

Code of Conduct, and Discipline for Students

The Durham District School Board is committed to the development of positive school climates in schools in which all members of the school community have the right to be safe, feel safe, included, accepted, and actively promote positive behaviours and interactions.

1.0 Introduction

A school should be a place that promotes responsibility, respect, civility and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Building and sustaining a positive school climate is a complex challenge requiring evidence-informed solutions. A Whole-School Approach, which involves all members of the school community working collaboratively, is also important in supporting efforts to ensure that schools are safe, inclusive, and accepting. It is an effective approach to making systemic changes that will benefit all students and the broader community.

All students, parents, teachers and other school staff have the right to be safe, and feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate. The promotion and use of strategies and initiatives in the areas of Student Success, Self-Regulation and Character Trait development, along with the employment of prevention and early intervention strategies to address inappropriate behaviour, fosters a positive school climate that supports student achievement and the well-being of all students.

The provincial Code of Conduct sets clear provincial standards for behaviour. These standards of behaviour apply to students whether they are on school property, on school buses, at school-related events or activities, in before and after school programs, or in other circumstances that could have an impact on the school climate. They also apply to all individuals involved in the publicly funded school system – principals, vice-principals, teachers, early childhood educators, other school staff, parents, school bus drivers, volunteers, and community groups.

Responsible citizenship involves appropriate participation in the civic life of the school community. Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others.

The Code of Conduct for the Durham District School Board reflects the provincial Code of Conduct.

2.0 The Development or Revisions of Local Codes of Conduct in Schools

The Durham District School Board encourages and supports prevention and intervention strategies to address inappropriate behaviour included in Codes of Conduct developed by schools. A school principal shall establish a local Code of Conduct governing the behaviour of all persons in the school (e.g., parents, students, staff, visitors, volunteers), and the local code shall be consistent with the provincial and School Board Codes of Conduct.

In developing or reviewing the School Code of Conduct, the principal must take into consideration the views of the School Community Council and Student Council or equivalent student body representative if Student Council is not present. In addition, the principal should:

- seek input from a diverse group of students within the school, including but not limited to; Student Leadership groups, Student Ambassadors, Athletic Council, Sexuality and Gender groups, Indigenous Student Groups, any other student group within the school community
- include procedures and timelines for review, in accordance with school board policy;

- post the School’s Code of Conduct on the school website or, if the school does not have a website, make the Code of Conduct available to the public in another appropriate manner;
- develop a communications plan that outlines how these standards will be made clear to everyone, including parents whose first language is a language other than English or French.

If the Board enters into an agreement with a third party with respect to rental of school space, the board must include in the agreement a requirement that the other party follow standards that are consistent with the provincial Code of Conduct.

3.0 Purposes of The Code

The purpose of this provincial Code of Conduct is as follows:

1. To ensure that all members of the school community, especially people in positions of authority, are treated with respect and dignity.
2. To promote responsible citizenship by encouraging appropriate participation in the civic life of the school community.
3. To maintain an environment where conflict and difference can be addressed in a manner characterized by respect and civility.
4. To encourage the use of non-violent means to resolve conflict.
5. To promote the safety of people in the schools.
6. To discourage the use of alcohol, illegal drugs and, except by medical cannabis user, cannabis.
7. To prevent bullying in schools.

4.0 Standards of Behaviour

All School Codes of Conduct shall include the provincial and Durham District School Board Standards of Behaviour and must comply with all federal, provincial and municipal laws and regulations.

Respect, Civility, and Responsible Citizenship

All members of the school community must:

- respect and comply with all applicable federal, provincial, and municipal laws;
- demonstrate honesty and integrity;
- respect differences in people, their ideas, and their opinions;
- treat one another with dignity and respect at all times, and especially when there is disagreement;
- respect and treat others fairly, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability;
- respect the rights of others;
- show proper care and regard for school property and the property of others;
- take appropriate measures to help those in need;
- seek assistance from a member of the school staff, if necessary, to resolve conflict peacefully;
- respect all members of the school community, especially persons in positions of authority;
- respect the need of others to work in an environment that is conducive to learning and teaching;
- not swear at a teacher or at another person in a position of authority.

Safety

All members of the school community must not:

- engage in bullying behaviours;
- commit sexual assault;

- traffic in weapons or illegal drugs;
- give alcohol or cannabis to a minor;
- commit robbery;
- be in possession of any weapon, including firearms;
- use any object to threaten or intimidate another person;
- cause injury to any person with an object;
- be in possession of, or be under the influence of alcohol, cannabis (unless the individual has been authorized to use cannabis for medical purposes), and illegal drugs;
- provide others with alcohol, illegal drugs, or cannabis (unless the recipient is an individual who has been authorized to use cannabis for medical purposes);
- inflict or encourage others to inflict bodily harm on another person;
- engage in hate propaganda and other forms of behaviour motivated by hate or bias;
- commit an act of vandalism that causes extensive damage to school property or a property located on the premises of the school.

5.0 Promoting and Supporting Positive Student Behaviour

The Durham District School Board acknowledges the importance of actively promoting and supporting appropriate and positive student behaviours that contribute to and sustain a safe, inclusive, and accepting learning and teaching environment in which every student can reach their full potential. Ontario’s curriculum is integral to supporting students in developing positive behaviours.

A Whole-School Approach, which involves all members of the school community working collaboratively, is also important in supporting efforts to ensure that schools are safe, inclusive, and accepting.

The school climate may be defined as the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Principles of equity and inclusive education are embedded in the learning environment to support a positive school climate and a culture of mutual respect. A positive school climate is a crucial component of the prevention of inappropriate behaviour.

Programs and activities that focus on the building of healthy relationships, a safe, inclusive, and accepting learning environment, character development, and positive peer relations provide the foundation for an effective continuum of strategies within a school and school-related activities. These supportive strategies and empowerment programs are the basis for creating a positive school climate.

6.0 Roles and Responsibilities

The Durham District School Board accepts the provincial direction on individual roles and responsibilities:

School Boards

School boards provide direction to their schools to promote student achievement and well-being and to ensure opportunity in the education system. It is the responsibility of school boards to:

- develop policies that set out how their schools will implement and enforce the provincial Code of Conduct and all other rules that they develop that are related to the provincial standards that promote and support respect, civility, responsible citizenship, and safety;
- establish a process that clearly communicates the provincial Code of Conduct and school board codes of conduct to all parents, students, principals, teachers, other school staff, and members of the school community in order to obtain their commitment and support

- review these policies regularly with those listed above and revise them as necessary;
- seek input from School Community Councils, as well as from the DDSB Parent Involvement Committees, DDSB Special Education Advisory Committee, DDSB Indigenous Education Advisory Council and DDSB Student Senate;
- develop effective intervention strategies and respond to all infractions related to the standards for respect, civility, responsible citizenship, and safety;
- provide opportunities for all of the staff to acquire the knowledge, skills, and attitudes necessary to promote student achievement and well-being in a safe, inclusive, and accepting learning environment.

Wherever possible, boards should collaborate to provide coordinated prevention and intervention programs and services, and should endeavour to share effective practices.

Principals and Vice-Principals

Under the direction of their school boards, principals take a leadership role in the daily operation of a school. They provide this leadership by:

- demonstrating care for the school community and a commitment to student achievement and well-being in a safe, inclusive, and accepting learning environment;
- holding everyone under their authority accountable for their own behaviour and actions;
- empowering students to be positive leaders in their school and community;
- communicating regularly and meaningfully with all members of their school community.

Teachers and Other School Staff

Under the leadership of their principals, teachers and other school staff maintain a positive learning environment and are expected to hold everyone to the highest standard of respectful and responsible behaviour. As role models, teachers and other school staff uphold these high standards when they:

- help students work to their full potential and develop their sense of self-worth;
- empower students to be positive leaders in their classroom, school, and community;
- communicate regularly and meaningfully with parents;
- maintain consistent and fair standards of behaviour for all students;
- demonstrate respect for one another, all students, parents, volunteers, and other members of the school community;
- prepare students for the full responsibilities of citizenship.

Students

Students are to be treated with respect and dignity. In return, they must demonstrate respect for themselves, for others, and for the responsibilities of citizenship through acceptable behaviour. Respect and responsibility are demonstrated when a student:

- comes to school prepared, on time, and ready to learn
- shows respect for themselves, and for others, and for those in positions of authority
- refrains from bringing anything to school that may compromise the safety of others
- follows the established rules and takes responsibility for their own actions

Parents

Parents play an important role in the education of their children, and can support the efforts of school staff in maintaining a safe, inclusive, accepting, and respectful learning environment for all students. Parents fulfill their role when they:

- are engaged in their child's school work and progress;
- communicate regularly with the school;
- help their child be appropriately dressed, and prepared for school
- ensure that their child attends school regularly and on time;

- promptly report to the school their child’s absence or late arrival;
- become familiar with the provincial Code of Conduct, the board’s Code of Conduct, and if applicable, the School Code of Conduct;
- encourage and assist their child in following the rules of behaviour;
- assist school staff in dealing with disciplinary issues involving their child.

Community Partners and the Police

Through outreach, existing partnerships may be enhanced and new partnerships with community-based service providers and members of the community (e.g., Elders, Senators, Knowledge Keepers) may also be created. Community-based service providers are resources that boards can use to deliver prevention or intervention programs. Protocols are effective ways of establishing linkages between boards and community-based service providers and of formalizing the relationship between them. These partnerships must respect all applicable collective agreements.

Police

The police play an essential role in making our schools and communities safer. The police investigate incidents in accordance with the protocol developed with the local school board (refer to Procedure: *Police/School Board Protocol*. These protocols are based on the *Provincial Model for a Local Police/School Board Protocol, 2015*, developed by the Ministry of Community Safety and Correctional Services and the Ministry of Education.)

7.0 Bias-Aware Progressive Discipline

- 7.1 The Durham District School Board expects the use of Bias-Aware Progressive Discipline as the means to support the Code of Conduct. Bias-Aware Progressive Discipline incorporates a Whole-School Approach that utilizes a continuum of prevention programs, interventions, supports and consequences to address inappropriate student behaviour and to build upon strategies that promote and foster positive behaviours. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive.

Schools should utilize a range of interventions, supports, and consequences that are developmentally and socio-emotionally appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make better choices (refer to Procedure: Positive School Climate, Appendix E - Bias-Aware Progressive Discipline Resource.)

- 7.2 In some circumstances, short-term suspension may be a useful tool. In the case of a serious student incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required. The safe schools provisions of the Education Act require school boards to provide programs for students who have been expelled or who are on a long-term suspension, so that they can continue their education. For students with special needs, interventions, supports, and consequences must be consistent with the student’s strengths and needs, as well as program goals and learning expectations documented in their Individual Education Plan (IEP).
- 7.3 Both school boards and schools are expected to actively engage parents in the Bias-Aware Progressive Discipline approach. Boards and schools should also recognize and respect the diversity of their parent communities and reach out to parents to partner with them in addressing complex and challenging issues.
- 7.4 A Bias-Aware Progressive Discipline approach promotes positive student behaviour through strategies that include using prevention programs and early and ongoing interventions and supports, reporting serious student incidents, and responding to incidents of inappropriate and disrespectful behaviour when they occur.
- 7.5 Boards and schools should focus on prevention and early intervention as the key to maintaining a positive school environment in which students can learn. Early intervention strategies will help prevent unsafe or inappropriate

behaviours in a school and in school-related activities. Intervention strategies should provide students with appropriate supports that address inappropriate behaviour and that would result in an improved school climate.

- 7.6 Progressively more serious consequences should be considered for inappropriate behaviour that is repeated or for progressively more serious inappropriate behaviour, taking into account Mitigating, Other Factors and Human Rights Factors.
- 7.7 Ongoing interventions may be necessary to address underlying causes of inappropriate behaviour. Some examples of ongoing interventions are meeting with the parent(s), requiring the student to perform volunteer service in the school community, conflict mediation, peer mentoring, and/or a referral to counselling.
- 7.8 In considering the most appropriate response to address inappropriate behaviour, the following should be taken into consideration:
- the particular student and circumstances
 - the nature and severity of the behaviour
 - the impact on the school climate, including the impact on students or other individuals in the school community
- 7.9 Under the Education Act, principals must suspend a student for bullying and consider referring that student for expulsion if:
1. the student has previously been suspended for bullying, and,
 2. the student's continuing presence in the school creates, in the principal's opinion, an unacceptable risk to the safety of another person.

When both of these conditions are met, the principal must suspend the student and consider referring the student for an expulsion hearing.

- 7.10 Principals must also suspend a student, and consider referring that student for expulsion, for any incident under 306(1) of the Education Act, including bullying, that is motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor (e.g., socio-economic status, appearance).
- 7.11 Clause 265(1) (m) of the Education Act, permits a principal to "refuse to admit" to the school or to a class someone whose presence in the school would be "detrimental to the physical or mental well-being of the pupils". This provision is frequently referred to as the "exclusion provision". Exclusion is not to be used as a form of discipline. If a principal does decide that it is necessary to exclude a student from the school, the principal is expected to notify the student's parents of the exclusion as soon as possible in the circumstances, and to inform them of their right to appeal under clause 265(1)(m) (refer to Procedure: Code of Conduct, and Discipline for Students, Appendix E – *Exclusions*.)

8.0 Restorative Practice

- 8.1 The Durham District School Board supports a restorative approach in our schools to establish positive learning environments and support Bias-Aware Progressive Discipline. Within the culture of Restorative Practice, there is a continuum of actions, including Restorative Circles that support healthy relationships and positive learning environments. When things go wrong, there is a framework for repairing and restoring relationships (refer to Procedure: Code of Conduct, and Discipline for Students, *Appendix A – Restorative Practice*.)

9.0 Suspensions, Expulsions, Mitigating and Other Factors

- 9.1 **Definitions:**

9.1.1 Suspension

Suspension is a consequence imposed upon a student whereby he or she is prohibited from attending at his or her school and from engaging in all school-related activities for a defined period of time.

9.1.2 Circumstances Leading to Possible Suspension, or Suspension Leading to Possible Expulsion

Section 9.2.1 sets out a list of circumstances where a suspension shall be considered by the Principal.

Section 9.6.1 sets out a list of circumstances where a suspension must be imposed and where the Principal will conduct an investigation to determine whether to recommend to the board that the student be expelled. (PPM 145)

9.1.3 Expulsion

Expulsion is a consequence imposed upon a student, by the Board, for an activity that is determined to warrant that the student be excluded from his or her school, or from all schools in the Board, and from engaging in all school-related activities, for an undefined period of time.

9.1.4 Investigation

In the case of a suspension, in the circumstances set out in 9.6.1, the Principal must also conduct an investigation to determine whether to recommend to the Board, in consultation with their Family of Schools Superintendent, that the student be expelled.

9.1.5 Mitigating and Other Factors

For the purposes of the deliberations set out in Sections 9.2.2 and 9.2.4, sections 9.6.3 and 9.8.5, and Sections 9.12.10 and 9.12.14, the following mitigating and other factors (as specified and as may be amended from time to time by the Education Act and Regulations thereunder) will be considered:

Mitigating Factors

1. the student does not have the ability to control their behaviour;
2. the student does not have the ability to understand the foreseeable consequences of their behaviour; or
3. the student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

The following criteria 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 their 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; or
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.

Human Rights Factors

Human Rights Factors shall be taken into account when considering whether or not a student is or is not being suspended or expelled:

- Race
- Ancestry
- Place of origin
- Colour
- Ethnic origin
- Citizenship
- Creed
- Sex
- Sexual orientation
- Gender identity
- Gender expression
- Age
- Marital status
- Family status
- Disability

9.1.6 Nexus

Principals may consider a suspension if there is nexus to the school. Nexus is a direct and causal link between the student's conduct and a definitive impact on the school climate.

Nexus may be established when any of the following circumstances exist:

- A student is afraid to come to school
- A student is worried about reprisals or retaliation
- Parents are voicing concern about disruption to the school environment
- School staff are worried about their physical or emotional well-being and safety

9.1.7 Safe Schools Incident Report Form

An employee of the board who becomes aware that a student at a school may have engaged in a serious incident the employee shall report the matter to the Principal as soon as reasonably possible. Employee reports, including those made to the principal verbally, must be confirmed in writing, using the online "Safe Schools Incident Reporting Form – Part I" (refer to Procedure: Code of Conduct, and Discipline for Students, Appendix D – *Safe Schools Incident Report Form*). Where the Principal is the sole witness to an incident, the Principal is similarly required to use the online reporting form to confirm in writing what he or she witnessed. In all cases, the Principal must provide the employee who reported the incident with written acknowledgement, using the online "Safe Schools Incident Reporting Form – Part II (refer to Procedure: Code of Conduct, and Discipline for Students, Appendix D – *Safe Schools Incident Report Form*.)"

9.2.0 **Activities Leading to Possible Suspension**

9.2.1 A Principal shall consider whether to suspend a pupil if they believe 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, illegal drugs or, unless the student is a medical cannabis user, cannabis*;
3. being under the influence of alcohol or unless the student is a medical cannabis user, cannabis;
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; or,
7. any other activity that is an activity for which a principal may suspend a pupil under a policy of the Board. Education Act 306(1)

Other suspendable infractions including but not limited to:

- a) possessing or dispensing controlled or intoxicating substances that are not prescribed for medical purposes**;
- b) being under the influence of illegal or legal, controlled or intoxicating substances that are prescribed or not prescribed for medical purposes**;
- c) smoking on or near school property; (as per the Smoke Free Ontario Act. Refer to Regulation: *Substance Abuse, Students*)
- d) committing vandalism**, destruction, damage to school property or to the property of others located on or in school premises;
- e) stealing property;
- f) engaging in intimidation, extortion*, harassment*, or verbal aggression;
- g) misusing or misappropriating school property or services, including computers and other technology systems;
- h) engaging in hate motivated incidents*;
- i) engaging in gang related activity*;
- j) possessing dangerous objects or substances, including for example laser pointers; gloves with studs on knuckles; or any other item deemed by the principal to be unsafe or a hazard to persons or property in the school;
- k) committing physical assault on another person**;
- l) engaging in or encouraging a fight;
- m) engaging in conduct that constitutes opposition to authority;
- n) demonstrating poor attendance that warrants disciplinary action;
- o) engaging in behaviour that is disruptive to the learning environment of the class or school;
- p) engaging in conduct that is detrimental to the moral tone of the school;
- q) wearing clothing/apparel that is inappropriate, offensive or violates the school Dress Code;
- r) engaging in unauthorized gambling or games of chance; (Bill 157, PPM 145)

(* require police involvement as outlined in the *Police/School Board Protocol*)

**discretionary police involvement as outlined in the *Police/School Board Protocol*)

Please refer to the *Police/School Board Protocol* for further direction.

- 9.2.2 In considering whether to suspend a pupil for engaging in an activity described in 9.2.1, a Principal shall take into account any mitigating factors or other factors, set out in 9.1.5.
- 9.2.3 If a Principal decides to suspend a pupil for engaging in an activity described in 9.2.1, the Principal shall suspend the pupil from their school and from engaging in all school-related activities.
- 9.2.4 A suspension under 9.2.1 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 the mitigating factors, as well as the other factors, set out in 9.1.5.
- 9.2.5 When a Principal suspends a pupil under 9.2.1, the pupil shall be assigned to a program for suspended pupils, as established by the Board in accordance with any policies or guidelines issued by the Minister.
- 9.2.6 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.
- 9.2.7 A Principal may not suspend a pupil under 9.2.1 more than once for the same occurrence on the date of infraction. Education Act 306(1)

9.3.0 Notice of Suspension

9.3.1 A Principal who suspends a pupil under 9.2.1 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.

9.3.2 The Principal shall also 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, and
3. Such other persons as may be specified by board policy. This includes but is not limited to the Principal's Family of Schools Superintendent.

9.3.3 The notice under 9.3.2 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; and,
4. information about the right to appeal the suspension, including,
 - i. a copy of the Board policies and guidelines governing the appeal established by the Board, and
 - ii. the name and contact information of the Director of Education or Family of Schools Superintendent to whom notice of the appeal must be given under 9.4.1.

Note: Refer to Procedure: Code of Conduct, and Discipline for Students, Appendix B for a copy of the suspension letter

9.4.0 Appeal of Suspension

The following persons may appeal to the Board, through the Director of Education or Family of Schools Superintendent, a Principal's decision to suspend a pupil under 9.2.1:

1. 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;
2. the pupil, if,
 - 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, and
3. such other persons as may be specified by Board policy.

9.4.1 A person who is entitled to appeal a suspension under 9.4.0 must give written notice of their intention to appeal to the Director of Education or Family of Schools Superintendent within 10 school days of the commencement of the suspension. The Director of Education or Family of Schools Superintendent may extend the deadline if the person requests an extension to accommodate their disability.

9.4.2 After receiving a notice of intention to appeal under 9.4.1, the Board shall promptly contact every person entitled to appeal the suspension under 9.4.0 and inform them that it has received the notice of intention to appeal.

9.4.3 A person who has given notice of intention to appeal under 9.4.1 may contact the Director of Education or Family of Schools Superintendent to discuss any matter respecting the appeal of the suspension and, for the purposes of this section, the Director or Family of Schools Superintendent has the powers and duties set out in Board policy.

9.4.4 The Board shall hear and determine the appeal within 15 school days of receiving notice under 9.4.1, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

9.5.0 Appeal Process

Subject to this section, an appeal shall be conducted in accordance with the requirements as set out in 9.16 and 9.17 of this Regulation, and/or as otherwise established by Board policy.

9.5.1 The parties to the appeal are:

1. the Principal who suspended the pupil;
2. the pupil, if,
 - 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. the pupil's parent or guardian, if the pupil's parent or guardian appealed the decision to suspend the pupil;
4. the person who appealed the decision to suspend the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian, and,
5. such other persons as may be specified by board policy. Including but not limited to the Family of Schools Superintendent

9.5.2 A pupil who is not a party to the appeal under 9.5.1 has the right to be present at the appeal and to make a statement on their own behalf.

9.5.3 At the appeal, the Board shall either:

- (a) confirm the suspension and the duration of the suspension;
- (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
- (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

9.5.4 The decision of the Board on an appeal under this section is final.

9.5.5 The Board may authorize a committee of at least three members of the Board to exercise and perform powers and duties on behalf of the Board under the appeal process 9.5.0, and may impose conditions and restrictions on the committee.

9.6.0 Activities Leading to a Suspension, Investigation, and Possible Expulsion

9.6.1 A Principal shall suspend a pupil if they believe 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. (a) possessing a weapon*;
(b) possessing a firearm*;
2. using a weapon to cause or to threaten bodily harm to another person*;
3. (a) committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner*;
(b) assault/physical intimidation of an employee*;
4. committing sexual assault*;
5. trafficking in weapons or in illegal drugs*;
6. committing robbery*;
7. giving alcohol or cannabis to a minor**;
8. bullying, if,

- (a) the pupil has previously been suspended for engaging in bullying, and
 - (b) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
9. any activity listed in subsection 306 (1) of the Education Act that is motivated by bias, prejudice or hate, based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
10. any other activity that, under a policy of a board, is an activity for which a Principal must suspend a pupil and conduct an investigation to determine whether to recommend to the board that the pupil be expelled.

Other suspendable infractions including but not limited to:

- a) assault causing bodily harm of an employee*;
- b) committing an act of vandalism which can be regarded as particularly egregious, due to factors such as seriously compromising the learning environment, or posing a significant safety risk to others*;
- c) hate motivated violence*;
- d) gang related violence*;
- e) trafficking in controlled or intoxicating substances not prescribed or dispensed for medical purposes (which may include prescription/non-prescription and legal/illegal drugs)*;
- f) uttering threats or threatening conduct intended to intimidate**;
- g) engaging in harassment*;
- h) ongoing conduct that is so refractory (persistent) that the student's presence in the school or classroom is considered by the principal to effect a danger or possibility of harm, physical or emotional, to others in the school or to the reputation of the school.

(* require police involvement as outlined in the *Police/School Board Protocol*)

**discretionary police involvement as outlined in the *Police/School Board Protocol*)

Please refer to the *Police/School Board Protocol* for further direction.

- 9.6.2 A pupil who is suspended under this section is suspended from their school and from engaging in all school-related activities.
- 9.6.3 A Principal may suspend a pupil under 9.6.1 for up to 20 school days and, in considering how long the suspension should be, the Principal shall take into account the mitigating factors, as well as the other factors, set out in 9.1.5 above.
- 9.6.4 When a Principal suspends a pupil under 9.6.1, the pupil shall be assigned to a program for suspended pupils, as established by the Board in accordance with any policies or guidelines issued by the Minister.

9.7.0 Notice of Suspension Pending Possible Expulsion:

- 9.7.1 A Principal who suspends a pupil under 9.6.1 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.
 - iii. inform Family of Schools Superintendent (as per DDSB Procedure)
- 9.7.2 A Principal who suspends a pupil under 9.6.1 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, and
- 3. Such other persons as may be specified by board policy. This includes but is not limited to the Principal's Family of Schools Superintendent.

9.7.3 The notice under Section 9.7.2 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 9.8.0 (based on the corresponding section in the Ed Act) 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 9.8.0 (based on the corresponding section in the Ed Act), the suspension will become subject to appeal under section 9.9.0 (based on the corresponding section in the Ed Act), 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 expulsion hearing.

9.8.0 Investigation Process

9.8.1 When a pupil is suspended under Section 9.6.1, the Principal, in consultation with their Family of Schools Superintendent, shall conduct an investigation to determine whether to recommend to the Board that the pupil be expelled (refer to Procedure: *Security and Safety, Appendix A - Investigations.*)

9.8.2 The Principal's investigation shall begin promptly following the suspension and shall be conducted in accordance with the requirements established by Board policy and, for the purpose of the investigation, the Principal has the powers and duties set out in the policy.

9.8.3 As part of the investigation, the Principal shall make all reasonable efforts to speak with 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. any other person whom the principal has reason to believe may have relevant information.

9.8.4 In considering whether to recommend to the Board that the pupil be expelled, a Principal shall take into account any mitigating factors, or other factors, set out in 9.1.5.

9.8.5 If, on concluding the investigation, the Principal and their Family of Schools Superintendent decide not to recommend to the Board that the pupil be expelled, the Principal shall:

- (a) confirm the suspension and the duration of the suspension;
- (b) confirm the suspension but shorten its duration, even if the suspension has already been served, and amend the record of the suspension accordingly; or
- (c) withdraw the suspension and expunge the record of the suspension, even if the suspension has already been served.

9.8.6 If the Principal and their Family of Schools Superintendent do not recommend to the Board that the pupil be expelled, the Principal shall ensure that written notice containing the following information is given promptly to every person to whom they are required to give notice of the suspension under 9.7.2:

1. a statement that the pupil will not be subject to an expulsion hearing for the activity that resulted in the suspension.
2. a statement indicating whether the Principal has, under 9.8.5, confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.
3. unless the suspension was withdrawn, information about the right to appeal the suspension under 9.9.0, including,
 - i. a copy of the Board policies and guidelines governing the appeal established by the Board, and
 - ii. the name and contact information of the Director of Education or designated Supervisory Officer to whom notice of the appeal must be given under 9.9.0.

9.9.0 Appeal of the Suspension if Not Proceeding to Expulsion:

The following persons may appeal a decision to confirm or reduce the duration of a suspension to the Board, through the Director of Education or Family of Schools Superintendent, a Principal's decision under 9.6.1:

1. 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;
2. the pupil, if,
 - 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.

- 9.9.1 A person who is entitled to appeal a suspension under 9.9.0 must give written notice of their intention to appeal to the Director of Education or Family of Schools Superintendent within 5 school days of receipt of the written notice under 9.8.5. The Director of Education or Family of Schools Superintendent may extend the deadline if the person requests an extension to accommodate their disability.
- 9.9.2 After receiving a notice of intention to appeal under 9.9.1, the Board shall promptly contact every person entitled to appeal the suspension under 9.9.0 and inform them that it has received the notice of intention to appeal.
- 9.9.3 A person who has given notice of intention to appeal under 9.9.1 may contact the Director of Education or Family of Schools Superintendent to discuss any matter respecting the appeal of the suspension and, for the purposes of this section, the Director of Education or Family of Schools Superintendent has the powers and duties set out in board policy.

9.10.0 Hearing of Appeal

The Board shall hear and determine the appeal within 15 school days of receiving notice under 9.9.1, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

- 9.10.1 Subject to this section, an appeal shall be conducted in accordance with 9.16 and 9.17 of this Regulation, and/or as otherwise established by Board Policy
- 9.10.2 The parties to the appeal are:
1. the principal who suspended the pupil, and the Family of Schools Superintendent;
 2. the pupil, if,
 - 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. the pupil's parent or guardian, if the pupil's parent or guardian appealed the decision to suspend the pupil;
 4. the person who appealed the decision to suspend the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian;

5. such other persons as may be specified by Board policy.

9.10.3 A pupil who is not a party to the appeal under 9.10.2 has the right to be present at the appeal and to make a statement on their own behalf.

9.11.0 Powers on Appeal

The Board shall either:

- (a) confirm the suspension and the duration of the suspension;
- (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or
- (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

9.11.1 Board Committee

The Board may authorize a committee of at least three members of the board to exercise and perform powers and duties on behalf of the Board under this section, and may impose conditions and restrictions on the committee.

9.12.0 Expulsion Process

9.12.1 If, on concluding the investigation under 9.8.0, the Principal, in consultation with their Family of Schools Superintendent, decides to recommend to the Board that the pupil be expelled, the Principal shall prepare a report that contains the following:

1. a summary of the Principal's findings;
2. the Principal's recommendation as to whether the pupil should be expelled from their school only or from all schools of the board;
3. The Principal's recommendation as to,
 - i. the type of school that might benefit the pupil, if the pupil is expelled from their school only, or
 - ii. the type of program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the board.

9.12.2 The Principal shall promptly provide a copy of the report to the Board and to every person whom the Principal was required to give notice of the suspension under 9.7.2

9.12.3 The Principal shall ensure that written notice containing the following is given to every person to whom the Principal was required to give notice of the suspension under 9.7.2 at the same time as the Principal's report is provided to that person:

1. A statement that the pupil will be subject to an expulsion hearing for the activity that resulted in the suspension.
2. A copy of the Board policies and guidelines governing the expulsion hearing as set out in 9.16 and 9.17 of this Regulation.
3. A statement that the person has the right to respond, in writing, to the Principal's report provided under 9.12.1.
4. Detailed information about the procedures and possible outcomes of the expulsion hearing, including, but not limited to, information explaining that,
 - i. if the Board does not expel the pupil, it will, with respect to the suspension imposed under 9.6.1, confirm the suspension, shorten its duration or withdraw it.
 - ii. the parties will have the right to make submissions during the expulsion hearing as to whether, if the pupil is not expelled, the suspension imposed under 9.6.1 should be confirmed reduced or withdrawn,

- iii. any decision of the Board with respect to the suspension imposed under 9.6.1 made at the expulsion hearing is final and not subject to appeal,
 - iv. if the board expels the pupil from their school only, the board will assign the pupil to another school, and
 - v. if the board expels the pupil from all schools of the board, the board will assign the pupil to a program for expelled pupils.
 - 5. The name and contact information of a Supervisory Officer whom the person may contact to discuss any matter respecting the expulsion hearing.
- 9.12.4 A person who is entitled to receive the Principal's report under 9.12.2 and written notice under 9.12.3 may respond, in writing, to the Principal and the Board.
- 9.12.5 If the Principal has recommended that a pupil be expelled, the Board shall hold an expulsion hearing and, for that purpose, the Board has the powers and duties specified by Board policy.
- 9.12.6 The parties to the expulsion hearing are:
- 1. the Principal,
 - 2. the pupil, if,
 - 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. 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,
 - 4. such other persons as may be specified by board policy including but not limited to the Family of Schools Superintendent
- 9.12.7 A pupil who is not a party to the expulsion hearing under 9.12.6 has the right to be present at the hearing and to make a statement on their behalf.
- 9.12.8 At the hearing, the Board shall:
- (a) consider the submissions of each party in whatever form the party chooses to deliver their submissions, whether orally, in writing or both;
 - (b) solicit the views of all the parties as to whether the pupil, if they are expelled, should be expelled from their school only or from all schools of the board; and
 - (c) solicit the views of all the parties as to whether, if the pupil is not expelled, the Board should confirm the suspension originally imposed (or reduced) under 9.6.1, confirm the suspension (or reduced suspension) but reduce its duration, or withdraw the suspension.
- 9.12.9 After completing the hearing, the Board shall decide:
- (a) whether to expel the pupil; and
 - (b) if the pupil is to be expelled, whether the pupil is expelled from their school only or from all schools of the board.
- 9.12.10 In making the decisions required under 9.12.9, the Board shall take into account:
- (a) all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from their school only or from all schools of the board;
 - (b) any mitigating factors, or other factors, set out in 9.1.5; and
 - (c) any written response to the Principal's report recommending expulsion that a person gave to the Board under 9.12.4 before the completion of the hearing.
- 9.12.11 The Board shall not expel a pupil if more than 20 school days have expired since the pupil was suspended, unless the parties to the expulsion hearing agree on a later deadline.

9.12.12 The Board may authorize a committee of at least three members of the Board to exercise and perform powers and duties on behalf of the board under this section, and may impose conditions and restrictions on the committee.

9.12.13 If a Board does not expel a pupil, the Board shall, with respect to the suspension originally imposed, or subsequently confirmed or reduced:

- (a) confirm the suspension and the duration of the suspension;
- (b) confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served or reduced, and order that the record of the suspension be amended accordingly; or
- (c) quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served or reduced.

9.12.14 In determining which action to take under 9.12.13, the Board shall take into account:

- (a) any submissions made by the parties as to whether the suspension and its duration should be confirmed, the suspension should be confirmed but its duration reduced, or the suspension should be withdrawn;
- (b) any mitigating factors or other factors, set out in 9.1.5.

9.12.15 After determining which action to take under 9.12.13, the Board shall give written notice containing the following to every person who was entitled to be a party to the expulsion hearing under 9.12.6:

1. a statement indicating that the pupil is not expelled;
2. a statement indicating whether the board has, under 9.12.13, confirmed the suspension and its duration, confirmed the suspension but reduced its duration, or withdrawn the suspension.

9.12.16 The decision of the Board under 9.12.13 is final.

9.12.17 If the Board expels the pupil, the Board shall assign the pupil to:

- (a) in the case of a pupil expelled from their school only, another school of the Board; and
- (b) in the case of a pupil expelled from all schools of the board, a program for expelled pupils.

9.12.18 The Board shall ensure that written notice of the expulsion is given promptly to:

- (a) all the parties to the expulsion hearing; and
- (b) the pupil, if the pupil was not a party to the expulsion hearing

9.12.19 The notice under 9.12.18 will include the following:

1. the reason for the expulsion;
2. a statement indicating whether the pupil is expelled from their school only, or from all schools of the Board;
3. information about the school or program for expelled pupils to which the pupil is assigned;
4. information about the right to appeal to the Child and Family Services Review Board under 9.13.0, including the steps that must be taken to appeal.

9.13.0 Expulsion Appeal Process

9.13.1 The Child and Family Services Review Board is the tribunal designated under the regulations to hear appeals of school board decisions to expel pupils.

9.13.2 The following persons may appeal a school board's decision to expel a pupil, whether the pupil is expelled from their school only, or from all schools of the school board, to the Child and Family Services Review Board:

1. 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.

2. The pupil, if,
 - 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 the Child and Family Services Review Board.

9.13.3 The Child and Family Services Review Board shall hear and determine an appeal under this section, and, for that purpose, it has the powers and duties set out in the regulations.

9.14.0 Notice of Appeal

9.14.1 To appeal a school board's decision to expel a pupil, a person who is entitled, under 311.7 (2) of the Education Act, to appeal the decision shall give the Child and Family Services Review Board a written notice of appeal within 30 days after the date on which the individual is considered, in accordance with the rules set out in subsection 300 (3) of the Act, to have received the notice given under subsection 311.6 (1) of the Act. O. Reg. 472/07, s. 5 (1)

9.14.2 The Child and Family Services Review Board may extend the period of time for giving the written notice of appeal, before or after the expiry of the period, if it is satisfied that there are reasonable grounds for the extension.

9.14.3 The notice of appeal shall:

- (a) set out the date of the decision that is being appealed;
- (b) set out the name of the school board that made the decision;
- (c) state whether the decision expels the pupil from their school only or from all schools of the school board; and
- (d) be in a form acceptable to the Child and Family Services Review Board.

9.14.4 The Child and Family Services Review Board shall not refuse to deal with an appeal on the ground that there is a deficiency in the content or form of the notice of appeal.

9.14.5 The parties to the appeal are:

1. the school board;
2. the pupil, if,
 - 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. the pupil's parent or guardian, if the parent or guardian appealed the decision.
4. the person who appealed the decision to expel the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian

9.15.0 Hearing of Appeal

9.15.1 The Child and Family Services Review Board shall commence a hearing within 30 days after receiving a written notice of appeal.

9.15.2 The Child and Family Services Review Board may extend the period of time for commencing the hearing, before or after the expiry of the period, at the request of any party to the appeal.

9.15.3 A pupil whose expulsion is being appealed has the right to be present at the hearing and to make a statement on their behalf, whether or not the pupil is a party to the appeal.

9.15.4 After hearing an appeal from a decision of a school board, the Child and Family Services Review Board shall do one of the following:

1. confirm the school board's decision to expel the pupil;
2. if the school board's decision was to expel the pupil from their school only, quash the expulsion and reinstate the pupil to the school.
3. if the school board's decision was to expel the pupil from all schools of the school board,
 - i. change the expulsion to an expulsion from the pupil's school only, or
 - ii. quash the expulsion and reinstate the pupil to their school.

9.15.5 The Child and Family Services Review Board shall provide each party, or the party's counsel or agent, with:

- (a) its decision on the appeal within 10 days after completing the hearing; and
- (b) written reasons for its decision within 30 days after completing the hearing.

9.15.6 If the Child and Family Services Review Board changes an expulsion from all schools of the school board to an expulsion from the pupil's school only, or quashes an expulsion and reinstates the pupil to their school, it may order that any record of the expulsion of the pupil be expunged or amended if the Child and Family Services Review Board considers it appropriate in the circumstances.

9.15.7 The decision of the Child and Family Services Review Board on an appeal under 9.13.0 is final.

9.16.0 School Board Policies and Procedures: Procedure Upon Referral to the Board

9.16.1 Where a suspension appeal or an expulsion is referred to the Board, in accordance with these procedures, the Secretary of the Board shall arrange a three person Committee of the Board to be constituted to convene a hearing within the required time frame.

9.16.2 A written notice of the proceeding shall be sent to the appropriate parties, and the notice shall include the date, time and location of hearing, a copy of this procedure and any other relevant procedures, and a copy of any reports and any other required documentation which may be relied upon at the hearing. The notice shall also include a statement that where the necessary named party (or parties), including the pupil (as appropriate), does not attend at the scheduled time and place on the scheduled date for the hearing, the Board Committee will proceed in their absence, without further notice.

9.16.3 It is understood that the Board Committee may be assisted by the Director of Education and/or legal counsel, whose roles shall be solely advisory within the Board Committee. The Board Committee may also authorize the presence of a Court Reporter or stenographer to keep a record of the proceeding.

9.16.4 When a matter is referred to a Board Committee in accordance with these procedures, the Committee shall hold the hearing within the required time frame, unless the parties, in accordance with these procedures, agree upon a later deadline for the hearing. The maximum time allotted for an expulsion hearing shall be two hours. Suspension appeal and expulsion hearings will be conducted in camera.

9.16.5 Within the scheduled time, each party shall be given a reasonable period of time to present their position and evidence. The Board Committee may accept and consider any documents or other evidence, whether or not admissible in a court of law, and it is entirely the decision of the Board Committee the weight, if any, to be accorded to such evidence or documents put forward by the parties. Upon expiration of the permitted time frame, the Board Committee will ask that the parties leave the hearing so that the Board Committee can deliberate.

9.16.6 The Board Committee will deliberate in private and may, if questions arise during the deliberations, re-convene with the parties to seek whatever clarification is required.

9.16.7 Upon completion of the hearing and the Board Committee deliberations, the decision of the Board Committee shall be communicated promptly to the parties. Notification of the decision, which is usually given orally on the same day, will also be sent to the parties, in writing. That written communication to the parties shall also set out the expectations of the student, if any, which would be addressed following the hearing. Notification of a decision to expel shall also include notice of the appeal procedure and time limits, if any.

9.17.0 Constitution of the Board Suspension Appeal and Expulsion Committees

9.17.1 Any current trustee can sit as a trustee representative on a Board Suspension Appeal or Expulsion committee, each of which such committees shall include at least three (3) trustee representatives of the Durham District School Board who:

- (a) have the authority of the Board to hear and determine on behalf of the Board whether a pupil should be suspended and/or the duration thereof, or, as appropriate, whether a pupil should be expelled;
- (b) have the authority, if the pupil is to be expelled, to determine the type of expulsion, in accordance with the Education Act and Regulations and these procedures;
- (c) have no close relationship to a pupil participant, or to a family member of a pupil participant in the circumstances of the conduct in issue, and have had no involvement in the circumstances or discussions surrounding the suspension or expulsion recommendation; and/or,
- (d) have had no prior involvement in investigating or attempting to resolve the matter at the school or community level.

9.17.2 It is understood that each Suspension Appeal and Expulsion Committee constituted under this procedure is a separate and distinct committee which may be comprised of different trustee representatives in each case, based on availability and/or the statements referenced in 9.17.1. (c) and (d).

9.17.3 A Suspension Appeal or Expulsion Committee shall have no authority to determine any other matter, or to provide any other remedy, than as set out in this regulation.

9.18.0 Status of Expelled Pupils and Return to School Provisions

9.18.1 An expelled pupil continues to be a pupil of the board that expelled them if the pupil attends a program for expelled pupils:

- (a) offered by that board; or
- (b) offered by another board under an agreement between that board and the board that expelled the pupil.

9.18.2 An expelled pupil ceases to be a pupil of the board that expelled them if:

- (a) the pupil is assigned by that board to a program for expelled pupils and does not attend the program; or
- (b) the pupil registers as a pupil of another board.

9.18.3 If a pupil who has been expelled from one board registers as a pupil of another board, the other board may:

- (a) assign the pupil to a school of that board; or
- (b) assign the pupil to a program for expelled pupils, unless the pupil satisfies the requirements of clause 9.18.3 (a) or (b) as determined by a person who provides a program for expelled pupils.

9.18.4 If the other board assigns the expelled pupil to a school without knowing that the pupil has been expelled by another board, the board may subsequently remove the pupil from the school and assign them to a program for expelled pupils, subject to the following conditions:

- (a) The board must assign the pupil to a program for expelled pupils promptly on learning that the pupil has been expelled from another board.
- (b) The board shall not assign the pupil to a program for expelled pupils if the pupil satisfies the requirements of clause 9.18.3 (a) or (b) as determined by a person who provides a program for expelled pupils.

9.18.5 Return to school after expulsion

A pupil who has been expelled from all schools of a board is entitled to be readmitted to a school of the board if the pupil has, since being expelled:

- (a) successfully completed a program for expelled pupils; or
- (b) satisfied the objectives required for the successful completion of a program for expelled pupils.

9.18.6 The determination of whether an expelled pupil satisfies the requirements of 9.18.5 (a) or (b) is to be made by a person who provides a program for expelled pupils.

9.18.7 An expelled pupil may apply in writing to a person designated by the board that expelled the pupil to be re-admitted to a school of that board and, if the pupil satisfies the requirements of 9.18.5 (a) or (b) as determined by a person who provides a program for expelled pupils, the board shall:

- (a) re-admit the expelled pupil to a school of the board; and
- (b) promptly inform the pupil in writing of their re-admittance.

9.18.8 A pupil who has successfully completed a program for expelled pupils provided by any board or person under this Regulation has satisfied the requirements of clause 9.18.5 (a), and no board shall:

- (a) require the pupil to attend a program for expelled pupils provided by that board before being admitted to a school of the board; or
- (b) refuse to admit the pupil on the basis that the pupil completed a program for expelled pupils provided by another board or person.

9.18.9 A pupil who has been expelled from one school of a board but not from all schools of the board may apply in writing to a person designated by the board to be re-assigned to the school from which the pupil was expelled.

9.18.10 For greater certainty, nothing in this Regulation requires a board to admit or readmit a pupil who is not otherwise qualified to be a resident pupil of the board.

9.18.11 The Durham District School Board shall periodically review this Regulation 5500 and related policies and procedures, to ensure compliance with current legislative and regulatory requirements, as they may be amended from time to time.

9.18.12 Any suspension imposed prior to (September 1 2018) shall be governed by the previous Regulation 5500.

9.18.13 Any limited or full expulsions imposed prior to September 1st, 2018 shall be governed by the previous Regulation 5500, provided however that:

- (a) any pupil who is still subject to a limited or full expulsion imposed under the previous Regulation is deemed to be a pupil of the board from which the pupil was expelled;
- (b) any pupil who is still subject to a limited expulsion imposed under the previous Regulation shall be assigned to a school of the Board and offered a plan to assist with his or her transition back to school, or be assigned to a program for expelled pupils;
- (c) any pupil who is still subject to a full expulsion imposed under the previous Regulation shall, as of February 1, 2008, be re-assigned to a program for expelled Pupils, and may be ultimately entitled to return to school in accordance with the current Regulation 5500.

9.18.14 If a pupil engaged in an activity before February 1, 2008 that was an infraction for which a suspension or expulsion could be imposed, or was required to be imposed, under the previous Regulation 5500, but no action had been commenced for that infraction before February 1, 2008, the pupil is subject to the new Regulation 5500 in relation to the assessment of and possible consequence for that alleged infraction.

The Safe Schools Act, 2000 required each board and each school to develop a Code of Conduct that is consistent with the legislation and board policy. These provisions were amended by An Act To Amend The Education Act (Bill 212), in respect of behaviour, discipline and safety. In 2009, there were further revisions outlined in Putting Students First Act (Bill 157) and Regulation 427/07, and The Accepting Schools Act (Bill 13) and PPM 128 in 2013.

Note: The following Durham District School Board Policies, Regulations and Procedures support the development and implementation of School Codes of Conduct:

Policy, Regulation & Procedures

- Policy, Regulation & Procedure – *Code of Conduct, and Discipline for Students*
- Policy, Regulation & Procedure – *Security and Safety*
- Policy & Procedure – *Traumatic Response*
- Policy, Regulation & Procedure – *Positive School Climate*
- Policy & Regulation – *Safe Arrival*
- Policy & Regulation – *Character Education*
- Policy & Regulation – *Equity and Inclusive Education Policy*
- Policy & Regulation – *Substance Abuse: Students*
- Policy & Regulation – *Student Dress Code*
- Policy & Procedure – *Prohibiting Smoking and Associated Devices*
- Policy & Procedure – *The Professional and Personal Use of Social Networking, Digital Communication Applications, And Web Sites by Durham District School Board Staff*
- Procedure – *Acceptable and Safe Use Procedure for Computing Technology and Cyber Safety*
- Procedure – *Police/School Board Protocol*
- Procedure – *911 - Emergency Response Guideline*

Central File Memorandums

- C.F.-001 Safe Schools Department
- C.F.-002 Expectations for Safe and Secure Schools
- C.F.-003 Ministry Safe Schools Incident Reporting form and Retention of Suspensions
- C.F.-004 School Climate/Well-Being Survey, Violence Risk Assessment Tool and Safe and Accepting Schools Team
- C.F.-006 Student Locker Usage
- C.F.-007 Personal Electronic Devices
- C.F.-008 Safe Welcome Program

Policy Procedure Memorandums

- PPM 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario
- PPM 120 Reporting Violent Incidents to the Ministry of Education
- PPM 128 The Provincial Code of Conduct and School Board Codes of Conduct
- PPM 144 Bullying Prevention and Intervention
- PPM 145 Progressive Discipline and Promoting Positive Student Behaviour

Note: In the event, that any of the provisions contained within this Regulation conflict with the Education Act or Regulations made pursuant to the Education Act, the provisions of the Education Act shall prevail.

Appendix:
None

Effective Date:

2001/09/01

Amended:

2019/02/19