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Subject: SCHOOL BOARD PROGRAMS FOR EXPELLED STUDENTS

Application: Directors of Education
Supervisory Officers and Secretary-Treasurers of School Authorities
Principals of Elementary Schools
Principals of Secondary Schools
Principals of Provincial and Demonstration Schools
Chairs of Special Education Advisory Committees

Reference: This memorandum replaces Policy/Program Memorandum No. 142,
August 23, 2007.

INTRODUCTION

The Ministry of Education is committed to ensuring that all students¹ who are expelled have the opportunity to continue their education. The Education Act requires school boards² to:

- provide at least one program for students who have been expelled from all schools of the board;
- assign a student who has been expelled only from his or her school to another school of the board.

The purpose of this memorandum is to provide direction to school boards regarding the development of board programs for expelled students.

With respect to programs for expelled students, research³ has demonstrated that positive outcomes for students are related to specific program elements that are tailored to meet the needs of each student. In accordance with this memorandum, boards must establish programs that include the following elements:

- a planning meeting to determine the specific academic and non-academic program requirements
- a Student Action Plan (SAP) that outlines goals, objectives, and learning expectations, including provision for a review of the student's progress with regard to his or her SAP
- a re-entry plan to assist with the student's transition back to school and integration in the school

1. *Student*, as used in this memorandum, refers to *pupil*, as used in the Education Act. *Expelled student* refers to a student who has been expelled from his or her school only or from all schools of a board.

2. In this memorandum, *school board(s)* and *board(s)* 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.

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 expelled students to participate in the board program for expelled students. While boards cannot compel expelled students to participate in a board program for expelled students, students who wish to return to school must satisfy the objectives required for successful completion of a program for expelled students.

The active engagement of parents⁴ and families and linkages to community-based service providers,⁵ such as agencies that provide counselling support and addiction treatment, also contribute to positive overall outcomes for students.

Resources that are dedicated to programs for expelled students may also be used to benefit students who have not been expelled but who have shown behaviours that, if unchanged, could lead to an expulsion. However, the needs of expelled students remain the priority.

GENERAL REQUIREMENTS

Suspension Pending Expulsion

A student who has been suspended pending an expulsion hearing shall be assigned to a board program for students on long-term suspension. See Policy/Program Memorandum No. 141, "School Board Programs for Students on Long-Term Suspension", December 5, 2012.

In accordance with Policy/Program Memorandum No. 141, an SAP will be developed for every student who makes a commitment to attend the board program for suspended students. The student and/or his or her parent(s) must notify the principal⁶ verbally or in writing that the student wishes to attend 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. 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.

Boards are also expected to provide a homework package for the student until the SAP is in place.

4. In this memorandum, *parent(s)* refers to parent(s) and guardian(s). For the purposes of Part XIII of the Education Act, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are to be treated as adults.

5. Community-based service providers include a range of community service agencies, mental health agencies/services, local organizations, and community programs.

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

Expulsion

A student may be expelled either from his or her school only or from all schools of the board. If a student is expelled from his or her school only, he or she must be assigned to another school of the board.

If a student is expelled from all schools of the board, he or she must be assigned to a board program for expelled students. 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.

In the notice of expulsion, parents must be provided with information on either the new school or the board program to which the expelled student has been assigned.

Where an expelled student who is transferred to another school requires additional support and resources, boards should make appropriate support available and/or facilitate the student's referral to community-based service providers.

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 support and resources.

Boards should draw upon evidence-informed 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 principals, teachers, and other school staff;⁷ students; parents; their Special Education Advisory Committee; and community partners, including social service agencies, mental health agencies, and members of First Nations, Métis, and Inuit communities (e.g., Elders). Boards should also consult with their Parent Involvement Committees and other relevant groups.

Boards must take into account the needs of individual students by showing sensitivity to diversity and to cultural needs in their programs for expelled students. Their programs should be in keeping with the relevant strategies and initiatives outlined in related ministry documents, including *Caring and Safe Schools in Ontario: Supporting Students with Special Education Needs through Progressive Discipline, Kindergarten to Grade 12, 2010*; *Ontario's Equity and Inclusive Education Strategy, 2009*; and *Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*. The board programs should also be

7. Other school staff include, but are not limited to, staff in social work, child and youth work, psychology, and related areas; early childhood educators; educational assistants; attendance counsellors; and Aboriginal education counsellors. Even though the term *school staff* is used in this memorandum, it is understood that staff at the school are employed by the board.

aligned with other relevant ministry strategies and initiatives, such as Student Success and character development, as well as with Ontario's mental health and addictions strategy.⁸

Boards are required to adhere to the Municipal Freedom of Information and Protection of Privacy Act, the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act, 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 or expelled. These policies must deal with, but are not 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, inclusive, and accepting learning and teaching environment)

Boards are expected to make their policies publicly available. Boards are also expected to provide their policies directly to students and their parents before and/or upon entry to a program for suspended or expelled 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

Components of Programs for Expelled Students

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 and the nature and severity of the behaviour that led to the expulsion.

Academic Component

The purpose of the academic component is to ensure that expelled students who are assigned to a board program have the opportunity to continue their education.

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

8. *Open Minds, Healthy Minds: Ontario's Comprehensive Mental Health and Addictions Strategy* (2011), available at www.health.gov.on.ca.

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 through such options as credit completion and credit recovery.

Non-academic Component

The purpose of the non-academic component is to assist expelled students in the development of long-term positive attitudes and behaviours by identifying and addressing the underlying causes of the behaviour that led to the expulsion.

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-based service providers 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-based service providers 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 expelled students.

Developing and Implementing the Student Action Plan

An SAP must be developed for every expelled student who makes a commitment to attend the board program for expelled students (see page 3 under "Expulsion"). The SAP will be developed on the basis of the information gathered at a planning meeting (see below). The SAP should build on the SAP that was developed for the student while he or she was on a long-term suspension pending expulsion, if the student attended the board program for suspended students.

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.

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 and determine whether any assessment is required;
- identify the student's risk factors and protective factors;
- describe the types of support and services required to assist the student in achieving the goals of the academic and non-academic components (e.g., career development counselling, use of mentors from appropriate communities).

The following information should be considered during the planning meeting and should be used to develop the SAP:

- the student's history
- the student's learning experiences from any long-term suspension program that he or she may have attended
- the student's strengths
- the nature and severity of the behaviour that led to the expulsion, including any mitigating or other factors (see the Appendix to this memorandum for these factors)
- information from anyone who has provided a specialized service (e.g., a speech therapist)
- information from other sources who have helped or are expected to help the student, including culturally appropriate support persons

All relevant information on the student, including existing documentation (e.g., current assessments, the IEP), should be considered while complying with all legal and statutory requirements and privacy laws.

Development and Review of the Student Action Plan

The SAP must contain both an academic and non-academic component. For both the academic and non-academic components, the SAP must outline:

- goals, objectives, and learning expectations;
- measures of success;
- strategies and types of support.

The SAP should be reviewed on a regular basis to determine the student's progress in meeting the stated objectives in both the academic and the non-academic components of the plan. When a student enters a program for expelled students, all parties, including the student, must be made aware of the process for

determining when the student has satisfied the objectives required for successful completion of the program and is therefore eligible to be readmitted to a school of the board. The student and/or his or her parent(s) should be involved in the review of the SAP.

Information on the person who is designated by the board to be responsible for overseeing the student's readmission should also be included in the SAP.

Development of a Plan for Re-entry to School

A student who has been expelled from all schools of a board and/or his or her parent(s) may apply in writing to a person designated by the board requesting that the student be readmitted to a school of that board. For a student who has been expelled from only one school of a board, and where the student and/or his or her parent(s) wish that the student return to his or her original school, the student and/or his or her parent(s) may apply in writing to a person designated by the board requesting that the student be reassigned to the school.

When the student has successfully met the objectives of the program for expelled students, as outlined in the SAP, the student must be readmitted to school. The person who has provided the program must determine whether an expelled student has successfully completed a program for expelled students, or has satisfied the objectives required for successful completion of a program for expelled students.

When a student is considered ready to be readmitted to school, a re-entry plan must be developed as part of the SAP to assist with the student's transition and integration back into the school.

As part of the development of the re-entry plan, the board must hold a meeting that includes board staff, staff of the school to which the student is seeking readmission, 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. 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 meeting.

The re-entry plan should contain the following elements:

- description of the re-entry process for successful transition back to school
- identification of the types of support in both the academic and non-academic components that are needed to sustain student learning

Program Delivery

Boards may enter into agreements with other boards for the provision of a program for students who are expelled from all schools of a board. Coterminous boards should, wherever possible, collaborate on providing coordinated support to expelled students and their parents. Boards may also obtain or continue to obtain services from community-based service providers 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 expulsions 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, and other school staff; students; parents; their Parent Involvement Committees; their Special Education Advisory Committee; and community partners, including social service agencies, mental health agencies, members of First Nations, Métis, and Inuit communities (e.g., Elders), and other appropriate community groups. 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.

APPENDIX: EXCERPTS FROM LEGISLATION**Ontario Regulation 472/07, “Behaviour, Discipline and Safety of Pupils” (formerly “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.