



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 - duration of suspension; not subject to expulsion; right to appeal suspension (if suspension not withdrawn)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**