

*Suspension
and
Expulsion:*

What Parents and Students Need to Know

A safe and accepting learning and teaching environment is essential for student achievement and well-being.

Ontario's Approach

A positive school climate means everyone — students, parents¹, staff and community members – feels safe, welcome and respected. Everyone has a role to play in promoting healthy relationships and contributing to a school climate which helps to encourage appropriate student behaviour.

When inappropriate student behaviour occurs, schools will use a progressive discipline approach which combines early and ongoing interventions to promote positive student behaviour. Schools consider a **range of options** to determine the most appropriate way to respond to each situation and help students learn from their choices, while taking into account their individual circumstances. In some cases, a suspension or an expulsion may be necessary.

The Facts on Suspension and Expulsion

Use this guide to find out:

- what activities can lead to suspension or expulsion
- what factors will be considered in a suspension or an expulsion
- what programs and supports are available to help expelled students or students on long-term suspension keep learning and get back on track.

1. In this document, *parent(s)* refers to *parent(s) and guardian(s)*.



SUSPENSION

Students who are suspended from school have opportunities to continue learning to help them stay on track with their education.

What is suspension?

A suspension means students are removed from school temporarily for a specific period of time. Students may be suspended for a period of time ranging from one school day up to 20 school days. Students cannot go to school or take part in regular school activities or events while on suspension.

Who decides if students are suspended?

Only the principal can suspend a student.

What activities can lead to suspension?

The principal must consider suspension if a student has engaged in any of the activities listed below:

- uttering a threat to inflict serious bodily harm on another person
- possessing alcohol or illegal drugs
- being under the influence of alcohol
- swearing at a teacher or at any person in a position of authority
- committing an act of vandalism that causes extensive damage to school property at the student's school or to property on school premises
- bullying, including cyber-bullying
- any other activities identified in school board policy.

Suspension will be considered whether the activity took place at school, at a school-related activity (e.g., a field trip), or in any other circumstances where the student's behaviour has an impact on the school climate (like cyber-bullying).

What must principals consider before suspending a student?

Before suspending a student, the principal must consider the individual circumstances of that student and must specifically take into account the following factors²:

- the student does not have the ability to control his/her behaviour
- the student does not have the ability to understand the possible consequences of his/her behaviour
- the student's presence in the school does not create an unacceptable risk to the safety of another person
- the student's history (i.e., personal history such as a recent trauma in the student's life)
- whether progressive discipline has already been used
- whether the behaviour is related to harassment because of the student's race, ethnic origin, religion, disability, gender or sexual orientation or any other type of harassment
- how the suspension will affect the student's ongoing education
- the student's age.
- If a student has special education needs and has an Individual Education Plan, the principal must also consider:
 - » whether the behaviour was a manifestation of a disability identified in the student's plan
 - » whether appropriate accommodation has been provided
 - » whether suspension is likely to aggravate or worsen the student's behaviour or conduct.

2. In this document, *mitigating factors* refer to *mitigating and other factors* as outlined in Ontario Regulation 472/07, *Behaviour, Discipline and Safety of Pupils*, available at: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070472_e.htm.

Each decision on discipline is unique for each student. Based on these factors, the principal can decide on different consequences and supports for each student. For example, two students may be involved in an incident but only one student may be suspended. Or, a principal may suspend one student for five days but suspend another for three days, and suggest counselling for both students.

How will parents hear about the suspension?

When students are suspended, the principal will make every reasonable effort to let his/her parents know within 24 hours. This will be followed by a letter notifying them about the suspension. The letter will include important information, such as:

- reason for the suspension
- length of the suspension
- the supervisory officer's contact information, in case parents have any questions
- information on how and when to appeal the suspension.

Students on a long-term suspension will receive information about the program that will be provided to them.

What programs are offered when students are suspended?

Students can be suspended for a period of one to 20 school days. Students who are suspended for **more than five school days** are considered to be on a **long-term suspension**.

- Students who are suspended for **one to five school days** are expected to receive a homework package from the school.
- Students who are suspended for **six to 10 school days** must be offered an academic program that will help him or her keep

learning. Students are encouraged to participate in the program.

- Students who are suspended for **11 to 20 school days** must be offered a program with an academic component as well as a non-academic component to promote positive behaviour. These could include supports like anger management, substance-abuse counselling or life skills coaching to help engage and motivate the student, and encourage positive behaviour. Students are encouraged to participate in the program.

Once a student has been suspended for more than five school days and agrees to participate in a program for suspended students, the principal will hold a **planning meeting** with school and board staff, the student, and parents (wherever possible) to identify the objectives of the **Student Action Plan**.

The plan defines the academic component and non-academic component as appropriate to promote positive behaviour the student will receive in the program. The program will be based on the student's needs, length of the suspension, the nature and severity of the behaviour as well as mitigating and other factors.

The academic part of the program will follow the Ontario curriculum and ensure that students have the opportunity to continue their education. If students have special education needs and an **Individual Education Plan**, the school board must provide supports that are consistent with the plan.

Will parents be able to discuss supports provided for their child?

Principals must invite parents to have a discussion about the program, including the supports that will be provided for their child.

School boards must also have a process in place for parents to follow if they have concerns about the supports provided to their child.

Can a suspension be appealed?

A suspension can be appealed to the school board. Written notice of the request for an appeal must be sent to the superintendent of the school board within 10 school days of the start of the suspension.

The appeal must be heard within 15 school days of the board receiving the notice of appeal, unless the parents and school board have agreed to an extension. If parents have questions about the appeal, they can contact the superintendent of the school board.

What happens when the student returns from a suspension?

Suspended students must be permitted to return to school after the suspension is over. While a program must be offered by the school board to students who are suspended for more than five school days, students do not have to participate in or complete a school board program to return to school.

For students returning from a suspension lasting more than five school days, the principal will hold a **re-entry meeting** with school and school board staff, the student and his/her parents (where possible). Community agencies that have been working with the student may be included, as appropriate. The purpose of the meeting is to make the student’s transition back to school successful (i.e., by identifying any extra academic or non-academic supports the student may need).

Summary of programs for suspended students

Suspension	Planning Meeting	Student Action Plan: Academic Component	Student Action Plan: Non-academic component (Supports)	Re-entry meeting
1-5 school days	Not required	Not required	Not required	Not required
6-10 school days	✓	✓	Not required	✓
11-20 school days	✓	✓	✓	✓

LEARN MORE

Contact your school principal.

Visit your school board website.

For information on making Ontario’s schools safe and accepting, and bullying prevention, visit ontario.ca/acceptingschools.

Promoting well-being is one of the four key goals in *Achieving Excellence; A Renewed Vision for Education in Ontario*. Learn more at ontario.ca/eduvision.

EXPULSION

Students who are expelled from school must be provided with opportunities to continue their education and must be offered additional non-academic supports, such as counselling, to help promote positive behaviour.

What is expulsion?

An expulsion is different from a suspension. An expulsion does not have a time limit. Expelled students are removed from school for an indefinite time period. Students are suspended first, while expulsion is being considered.

Students can be expelled from their own school. Or, they can be expelled from all schools in their school board.

Students expelled from all schools in their school board cannot go to school or take part in regular school activities or events. For example, expelled students cannot go on field trips or take part in school team events.

Who decides if a student is expelled?

After an investigation, the principal recommends to the school board whether or not a student should be expelled. Only the school board can make the decision to expel a student.

What activities can lead to expulsion?

If a student has engaged in any of the activities listed below, the principal will immediately suspend the student and investigate the incident and recommend whether the student should be expelled. Activities include:

- possessing a weapon, including a firearm
- using a weapon to cause or threaten bodily harm to another person

- committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner
- committing sexual assault
- trafficking in weapons or in illegal drugs
- committing robbery
- giving alcohol to a minor
- bullying - if the student has previously been suspended for bullying and the student's presence in the school creates an unacceptable risk to the safety of another person
- any activity for which a student can be suspended (see section on suspension) that is motivated by bias, prejudice or hate
- any other activities identified in school board policy.

Expulsion will happen whether the activity took place at school, at a school-related event (i.e., a field trip) or in any other circumstances where the student's behaviour has a negative impact on the school climate.

What happens if students engage in one of these activities?

The student will be immediately suspended. The principal must then investigate the matter in order to determine whether to recommend to the school board that the student be expelled. As part of the investigation, the principal must make every reasonable effort to speak to the student who was suspended, his/her parents, and anyone else who may have relevant information.

How will parents hear about it?

When students are suspended pending a possible expulsion, the principal will make every reasonable effort to let his/her parents know within 24 hours that the student has been suspended. This will be followed by a letter

notifying them about the suspension. The letter will also include important information, such as:

- reason for the suspension
- length of the suspension
- information about the program for suspended students to which the student is assigned
- information on how and when to appeal the suspension.

What must a principal consider when deciding whether or not to recommend an expulsion?

Before deciding whether to recommend a student for expulsion, the principal must consider the student's individual circumstances and specifically take into account the following factors²:

- the student does not have the ability to control his/her behaviour
- the student does not have the ability to understand the possible consequences of his/her behaviour
- the student's presence in the school does not create an unacceptable risk to the safety of another person
- the student's history (i.e., personal history such as recent trauma in the student's life)
- whether progressive discipline has already been used
- whether the behaviour is related to harassment because of the student's race, ethnic origin, religion, disability, gender or sexual orientation or any other type of harassment
- how the expulsion will affect the student's ongoing education
- the student's age.

- If a student has special education needs and has an Individual Education Plan, the principal must also consider:
 - » whether the behaviour was a manifestation of a disability identified in the student's plan
 - » whether appropriate accommodation has been provided
 - » whether suspension is likely to aggravate or worsen the student's behaviour or conduct.

Each decision on discipline is unique for each student. Based on these factors, one student may be recommended for an expulsion, while another student is not.

What happens after the principal's investigation?

Following the investigation, the **principal will**:

- a. Decide if the student should not be recommended for expulsion. In this case, the principal has three choices:
 1. Confirm the suspension and its length.
 2. Confirm the student is still suspended, but shorten the length of the suspension and update the student's record.
 3. Withdraw the suspension and remove it from the student's record even if the suspension has already been served.

OR

- b. Submit a report to the school board summarizing the principal's findings and recommending that the student be expelled from his or her school only, or from all schools in the school board. The report is also sent to the student's parents.

If the principal recommends an expulsion, the school board will then hold an **expulsion hearing**. This must happen within 20 school

days of the student being suspended. A committee of school board trustees may act on behalf of the school board to make the decision on the expulsion. The student and his/her parents have the opportunity to explain their views at the expulsion hearing.

After the expulsion hearing, **the school board will:**

- a. Decide not to expel the student. If the board makes this decision it can then:
 1. Confirm the suspension and its length.
 2. Confirm the student is still suspended, but shorten the length of the suspension and update the student's record.
 3. Overturn the suspension and remove it from the student's record.

OR

- b. Decide to expel the student only from his/her school.

OR

- c. Decide to expel the student from all schools in the school board.

Can an expulsion be appealed?

An expulsion can be appealed to the Child and Family Services Review Board within 30 school days after the expulsion notice has been received. Information on how to appeal the decision will be included in the notice of expulsion.

What happens when students are expelled?

When students are expelled from **their school only**, the school board will assign them to another school in the board.

OR

When students are expelled from **all schools in the school board**, the school board must offer them a program for expelled students. When students complete the program, they can apply to return to school.

Parents will receive written **notice of expulsion**. It will give them information on the new school or the school board program the student can access. It will also include information on how to appeal the expulsion.

What programs and supports are offered when students are expelled?

When students are expelled **only from their school** and moved to another school of the board, school boards must make supports and resources available to the student at that school where necessary. These supports could include anger management or individual/family counselling that are aimed to help engage and motivate students and encourage positive behaviour.

When students are expelled from **all schools in the school board** and agree to participate in the program for expelled students, the principal will hold a **planning meeting** with school and school board staff, the student, and parents (wherever possible) to identify the objectives of the **Student Action Plan**.

This plan identifies the academic component and supports to promote positive behaviour the student will receive in the program. The program will be based on the student's needs, the nature and severity of the behaviour, as well as **mitigating and other factors**. The plan should be reviewed regularly by the school to determine the student's progress in meeting the objectives of the plan.

Academic component

This part of the program ensures that students have the opportunity to continue their education. Students will continue to follow the Ontario curriculum.

If students have an **Individual Education Plan**, the board must provide supports consistent with the plan.

Non-academic component (supports) to promote positive behaviour

This part of the program will help students develop long-term positive attitudes and behaviours. It identifies services and supports students might need. These could include:

- anger management
- referral for substance abuse counselling
- individual/family counselling for secondary school students to help engage and motivate them, and encourage positive behaviour.

Will parents be able to discuss supports for their child?

Principals must invite parents to have a discussion about the supports that will be provided for their child.

School boards must also have a process in place for parents to follow if they have concerns about the supports provided to their child.

How can an expelled student return to school?

Students who have been expelled from **their school only** may wish to return to that original school at a later date. Students can write to the school board asking to return. It is then up to the school board to decide whether the student can return to their original school.

OR

Students expelled from **all schools in the school board** can apply to return to school with their original school board. Students may also attend a different school board if they are living in that board's area:

- If students successfully complete a school board program for expelled students, they may apply to be readmitted and the board must readmit them to school.
- If the school board staff who provides the program for expelled students believes that the students have met its program objectives through another route, such as work experience, then the school board must readmit them.
- If students have not successfully completed a program or met program objectives through another route, they remain expelled.

A re-entry plan must be developed to help the student make the transition back into school. School and school board staff, the student, and his/her parents (wherever possible) will meet with the principal to develop this plan. The plan should include:

- strategies to help make the student's return to school successful
- identify any extra academic or non-academic supports to promote positive behaviour the student may need.

LEARN MORE

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