



REGULATIONS

SUBJECT: Expulsion of a Pupil

EXPULSION OF PUPILS

Subject to the factors to consider before deciding to impose a suspension as outlined following, if a principal has reasonable grounds to believe that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the principal will suspend the pupil. The principal will also contact the police and if need be, Family Service Agency, consistent with the Police / School Board Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent.

The enumerated activities are:

1. Possessing a weapon, including possessing a firearm;
2. Using a weapon to cause or to threaten bodily harm to another person;
3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
4. Committing sexual assault;
5. Trafficking in weapons, illegal and/or restricted drugs;
6. Committing robbery;
7. Giving alcohol to a minor;
8. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
9. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
10. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
11. Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
12. The pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper; or
13. Any act considered by the principal to be a serious violation of the Board or school Code of Conduct.

Factors to Consider Before Deciding to Impose a Suspension

When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian, if the pupil is not an adult pupil, to identify whether any mitigating factors might apply in the circumstances.

Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

If a pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal should consider not suspending the pupil. Alternative discipline and/or other intervention may be considered by the principal in such circumstances.

If the pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

Suspension Pending Recommendation for Expulsion

If the pupil is to be suspended pending an investigation, the pupil should be suspended for (20) twenty school days. If the pupil has been suspended pending an investigation to determine whether the pupil will be recommended for expulsion, the principal must assign the pupil to a program for suspended pupils.

If the pupil has been suspended for twenty (20) school days, the principal must undertake an investigation to determine whether to recommend to the Expulsion Review Committee that the pupil be expelled.

Procedural Steps When Imposing a Suspension

When imposing a suspension the principal is required to effect the following procedural steps:

1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
2. The principal must inform the pupil's teacher(s) of the suspension;
3. The principal must provide written notice of the suspension to the adult pupil or the pupil's parent/guardian and pupil and the Superintendent of Education. The written notice of suspension will include:
 - a. The reason for suspension;
 - b. The duration of the suspension;
 - c. Information about the program for suspended pupils the pupil is assigned to;
 - d. Information about the investigation the principal is conducting to determine whether to recommend expulsion;
 - e. A statement that there is no immediate right to appeal the suspension. Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Suspension Review Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing.

4. Every effort should be made to include the school work with the letter of suspension to the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil) on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or his/her parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult pupil's designate or the pupil's parent/guardian or designate to pick-up from the school the following school day. It is expected that school work will be provided until such time as the SAP is in place.
5. If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
6. If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence, consideration should be given to filling out and filing a Violent Incident Form in the pupil's Ontario Student Record.

Alternative Suspension Program

Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned an alternative program for pupils subject to lengthy suspension. A pupil cannot be compelled to participate in the alternative program. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in the alternative program, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the pupil's parent/guardian refuses to participate in an alternative program. A Student Action Plan (SAP) will be developed for every pupil who agrees to participate in an alternative program.

Agreement or refusal to participate in an alternative program may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the pupil or his/her parent/guardian declines the offer to participate in an alternative program, the principal shall record the date and time of such refusal.

Planning Meeting

For pupils subject to a suspension pending an investigation to determine whether to recommend an expulsion that choose to participate in an alternative program, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.

- The adult pupil or the pupil's parent/guardian and pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
 - The planning meeting will be scheduled to occur within three (3) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an alternative program.
 - If the adult pupil or the pupil's parent/guardian are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.

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Student Action Plan (SAP)

A pupil subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports, which will be identified in the pupil's Student Action Plan.

- The Student Action Plan will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counsellor, special education teacher, classroom teacher, CYW and/or social worker.
- The principal will make every effort to complete the Student Action Plan within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an alternative program.
- This timeline will be communicated to the adult pupil or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- Once completed, the SAP will be shared with the adult pupil or the pupil's parent/guardian and pupil and all necessary staff to facilitate implementation.
- A copy of the Student Action Plan will be stored in an appropriate documentation file until such time as it is no longer conducive to the improvement of instruction of the pupil.
- The Student Action Plan will identify:
 1. The incident for which the pupil was suspended;
 2. The progressive discipline steps taken prior to the suspension, if any;
 3. Any alternative discipline measures imposed in addition to the suspension;
 4. Any other disciplinary issues regarding the pupil that have been identified by the school;
 5. Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
 6. Any program(s) or service(s) that might be provided to address those learning or other needs;
 7. The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
 8. Where the pupil has an IEP (Individual Education Plan), information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
 9. The non-academic program and services to be provided to the pupil during the suspension and details regarding how that non-academic program and those services will be accessed; and
 10. The measurable goals the pupil will be striving to achieve during the period of suspension.

Principal's Investigation

The principal will conduct an investigation promptly following the suspension of the pupil to determine whether to recommend to the Expulsion Review Committee that the pupil be expelled. As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent Responsible for Student Discipline regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the pupil be expelled. Should the decision be made to refer the pupil to the Expulsion Review Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Expulsion Review Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).

Any police investigation will be conducted separately from the principal's inquiry.

As part of the investigation, the principal will:

1. Make all reasonable efforts to speak with the adult pupil or the pupil's parent/guardian and the pupil;
2. Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
3. Make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent/guardian; and
4. Consider the mitigating and other factors when determining whether to recommend to the Expulsion Review Committee that the pupil be expelled.

Mitigating Factors

The mitigating factors to be considered by the principal before deciding whether to recommend an expulsion are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be Considered

Where the pupil is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the pupil should be referred to the Expulsion Review Committee on a recommendation for expulsion.

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider the following:

1. Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
 - contact with the pupil's parent(s)/guardian(s);
 - oral reminders;
 - review of expectations;
 - written work assignments with a learning component;
 - assigning the pupil to volunteer services to the community;
 - conflict mediation and resolution;
 - peer mentoring;
 - referral to counseling; and/or
 - consultation.
2. Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
 - meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;

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- referral of pupil to a community agency for anger management or substance abuse counseling;
- detentions;
- withdrawal of privileges;
- withdrawal from class;
- restitution for damages;
- restorative practices; and/or
- transfer.

Consultation

Before making a decision the principal will make every effort to consult with the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil).

Decision Not to Recommend Expulsion

Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend to the Expulsion Review Committee that the pupil be expelled, the principal must:

1. Consider whether alternative discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration;
3. Uphold the suspension and shorten its duration and amend the record accordingly; or
4. Withdraw the suspension and expunge the record.

If the principal has decided not to recommend an expulsion of the pupil, the principal will provide written notice of this decision to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:

1. A statement of the principal's decision not to recommend expulsion to the Expulsion Review Committee;
2. A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
3. If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Expulsion Review Committee, including:
 - a) A copy of the Board policies and guidelines regarding suspension appeals;
 - b) Contact information for the Superintendent Responsible for Student Discipline;
 - c) A statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion; or
 - d) If the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension.

Recommendation to the Board for an Expulsion Hearing

If a principal, in consultation with the Superintendent of Education, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Expulsion Review Committee to be heard within twenty (20) school days from the date the principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

For the purposes of the expulsion proceeding, the principal will:

1. Prepare a report to be submitted to the Expulsion Review Committee and provide the report to the pupil and the pupil's parent or guardian (unless the pupil is an adult pupil) prior to the hearing. The report will include;
 - a) A summary of the findings the principal made in the investigation;
 - b) An analysis of which, if any, mitigating or other factors might be applicable;
 - c) A recommendation of whether the expulsion should be from the school or from the Board; and

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- d) A recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion
2. Inquire with the Superintendent Responsible for Discipline as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:
 - a) A statement that the pupil is being referred to the Expulsion Review Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
 - b) A copy of the Board's guidelines and rules governing the hearing before the Expulsion Review Committee;
 - c) A copy of the Board Code of Conduct and school Code of Conduct;
 - d) A copy of the suspension letter;
 - e) A statement that the pupil and/or his or her parent/guardian has the right to respond to the principal's report in writing;
 - f) Information about the procedures and possible outcomes of the expulsion hearing, including that:
 1. If the Expulsion Review Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 2. Parties have the right to make submissions with respect to the suspension;
 3. Any decision with respect to the suspension is final and cannot be appealed;
 4. If the pupil is expelled from the school, they will be assigned to another school;
 5. If the pupil is expelled from the Board, they will be assigned to a program for expelled pupils;
 6. If the pupil is expelled there is a right of appeal to the Child and Family Services Review Board.
 - g) The name and contact information for the Superintendent Responsible for Student Discipline.

The Superintendent of Education will:

1. Advise the Superintendent Responsible for Student Discipline and the Trustee(s) for the school involved of the general details of the incident, including actions taken or pending; and
2. Submit the principal's Report for the Expulsion Review Committee to the Superintendent Responsible for Student Discipline.

The Superintendent Responsible for Student Discipline:

1. May arrange a meeting with the adult pupil or the pupil's parent/guardian and pupil and the principal, as appropriate.
 - a) If a meeting is arranged, the Superintendent Responsible for Student Discipline will review the Expulsion Review Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident; and
 - b) If a meeting is arranged, during the meeting the Superintendent Responsible for Student Discipline may assist to narrow the issues and identify agreed upon facts.
2. Will ensure that the item is placed on the Expulsion Review Committee agenda for the date and time set out on the notice to the adult pupil or the pupil's parent/guardian and co-ordinate the attendance of the Trustees.
3. Will prepare a package of documents for the Expulsion Review Committee, which will include at least the following components:
 - a) A copy of the Principal's Report; and
 - b) A copy of the notice of expulsion sent to the adult pupil or pupil's parent/guardian.
4. Will confirm with the adult pupil or the pupil's parent/guardian the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the package to go to the Expulsion Review Committee.

Hearing before the Expulsion Review Committee

If the principal recommends expulsion, the Expulsion Review Committee shall hold a hearing.

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Parties before the Expulsion Review Committee will be:

1. The principal; and
2. The adult pupil or the pupil's parent/guardian.

If a pupil is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Expulsion Review Committee may grant a person with daily care authority to make submissions on behalf of the pupil.

The hearing will be conducted in accordance with the rules of the Expulsion Review Committee and the guideline for Expulsion Hearings:

1. The Expulsion Review Committee shall consider oral and written submissions, if any, of all parties;
2. The Expulsion Review Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;
3. The Expulsion Review Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and
4. Such other matters as the Expulsion Review Committee considers appropriate.

In determining whether to impose an expulsion the Expulsion Review Committee shall consider the following factors:

1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control his or her behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline and personal history;
 - e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - g. The impact of the discipline on the pupil's prospects for further education;
 - h. The pupil's age;
 - i. Where the pupil has an IEP or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii Whether appropriate individualized accommodation has been provided; and
 - iii Whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
 - j Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
2. The submissions and views of the parties.
3. Any written response to the principal's report provided before the completion of the hearing; and
4. Such matters as the Expulsion Review Committee considers appropriate.

Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Expulsion Review Committee may request further evidence as set out in the Expulsion Hearing rules, subject to the requirement that the hearing take place within 20 school days, or the Expulsion Review Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the pupil committed the infraction.

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No Expulsion

If the Expulsion Review Committee decides not to expel the pupil, the Expulsion Review Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:

1. Consider whether alternative discipline is appropriate in the circumstances;
2. Uphold the suspension and its duration;
3. Uphold the suspension and shorten its duration and amend the record accordingly;
4. Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record; or
5. Make such other orders as the Expulsion Review Committee considers appropriate.

The Expulsion Review Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.

The Expulsion Review Committee's decision with respect to the suspension is final.

Expulsion

In the event the Expulsion Review Committee decides to impose an expulsion on the pupil, the Expulsion Review Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Expulsion Review Committee shall consider the following factors:

1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control his or her behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline and personal history;
 - e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - g. The impact of the discipline on the pupil's prospects for further education;
 - h. The pupil's age;
 - i. Where the pupil has an IEP or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. Whether appropriate individualized accommodation has been provided; and
 - iii. Whether a school or Board expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct; and
 - j. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
2. All submissions and views of the parties;
3. Any written response to the principal's report provided before the completion of the hearing; and
4. Such other matters as the Expulsion Review Committee considers appropriate.

Where the Expulsion Review Committee decides to impose a school expulsion, then the pupil must be assigned to another school.

Where the Expulsion Review Committee decides to impose a Board expulsion, then the pupil must be assigned to a program for expelled pupils.

The Expulsion Review Committee must promptly provide written notice of the decision to expel the pupil to all parties, and the pupil, if he or she was not a party. The written notice shall include:

1. The reason for the expulsion;
2. A statement indicating whether the expulsion is a school expulsion or a Board expulsion;

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3. Information about the school or program to which the pupil has been assigned; and
4. Information about the right to appeal the expulsion, including the steps to be taken.

Once the principal of alternative programs has received notice that a pupil has been expelled, s/he must create a SAP in a manner consistent with the Board's policy and procedures for programs for expelled pupils.

An expelled pupil is a pupil of the Board, even where s/he attends a program for expelled pupils at another school board, unless s/he does not attend the program or registers at another school board.

Re-entry Requirements Following an Expulsion

A pupil who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once s/he has successfully completed a program for expelled pupils and has satisfied the objectives required for completion of the program, as determined by the person who provides the program.

The Board shall re-admit the pupil and inform the pupil in writing of the re-admission.

A pupil who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which s/he was expelled.

1. The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
2. The pupil will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;
3. The pupil will be required to sign a Declaration of Performance form provided by the Board;
4. The Board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

Appeal of Board Decision to Expel

The adult pupil or the pupil's parent/guardian may appeal a Board decision to expel the pupil to the Child and Family Services Review Board.

The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel pupils.

The decision of the Child and Family Services Review Board is final.

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Education Act