MORNING RECESS

Webinar 2 - Student Infractions

October 17, 2013

Topics & Issues

- Introduction
- *Education Act*, Part XIII Behaviour, Discipline & Safety
- Suspension Leading to Expulsion
  - “if he or she believes” [s.310(1)]
  - notice of suspension [s.311]
    - Inform teacher of suspended pupil; Inform parents/guardian within 24 hours
    - Written notice of Suspension [s. 311(3)] to: Pupil; Parent/Guardian; *Others per Board Policy*; Reason; Duration; Suspension Program to which assigned; Principal’s Investigation; No Immediate Right of Appeal;
  - notice where victim harmed [300.3]
    - Parent/Guardian of Victim unless Principal considers report would put pupil at risk from parent/guardian; Nature of activity harming pupil; Nature of harm; Steps taken for pupil’s safety; Nature of discipline imposed; NOT the identity of pupil who harmed
- Principal’s Investigation [s.311.1(1)]
  - expulsion within 20 school days [s. 311.3(8)]
  - must make every effort to interview pupil; parent/guardian; any other relevant
    - ask pupil, parent/guardian and witnesses to identify additional individuals to interview;
    - consider mitigating and other factors when conducting investigation [s.311.1(4)]
      - ask for information from pupil; parent/guardian; teachers
      - consider the expulsion report requirements
Expulsion Not Recommended [311.1(5)]
- notice to pupil; parent/guardian
  - duration of suspension; not subject to expulsion; right to appeal suspension (if suspension not withdrawn)

Appeal of Suspension If Expulsion NOT Recommended [s.311.2]
- written notice of intention to appeal within 5 school days
- parent/guardian; adult pupil; others per Board Policy
- Board Superintendent confirm receipt of suspension appeal and notify all other parties (principal; others per Board policy)
- Appeal is to be held in accordance with Board policy
  - parties to appeal: parent/guardian or other appellant; adult pupil; principal; others per Board Policy
  - pupil has right to attend; right to provide submission
- Discipline Committee of the Board
  - 3 or more trustees
  - hear the appeal in accordance with Board policy & procedures
  - confirm suspension; shorten suspension; quash suspension
  - decision is final

Expulsion Recommended
- Expulsion Report [311.1(7)]
  - summary of findings of fact
  - recommendation as to whether should be expelled from all schools or just school attending;
  - recommendation of type of program or school student should attend
  - consideration of mitigating and other factors
  - copy to board and everyone who received notice of suspension [s.311.1(8)]
- Notice of Expulsion [s.311.1(9)]
  - statement that will be subject to expulsion
  - copy of board policies & procedures regarding student discipline
  - right to respond in writing
  - procedures for expulsion hearing and possible outcomes
  - Superintendent contact information
Expulsion Hearing [s.311.3(1)]
- conducted in accordance with Board policy
- parties: parent/guardian; adult pupil; principal; others per Board Policy;
  - pupil has right to attend; right to provide submission
- during hearing Discipline Committee of the Board shall hear submissions of each party orally or in writing, and pupil (if chooses); including
  - whether should be expelled from all schools or school attended;
  - type of program;
  - views re suspension confirmed; reduced or quashed
- Discipline Committee must consider: principal’s report; all submissions; mitigating or other factors; written response to principal’s report;
- Decision of the Discipline Committee
  - expel from all schools and place in program
  - expel from school attended only
  - not expel but uphold suspension
  - not expel and reduce suspension
  - not expel and quash suspension
- Notice of Decision
  - reason; type of expulsion; program information; right of appeal to the Child and Family Services Review Board

Child & Family Services Review Board Hearing
- Statutory Powers Procedures Act

Expulsion Program

Transfer to another School Board