serious breach of the Board or school Code of Conduct.

### 3. Mitigating and Other Factors

When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the student, where appropriate, and the student's parent/guardian, if the student is not an adult-student, to identify whether any mitigating factors might apply in the circumstances.

- 3.1 The mitigating factors to be considered by the principal before deciding whether to impose a suspension pending an expulsion are:
  - a) Whether the student has the ability to control his/her behaviour;
  - b) Whether the student has the ability to understand the foreseeable consequences of his/her behaviour; and
  - c) Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 3.2 If the student does not have the ability to control his/her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal should consider not suspending or expelling the student. Alternative progressive discipline and/or other interventions may be considered by the principal in such circumstances consistent with the *Ontario Human Rights Code*.
- 3.3 If the student does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent or designate regarding appropriate accommodations and /or strategies that might be instituted to ensure the safety of students, staff and others in the school.
- 3.4 **Other factors to be Considered**

Where the student is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of suspension or the decision to apply a suspension as a form of discipline for the student:

- a) The student's academic, discipline and personal history;
- b) Whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any other success or failure;
- c) Whether the infraction for which the student might be disciplined was related to any other harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reasons;
- d) The impact of the discipline on the student's prospects of further education;
- e) The student's age;
- f) Where the student has an IEP or disability related needs,
  - i) Whether the behaviour causing the incident was a manifestation of the student's disability;
  - ii) Whether appropriate individualized accommodation has been provided; and
  - iii) Whether a suspension is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in greater likelihood of further inappropriate conduct; and
- g) Whether or not the student's continuing presence at school creates an unacceptable risk to the safety of anyone in the school.

- 3.5 Exclusion from the school pursuant to section 265(1)(m) of the *Education Act* is not acceptable for discipline purposes or as an alternative to discipline, and may only be effected following consultation with the superintendent and in accordance with the *Education Act* and consistent with the *Human Rights Code*.

#### **4. Suspension Pending Recommendation for Expulsion**

- 4.1 If the student is to be suspended pending an investigation, the student should be suspended for (20) school days.
- 4.2 If the student has been suspended pending an investigation to determine whether the student will be recommended for expulsion, the principal **MUST** assign the student to a program for suspended students, an Alternative Suspension Program. The suspension/expulsion academic and non-academic program type is required to be documented in the Student Information System (Maplewood).
- 4.3 If the student has been suspended for twenty (20) school days, the principal must undertake an investigation to determine whether to recommend to the Student Matters, Appeals and Hearings Committee that the student be expelled.
- 4.4 The principal shall review whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure before proceeding to a Suspension Pending Recommendation for Expulsion.
- 4.5 When imposing a suspension pending an expulsion, the principal is required to affect the procedural steps prescribed in AP 353 *Student Suspension*, section 5.0.
- 4.6 The principal should consult with the regional Superintendent of Education before deciding whether to refer the matter immediately to the Student Student Matters, Appeals and Hearings Committee of the board for an expulsion hearing.
- 4.7 Written notice to the adult –student or the parent/guardian must clearly state that there is no immediate right to appeal the suspension. Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Student Matters, Appeals and Hearings Committee, and if the principal decides to recommend an expulsion, that the suspension may be addressed at the expulsion hearing. (Form 354A printed from Maplewood.)

#### **5. Student Action Plan – For Students Suspended Pending Expulsion**

A student subject to suspension pending expulsion shall be provided with both academic and nonacademic supports, which will be identified in the student's Student Action Plan Form 354B. A Student Action Plan will be developed for every student subject to a suspension of six (6) or more days who agrees to participate in an Alternative Suspension Program. Agreement to participate in an Alternative Suspension Program or refusal may be communicated to the school orally by the adult-student or the parent/guardian. Where the student or his/her parent/guardian declines the offer to participate in an Alternative Suspension Program, the principal shall record the date and time of such refusal.

### 5.1 Planning Meeting

- For students who choose to participate in an Alternative Suspension Program, the principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan.
- The adult-student or the parent/guardian and student (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- The planning meeting will be scheduled to occur within two (2) school days of the student or the parent/guardian informing the school that the student will participate in an Alternative Suspension Program.
- If the adult-student or the parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Student Action Plan will be provided to them following the meeting.
- During the planning meeting the principal or designate will review the issues to be addressed in the student's Student Action Plan.

A student cannot be compelled to participate in an Alternative Suspension Program. Should the adult-student or the parent/guardian choose not to have the student participate in an Alternative Suspension Program, the student will be provided with schoolwork consistent with the Ontario curriculum or that student's modified or alternative curriculum to be completed at home for the duration of his/her suspension pending expulsion. This schoolwork will be available at the school for pick-up by the adult-student's designate or the parent/guardian or a designate at regular intervals during the suspension period beginning the day after the adult-student or the parent/guardian refuses to participate in an Alternative Suspension Program.

5.2 The Student Action Plan will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher and/or classroom teacher.

5.3 The principal will make every effort to complete the Student Action Plan within five (5) school days following the adult student or the parent/guardian informing the school that the student will participate in an Alternative Suspension Program.

5.4 This timeline will be communicated to the adult-student or the parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.

5.5 Once completed, the Student Action Plan will be shared with the adult-student or the parent/guardian and student and all necessary staff to facilitate implementation.

5.6 A copy of the Student Action Plan will be stored in the student's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the student.

5.7 The Student Action Plan will identify:

- The incident for which the student was suspended;
- The progressive discipline steps taken prior to the suspension, if any;
- Any alternative discipline measures imposed in addition to the suspension;
- Any other disciplinary issues regarding the student that have been identified by the school;
- Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
- Any program(s) or service(s) that might be provided to address those learning or other needs;

- The academic program to be provided to the student during the suspension period and details regarding how that academic program will be accessed by the student;
- Where the student has an IEP information regarding how the accommodations / modifications of the student's academic program will be provided during the period of suspension;
- The non-academic program and services to be provided to the student, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
- The measurable goals the student will be striving to achieve during the period of suspension.

## 6. Principal's Investigation and Consultation

- 6.1 The principal will conduct an investigation promptly following the suspension of the student to determine whether to recommend to the Student Matters, Appeals and Hearings Committee that the student be expelled.
- 6.2 As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent of School Operations regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the student be expelled.
- 6.3 Before referring a student to the Student Matters, Appeals and Hearings Committee of the Board for expulsion, the administration shall consider whether or not the recommendation might have a disproportionate impact on a student protected by the *Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required.
- 6.4 Should the decision be made to refer the student to the Student Matters, Appeals and Hearings Committee with a recommendation for expulsion, the student must be referred to and dealt with by the Student Matters, Appeals and Hearings Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).
- 6.5 Any police investigation will be conducted separately from the principal's inquiry.
- 6.6 As part of the investigation, the principal will:
- Make all reasonable efforts to speak with the adult-student or the parent/guardian and student;
  - Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
  - Make every reasonable effort to interview any witnesses suggested by the student, or the parent/guardian; and
  - Consider the mitigating and other factors when determining whether to recommend to the Student Matters, Appeals and Hearings Committee that the student be expelled.
  - Review whether progressive discipline approaches have been attempted with a student and the success or failure of the interventions. In this review the principal or vice principal will consider:
    1. whether the teacher, principal or vice-principal utilized preventative strategies and positive practices;
    2. whether the teacher, principal or vice-principal has utilized early and on-going intervention strategies to prevent unsafe or inappropriate behavior; and

3. whether the principal or designate has used a progressive discipline approach to address inappropriate behavior for which suspension could have been imposed

Refer to AP 352 *Promoting Positive Student Behaviour*, section 6.0.

- Consider whether or not the student is protected by the *Human Rights Code*, including but not limited to race and disability and/or is in a disadvantaged position in society, and evaluate the appropriateness of the accommodation if any was provided.

## **7. Decision Not to Recommend Expulsion**

Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend to the Student Matters, Appeals and Hearings Committee that the student be expelled, the principal must:

1. consider whether alternative discipline is appropriate in the circumstances;
2. uphold the suspension and its duration;
3. uphold the suspension and shorten its duration and amend the record accordingly; or
4. withdraw the suspension and expunge the record.

7.1 If the principal has decided not to recommend an expulsion of the student, the principal will provide written notice of this decision to the adult-student and the parent/guardian and student. The notice shall include:

1. a statement of the principal's decision not to recommend expulsion to the Student Matters, Appeals and Hearings Committee;
2. a statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn; and
3. if the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Student Matters, Appeals and Hearings Committee, including:
  - a copy of the board policies and guidelines regarding suspension appeals;
  - contact information for the Superintendent of School Operations;
  - a statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion; or
  - if the length of the suspension has been shortened, notice that the appeal is of the shortened length of the suspension.

(Form 354C)

## **8. Recommendation to the Board for an Expulsion Hearing**

8.1 If a principal in consultation with the Superintendent of Education determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Student Matters, Appeals and Hearings Committee to be heard within twenty (20) school days from the date the principal suspended the student, unless the parties to the expulsion hearing agree upon a later date.

8.2 For the purposes of the expulsion proceeding, the principal will prepare a report to be submitted to the Student Matters, Appeals and Hearings Committee and provide the report to the student, the student's parent/guardian (unless the student is an adult-student) prior to the hearing.

- 8.3 The report will include:
- A summary of the findings the principal made in the investigation;
  - An analysis of which, if any, mitigating or other factors might be applicable;
  - A recommendation of whether the expulsion should be from the school or from the Board; and
  - A recommendation regarding the type of school that would benefit the student if the student is subject to a school expulsion, or the type of program that might benefit the student if the student is subject to a Board expulsion.
- 8.4 Inquire with the Superintendent of School Operations as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult-student or the parent/guardian. The notice shall include:
- A statement that the student is being referred to the Student Matters, Appeals and Hearings Committee to determine whether the student will be expelled for the activity that resulted in suspension;
  - A copy of the Board's policies and guidelines governing the hearing before the Student Matters, Appeals and Hearings Committee;
  - A copy of the Board Code of Conduct and School Code of Conduct;
  - A copy of the suspension letter;
  - A statement that the student and/or his or her parent/guardian has the right to respond to the principal's report in writing;
  - Information about the procedures and possible outcomes of the expulsion hearing, including that:
    - i) If the Student Matters, Appeals and Hearings Committee does not expel the student, they will either: confirm, confirm and shorten, or withdraw the suspension;
    - ii) Parties have the right to make submissions with respect to the suspension;
    - iii) Any decision with respect to the suspension is final and cannot be appealed;
    - iv) If the student is expelled from the school, they will be assigned to another school;
    - v) If the student is expelled from the Board, they will be assigned to a program for expelled students;
    - vi) If the student is expelled there is a right of appeal to the Child and Family Services Review Board; and
    - vii) The name and contact information for the Superintendent of School Operations. (Form 354D)

## **9. Role of the Superintendent of School Operations**

- 9.1 The Superintendent of School Operations may arrange a meeting with the adult-student or the parent(s)/guardian(s) and student and the principal, as appropriate.
- 9.2 If a meeting is arranged, the Superintendent of School Operations will:
- 9.2.1 review the Student Matters, Appeals and Hearings Committee process for expulsion hearings, as well as respond to any questions or concerns the student or the student's parent/guardian may have regarding the process or incident; and
- 9.2.2 if a meeting is arranged, during the meeting the Superintendent of School Operations may assist to narrow the issues and identify agreed upon facts.
- 9.2 Will ensure that the item is placed on the Student Matters, Appeals and Hearings Committee agenda for the date and time set out on the notice to the adult-student or the student's parent/guardian and co-ordinate the attendance of the Trustees.

- 9.3 Will prepare a package of documents for the Student Matters, Appeals and Hearings Committee, which will include at least the following components:
- a) A copy of the principal's Report; and
  - b) A copy of the notice of expulsion sent to the adult-student or student's parent/guardian.

- 9.4 Will confirm with the adult-student or the student's parent/guardian the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the package to go to the Student Matters, Appeals and Hearings Committee.

## 10. Hearing before the Student Matters, Appeals and Hearings Committee

- 10.1 If the principal recommends expulsion, the Student Matters, Appeals and Hearings Committee shall hold a hearing.

- 10.2 Parties before the Student Matters, Appeals and Hearings Committee will be:
1. The principal; and
  2. The adult-student or the parent(s)/guardian(s).

- 10.3 If a student is not a party, he/she has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Student Matters, Appeals and Hearings Committee may grant a person with Daily Care the authority to make submissions on behalf of the student. An adult-student or student's parent/guardian may bring legal counsel, and advocate or support person with them to the expulsion hearing.

- 10.4 The hearing will be conducted in accordance with the Rules of the Student Matters, Appeals and Hearings Committee and the Guideline for Expulsion Hearings:

10.4.1 The Student Matters, Appeals and Hearings Committee shall consider oral and written submissions, if any, of all parties;

10.4.2 The Student Matters, Appeals and Hearings Committee shall consider whether or not the *Human Rights Code* should be applied in the circumstances to mitigate the discipline, if any;

10.4.3 The Student Matters, Appeals and Hearings Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;

10.4.4 The Student Matters, Appeals and Hearings Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and

10.4.5 Such other matters, as the Student Matters, Appeals and Hearings Committee considers appropriate.

- 10.5. In determining whether to impose an expulsion, the Student Matters, Appeals and Hearings Committee shall consider the **mitigating and other factors**:

- Whether the student has the ability to control his or her behaviour;
- Whether the student has the ability to understand the foreseeable consequences of his or her behaviour;
- Whether the student's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
- The student's academic, discipline and personal history;
- Whether progressive discipline has been attempted with the student, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;

- Whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
- The impact of the discipline on the student's prospects for further education;
- The student's age;
- Where the student has an IEP or disability related needs; whether the behaviour causing the incident was a manifestation of the student's disability, whether appropriate individualized accommodation has been provided and whether an expulsion is likely to result in aggravating or worsening the student's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
- Whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

10.6 Where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the infraction, the Student Matters, Appeals and Hearings Committee may request further evidence as set out in the Expulsion Hearing Rules subject to the requirement that the hearing take place within 20 school days or the Student Matters, Appeals and Hearings Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the student committed the infraction.

## **11. Student Matters, Appeals and Hearings Committee Decision: No Expulsion**

11.1 If the Student Matters, Appeals and Hearings Committee decides not to expel the student, the Board shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

- 11.1.1 Consider whether alternative discipline is appropriate in the circumstances;
- 11.1.2 Uphold the suspension and its duration;
- 11.1.3 Uphold the suspension and shorten its duration and amend the record accordingly; or
- 11.1.4 Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or
- 11.1.5 Make such other orders, as the Student Matters, Appeals and Hearings Committee considers appropriate.

11.2 The Student Matters, Appeals and Hearings Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

11.3 The Student Matters, Appeals and Hearings Committee's decision with respect to the suspension is final.

## **12. Student Matters, Appeals and Hearings Committee Decision: Expulsion**

12.1 In the event the Student Matters, Appeals and Hearings Committee decides to impose an expulsion on the student, the Student Matters, Appeals and Hearings Committee must decide whether to impose a board expulsion or a school expulsion.

12.2 In determining the type of the expulsion, the Student Matters, Appeals and Hearings Committee shall consider:

- the mitigating and other factors identified in 10.5;
- the application of the Human Rights Code;

- all submissions and views of the parties, any written response to the principal's report provided before the completion of the hearing;
  - whether or not the type of expulsion might have a disproportionate impact on a student protected by the *Human Rights Code*, including but not limited to race and disability, and/or exacerbate the student's disadvantaged position in society, and whether or not accommodation is required in the circumstances; and
  - such other matters, as the Student Matters, Appeals and Hearings Committee considers appropriate.
- 12.3 Where the Student Matters, Appeals and Hearings Committee decides to impose a school expulsion, then the Student Matters, Appeals and Hearings Committee must assign the student to another school. The requirements of school transfers as set out in AP 352 *Promoting Positive Student Behavior* section 3.13 shall apply.
- 12.4 Where the Student Matters, Appeals and Hearings Committee decides to impose a Board expulsion, then the Student Matters, Appeals and Hearings Committee must assign the student to a program for expelled students.
- 12.5 An expelled student is a student of the Board, even where he/she attends a program for expelled students at another school board, unless he/she does not attend the program or registers at another school board.
- 12.6 The Student Matters, Appeals and Hearings Committee must promptly provide written notice of the decision to expel the student to all parties, and the student, if he or she was not a party. The written notice shall include:
- 12.6.1 The reason for the expulsion;
  - 12.6.2 A statement indicating whether the expulsion is a school expulsion or a Board expulsion;
  - 12.6.3 Information about the school or program to which the student has been assigned; and
  - 12.6.4 Information about the right to appeal the expulsion, including the steps to be taken. (Form 354E and 354F)
- 12.7 Once the principal of alternative programs has received notice that a student has been expelled, s/he must create an SAP in a manner consistent with the Board's policy and procedures for programs for expelled students.

### **13. Re-entry Requirements Following an Expulsion**

- 13.1 A student who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once s/he has successfully completed a program for expelled students and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.
- 13.2 The Board shall re-admit the student and inform the student in writing of the re-admission.
- 13.3 A student who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which s/he was expelled.
- 13.3.1 The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
  - 13.3.2 The student will be required to demonstrate that he/she has learned from the incident and has sought counseling, where appropriate;
  - 13.3.3 The student will be required to sign a Declaration of Performance form provided by the Board (Form 354G);

13.3.4 Following consideration of the principles of equity and inclusion, the Board, in its sole discretion, may determine that a different school than the one from which the student was expelled is a more appropriate placement for the student.

**14. Appeal of Board Decision to Expel – refer to Board Policy 13 re *Appeals and Hearings Regarding Student Matters***

14.1 The adult-student or the parent/guardian may appeal a Board decision to the Child and Family Services Review Board.

14.2 The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel students.

14.3 The decision of the Child and Family Services Review Board is final.