

Date of Issue: August 23, 2007

Effective: Until revoked or modified

Subject: **SCHOOL BOARD PROGRAMS FOR STUDENTS ON LONG-TERM SUSPENSION**

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

References: The Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007.
Ontario Regulation 472/07, "Suspension and Expulsion of Pupils".
Policy/Program Memorandum No. 142, "School Board Programs for Expelled Students", August 23, 2007.

INTRODUCTION

The Ministry of Education is committed to ensuring that all students¹ who are on long-term suspension have the opportunity to continue their education. The Education Act, as amended by the Education Amendment Act (Progressive Discipline and School Safety), 2007, requires school boards² to offer at least one board program for suspended students as of February 1, 2008. In this document, *long-term suspension* means a suspension of more than five school days.

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

With respect to programs for students on long-term suspension, research³ has demonstrated that positive outcomes for students are related to specific program elements that are tailored to meet the needs of each

1. In this memorandum, *student* refers to *pupil*, as used in the Education Act.

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

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

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

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

It is expected that boards will actively encourage 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.

Resources that are dedicated to programs for students on long-term suspension may also be used to benefit students who have not been suspended but who have shown behaviours that, if unchanged, could lead to a suspension. However, the needs of students on long-term suspension remain the priority.

GENERAL REQUIREMENTS

As stated above, boards must offer at least one program for students who are on long-term suspension. In the written notice of suspension, parents must be notified of the board program to which the student on long-term suspension has been assigned.

While boards are not required to provide programs for students who have been suspended for less than six days, boards are expected to provide homework packages for these students to help ensure that they do not fall behind in their school work.

Considerations for Program Development

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

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

In the development of board policies related to the creation of these programs, boards should consult with parents, principals,⁶ teachers, students, school councils, their Parent Involvement Committee, their Special Education Advisory Committee, community partners, social service agencies, members of Aboriginal communities (e.g., Elders), and those groups that are traditionally not consulted.

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

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

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

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

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

School Board Policies on Program Operation

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

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

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

PROGRAM REQUIREMENTS

A Student Action Plan (SAP) must be developed for every student on a long-term suspension who makes a commitment to attend the board program for suspended students.

Programs for Students on a Suspension of Six to Ten School Days

The program provided for in the SAP must include an academic component to support the student on a long-term suspension of six to ten school days in continuing his or her education. Boards are not required to provide a non-academic component for suspensions of this length. However, boards should consider what types of support, if any, the student may require during the suspension and upon his or her return to school. The board must also consider continuing any supports that may have been in place for the student prior to the suspension. In the case of students with special education needs, boards are required to provide appropriate support consistent with the student's IEP.

Programs for Students on a Suspension of Eleven to Twenty School Days

The program provided for in the SAP will consist of both an academic and a non-academic component to support the student on a long-term suspension of eleven to twenty school days in continuing his or her education. The board must also consider continuing any types of support that may have been in place for

the student prior to the suspension. In the case of students with special education needs, boards are required to provide appropriate support consistent with the student's IEP.

If a student on a long-term suspension pending an expulsion hearing is expelled, and the student makes a commitment to attend a board program for expelled students, the SAP should be carried forward into the new program.

Components of Programs for Students on Long-Term Suspension

Boards are responsible for determining the content and balance of the program for each student for both the academic and non-academic components of the program. The content and balance of the program for a student will depend on the needs of the student, the length of the suspension, and the nature and severity of the behaviour that led to the suspension, including any mitigating or other factors.

Academic Component

The purpose of the academic component is to ensure that all students on a long-term suspension (more than five school days) have the opportunity to continue their education. Boards must provide students with the opportunity to continue or complete programs of study, including assignments, homework, and any other work evaluated in their regular classes. In all cases, every effort must be made to maintain the student's regular academic course work throughout the suspension period.

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

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

Secondary school students must be supported in continuing to earn credits towards their Ontario Secondary School Diploma.

Non-academic Component

The purpose of the non-academic component is to assist students on a long-term suspension of more than ten school days in the development of positive attitudes and behaviours. Identifying and addressing the underlying causes of the student's behaviour will help reduce the risk that the student might be given a suspension or expulsion in the future.

For those students on a suspension of six to ten school days, boards should consider what types of support, if any, the student may require during the suspension and upon his or her return to school.

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

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

Developing and Implementing the Student Action Plan

An SAP must be developed for every student on long-term suspension who makes a commitment to attend the board program. The SAP will outline the objectives for students and be tailored to meet the specific needs of the student.

The student and/or his or her parent(s) must notify the principal verbally or in writing that the student is committed to attending the program. Once the principal has received this notification, development of the SAP must begin immediately. The SAP must be implemented as soon as possible. It is expected that the SAP, with appropriate support, will facilitate the continuation of the student's learning during the suspension period. Every effort must be made to provide an opportunity for the student to maintain his or her regular academic course work throughout the suspension period.

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

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

For students on a long-term suspension pending expulsion, boards are also expected to provide a homework package until the SAP is in place. As stated earlier, in the case of an expelled student who attended a program for students on long-term suspension, the student's SAP should be carried forward into the program for expelled students.

The Planning Meeting

Once the student and/or his or her parent(s) have indicated that the student is committed to attending the program, the principal shall hold a planning meeting. The planning meeting should be a collaborative process and must include school and board staff and the student. Where possible, the student's parent(s) or other significant family member(s), as well as the student's teacher(s), should also be present at the

meeting. Principals should make reasonable efforts to include parents in this meeting. If the parents cannot be present, the planning meeting should proceed nevertheless, and the principal must attempt to follow up with the parent(s) of the student as soon after the meeting as possible. In addition, where appropriate, community agency staff and any other relevant persons or professionals should also be included in the planning meeting.

The purpose of the planning meeting is to:

- identify the needs of the student;
- identify the student's risk factors and protective factors;
- clearly identify any types of support that the student may need to continue his or her learning;
- establish the objectives of the SAP.

The Re-entry Meeting

The principal shall hold a meeting with school and board staff, the student, and, where possible, the student's parent(s) before the student returns to school. The purpose of this meeting is to facilitate the student's transition back to school by, for example, identifying and providing for any additional academic and non-academic support that the student may require upon returning to school. Where appropriate, community agency staff and any other significant persons or professionals may be involved in the re-entry planning.

Program Delivery

The delivery of the board program may take many forms, ranging from homework packages to attendance in a designated location at the discretion of the board.

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

ACCOUNTABILITY AND REPORTING REQUIREMENTS

Boards must meet the following requirements:

- Boards must continue to collect data on suspensions and report on it to the ministry.
- Boards must establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of the board program. These indicators should be developed in consultation with their school community, including principals, teachers, students, parents, school councils, their Special Education Advisory Committee, and their Parent Involvement Committee, as well as service providers in the community. Boards will also conduct a cyclical review of their programs in a timely manner.

- Boards must collect program data and share this data with the ministry, as required. Boards will also allow monitoring visits by the ministry, as required.
- Boards must enter into transfer payment agreements with the ministry. These agreements will outline requirements for board accountability and reporting.

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

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

SUSPENSION**Activities leading to possible suspension**

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 or illegal drugs.
3. Being under the influence of alcohol.
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.
7. Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board.

Factors principal must consider

(2) In considering whether to suspend a pupil for engaging in an activity described in subsection (1), a principal shall take into account any mitigating or other factors prescribed by the regulations.

Suspension

(3) If a principal decides to suspend a pupil for engaging in an activity described in subsection (1), the principal shall suspend the pupil from his or her school and from engaging in all school-related activities.

Duration of suspension

(4) A suspension under this section shall be for no less than one school day and no more than 20 school days and, in considering how long the suspension should be, a principal shall take into account any mitigating or other factors prescribed by the regulations.

Assignment to program, etc.

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

Policies and guidelines

- (6) The Minister may issue policies and guidelines to boards to assist principals in interpreting and administering this section.

School-related activities

- (7) A pupil who is suspended is not considered to be engaged in school-related activities by virtue of participating in a program for suspended pupils.

Notice of suspension

- 308.** (1) A principal who suspends a pupil under section 306 shall,
- (a) inform the pupil's teacher of the suspension; and
 - (b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
 - (i) the pupil is at least 18 years old, or
 - (ii) the pupil is 16 or 17 years old and has withdrawn from parental control.

Same

(2) A principal who suspends a pupil under section 306 shall ensure that written notice of the suspension is given promptly to the following persons:

1. The pupil.
2. The pupil's parent or guardian, unless,
 - i. the pupil is at least 18 years old, or
 - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. Such other persons as may be specified by board policy.

Contents of notice

- (3) The notice under subsection (2) must include the following:
1. The reason for the suspension.
 2. The duration of the suspension.
 3. Information about any program for suspended pupils to which the pupil is assigned.

SUSPENSION, INVESTIGATION AND POSSIBLE EXPULSION

Activities leading to suspension

310. (1) A principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Possessing a weapon, including possessing a firearm.
2. Using a weapon to cause or to threaten bodily harm to another person.
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.
4. Committing sexual assault.
5. Trafficking in weapons or in illegal drugs.
6. Committing robbery.
7. Giving alcohol to a minor.
8. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled.

Same

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

Duration of suspension

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

Assignment to program, etc.

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

Notice of suspension

- 311.** (1) A principal who suspends a pupil under section 310 shall,
- (a) inform the pupil's teacher of the suspension; and
 - (b) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
 - (i) the pupil is at least 18 years old, or
 - (ii) the pupil is 16 or 17 years old and has withdrawn from parental control.

Same

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

1. The pupil.
2. The pupil's parent or guardian, unless,
 - i. the pupil is at least 18 years old, or
 - ii. the pupil is 16 or 17 years old and has withdrawn from parental control.
3. Such other persons as may be specified by board policy.

Contents of notice

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

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

Programs for suspended, expelled pupils

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

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

Policies and guidelines

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

- (a) impose different requirements on the provision of the programs for different circumstances, different locations or different classes of pupils;
- (b) set criteria respecting pupils' eligibility to participate in the programs and respecting the criteria to be met for successful completion of the programs;

- (c) require boards to offer plans to assist pupils who have successfully completed a program for expelled pupils with their transition back to school and to set criteria respecting those plans; and
- (d) authorize boards, subject to such conditions and restrictions as the Minister imposes, to enter into agreements with other boards for the provision of the programs.

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

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

Mitigating factors

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

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

Other factors

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

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