

GOVERNANCE AND POLICY COMMITTEE REGULAR MEETING Public Session

AGENDA
May 7, 2019

Ida Li Preti, Chair
Trustee Ward 3

Michael Del Grande
Ex-Officio

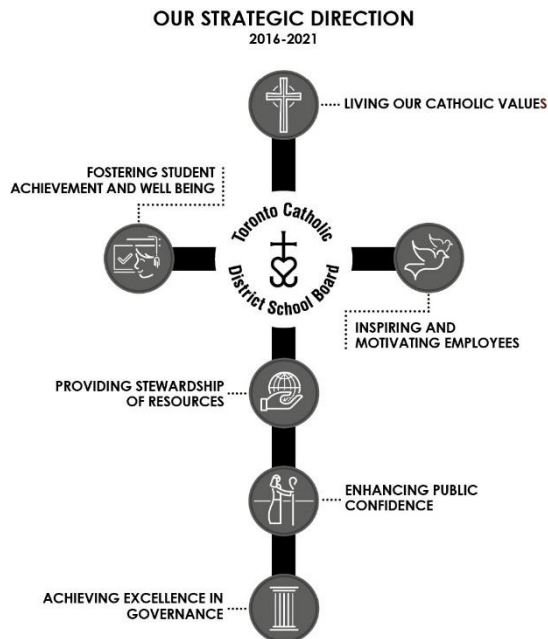
Angela Kennedy, Vice-Chair
Trustee Ward 11

Maria Rizzo
Ex-Officio

Nancy Crawford
Trustee Ward 12

Norman Di Pasquale
Trustee Ward 9

Teresa Lubinski
Trustee Ward 4



MISSION

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

VISION

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Recording Secretary: Sophia Harris, 416-222-8282 Ext. 2293
Assistant Recording Secretary: Sonia Tomaz, 416-222-8282 Ext. 2298

Rory McGuckin
Director of Education

Maria Rizzo
Chair of the Board

TERMS OF REFERENCE FOR GOVERNANCE AND POLICY COMMITTEE

The Governance Framework Committee is responsible for:

- A. Ensuring that governance structures, policies, protocols, processes and performance metrics:
 - a. advance the vision of the TCDSB, rooted in Catholic values and teachings.
 - b. support the achievement of our Multi-Year Plan.
 - c. conform to best practices.
 - d. provide strategic cohesion and consistency.
 - e. comply with the Education Act and other pertinent legislation.
- B. Providing a meta policy framework to ensure all policy formation, monitoring and evaluation follow a standard process that reflects exemplary practices in policy development.
- C. Carrying out a continuous review of the roster of existing policy to ensure conformity and advancement of (A) above.
- D. Identifying the supports (e.g. capacity training) needed to implement the governance framework.
- E. Ensuring ongoing governance reviews of the Board.
- F. Ensuring that the TCDSB by-laws and the Trustee Code of Conduct reflect the vision and mission of the Board and adhere to good governance practices, the Education Act and other pertinent legislation.

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AGENDA THE REGULAR MEETING OF THE GOVERNANCE AND POLICY COMMITTEE

PUBLIC SESSION

Ida Li Preti, Chair

Angela Kennedy, Vice Chair

Tuesday, May 7, 2019

7:00 P.M.

Pages

1. **Call to Order**
2. **Opening Prayer**
3. **Roll Call & Apologies**
4. **Approval of the Agenda**
5. **Declarations of Interest**
6. **Approval & Signing of the Minutes of the Meeting held April 9, 2019 for Public Session.** 1 - 16
7. **Delegations**
8. **Presentation**
 - 8.a Policy Tracker, Peter Aguiar, Superintendent of Student Achievement and Well-Being - Area 4 and Governance and Policy (Verbal)
9. **Notices of Motion**
10. **Consent and Review**
11. **Unfinished Business**

12. Matters referred or deferred

- 12.a From the March 26, 2019 Catholic Education and Living Our Catholic Values Sub-Committee Meeting and Approved at the April 4, 2019 Student Achievement and Well Being, Catholic Education and Human Resources Committee Meeting

That Student Achievement and Well Being, Catholic Education and Human Resources Committee refer to Governance and Policy that staff develop a policy on Catholic Curriculum in all subjects taught in all Toronto Catholic Schools.

- 12.b From the March 18, 2019 Special Board Meeting

Whereas the TCDSB does not have a policy regarding refusing to admit special education students and students with complex needs: and

Whereas the TCDSB should not refuse to admit special need students with disabilities on the basis that staff believe they cannot accommodate the student's needs, e.g. due to staff absences; and

Whereas the TCDSB may ask or direct that a student not attend school; or that a student only attend school for part of the regular school day and that the student be removed from school in writing; and

Whereas the TCDSB may excuse students from school who are suspended, expelled or for public health purposes according to legislation; and

Whereas a refusal to admit students should only be imposed when necessary to protect health and safety; and

Whereas indefinite exclusions of students are not in the best interest of students; and

Whereas the TCDSB should set out fair procedures that must be followed when refusing to admit a student.

Therefore be it resolved that the TCDSB establish a comprehensive policy regarding the refusal to admit special education students and those with special needs and disabilities to school; and

Be it further resolved that a refusal to admit policy should depend on the TCDSB ensuring that students excluded from attending school are provided an equivalent educational program; and

Be it further resolved that students should not be excused unless it can be demonstrated that the student presents an imminent risk to health or safety; and

Be it further resolved that the policy include:

Circumstances when a refusal to admit is permitted, and when it is not permitted; Procedures that must be followed when refusing to admit a student;

Timelines dictating the maximum number of consecutive days a student can be excused from school;

An appeal process; and

Data documentation and process for reporting to SEAC and Board.

Be it further resolved that the policy should include where the TCDSB refuses to accommodate students with special education disabilities in regular classrooms without needed supports or services, the principal be required to provide written notice and rationale of this to the family and that the Superintendent be copied; and

Be it further resolved that a refusal to admit policy be referred to the Governance and Policy Committee; and

Be it further resolved that staff prepare a comprehensive report on the implementation of a refusal to report policy.

12.c From the April 4, 2019 Student Achievement and Well Being, Catholic Education and Human Resources Committee Meeting

1) That staff create a policy, and that it be presented to the Governance and Policy Committee for consideration (**Forms of Acceleration for Gifted and Talented Students**);

2) That the policy and the regulations governing Admissions and French Programming be sent to the Governance and Policy

Committee for revisions that more accurately reflect the delivery and availability of regional programs with equity in mind (**St. Brigid Catholic School Admissions Inquiry: Junior Kindergarten French Immersion**); and

3) That a policy be implemented that has direct instruction of cursive writing in Grade 3 (**2019 Cursive Writing Update**)

12.d Review of Purchasing Policy (F.P.01) 17 - 31

Deferred until the Board makes a decision at the April 11, 2019 Corporate Services, Strategic Planning and Property Committee Meeting, TRIPLE PRIVATE Session.

From the April 24, 2019 Regular Board Meeting

12.e Revised Conflict of Interest Act and Integrity Commissioner Update 32 - 48

That the Sections regarding governance be referred to the Governance and Policy Committee.

12.f Update to Suspension and Expulsion Policy (S.S.01) 49 - 151

That the policy be referred to the Governance and Policy (GAP) Committee with the following changes, and also to SEAC for consultation:

Page 51, Cross Reference: Include *The Ontario Human Rights Code* and *The Ontario Human Rights Policy on Accessible Education for Students with Disabilities*;

Page 61: Add *not related to a disability* after Item (2) *Refractory conduct*;

Page 62: Add *or the Pupil would benefit from one* after *...an individual education plan has been developed*;; and

Page 132, *Regulation 13*: include *explanation of mitigating and other factors*.

13. Staff Reports

13.a Update to Blessing and Official Opening of Schools Policy S.08 152 - 159

13.b	Update to Bullying Prevention and Intervention Policy S.S.11	160 - 173
13.c	Update to Combined (Split) Grade Classes for Elementary Schools Policy S.24	174 - 182
13.d	Recommendation to Adopt a Partisan Activities and Campaigning Policy A.40	183 - 192
13.e	Update to Admission and Placement of Elementary Pupils Policy S.A.01	193 - 208
13.f	Update to Elementary School Attendance Boundary Review Policy S.A.03	209 - 218
14.	Listing of Communications	
14.a	Letter from Toronto Catholic Parent Involvement Committee regarding Catholic Parent Involvement Committee Policy P.04	219
15.	Inquiries and Miscellaneous	
16.	Updating of Pending Lists	
16.a	Monthly Pending List	220 - 227
16.b	2019 Policy Priority Schedule	228 - 229
17.	Adjournment	

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MINUTES OF THE REGULAR MEETING OF THE GOVERNANCE AND POLICY COMMITTEE PUBLIC SESSION

HELD TUESDAY, APRIL 9, 2019

PRESENT:

Trustees:

I. Li Preti, Chair
A. Kennedy, Vice-Chair – via Teleconference
N. Crawford
M. Del Grande
N. Di Pasquale – via Teleconference
T. Lubinski – via Teleconference
M. Rizzo

Staff:

R. McGuckin
L. Noronha (For Item 13b)
P. Matthews
P. De Cock (For Item 13b)
D. Friesen (For Item 13e)
C. Caldwell
M. Farrell (For Item 13b)
L. Maselli-Jackman (For Item 13f)
S. Vlahos (For Item 13d)

S. Harris, Recording Secretary
S. Tomaz, Assistant Recording Secretary

External Guest:

Adelina Cotognini, Previous Delegate regarding
Introducing Service Animal Policy at the Toronto
Catholic District School Board

4. Approval of the Agenda

MOVED by Trustee Crawford, seconded by Trustee Lubinski, that the Agenda, as amended to reorder Items 13a) Partisan Activities and Campaigning and 13e) Update to Good Neighbour Policy (S.S.25) after 13f) Update on the Creation Process of a Toronto Catholic District School Board Service Animal Policy and Protocol, be approved.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Motion was declared

CARRIED

5. Declarations of Interest

There were none.

6. Approval & Signing of the Minutes

MOVED by Trustee Crawford, seconded by Trustee Del Grande, that the Minutes of the Regular Meeting held March 19, 2019 for PUBLIC Session be approved with the following amendments:

Page 5, 13f) revised to read: ... referred to the Catholic Education and Living Our Catholic Values Sub-Committee and, after input, refer back to the Governance and Policy Committee; and

Page 7, 13c) – insert *so* before *that* i.e. ...that cannabis be added after illicit drug *so* that ...

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Motion was declared

CARRIED

13. Staff Reports

MOVED by Trustee Rizzo, seconded by Trustee Crawford, that Item 13b) be adopted as follows:

- 13b) Reviewing of Purchasing Policy (F.P.01)** deferred until the Board makes a decision regarding the Item at the April 11, 2019 Corporate Services, Strategic Planning and Property Committee Meeting, TRIPLE PRIVATE Session.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale

Li Preti
Lubinski
Rizzo

The Motion was declared

CARRIED

Trustee Lubinski disconnected at 7:24 pm and reconnected at 7:25 pm.

MOVED by Trustee Crawford, seconded by Trustee Del Grande, that Item 13c) be adopted as follows:

- 13c) Update to Communications Policy (A.37)** that the Governance and Policy Committee recommend to the Board that the revised Communications Policy (A.37), as amended and proposed in Report Appendix A be adopted.

MOVED in AMENDMENT BY Trustee Crawford, seconded by Trustee Del Grande:

That capitalization be consistent throughout the policy;

That Catholic Education and communication is of professional and high standards be promoted, pages 40-41, Purpose;

That *oversees* be replaced with *oversee*, page 43, Regulation 4;

That Regulation 7c), page 44, be revised as follows:

Individual Trustees *are encouraged to consult* with the Communications Department on news releases involving schools, programs or local issues in *their* ward;

That english be capitalized, page 45), Internal Communication 1b;

That Internal Communication 1b), page 45, be split into two separate Items, therefore creating a new 1c) for the section dealing with *commitment for translated materials* ...;

That *police being called in for school visit* be added after ...*acts of violence*, page 46, Internal Communication 3):

That *extreme* before *acts of violence* be deleted, page 46, Internal Communication 3);

With the consent of the Committee, Trustee Crawford revised her Amendment regarding Regulation 7c), page 44, as follows:

Individual Trustees *shall be consulted* with the Communications Department on news releases involving schools, programs or local issues in *their* ward;

Trustee Li Preti relinquished the Chair to Trustee Del Grande.

With the consent of the Committee, Trustee Crawford withdrew her Amendment to delete *extreme* before *acts of Violence*, page 46, Internal Communication 3.

Results of the Vote taken on the Amendment, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Amendment was declared

CARRIED

MOVED in AMENDMENT by Trustee Rizzo that Regulation 7c), page 44, be revised to read as follows:

Individual Trustees *are encouraged to consult* with the Communications Department on news releases involving schools, programs or local issues in *their* ward;

There was no seconder.

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Del Grande, that *Trespass notices* be added to Internal Communication 3, page 46.

Results of the Vote taken on the Amendment, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Amendment was declared

CARRIED

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Del Grande, that *Suspension notices* for Elementary schools be added to Internal Communications 3, page 46.

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Del Grande, that *Expulsion notices* be added to Internal Communications 3, page 46.

MOVED by Trustee Rizzo, seconded by Trustee Crawford, that Suspension notices for Elementary schools be deferred to the Director to review how it could be implemented.

Results of the Vote taken regarding Deferral, as follows:

In Favour

Opposed

Trustees Crawford	Del Grande
Di Pasquale	Li Preti
Rizzo	Lubinski

The Motion to Defer was declared

LOST ON A TIE

With the consent of the Committee, Trustee Rizzo withdrew her Amendment regarding adding *Expulsion notices* to the Internal Communications 3, page 46.

Results of the Vote taken on the Motion, as amended, as follows:

In Favour

Opposed

Trustees Crawford	Rizzo
Del Grande	
Di Pasquale	
Li Preti	
Lubinski	

The Motion, as amended, was declared

CARRIED

MOVED by Trustee Del Grande, seconded by Trustee Crawford, that the Agenda be reopened to discuss Item 13f) as the next Item of business for discussion.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Motion was declared

CARRIED

MOVED by Trustee Rizzo, seconded by Trustee Di Pasquale, that Item 13f) be adopted as follows:

- 13f) Update on the Creation Process of a Toronto Catholic District School Board Service Animal Policy and Protocol** that when the Policy is brought back, the delegate be provided with a copy and invited to the respective meeting.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Motion was declared

CARRIED

MOVED by Trustee Rizzo, seconded by Trustee Crawford, that Item 13d) be adopted as follows:

- 13d) Update to School Excursions Policy (S.E.01)** that the Governance and Policy Committee recommend to the Board that the revised School Excursions Policy S.E.01 and the accompanying Excursion Handbook, as amended and proposed in Report Appendix A and Report Appendix B, be adopted.

MOVED in AMENDMENT by Trustee Crawford, seconded by Trustee Rizzo, that *Ontario* be added before *Catholic School Graduate Expectations*.

Results of the Vote taken on the Amendment, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Amendment was declared

CARRIED

Results of the Vote taken on the Motion, as amended, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Motion, as amended, was declared

CARRIED

The Chair declared a two-minute recess.

The meeting resumed with Trustee Li Preti in the Chair.

The attendance list remained unchanged.

Trustee Kennedy joined the meeting via Teleconference at 8:58 pm.

MOVED by Trustee Crawford, seconded by Trustee Del Grande, that Item 13e) be adopted as follows:

- 13e) Update to Good Neighbour Policy (S.S.25)** that the revised Good Neighbour Policy (S.S.25) provided in Report Appendix A, and the accompanying Operation Procedures provided in Report Appendix B, be adopted, and that *councilor* be replaced with *Councillor* consistently throughout the Policy.

MOVED IN AMENDMENT by Trustee Kennedy, seconded by Trustee Rizzo:

That Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns Policy (A.33) be added to the Cross Reference, page 249;

That School Events Communications and Invitee Protocols Policy (S.02) be added to the Cross Reference, page 249; and

That communication be offered, with the lead being Facilities in consultation with the school Principal and school Trustee.

MOVED in AMENDMENT to the AMENDMENT by Trustee Del Grande, seconded by Trustee Kennedy, that Trustee information be included in the Good Neighbour letter.

Trustee Kennedy disconnected via Teleconference at 9:18 pm.

Results of the Vote taken on the Amendment to the Amendment, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Li Preti
Lubinski
Rizzo

The Amendment to the Amendment was declared

CARRIED

Trustee Kennedy reconnected via Teleconference at 9:19 pm.

Results of the Vote taken on the Amendment, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Kennedy
Li Preti
Lubinski
Rizzo

The Amendment was declared

CARRIED

Trustee Li Preti relinquished the Chair to Trustee Del Grande.

Trustee Li Preti reassumed the Chair.

MOVED in AMENDMENT by Trustee Rizzo, seconded by Trustee Del Grande, that *and Trustees* be added after ...*staff person*, Metrics 2, page 251.

Results of the Vote taken on the Amendment, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Kennedy
Li Preti
Lubinski
Rizzo

The Amendment was declared

CARRIED

MOVED in AMENDMENT by Trustee Del Grande, seconded by Trustee Rizzo, that thank-you letters be provided at the end of significant school construction.

Results of the Vote taken on the Amendment, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Kennedy
Li Preti
Lubinski
Rizzo

The Amendment was declared

CARRIED

Results of the Vote taken on the Motion, as amended, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Kennedy
Li Preti
Lubinski
Rizzo

The Motion, as amended, was declared

CARRIED

MOVED by Trustee Kennedy, seconded by Trustee Rizzo, that Item 13a) be adopted as follows:

- 13a) Partisan Activities and Campaigning** that a Policy be developed and presented at the May 7, 2019 Governance and Policy Committee Meeting.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Kennedy
Li Preti
Lubinski
Rizzo

The Motion was declared

CARRIED

17. Adjournment

MOVED by Trustee Del Grande, seconded by Trustee Rizzo, that the meeting be adjourned.

Results of the Vote taken, as follows:

In Favour

Opposed

Trustees Crawford
Del Grande
Di Pasquale
Kennedy
Li Preti
Lubinski
Rizzo

The Motion was declared

CARRIED

SECRETARY

CHAIR



REPORT TO

GOVERNANCE AND POLICY
COMMITTEE

REVIEW OF PURCHASING POLICY F.P.01

“We can't have full knowledge all at once. We must start by believing; then afterwards we may be led on to master the evidence for ourselves.”

St. Thomas Aquinas

Created, Draft	First Tabling	Review
March 5, 2019	March 19, 2019	Click here to enter a date.

M. Farrell, Coordinator, Materials Management

P. De Cock, Comptroller of Business Services & Finance

P. Aguiar, Superintendent of Education

RECOMMENDATION REPORT

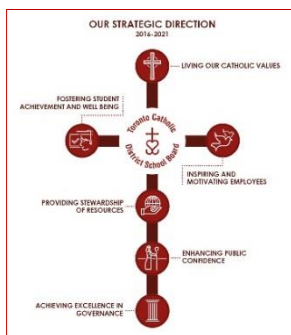
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Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

The Purchasing Policy F.P. 01 has been revised and updated to better meet Board operational requirements and reflect changes in the area of public sector procurement.

The changes are consistent with the principles of the Multi Year Strategic Plan in terms of stewardship of resources, excellence in governance and financial accountability.

The policy is also being changed to ensure alignment to and compliance with the requirements outlined in the Broader Public Sector (BPS) Procurement Directive and the new inter provincial Canada Free Trade Agreement(CFTA) and the Canada-European Union Comprehensive and Economic Trade Agreement (CETA).

This report recommends the Governance and Policy Committee recommend to the Board of Trustees approval of the revised Purchasing Policy F.P.01.

The cumulative staff time required to prepare this report was 6 hours.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance Policy Committee for scheduled review.

C. BACKGROUND

1. Purchasing Policy F.P.01 was last revised in November 2014. The revisions included a higher delegated approval limit for the Director of Education where a budget or project had been approved by the Board. The intent of this delegation was to streamline standard procurement awards, accelerate project start ups and remove reports on a Board agenda for an approval where the award had already been determined through a competitive bid process.
2. The revisions have made the policy more straightforward and easily understood by clearly delineating policy objectives and regulations. Procedural steps related to the policy and regulations have been included in a Purchasing Manual.

D. EVIDENCE/RESEARCH/ANALYSIS

1. The delegation of approval for all contract awards has increased the operational effectiveness and administrative efficiency by facilitating faster contract awards and project initiation.
2. Elimination of procurement recommendation reports from the Board agenda has reduced the number of Board/Committee agenda items.
3. There are no changes to the Policy section while some Regulations have been revised. The revised version complete with mark-ups to highlight the changes appears in Appendix A and are listed below:
 - i. The Cross Reference section was updated to remove two deleted policies and to include two new trade agreements- the interprovincial Canada Free Trade Agreement (CFTA) and the Canada-European Union Comprehensive and Economic Trade Agreement (CETA).
 - ii. A minor change was made to the wording of Regulation 18 with respect to a sole source to include a reference to single sourcing which is now listed in the Definitions section.
 - iii. Regulation 21, the Supply Chain Code of Ethics, was amended to include a reference to the Procurement Directive.
4. The following two Regulations are recommended for deletion:
 - Regulation 10, which requires all contracts to be reviewed centrally, has been determined to be impractical to manage given the number of small value contracts that schools and departments have over the course of a year.
 - Regulation 17, that notes that a Purchasing Procedures Manual will provide direction and guidance to staff, is redundant and no longer required as the Manual is now listed an Appendix to this Policy.
5. After an initial review by the Governance and Policy Committee meeting of March 20,2019, further revisions were made and have now been included in policy in Appendix A:

- Regulation 7, the removal of duplicate wording “to any”.
 - Regulation 10, the addition of the word “strictly” to emphasize that lobbying during a competitive procurement is strictly prohibited.
 - Regulation 11 has been further amended to clarify the Board’s right to exclude a vendor or proponent from future procurements.
6. The 2014 Purchasing Policy revisions increased the delegated authority of the Director of Education to approve contract awards and expenditures where the budget, project or report have been approved by the Board and which are in compliance with the Procurement Directive. The intent was that such delegation would increase operational effectiveness and administrative efficiency by facilitating faster contract awards and project start-ups for traditional procurements and previously approved projects. In addition, removal of these recommendation reports would help to streamline Board agendas and meetings.
 7. Additional rationale for this change was that the financial and fiscal responsibilities for school operations continues to be more clearly prescribed. The procurement environment has always been subject to evolving contract law and provincial and federal trade agreements. The introduction of the Procurement Directive in the Broader Public Sector has now introduced mandatory requirements, which must be followed in arriving at a recommendation for an award.
 8. An award to other than the compliant low bid or highest scoring proponent could be construed as a breach of contractual obligations and result in a legal or trade agreement challenge with attached liability. In these circumstances, the Board would not reverse a recommendation that has followed contract law and the BPS mandatory requirements. Board approval would be more or less

a formality that was required only because of the then stipulated limit in the Purchasing Policy.

9. The 2014 policy stated three exceptions to the delegation authority of the Director of Education:

- new school construction and major school additions;
- contracts which have exceeded the approved budget;
- significant strategic initiative.

10. The term **significant strategic initiative** was introduced as a way of identifying new or non-standard procurements to the Board of Trustees. Such initiatives would be required to come to the Board of Trustees for approval. A significant strategic initiative is defined as a departure from traditional procurement activities, which has yet to receive Board approval and may commit the Board to long term expenditures based on new evidence or theory requiring a different strategy. This may include first-time partners or a new category of contract.

11. As a result of discussion at the Governance and Policy Committee, two additional Procurement Reporting mechanisms have been established:

- Procurement and tender awards will be posted on the Board's main webpage under the **Tendering Information** tab.
- A list of Sole and/or Single source purchases report will be provided to the Audit Committee on a quarterly basis.

E. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

Board staff at school and departmental levels will receive in-servicing with respect to Policy and Regulation changes.

F. STAFF RECOMMENDATION

That the Governance and Policy Committee recommend to the Board of Trustees approval of the proposed revisions to the Purchasing Policy F.P.01 in attached Appendix A.

POLICY SECTION: **Finance**

SUB-SECTION:

POLICY NAME: **Purchasing Policy**POLICY NO: **F.P. 01****Date Approved:**

November 5, 2014

Date of Next Review:

2018

Dates of Amendments:**Cross References:**

- ~~F.P. 02 Book Purchase~~
- ~~F.P. 03 Border Brokers~~
- F.P. 04 Sweatshop-Free Purchasing Policy
- T.01 Conflict of Interest: Trustees
- H.M. 31 Conflict of Interest: Employees
- H.M. 33 Acceptance of Hospitality or Gifts
- A.24 Credit and Purchase Cards
- Broader Public Sector Procurement Directive (2011)
- **Canadian Free Trade Agreement (CFTA)**
- **Canadian-European Union Comprehensive Economic and Trade Agreement (CETA)**

Appendix

Purchasing Procedures Manual

Purpose:

The Board is committed to ensuring all goods and services are to be acquired through an open, transparent, and fair and competitive process whenever possible in order to obtain maximum value from the expenditure of public funds.

Scope and Responsibility:**Scope and Responsibility:**

This policy, and these regulations and procedures applies apply to any employee or elected official who is involved in the acquisition of goods and /or services on behalf of the Board.



POLICY SECTION: Finance

SUB-SECTION:

POLICY NAME: Purchasing Policy

POLICY NO: F.P. 01

Alignment with MYSP:

Fostering Student Achievement and Well Being

Achieving Excellence in Governance

Providing Stewardship of Resources

Strengthening Public Confidence

Inspiring and Motivating Employees

Evaluation and Metrics:

Financial Impact:

~~Applies to the purchase of any goods, construction, and services, including consulting services made using Board funds.~~

~~Non-BPS compliance can affect Board funding~~

Legal Impact:

~~Compliance with Agreement on Internal Trade (1995) Compliance with Broader Public Sector Procurement Directive~~



POLICY SECTION: Finance

SUB-SECTION:

POLICY NAME: Purchasing Policy

POLICY NO: F.P. 01

Policy:

The Board shall purchase goods and services through a process consistent with the Mission and Vision statements of the Board and with the following objectives:

- (i) to provide a high level of service to all areas of the Board;
- (ii) to provide fair, competitive and transparent business practices for vendors and ensure equal treatment without preference;
- (iii) to obtain all goods and services at the lowest total end-user cost considering price, quality, function and delivery in an efficient, effective manner while maintaining the controls necessary for the expenditure of public funds;
- (iv) to encourage the acquisition of environmentally friendly products and the reduction of the impact of the Board's activities upon the environment.

The Board **of Trustees** delegates to the Director of Education, the authority to approve the award of all contracts and expenditures where the budget, project or report has been approved by the Board **of Trustees** with the exception of:

- new school construction and major school additions;
- contracts which have exceeded the approved budget;
- significant strategic initiative.



POLICY SECTION: Finance

SUB-SECTION:

POLICY NAME: Purchasing Policy

POLICY NO: F.P. 01

Regulations:

1. This policy, **and these** regulations and procedures shall apply to any employee or elected official who is involved in the acquisition of goods and /or services on behalf of the Board.
2. All supervisory personnel shall be responsible for ensuring their immediate staff are properly informed of and comply with this policy, its regulations and procedures.
3. All purchasing activities will be carried out in accordance with all applicable Board policies and procedures and any other statutory acts or regulations.
4. Use of Board funds for personal purchases on behalf of an employee, elected official or family member is not permitted.
5. Purchases made without an authorized purchase order/purchase card are not permitted and will be considered an obligation of the person making the purchase and not an obligation of the Board.
6. Employees and elected officials shall not use their authority, influence or office for personal gain or to advance the interest of any particular party and shall seek to uphold and enhance the integrity of all Board business operations.
7. In accordance with the Education Act, no teacher, supervisory officer or other employee of the Board may promote or sell goods or services for compensation ~~to any~~ to any board, provincial school or teachers' college, or pupil enrolled therein except as permitted by the Act.
8. All goods and services are to be acquired through a publicly advertised competitive bidding process whenever possible in order to obtain maximum value from the expenditure of public funds.



POLICY SECTION: **Finance**

SUB-SECTION:

POLICY NAME: **Purchasing Policy**

POLICY NO: **F.P. 01**

9. Any arrangements which might prevent fair competition shall be avoided, in order to ensure open competition among qualified bidders.
10. Lobbying during a competitive procurement call is prohibited. ~~Any~~ Communication with anyone other than the official point of contact from the time of issuance, up to and including the time of award, is **strictly** prohibited.
11. A vendor/proponent who violates the lobbying prohibition will be subject to disqualification from the current, **and may be disqualified from** ~~or~~ future, procurements at the Board's discretion.
12. Awards will be given to the lowest bidder except where the best interests of the Board are served by accepting other than the lowest price.
13. Where an emergency situation exists, the approval requirements of the Purchasing Policy shall not apply, and administration shall take immediate necessary remedial action.
14. Where feasible, the Board may participate in cooperative purchasing with other school boards and public agencies.
15. Contracts for all goods and services will be limited to a maximum term of five years and renewals will be subject to a public competitive bidding process whenever possible.
16. Contracts or purchases shall not be divided to avoid the requirements of this policy, its regulations or procedures and the annual or total project cost shall be considered.
- ~~17. Contracts for the acquisition of products and services on behalf of the Board, regardless of the amount or term, must be reviewed centrally prior to execution.~~



POLICY SECTION: **Finance**

SUB-SECTION:

POLICY NAME: **Purchasing Policy**

POLICY NO: **F.P. 01**

18. Use of a sole **or single** source for an expenditure greater than \$10,000.00 will require completion of a Sole Source Declaration Form.
19. The Director of Education shall be responsible for the approval of all procurement awards except as noted in this policy and will provide trustees with a list of procurement awards on a regular basis.
20. The Materials Management Department shall be responsible for operating a centralized purchasing system for tenders, contracts and purchases and have general oversight of the procurement process and procedures.
21. **In accordance with the Broader Public Sector (BPS) Procurement Directives**, employees and elected officials involved in the procurement process are subject to a Supply Chain Code of Ethics which requires:
 - Personal Integrity and Professionalism;
 - Accountability and Transparency and;
 - Compliance and Continuous Improvement.
22. Consulting services which are intended to provide expert or strategic advice for purposes of consideration and decision making, must be acquired through a competitive process regardless of dollar value.
23. The Purchasing/Materials Evaluation and Approval Committee, **or as otherwise delegated by the Director of Education**, will review tenders, proposals and quotations before issue.
24. ~~A Purchasing Procedures Manual shall provide guidelines and direction to those individuals who have been delegated to purchase or approve the purchase of goods or services on behalf of the Board.~~



POLICY SECTION: Finance

SUB-SECTION:

POLICY NAME: Purchasing Policy

POLICY NO: F.P. 01

Definitions:

Acquisition means the process for obtaining goods and services.

Approval means authorization to proceed with an award for acquisition of goods and/or services.

Award means the notification to a proponent of acceptance of a proposal, quotation or tender that brings a contract into existence

Contract means a binding agreement between two or more parties.

Conflict of Interest means a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity.

Consultant means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making.

Continuous Improvement means an ongoing process for individuals involved in supply chain policies and practices to improve their supply chain knowledge and skill levels, and to share leading practices.

Cooperative Purchasing means the participation of two or more public agencies, in a request for quotation, tender or proposal.

Delegation means the assignment of specific responsibilities along with the necessary authority in order to discharge the responsibility properly.



POLICY SECTION: Finance

SUB-SECTION:

POLICY NAME: Purchasing Policy

POLICY NO: F.P. 01

Lobbying means an attempt to influence staff or elected officials with respect to decision or outcome related to a procurement activity.

Procedure means a set of instructions for carrying out a specific activity and the specific sequence of action.

Procurement means the combined functions of purchasing, contract administration and disposal of surplus equipment and supplies.

Significant Strategic Initiative is defined as a departure from traditional procurement activities, which has yet to receive Board approval and may commit the Board to long term expenditures based on new evidence or theory requiring a different strategy. This may include first-time partners or a new category of contract.

Single Source means the selection of a vendor to provide goods or services without utilizing a competitive process where there is more than one vendor capable of supplying the goods or services.

Sole Source means a vendor who due to patent, copyright or proprietary rights limits availability of a good or service.

Supervisory Personnel means one who is in charge of a particular department, school or unit and responsible for directing staff behavior.

Supply Chain Code of Ethics sets out the basic principles of conduct and defines acceptable behaviours for individuals involved with Supply Chain Activities.

Vendor means one who can reasonably be expected to provide satisfactory performance on the proposed contract based on reputation, references, performance on previous contracts, and sufficiency of financial and other resources.



POLICY SECTION: Finance

SUB-SECTION:

POLICY NAME: Purchasing Policy

POLICY NO: F.P. 01

Evaluation and Metrics:

1. Streamlined Approval Process
2. Streamlined Board Agendas



REPORT TO

REGULAR BOARD

REVISED CONFLICT OF INTEREST ACT AND INTEGRITY COMMISSION

“A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples if you love one another.” John 13:34-35 NIV

Created, Draft

April 17, 2019

First Tabling

April 24, 2019

Review

[Click here to enter a date.](#)

Paul Matthews, General Legal Counsel

INFORMATION REPORT

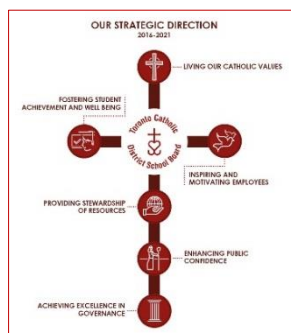
Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report confirms advice given at the Corporate Services, Strategic Planning and Property Committee meeting on March 21, 2019 that school board trustees will not have access to an Integrity Commissioner appointed by the city of Toronto.

The cumulative staff time required to prepare this report was 1.5 hours

B. PURPOSE

1. The purpose of this report is to clarify and correct advice previously given to the Board with respect to Bill 68 and changes to the *Municipal Conflict of Interest Act* (“MCIA”)

C. EVIDENCE/RESEARCH/ANALYSIS

1. At the February 21, 2019 Regular Board meeting, the Board of Trustees received a report (attached at APPENDIX A) on changes to the MCIA, effective March 1, 2019.
2. The report and the advice with respect to changes in the MCIA considered at that meeting was that trustees would have access to an Integrity Commissioner appointed by the city of Toronto. That advice has been determined to be inaccurate. School board trustees will not have access to an Integrity Commissioner appointed by the city of Toronto.
3. After discussion with the Ontario Ombudsman, and various municipal Integrity Commissioners in the Greater Toronto Area, it has been determined that school board trustees do not have access to the Integrity Commissioner appointed by the city of Toronto.
4. In a report to the Corporate Services, Strategic Planning and Property Committee on March 21, 2019 (APPENDIX B) it was confirmed that school board trustees will not have access to an Integrity Commissioner appointed by the city of Toronto.

5. So what can a judge consider when she has determined that a trustee has violated the MCIA? The judge can consider sections 9(2)(a) and 9(2)(c) of the MCIA. Those sections provide:

(2) Same – in exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member
(a) took reasonable measures to prevent the contravention
(c) committed the contravention through inadvertence or by reasons of an error in judgment made in good faith

6. In determining whether a trustee took “reasonable measures” (s.9(2)(a)) or acted in “good faith” (s.9(2)(c)) a court would likely give some consideration to a trustee who did consult with an Integrity Commissioner.
7. As has already been stated. Trustees do not have access to the Integrity Commissioner appointed by the City of Toronto, but the Board of Trustees has instructed staff to retain, if necessary, an Integrity Commissioner, after the Ontario Catholic School Trustees’ Association Annual General Meeting which concludes on April 27, 2019.

D. CONCLUDING STATEMENT

This report is for the consideration of the Board and.



REPORT TO

REGULAR BOARD

BILL 68 – CHANGES TO THE MUNICIPAL CONFLICT OF INTEREST ACT

A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another.” John 13:34-35 NIV

Created, Draft	First Tabling	Review
February 14, 2019	February 21, 2019	Click here to enter a date.

P. Matthews, General Legal Counsel

INFORMATION REPORT

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We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

Bill 68 made important changes to the Municipal Conflict of Interest Act. The two most important changes that will regularly impact Trustees are:

- i. Trustees who declare a conflict of interest will now be required, effective March 1, 2019, to file a written statement with the secretary of the Board disclosing the Trustee's interest and the general nature of the conflict.
- ii. The Board will be required, effective March 1, 2019, to maintain a registry where copies of such written statements may be accessed by members of the public.

The cumulative staff time required to prepare this report was 3 hours

B. PURPOSE

This report highlights two significant changes, as well as other changes to the Municipal Conflict of Interest Act.

C. BACKGROUND

The modernizing Ontario's Legislation Act, 2016 also known as Bill 68 made important amendments to the *Municipal Conflict of Interest Act* ("the Act") which are scheduled to come into effect on March 1, 2019.

D. EVIDENCE/RESEARCH/ANALYSIS

1. The following are the changes to the Act which come into effect on March 1, 2019:
 - i. At a meeting at which a trustee declares a conflict of interest, the trustee shall file a written statement of the interest and its general nature with the secretary of the Board (i.e. the Director of Education).
 - ii. Where a trustee, either on his or her own behalf or while acting for, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or the Board, the trustee shall not use his or her office in

any way to attempt to influence any decision or recommendation that results from consideration of the matter.

- iii. The Board is required to establish a registry which will contain:
 - a. Copies of written declarations made as prescribed in paragraph (i) above, and
 - b. A copy of the minutes from the meeting that documented that declaration of a conflict of interest
- iv. The registry described above must be available for inspection in the manner and during the time that the Board determines.
- v. Any member of the public, in reviewing the information in the Board's public registry or from any other source, will be entitled to make an application to a court to determine whether any trustee has acted contrary to the *Municipal Conflict of Interest Act*. ***This is a departure from the legislation's previous provisions extending this right to only an individual who qualified as an elector of the trustee in question.***
- vi. Where an application is made to a court alleging that a trustee has violated the *Municipal Conflict of Interest Act*, the court will now have discretion to consider whether the trustee took reasonable measures to prevent the contravention, including considering whether the trustee consulted with the municipal Integrity Commissioner.
- vii. In line with the new discretion to take trustees' reasonable measures into account, courts will also have a new ability to impose a range of penalties for contraventions of the *Municipal Conflict of Interest Act*. This range of penalties runs from lesser penalties such as a reprimand and suspension of remuneration, to more significant penalties such as declaring the trustee's seat vacant, disqualifying the trustee from running for re-election for up to 7 years, and ordering financial restitution where the trustee has made financial gain as a result of his or her contravention. Under the previous regime, only the more significant of these penalties were available and were applied to any circumstances where a trustee had violated the *Municipal Conflict of Interest Act*, regardless of any mitigating factors.

2. Please see **Appendix A** for two (2) memos received from OCSTA with respect to Bill 68.
3. The TCDSB Form upon which a Trustee shall file a written statement of the interest and its general nature with the secretary of the Board is found in **Appendix B**.

E. METRICS AND ACCOUNTABILITY

1. The TCDSB registry, where copies of written statements of a Trustee's conflict of interest, will be maintained by the Secretary to the Board, supported by the Recording Secretary.
2. This registry may be accessed by members of the public

F. CONCLUDING STATEMENT

This report is for the consideration of the Board.

APPENDIX A

Ontario Catholic School
Trustees' Association

Box 2064, Suite 1804
20 Eglinton Avenue West
Toronto, Ontario M4R 1K8
T. 416.932.9460 F. 416.932.9459
ocsta@ocsta.on.ca www.ocsta.on.ca

Beverley Eckensweiler, *President*
Michelle Griepsma, *Vice President*
Nick Milanetti, *Executive Director*

February 7, 2019

MEMORANDUM

TO: Chairpersons and Directors of Education
- All Catholic District School Boards

FROM: Beverley Eckensweiler, President

SUBJECT: Bill 68 Municipal Conflict of Interest Requirements - Update

Summary:

Bill 68, *Modernizing Ontario's Municipal Legislative Act* received Royal Assent on May 30, 2017. New requirements regarding conflict of interest **become effective March 1, 2019** for school boards.

The key new requirements are:

- All boards must establish a **registry of conflict of interest declarations from trustees** that is open to the public;
- All boards now require a **written declaration of conflict of interest** from trustees at all committee and board meetings.

OCSTA has drafted a template **conflict of interest declaration form** to assist boards with these requirements (attached).

The **registry** must contain the following information:

- A copy of each conflict of interest declaration and each conflict of interest statement by a trustee;
- An excerpt from the minutes of the meeting where the declaration is made;
- The registry may be organized by date, type of meeting and the statement and declaration documents filed for each trustee that declares a conflict of interest;
- The registry can be made public either via a web posting or a publically accessible file at the board office, accessible during standard office hours.

...Continue

Background Information:

Conflict of interest legislation is concerned only with pecuniary or financial interests. The *Municipal Conflict of Interest Act* refers to three kinds of financial interests:

1. Direct Interest: a trustee would have a direct interest if the board was considering buying property owned by the trustee;
2. Indirect Interest: a trustee is the senior officer of a company bidding for a board contract;
3. Deemed: a trustee's spouse, child or parent owns a company that is bidding for a board contract.

Declaring a Conflict:

If a trustee identifies a direct, indirect or deemed conflict of interest in a matter and is present at a meeting of the board or committee of the board which the matter is being discussed, he or she must declare a conflict **before** any discussion of the matter begins. The trustee is required to take the following steps:

1. Publicly declare the conflict of interest, state the general nature of the interest and have the declaration recorded in the minutes of the meeting;
2. File a written statement of the interest and its general nature with the secretary of the committee or board (effective March 1, 2019);
3. Do not vote on any question in respect to the matter;
4. Do not take part in any discussion of the matter;
5. Do not attempt to influence the voting on any question related to the matter;
6. In a closed session of a committee or board meeting, the trustee with conflict should leave the room for as long as the matter is discussed and have that fact recorded in the minutes.

Filing Trustee Campaign Financial Statements:

As a reminder, all trustees are required to complete and file accurate campaign financial statements by 2:00 pm on March 29, 2019. If you have a bookkeeper or accountant complete the financial statement for you, you are still responsible for ensuring that it is complete and accurate and filed on time.

If you have any questions please contact myself or Stephen Andrews at sandrews@ocsta.on.ca.

Attachment

TEMPLATE

NAME OF BOARD
BOARD CONTACT INFORMATION

Statement & Declaration of Interest

Trustee Name: _____

Board/Committee Meeting Date: _____

Agenda Item: _____

Topic: _____

Statement & Declaration of Interest

Signature

Date

Date Filed in Registry



Ontario Catholic School
Trustees' Association

Box 2064, Suite 1804
20 Eglinton Avenue West
Toronto, Ontario M4R 1K8
T. 416.932.9460 F. 416.932.9459
ocsta@ocsta.on.ca www.ocsta.on.ca

Beverley Eckensweiler, *President*
Michelle Griepsma, *Vice President*
Nick Milanetti, *Executive Director*

February 8, 2019

MEMORANDUM

TO: Chairpersons and Directors of Education
- All Catholic District School Boards

FROM: Beverley Eckensweiler, President

SUBJECT: CLARIFICATION: Bill 68 Municipal Conflict of Interest

Further to the memorandum sent on Thursday, February 7, 2019 regarding Bill 68, *Modernizing Ontario's Municipal Legislative Act* that amend the *Municipal Conflict of Interest Act* we want to clarify its impact on school boards and trustees in two areas.

As of March 1, 2019:

1. All boards must establish a **registry of conflict of interest declarations from trustees** that is open to the public;
2. All boards require a **written declaration of conflict of interest** from trustees at all committee and board meetings.

All other aspects with respect to the *Municipal Conflict of Interest Act* pecuniary or financial interests remain unchanged.

If you have any questions please contact myself or Stephen Andrews at sandrews@ocsta.on.ca.

Toronto ON M2N 6E8

Trustee Name: _____

Board/Committee Meeting Date: _____

Agenda Item: _____

Topic: _____

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Date _____

Page 43 of 229



REPORT TO

CORPORATE SERVICES, STRATEGIC PLANNING AND PROPERTY COMMITTEE

BILL 68 – UPDATE ON CHANGES TO THE MUNICIPAL CONFLICT OF INTEREST ACT

“A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another.” John 13:34-35 NIV

Created, Draft	First Tabling	Review
February 14, 2019	March 21, 2019	Click here to enter a date.

Paul Matthews, General Legal Counsel

RECOMMENDATION REPORT

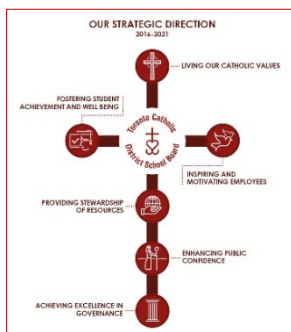
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We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report:

1. Advises that after discussion with the Ontario Ombudsman and various municipal Integrity Commissioners in the Greater Toronto Area, it has been determined that school board trustees do not have access to an Integrity Commissioner appointed by the City of Toronto.
2. Recommends that Ontario Catholic School Trustee Association (“OCSTA”) retain the services of an Integrity Commissioner on behalf of the 29 member Catholic Boards for a two (2) year trial period
3. Staff recommends that the Corporate Services Committee endorse the proposal (attached at APPENDIX A) to OCSTA from the Chair of the Board and that the Chair of the Board be requested to speak to such proposal at the OCSTA AGM.

The cumulative staff time required to prepare this report was 3 hours

B. PURPOSE

The purpose of this report is to clarify and correct advise previously given to the Board with respect to Bill 68 and changes to the *Municipal Conflict of Interest Act* (“MCIA”)

C. EVIDENCE/RESEARCH/ANALYSIS

1. At the February 21, 2019 Regular Board meeting of the Board of Trustees received a report on changes to the MCIA, effective March 1, 2019.
2. The report and the advice with respect to changes in the MCIA considered at that meeting was that trustees would have access to an Integrity Commissioner appointed by the city of Toronto. That advice has been determined to be inaccurate. School board trustees will not have access to an Integrity Commissioner appointed by the city of Toronto.

3. The relevant section of the MCIA is subsection 9(2)(b) which provides that if a judge has determined that a “member of a local board” has violated the MCIA, the judge may consider whether the member “disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the commissioner under the *Municipal Act, 2001* or *The City of Toronto Act, 2006* and acted in accordance with the advice, if any provided to the member by the commissioner”.
4. The term “local board” is defined in the MCIA to include school boards. If section 9(2)(b) of the MCIA was interpreted to include the definition of “local boards” as defined in the MCIA, school trustees would have access to the Integrity Commissioner appointed by the city.
5. After discussion with the Ontario Ombudsman, and various municipal Integrity Commissioners in the Greater Toronto Area, it has been determined that the definition of “local boards” as found in the MCIA is not the applicable definition to be used in interpreting section 9(2)(b) of the MCIA but rather the definition of “local boards” as defined in the *Municipal Act*. The definition of “local boards” in the *Municipal Act* expressly excludes school boards.
6. So what can a judge consider when she has determined that a trustee has violated the MCIA? The judge can consider sections 9(2)(a) and 9(2)(c) of the MCIA. Those sections provide:

(2) Same – in exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member

 - (a) took reasonable measures to prevent the contravention
 - (c) committed the contravention through inadvertence or by reasons of an error in judgment made in good faith
7. In determining whether a trustee took “reasonable measures” (s.9(2)(a)) or acted in “good faith” (s.9(2)(c)) a court would likely give some consideration to a trustee who did consult with an Integrity Commissioner.
8. As has already been stated. Trustees do not have access as of right to the Integrity Commissioner appointed by the City of Toronto, but the TCDSB may wish to privately retain an Integrity Commissioner to advise individual trustees on conflict matters.

9. Eric Roher, of Borden Ladner Gervais, advises that he has consulted with three municipal Integrity Commissioners in Ontario, two of whom advise that they have been privately retained by a school board.
10. As the revisions to the MCIA under Bill 68 have expressly recognized integrity commissioners as having specialized expertise in providing advice with respect to conflicts under the MCIA, the Board may wish to retain the services of an Integrity Commissioner directly or jointly with other school boards or through OCSTA.
11. Staff have confirmed with the executive director of OCSTA that the deadline for submitting resolutions to the OCSTA annual general meeting (“AGM”) from member boards or a proposal from an individual trustee member has passed.
12. A trustee entitled to vote at the OCSTA AGM is entitled to raise for discussion at the AGM “any matter with respect to which the member would have been entitled to submit a proposal at the AGM (had the deadline for submitting a proposal not passed).”

D. STAFF RECOMMENDATION

Staff recommends that the Corporate Services Committee endorse the proposal (attached at APPENDIX A) to OCSTA from the Chair of the Board and that the Chair of the Board be requested to speak to such proposal at the OCSTA AGM.

**Proposal by: Trustee Rizzo on behalf of the Toronto
Catholic District School Board**

**To: Ontario Catholic School Trustee Association (OCSTA)
Annual General Meeting (AGM)**

Whereas OCSTA represents all 29 publically funded Catholic School Board in the Province of Ontario;

And whereas Bill 68 – The Modernizing Ontario’s Municipal Legislation Act, 2017 – was recently enacted which, among other things, amended the *Municipal Conflict of Interest Act* (MCIA);

And whereas school trustees frequently require advice respecting their obligations under the MCIA;

And whereas Bill 68 has expressly recognized integrity commissioners as having specialized expertise in providing advice to trustees with respect to conflicts under the MCIA;

And whereas OCSTA may wish to consider retaining the service of an integrity commissioner on behalf of all member boards.

Therefore be it resolved that OCSTA retain the services of an Integrity Commissioner on behalf of the 29 member Catholic Boards for a two (2) year trial period;

And be it further resolved that if OCSTA funding is not currently available to retain an Integrity Commissioner, that member boards be charged a supplemental fee on a prorated basis to fund the position;

And be it further resolved that this proposal be referred to the appropriate OCSTA committee for a report on timelines and possible implementation.



REPORT TO

REGULAR BOARD

REPORT OF THE GOVERNANCE AND POLICY COMMITTEE TO UPDATE SUPENSION AND EXPULSION POLICY S.S.01

For the commandment is a lamp and the teaching a light, and the reproofs of discipline are the way of life. Proverbs 6:23

Created, Draft	First Tabling	Review
February 18, 2019	February 27, 2019	Click here to enter a date.

Vince Burzotta, Superintendent of Safe Schools

Nadia Adragna, Principal Safe Schools Department

RECOMMENDATION REPORT

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Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends updating the current Suspension and Expulsion Policy (S.S.01) to conform to recent legislative change and the recently updated TCDSB Fresh Start Policy (S.S.12).

The cumulative staff time required to prepare this report was 16 hours

B. PURPOSE

This Recommendation Report is on the Order Paper of the Regular Board as it recommends a policy revision.

C. APPENDIX

Appendix A: Suspension and Expulsion Policy (S.S.01) with proposed amendments.

D. EVIDENCE/RESEARCH/ANALYSIS

That the Board accept the recommendation of the Governance and Policy Committee and approve the Suspension and Expulsion Policy (S.S.01) as amended and proposed in Appendix A.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

Date Approved: November 20, 2014	Date of Next Review: September, 2019 February, 2024	Dates of Amendments: August 25, 2016
<p>Cross References Education Act Part XIII, Behaviour, Discipline and Safety S.S. 09 Code of Conduct S.S. 11 Bullying Prevention and Intervention S.S. 10 Progressive Discipline S.S. 04 Access to School Premises S. 15 Access to Pupils S. 16 Access to Pupil Information S. 17 Suspected Child Abuse Reporting Police/School Board Protocol Statutory Powers Procedure Act Program/Policy Memorandum 141, <i>School Board Programs for Students on Long-Term Suspension</i> Program/Policy Memorandum 142, <i>School Board Programs for Expelled Students</i> Program/Policy Memorandum 144, <i>Bullying Prevention and Intervention</i> Program/Policy Memorandum 145, <i>Progressive Discipline and Promoting Positive Student Behaviour</i> Program/Policy Memorandum 128, <i>Provincial Code of Conduct and School Board Codes of Conduct</i></p>		

**POLICY SECTION: Safe Schools****SUB-SECTION:****POLICY NAME: Suspension and Expulsion Policy (Consolidated)****POLICY NO: S.S. 01****Operational Procedures:**

Appendix A - Protocol to Suspension

Appendix B – Guidelines to Long-Term Suspension Program (TIPSS)

~~Appendix C – Protocol to Expulsion~~ **Intentionally Deleted**

~~Appendix D C~~ – Guidelines to Expulsion Program (Monsignor Fraser College – St. Martin Campus, ~~formerly APPLE~~)

~~Appendix E D~~ – Protocol for Suspension Appeals and Expulsion

Hearings ~~Appendix F E~~ – Statutory Powers Procedure Act

~~Appendix G F~~ – Frequently Asked Questions for Suspension Appeal

Hearings ~~Appendix H G~~ – Frequently Asked Questions for Expulsion

Hearings ~~Appendix I H~~ – Principal Investigation Guideline

Appendix I - Search and Seizure Guideline

Purpose

This policy affirms that, consistent with our Multi-Year Strategic Plan, Catholic Social Teachings and Ontario Catholic School Graduate Expectations, the conduct of students as members of the Catholic school community is expected to be modelled upon Christ, and conduct falling below that standard requires appropriate discipline. Creating a positive school climate is a shared responsibility of all stakeholders.

“Act justly, love tenderly and walk humbly with your God.” (Micah: 8)

Scope and Responsibility

This policy extends to all individuals of the TCDSB including students, parents, teachers and school staff, support staff, administrators, ~~parish priests and~~ community school partners. Trustees and the Director of Education are responsible for this policy.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

Alignment with MYSP

Fostering Student Achievement and Well-

Being Living Our Catholic Values

Strengthening Public Confidence

Policy

The TCDSB is committed to ensuring that all schools focus on the building of healthy relationships, a safe, inclusive, and accepting learning environment rooted in the Ontario Catholic Graduate Expectations. A positive school climate is established when all aspects of the Code of Conduct Policy are respected. The enforcement of the Code of Conduct Policy, including suspension, referral to the Board for expulsion and intervention/support programs, contributes to the development and maintenance of a positive school climate. Guidelines and procedures are provided to students, parents, guardians and principals to ensure that all processes and outcomes are fair, equitable, and just.

Regulations

1. In accordance with the section 306. of *The Education Act*, ~~thereafter~~ **hereafter** known as *the Act*, a principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the Activities identified in *Operational Procedures "Protocol to Suspension"* (Appendix A) while at school, at a school related activity, or in other circumstances where engaging in the Activity will have an impact on school climate.



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2. In accordance with *the Act* and Program Policy Memorandum 141, the Board will offer the Transitional Intervention Program for Suspended Students (TIPSS) to students on a long- term suspension or suspension pending possible expulsion.

Appendix B: *Operational Procedures “Guidelines to Long-Term Suspension Program (TIPSS)”*

3. Upon re-entry from suspension, in accordance with our Catholic faith and traditions, the principal will facilitate a re-entry process that includes opportunity for reflection, reconciliation and acceptance, with appropriate supports and interventions that will be intended to maximize the opportunities for successful return to school.
4. In accordance with section 310. of *the Act* the principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the Activities identified in *Operational Procedures “Protocol to Expulsion”* (Appendix C) while at school, at a school related activity, or in other circumstances where engaging in the Activity will have an impact on school climate. Given the more serious nature of these activities, the principal will conduct an ~~more~~ in-depth investigation ~~with possible report to police and consider a recommendation for~~ **recommending** a school or board expulsion.
5. In accordance with *the Act* and Program Policy Memorandum 142, the Board will offer a program (Monsignor Fraser College – St. Martin Campus, ~~formerly APPLE~~) for students approved for Board Expulsion. Appendix D: *Operational Procedures “Guidelines to Expulsion Program (Monsignor Fraser College – St. Martin Campus, formerly APPLE)”*



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6. ~~Upon re-entry from~~ **Following a** School or Board Expulsion, in accordance with our Catholic faith and traditions, the principal will ensure a ~~re-entry~~ transition plan that includes opportunity for reflection, reconciliation and acceptance, with appropriate supports and interventions that will be intended to maximize the opportunities for successful reintegration to school.
7. In accordance with section 309. of *the Act*, the parent, guardian or adult student may appeal the suspension. In accordance with section 311. of *the Act*, if the principal recommends to the board that a pupil be expelled, the board shall hold an expulsion hearing. Appendix E: *Operational Procedures "Protocol for Suspension Appeals and Expulsion Hearings"*
8. Suspension Appeal Hearings and Expulsion Hearings will be conducted in accordance with the *Statutory Powers Procedure Act*. Appendix F: *Operational Procedures "Statutory Powers Procedure Act"*
9. Suspension Appeal Hearings will be conducted according to the *Operational Procedures "Frequently Asked Questions for Suspension Appeal Hearings"*. (Appendix G)
10. Expulsion Hearings will be conducted according to the *Operational Procedures "Frequently Asked Questions for Expulsion Hearings"*. (Appendix H)



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Definitions

School Climate: 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.

Police/School Board Protocol: This protocol has been developed by the four publicly funded district school boards operating within the city of Toronto and Toronto Police Service with the clear purpose of supporting schools as safe, caring, inclusive and accepting places for learning and teaching. The Protocol clearly outlines the roles and responsibilities of school officials and police officers in situations where the police are present at school for a school related incident or in other situations.

Code of Conduct: The Code of Conduct reflects the provincial standards that promote and support respect, civility, responsible citizenship, safety and well-being for all individuals.

Long-Term Suspension: These include suspensions issued for 6 to 20 days.

Expulsion: *The Act* permits principals to recommend to the Board of Trustees two possible types of expulsion. A **school expulsion** denies a student access to a particular TCDSB school. A **board expulsion** denies a student access to all TCDSB schools.



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Evaluation & Metrics

1. Annual review of suspension and expulsion data
2. Review of Safe Schools Progressive Discipline Application statistics
3. Anonymous safe school climate surveys administered to representative groups of TCDSB students, parents and staff
- ~~4. Review of the Toronto Police Service School Resource Officer (SRO) and Community School Liaison Officer (CSLO) activities, programs, and surveys~~
4. Review of hearings appealed to the Child and Family Services Review Board
5. Review of annual suspension appeal hearings and expulsion hearings
- ~~7. Review of annual data related to Threat Assessments and Restorative Conflict Mediation Circles (RCMC)~~
6. Review of annual TIPSS statistics
7. Review of annual Monsignor Fraser College, St. Martin Campus, ~~formerly APPLE~~ statistics
8. Safe Schools Advisory Committee consultation used to inform direction and priorities



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**OPERATIONAL PROCEDURES: Protocol to Suspension
and Protocol to Expulsion**

APPENDIX A

Protocol to Suspension and Protocol to Expulsion



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APPENDIX A

Operational Procedures: Protocol to

Suspension Activities Leading to Possible

Suspension

In accordance with *the Act* section 306 (1) a principal shall consider whether to suspend a pupil if he or she believes 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 school climate:

1. Uttering a threat to inflict serious bodily harm on another person
2. Possessing alcohol or illegal drugs
3. **Possessing cannabis, unless the pupil is a medical cannabis user**
4. Being under the influence of alcohol
5. **Being under the influence of cannabis, unless the pupil is a medical cannabis user**
6. Swearing at a teacher or at another person in a position of authority
7. 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
8. Bullying
9. Any other activity that is an activity for which a principal may suspend a pupil under the policy of the board.

Suspension under Board Policy

Under clause 306. (1) 7 of *the Act*, a pupil may be suspended if he or she engages in an activity that is an activity for which a principal may suspend a pupil under a policy of the board.

Under Board policy, activities for which a principal may suspend a pupil include:

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- (1) Persistent opposition to authority;
- (2) Habitual neglect of duty;
- (3) Use of profane or improper language;
- (4) Theft;
- (5) Aid/incite harmful behaviour;
- (6) Physical assault;
- (7) Being under the influence of illegal drugs;
- (8) Harassment;
- (9) Fighting;
- (10) Extortion;
- (11) Inappropriate use of electronic communications/media equipment; and/or
- (12) Other – defined as any conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

Activities Leading to a Suspension Pending Possible Expulsion

Under subsection 310. (1) of *the Act*, a principal shall suspend a pupil if he or she believes 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) 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 a sexual assault
- (5) Trafficking in weapons or in illegal drugs
- (6) Committing robbery
- (7) Giving alcohol to a minor
- (8) Giving cannabis to a minor**

8.1 Bullying, if

- (i) the pupil has been previously suspended for engaging in bullying, **and**
- (ii) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.



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- 8.2 Any activity listed in subsection 306. (1) of *the 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 basis.
- (9) Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

Suspension Pending Expulsion under Board Policy

Under clause 310. (1) 8 of *the Act*, a pupil must be suspended if he or she engages in an activity that is an activity for which a principal ~~may~~ **must** suspend a pupil under a policy of the board **including**.

- (1) Possession of explosive substance;
- (2) Refractory conduct;
- (3) Serious or repeated misconduct;
- (4) Conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

If a principal decides to suspend a pupil for engaging in an activity described in subsections 306. or 310. of *the Act*, the principal will suspend the pupil from his or her school and from engaging in all school-related activities.

Suspension Duration

The minimum duration of a suspension is one school day and the maximum duration is 20 school days.

In considering how long the suspension should be, a principal will take into account any mitigating and/or other factors prescribed by the regulations.

A principal may not suspend a pupil more than once for the same occurrence.



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Mitigating Factors

In recognizing the uniqueness of each child and applying a lens of pastoral care, the principal will consider the following mitigating factors in reaching a final determination:

- The pupil does not have the ability to control his or her behaviour.
- The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
- The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

Similarly, the principal will consider the following other factors in reaching a final determination, once again in recognition of the uniqueness of each child and applying a lens of pastoral care:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- Whether the activity for which the pupil may be suspended was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other form of harassment.
- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- 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.



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Notice of Suspension

A principal who suspends a pupil under S. 306 or S. 310 of the *Act* shall,

- (a) inform the pupil's teacher(s) 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.
- (c) ensure that written notice 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.

Contents of the Notice of Suspension under S. 306 and S. 310 of the *Act*

The notice of suspension will 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 right to appeal the suspension under section 309. of *the Act* including,
 - (i) a copy of the Board policies and guidelines governing the appeal process established by the Board under subsection 302. (6) of *the Act*, and



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- (ii) the name and contact information of the appropriate superintendent of education to whom notice of the appeal must be given under subsection 309. (2) of *the Act*.

Additional Contents of the Notice of Suspension under S. 310 of the *Act*

In addition to the contents of the Notice of Suspension described immediately above under S. 306 and S. 310 of the *Act*, a notice of suspension under S. 310 of the *Act* must also include:

- 1. Information about the investigation the principal will conduct under S. 311.1 of the *Act* to determine whether to recommend that the pupil be expelled; and**
- 2. 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 subsection 311.1, the suspension will become subject to appeal under subsection 311.2, 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 hearing.**

Suspension Program

When a Principal suspends a pupil, he or she shall assign the pupil to a program for suspended pupils in accordance with policies and guidelines issued by the Minister, under sections 306 (5) and 310.(4) of *the Act*.



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Receipt of Notice

Where notice is given, it shall be considered to have been received by the person in accordance with the following rules:

- (1) If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent.
- (2) If the notice is sent by fax or another method of electronic transmission, the notice shall be considered to have been received by the person to whom it was sent on the first school day after the day on which it was sent.

Suspension Appeal

Under section 309. of *the Act*, the parent, guardian or adult student may appeal the decision to suspend a student. (See Appendix E)

Procedures for Suspension

- (i) Where a concern arises regarding possible student discipline, a principal will conduct an investigation and consider mitigating factors and other factors.
- (ii) With respect to serious infractions, the principal will consult with the appropriate superintendent of education.
- (iii) Following an investigation, if it is considered necessary to suspend a student, a principal/designate should contact the student's parent/guardian/adult student in order to discuss reasons for the suspension and engage them in becoming part of the plan to change behavior, consistent with our desire for faith-based reconciliation, reformation and restorative practices.



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- (iv) If the principal/designate has ~~invoked~~ **imposed** a suspension pending possible expulsion under section 310. of *the Act*, he or she will conduct a principal investigation in order that a final determination can be made.
- (v) ~~If the incident is a "violent incident" as defined in PPM 120, the principal will contact the police as per the requirements of the Police/School Board Protocol and file documentation in the OSR accordingly.~~

DEFINITIONS

Bullying – Aggressive and typically repeated behaviour (physical, verbal, electronic, written or other means) by a student where,

(a) the behaviour is intended to have the effect of, or the student ought to know that the behaviour would likely have the effect of,

- i. causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
- ii. creating a negative environment at a school for another individual, and

(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the student and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education.

Cyber-bullying—This is a form of bullying that occurs through the use of technology, including the use of a computer, cellular phone or other electronic devices, using instant/text messaging, social networks, e-mail, websites or any other electronic activities, and ~~involves~~ **includes:**

- (a) creating a web page or blog in which the creator assumes the identity of another person;
- (b) impersonating another person as the author of content or messages posted on the internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.



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Cannabis Legislation - The legalization of cannabis in Canada comes with restrictions. Students under 19 years of age must not be in possession of or be under the influence of cannabis at school. In addition, it is a serious activity to give cannabis to a minor which may result in possible expulsion. If the student is a medical cannabis user, specific documentation will be required including, but not limited to, use/dosage/frequency/and location of administration. It is unlawful to smoke or hold lit cannabis within 20 metres of the perimeter of school property.

Explosive Substance – includes anything used to create an explosive device or is capable or causing an explosion.

Extortion – using threats, accusations or violence or threats of violence to induce any person to do anything or cause anything to be done.

Firearm – any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable to causing serious bodily injury or death to a person.

Harassment – harassment is ~~often, but not always, persistent~~, ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group which might reasonably be known to be unwelcome. A single act or expression can constitute harassment, for example, if it is a serious violation. Harassment may be either subtle or blunt.

Hate Material – includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or ~~hated~~ **hatred** against ~~an~~ **a member of** **an** identifiable group and/or their property. The incitement of hatred or bias-motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or other similar factor.



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Inappropriate Use of Electronic Communications/Media – the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well-being of another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

Non Consensual Sharing of Intimate Images – Knowingly publishing, distributing, transmitting, selling, making available, or advertising an intimate image of another person while knowing that the person depicted in the image did not give their consent, or being reckless as to whether the person gave their consent. The term “intimate image” refers to a visual recording such as a photograph, film, or video recording of a person in which the person is nude or engaged in explicit sexual activity and which was created in circumstances that gave rise to a reasonable expectation of privacy.

Physical Assault – the intentional application of force directly or indirectly in any degree at all, to a person without the person’s consent.

Physical Assault Causing Bodily Harm – physical assault is the intentional application of force in any degree at all to a person without that person’s consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature which interferes with the health or comfort of the person, and includes but is not limited to injuries that receive medial attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.



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Possession of a Weapon – means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. **A Weapon** **weapon** includes a firearm and any device that is designed or intended to ~~exactly resemble or to resemble with near precision,~~ a **firearm** **weapon**.

Racial Harassment – means engaging in a course of vexatious comment or conduct pertaining to a person's race which is known, or is reasonably **ought to be** known, to be offensive, inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used ~~at present,~~ to designate social categories into which societies divide people according to such characteristics.

Refractory Conduct – means resisting control or discipline, unmanageable, rebellious refusal to comply with or flagrant disregard of Board policy. A single act itself can constitute refractory conduct.

Replica Firearm – is any device that is designed or intended ~~to exactly resemble or to resemble with near precision,~~ a firearm.

Robbery – a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.

Sexual Assault – a sexual assault occurs where a person, without consent, intentionally applies force to another person in circumstances of a sexual nature such as to violate the sexual integrity of the victim.



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Sexual Harassment – sexual harassment occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct are known or should reasonably be known to be offensive, inappropriate, intimidating, hostile and unwelcome. It also includes ~~an environment in which~~ sexist or homophobic jokes ~~and~~ **or** materials ~~are allowed~~.

Threat to Inflict Serious Bodily Harm – a threat to cause death or serious bodily harm to a person. ~~The term “threat”, as used here, does not apply to situations in which no real threat was intended.~~

Trafficking in Drugs and/or Harmful Substances – means to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the Controlled Drugs and Substance Act.



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**OPERATIONAL PROCEDURES: Guidelines to Long-Term
Suspension Program (TIPSS)**

APPENDIX B

Guidelines to Long-Term Suspension Program (TIPSS)



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APPENDIX B

Operational Procedures: Guidelines to Long-Term Suspension Program (TIPSS)

Our Gospel Values ground us in the belief that every individual has God-given talents and abilities, and the potential for redemption and reconciliation when we err.

In accordance with *the Act* and Program Policy Memorandum 141, the Board will offer the Transitional Intervention Program for Suspended Students (TIPSS).

Parents of students under the age of 18, students over 18, students 16/17 years of age who have withdrawn from parental control who receive a suspension greater than 5 days or a suspension pending possible expulsion must indicate by written signature their desire to participate in the program knowing that it has the following obligations:

- i) For students on longer than a 5 day suspension a teacher will be assigned by the ~~TIPSS Coordinator~~ **St. Martin Principal/Vice Principal** to work with the student for a two hour session 3 or 4 days a week. This schedule may alter due to PD days, conferences or other Safe Schools events.
- ii) A Student Action Plan (SAP) will be developed by the **home** school principal in collaboration with appropriate staff to delineate the academic and non-academic program needs/goals of the student.
- iii) The TIPSS teacher will meet the suspended student in a Toronto Public Library (TPL) site.
- iv) The student will identify himself/herself to the TPL staff.
- v) The student will wear appropriate attire for the TIPSS session including the school uniform if it is part of the home school's expectation.
- vi) The student will conduct himself/herself in a manner that is congruent with the expectations of the Board's Code of Conduct, as well as the expectations of the Public Library. If the TIPSS teacher or library staff feel that their safety or ability to carry on with their work is compromised by the student's behavior, then the student will forfeit **the** right to the program. The ~~TIPSS coordinator~~ **St. Martin Principal/Vice Principal** will be informed when such a situation occurs and will inform the school principal who will note this on the **Student Action Plan** (SAP).



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vii) For students on greater than 10 day suspension or suspension pending possible expulsion a social worker will be assigned by the ~~TIPSS coordinator~~ to meet with the student to address nonacademic needs. This is a mandatory expectation of the program. The TIPSS social worker will follow up with the home school social worker to support the student's transition back to community once the suspension has been served.



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~~OPERATIONAL PROCEDURES: Protocol to Expulsion~~

~~APPENDIX C~~

~~Protocol to Expulsion~~
Intentionally Deleted



~~POLICY SECTION: Safe Schools~~

~~SUB-SECTION:~~

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~~POLICY NO: S.S.-01~~

~~APPENDIX C~~

~~Operational Procedures: Protocol to~~

~~Expulsion Suspension Pending Possible~~

~~Expulsion~~

~~An expulsion is in response to serious misbehaviour by a student in a school. Under the Act, a principal is required to suspend a pupil if he or she believes that the pupil has engaged in any of certain specified activities while at school, at a school-related activity or in circumstances where engaging in the Activity will have an impact on the school climate. The Act requires the principal to conduct an investigation to determine whether to recommend to the Board that the pupil be expelled. In considering whether to recommend to the Board that a pupil be expelled, a principal is required to take into account mitigating factors and other factors set out in the regulations.~~

~~If a principal recommends an expulsion the Board is required to hold an expulsion hearing. The Board is entitled to authorize a committee of at least three members to conduct the expulsion hearing.~~

~~At the hearing, the Safe Schools Hearing Committee is required to consider the submissions of the parties, any mitigating or other factors prescribed by the regulations and any written response by the parent/guardian/adult/student that was provided to the principal's report recommending expulsion.~~

~~At the conclusion of the hearing, the Board Safe Schools Hearing Committee will decide whether to expel the pupil at all, and, if so, whether the expulsion will be a school expulsion or board expulsion.~~



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~~Where the Safe Schools Hearing Committee decides to expel a pupil, it has a further decision to make. If the Discipline Committee decides to expel the pupil from his or her school only, Safe Schools must assign the pupil to another school of the Board. The student will receive mandatory social work intervention at the new school placement. The Request for Social Work Services form will be signed by the parent/guardian/adult student during the intake meeting at the new school placement. If the Discipline Committee decides to expel the pupil from all schools of the Board, the pupil will be assigned to a program for expelled pupils.~~

~~Activities Leading to Suspension Pending Possible Expulsion (section 310)~~

~~Under subsection 310 (1) of *the Act*, a principal shall suspend a pupil if he or she believes 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. 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 a sexual assault.~~
- ~~5. Trafficking in weapons or in illegal drugs.~~
- ~~6. Committing robbery.~~
- ~~7. Giving alcohol to a minor.~~
- ~~7.1 Bullying, if~~
 - ~~(i) the pupil has been previously suspended for engaging in bullying, and~~
 - ~~(ii) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.~~
- ~~7.2 Any activity listed in subsection 306 (1) 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.~~



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8. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.

The following infractions must result in a suspension pending possible expulsion in accordance with Board policy:

1. Possession of explosive substance;
2. Serious or repeated misconduct;
3. Refractory Conduct;
4. Conduct injurious to the moral tone of the school or to the physical or mental well-being of others.

A pupil who is suspended under this section is suspended from his or her school and from engaging in all school-related activities.

Duration of Suspension

The minimum duration of a suspension is one school day and the maximum duration is 20 school days.

In considering how long the suspension should be, a principal will take into account any mitigating and/or other factors prescribed by the regulations.

A principal may not suspend a pupil more than once for the same occurrence.

Mitigating Factors

In recognizing the uniqueness of each child and applying a lens of pastoral care, the principal will consider the following mitigating factors in reaching a final determination:



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- The pupil does not have the ability to control his or her behaviour.
- The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour.
- The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

Similarly, the principal will consider the following other factors in reaching a final determination, once again in recognition of the uniqueness of each child and applying a lens of pastoral care:

- The pupil's history.
- Whether a progressive discipline approach has been used with the pupil.
- Whether the Activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
- How the suspension or expulsion would affect the pupil's ongoing education.
- The age of the pupil.
- 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.

Notice of Suspension Pending Possible Expulsion

A principal who suspends a pupil under section 310 shall,

- (a) inform the pupil's teacher(s) of the suspension; and



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- ~~(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.~~
- ~~(c) ensure that written notice is given promptly to the following persons:~~
- ~~(i) the pupil~~
 - ~~(ii) the pupil's parent or guardian unless,~~
 - ~~(1) the pupil is at least 18 years old, or~~
 - ~~(2) the pupil is 16 or 17 years old and has withdrawn from parental control.~~

~~Contents of the Notice~~

- ~~(a) The notice of suspension pending possible expulsion will include the following:~~
- ~~• The reason for the suspension;~~
 - ~~• The duration of the suspension;~~
 - ~~• Information about any program for suspended pupils to which the pupil is assigned;~~
 - ~~• Information about the investigation the principal will conduct under subsection 311.1 to determine whether to recommend that the pupil be expelled.~~
- ~~(b) A statement indicating that,~~
- ~~• there is no immediate right to appeal the suspension,~~
 - ~~• if the principal does not recommend to the board that the pupil be expelled following the investigation under subsection 311.1, the suspension will become subject to appeal under subsection 311.2, and~~
 - ~~• 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 hearing.~~



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Receipt of Notice

~~Where notice is given, it shall be considered to have been received by the person in accordance with the following rules:~~

- ~~(1) If the notice is sent by mail or another method in which an original document is sent, the notice shall be considered to have been received by the person to whom it was sent on the fifth school day after the day on which it was sent.~~
- ~~(2) If the notice is sent by fax or another method of electronic transmission, the notice shall be considered to have been received by the person to whom it was sent on the first school day after the day on which it was sent.~~

Investigation Following Suspension

- ~~• When a pupil is suspended under section 310, the principal is required to conduct an investigation to determine whether to recommend to the Board that the pupil be expelled.~~
- ~~• The principal's investigation must begin promptly following the suspension. The principal will endeavour to complete his/her investigation within five school days. If that is not possible due to a police investigation, a Safe Schools Co-ordinator must be informed at this time. The principal will conduct an investigation in accordance with the Guidelines for Conducting a School Investigation.~~
- ~~• The Police/School Board Protocol requires principals to notify the police for specific occurrences.~~
- ~~• Police may conduct their own investigation and make decisions with respect to criminal charges based on their assessment of the circumstances. Regardless of whether or not charges are laid by the police, the principal is still responsible for conducting an investigation independent of the police and taking appropriate disciplinary action under *the Act*. The issue of double jeopardy does not apply because the purpose and nature of actions taken by the police under the Criminal Code are different from the purpose and nature of actions taken by the principal under *the Act*.~~



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• During a police investigation at school, it is the responsibility of the police to explain to a young person his or her rights in a manner that enables him or her to understand them. The principal/designate will inform police of any special circumstances which may impede the student in expressing or understanding written/oral communication.

• Whenever the police are called the principal or his/her designate will contact the parent or guardian of the student. In the absence of a parent, an adult relative, or in the absence of a parent and adult relative, any other appropriate adult chosen by the young person, as long as that person is not a co-accused, or under investigation, in respect of the same offence.

• Where there is no parent/guardian, adult relative or appropriate adult available, the principal or his/her designate will act in loco parentis to the student, in order to ensure his or her Charter Rights are maintained.

When the police have been contacted, the principal will halt his or her review of the incident until the police investigation is complete. There is a concern that if the principal persists in reviewing the incident, the principal's actions in interviewing witnesses or seizing property could prejudice the police investigation. Once the police have concluded their investigation, the principal can commence his/her investigation.

When the principal believes that an infraction has occurred which may require an expulsion, the principal will:

- follow the Police/School Board Protocol, where police are to be involved;
- suspend the pupil pending an investigation;
- conduct an investigation promptly following the suspension to determine whether to recommend to the Board that the pupil be expelled
- take into account any mitigating or other factors prescribed by the regulations;
- consult with the appropriate superintendent of education.

If Expulsion is NOT Recommended:

(a) If, on concluding the investigation, the principal decides not to recommend to the Board that the pupil be expelled, the principal will:

- (i) confirm the suspension and the duration of the suspension;



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

(b) If the principal does not recommend to the Board that the pupil be expelled, the principal will ensure that written notice containing the following information is given promptly to every person to whom he or she was required to give notice of the suspension pending possible expulsion.

(i) A statement that the pupil will not be subject to an expulsion hearing for the Activity that resulted in the suspension.

(ii) A statement indicating whether the principal has confirmed the suspension and its duration, confirmed the suspension but reduced its duration or withdrawn the suspension.

(iii) Unless the suspension was withdrawn, information about the right to appeal the suspension, including,

- a copy of the Board policies and guidelines governing the appeal process established by the Board; and
- the name and contact information of the superintendent of education to whom notice of the appeal must be given.

Appeal of Suspension if Expulsion is NOT Recommended:

If the principal does not recommend to the Board that the pupil be expelled and does not withdraw the suspension, the suspension may be appealed and section 309. of *the Act* applies for that purpose, with necessary modifications, subject to the following:

(1) A person who is entitled to appeal must give written notice of his or her intention to appeal within five school days of the date on which he or she is considered, in accordance with the rules set out in subsection 300 (3) of *the Act*, to have received the notice.

(2) If the principal confirmed the suspension but reduced its duration, the appeal is from the reduced suspension and not the original suspension.



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~~If Expulsion IS Recommended:~~

~~(a) If, on concluding the investigation, the principal decides to recommend to the Board that the pupil be expelled, he or she will prepare a report that contains the following:~~

- ~~(i) A summary of the principal's findings.~~
- ~~(ii) The principal's recommendation as to whether the pupil should be expelled from his or her school only or from all schools of the Board.~~
- ~~(iii) The principal's recommendation as to,~~
 - ~~• the type of school that might benefit the pupil, if the pupil is expelled from his or her school only, or~~
 - ~~• the type or program for expelled pupils that might benefit the pupil, if the pupil is expelled from all schools of the Board.~~
- ~~(iv) The principal will promptly provide a copy of the report to every person whom the principal was required to give notice of the suspension pending possible expulsion.~~

~~(b) Written Notice~~

~~The principal will ensure that written notice containing the following is given to every person to whom the principal was required to give notice of the suspension, at the same time as the principal's report is provided to that person.~~

- ~~• A statement that the pupil will be subject to an expulsion hearing for the Activity that resulted in the suspension.~~
- ~~• A copy of the Board policies and guidelines governing the expulsion hearing established by the Board.~~
- ~~• A statement that the person has the right to respond, in writing, to the principal's report provided under this section.~~
- ~~• Detailed information about the procedures and possible outcomes of the expulsion hearing.~~
- ~~• The name and contact information of a superintendent of education whom the person may contact to discuss any matter respecting the expulsion hearing.~~



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~~(c) Party may respond to Principal's Report~~

~~A person, who is entitled to receive the principal's report, may respond, in writing, to the principal and the Board.~~

Expulsion Hearing

~~If a student is recommended for expulsion (School Expulsion or Board Expulsion) an expulsion hearing will be scheduled by the 20th school day from the date that the suspension pending possible expulsion was issued unless parties agree to extend the date beyond the 20th day. The parent/guardian/adult student will be contacted by the principal, or the Safe Schools Coordinator or Corporate Services to discuss details related to the hearing. A meeting may be scheduled to discuss these details.~~

DEFINITIONS

Bullying — Aggressive and typically repeated behaviour (physical, verbal, electronic, written or other means) by a student where,

~~(a) the behaviour is intended by the student to have the effect of, or the student ought to know that the behaviour would be likely to have the effect of,~~

~~i. causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or~~

~~ii. creating a negative environment at a school for another individual, and~~

~~(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the student and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education.~~

Cyber-bullying — This is a form of bullying that occurs through the use of technology, including the use of a computer, cellular phone or other electronic devices, using instant/text messaging, social networks, e-mail, websites or any other electronic activities, and involves:



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- ~~(a) creating a web page or blog in which the creator assumes the identity of another person;~~
- ~~(b) impersonating another person as the author of content or messages posted on the internet; and~~
- ~~(c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.~~

~~**Explosive Substance**—includes anything used to create an explosive device or is capable or causing an explosion.~~

~~**Extortion**—using threats, accusations or violence or threats of violence to induce any person to do anything or cause anything to be done.~~

~~**Firearm**—any barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable to causing serious bodily injury or death to a person.~~

~~**Harassment**—harassment is often, but not always, persistent, ongoing conduct or communication in any form, of attitudes, beliefs, or actions towards an individual or group which might reasonably be known to be unwelcome. A single act or expression can constitute harassment, for example, if it is a serious violation. Harassment may be either subtle or blunt.~~

~~**Hate Material**—includes literature, leaflets, posters, graffiti distributed (or sent by electronic means) to incite violence or hatred against an identifiable group and/or their property. The incitement of hatred or bias motivated incidents against an identifiable group may include persons distinguished by their race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or other similar factor.~~

~~**Inappropriate Use of Electronic Communications/Media**—the intentional use of an electronic device or communication medium, such as, but not limited to, all features of a phone, a cell phone, digital camera, blackberry, e-mails, school hotlines, Web-based communication sites and print material, such as flyers, school newspapers and brochures, that negatively impact on the well being of~~



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another person and/or the learning environment in accordance with the definition of Harassment (as set out above).

Physical Assault—the intentional application of force directly or indirectly in any degree at all, to a person without the person's consent.

Physical Assault Causing Bodily Harm—physical assault is the intentional application of force (in any degree at all) to a person without that person's consent. Bodily harm refers to any hurt or injury that is more than merely transient or trifling in nature which interferes with the health or comfort of the person, and includes (but is not limited to) injuries that receive medial attention. Any cut that requires stitches or any broken or fractured bone should be considered a serious injury. Serious injury could also include multiple minor injuries.

Possession of a Weapon—means anything used, designed to be used or intended for use in causing death or injury to any person, or to threaten or intimidate any person. It can include objects which can be used as weapons. Objects such as a pen, or a screwdriver, if displayed to threaten or intimidate, become weapons under this definition. Weapon includes a firearm and any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.

Racial Harassment—means engaging in a course of vexatious comment or conduct pertaining to a person's race which is known, or is reasonably known, to be offensive, inappropriate, intimidating, hostile and unwelcome. Race refers to a group of people of common ancestry, distinguished from others by physical characteristics, such as colour of skin, shape of eyes, hair texture or facial features. The term is also used, at present, to designate social categories into which societies divide people according to such characteristics.

Refractory Conduct—means resisting control or discipline, unmanageable, rebellious refusal to comply with or flagrant disregard of Board policy. A single act itself can constitute refractory conduct.

Replica Firearm—is any device that is designed or intended to exactly resemble or to resemble with near precision, a firearm.



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~~**Robbery**—a robbery occurs where a person uses violence or threats of violence to steal money or other property from a victim.~~

~~**Sexual Assault**—a sexual assault occurs where a person, without consent, intentionally applies force to another person in circumstances of a sexual nature such as to violate the sexual integrity of the victim.~~

~~**Sexual Harassment**—sexual harassment occurs when a person receives unwelcome sexual attention from another person, whose comments or conduct are known or should reasonably be known to be offensive, inappropriate, intimidating, hostile and unwelcome. It also includes an environment in which sexist or homophobic jokes and materials are allowed.~~

~~**Threat to Inflict Serious Bodily Harm**—a threat to cause death or serious bodily harm to a person. The term “threat”, as used here, does not apply to situations in which no real threat was intended.~~

~~**Trafficking in Drugs and/or Harmful Substances**—means to sell, administer, transfer, transport, send or deliver any harmful substance, illicit drug or narcotic as set out in the Controlled Drugs and Substance Act.~~



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**OPERATIONAL PROCEDURES: Guidelines to Expulsion
Program (Monsignor Fraser College – St. Martin Campus,
formerly APPLE)**

APPENDIX D C

**Guidelines to Expulsion Program (Monsignor Fraser
College – St. Martin Campus, formerly APPLE)**



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APPENDIX C

Operational Procedures: Guidelines to Expulsion Program (Monsignor Fraser College – St. Martin Campus, formerly APPLE)

Our Gospel Values ground us in the belief of the fundamental goodness of each person. It is our intent through our Expulsion Programs to support students in their journey back to community schools and the fulfilment of our Catholic Graduate School Expectations. Our goal is to nurture their personal development and growth, based on redemption, reconciliation, and a teaching of positive pro-social behaviours rooted in our Catholic Social Teachings.

In accordance with *the Act* and Program Policy Memorandum 142, the Toronto Catholic District School Board will offer the Program for Students on Expulsion.

Parents of a student, ~~or~~ students over 18, **students 16/17 years of age who have withdrawn from parental control** who receive expulsions from all schools of the Board must indicate by written signature their desire to participate in the TCDSB Expulsion Program knowing that it has the following obligations:

a) Secondary and elementary students will attend the expulsion program and follow the structure of the program as determined by the principal and staff of Monsignor Fraser College – St. Martin Campus.

b) A Student Action Plan (SAP) will be developed ~~at the sending school~~ to delineate the academic and non-academic program needs of the student. It must indicate goals, objectives and learning expectations; measures of success; and strategies and types of support. ~~The SAP will also include the re-entry plan with a description of the re-entry process for successful transition back.~~ **When a student has successfully met the objectives of the program for expelled students and is considered ready to be readmitted to another school of the board, a re-entry plan must be developed as part of the SAP to assist with the student's transition and successful integration.**



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c) Students attending the program are expected to follow the T.C.D.S.B. Code of Conduct and are subject to progressive disciplinary measures. In the event that an expelled student's conduct at the program is so detrimental to the program staff or other students that there is a safety risk or complete inability to teach and learn, the student forfeits his/her right to attend the program. This will be noted on the student's SAP. Ongoing social work assistance will be ~~maintained~~ **provided** with a view to assisting the youth in ~~with~~ his/her ~~need for~~ social/emotional **needs** assistance. Alternative academic assistance ~~programming~~ **programming** will be pursued **provided**.

d) **A student who has been expelled from all schools of a board and/or his/her parents may apply in writing to** The Associate Director of Academic Affairs **to request that the student be readmitted to a school of the board.** ~~is the designated Board person to whom students write in order to be readmitted back to the board or to request consideration to return to the school from which they were expelled.~~ **For** Students subject to a school expulsion, **where the student and/or his/her parent(s) wish that the student return to his/her original school, the student and/or parent may also apply in writing to the Associate Director of Academic Affairs and must provide a specific rationale.** ~~who at a later date wish to be considered for readmission back to the school from which they were expelled, must also write a letter to the Associate Director.~~

e) The decision as to whether a student has successfully met the objectives of the program as outlined in the SAP rests with the principal and staff of Monsignor Fraser College – St. Martin Campus.

f) In keeping with our faith based belief that we are all members of one community in Christ, the re-entry plan must include a meeting that includes the principal of the receiving school, expulsion program staff, the student, and staff at the receiving school. Where possible the student's parents or other significant family members should be present. Community agency staff relevant to the situation should be included.



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~~The expulsion program principal and staff will present the performance indicators for effectiveness to the Safe School Advisory Committee of the Board in order to meet the requirements of PPM 142.~~

The program for students on expulsion will be reviewed every three years.



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OPERATIONAL PROCEDURES: Protocol for Suspension Appeals and Expulsion Hearings

APPENDIX E D

Protocol for Suspension Appeals and Expulsion Hearings



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APPENDIX E

Operational Procedures: Protocol for Suspension Appeals and Expulsion

Hearings Safe Schools Legislation

The Act determines the way in which schools respond to objectionable behaviour of Ontario students while on school property, engaged in school activities or behaviour that impacts on school climate. All students, teachers, school staff and parents are subject to the Provincial Code of Conduct mandated by the Ministry of Education and defined by each School Board. *The Act* and the Board's Code of Conduct Policy require that a student be considered for suspension or expulsion for certain activities that, by definition, are unacceptable.

Purpose of this Guide

The purpose of this guide is to assist students and their parents/guardians to understand their rights and obligations if a suspension is issued or an expulsion is recommended due to an infraction listed in *the Act*. ~~In the Code of Conduct Policy~~

Cautionary Note

This guide is a simplified summary of the law, Board Policy, and the Board's Rules of Procedure. For accurate reference, further information, and more detail, please contact the principal or superintendent of your school. You may also obtain further information from the Board's Web Site "www.tcdsb.org", by clicking on "Safe Schools".

Suspensions (Section 306. of *the Act*)

It is the responsibility of the school Principal to uphold the Code of Conduct. It is at the discretion of the Principal that a pupil may be suspended for those activities listed in "Guidelines to Suspension".



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Mitigating Factors

In recognizing the uniqueness of each child and applying a lens of pastoral care, a Principal must consider all mitigating factors before a suspension is issued including the following:

- (i) The pupil does not have the ability to control his/her behaviour.
- (ii) The pupil does not have the ability to understand the foreseeable consequences of his/her behaviour.
- (iii) The pupil's continuing presence in the school does not create an unacceptable risk to the well-being or safety of any other person.

Other factors that must be taken into account are: the pupil's history; the use of a progressive discipline approach; whether the activity for which the pupil may be suspended is related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment; how the suspension would affect the pupil's ongoing education; the age of the pupil; whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan (IEP); whether appropriate individualized accommodation has been provided (IEP); or whether the suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct (IEP).

A pupil may still be suspended for any such behaviour, or for other behaviour prohibited by the Board.

Length of Suspensions

Principal may suspend a pupil for a minimum of one (1) school day and a maximum of twenty (20) school days. All suspensions may be appealed.

Appeal of Suspensions

If a pupil is suspended, the parents/guardians may request an appeal in writing to the area superintendent within ten (10) school days from the start of the suspension. A pupil, if an adult or 16 or 17 years old and has withdrawn from



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parental control may also exercise this right to appeal. The area superintendent may contact the parties to the appeal and the principal to discuss the details of the possible appeal hearing. The request to appeal must state the rationale for consideration.

Appeal Hearing

A board must hold a hearing to consider the appeal of the suspension and make a decision within fifteen (15) school days from receipt of the appeal. The board may: confirm the suspension; confirm the suspension, but shorten its duration; or quash and expunge the record. The decision of the board is final.

Suspensions Pending Possible Expulsion (Section 310. of *the Act*)

A Principal shall issue a suspension pending possible expulsion if this pupil engages in an activity listed in “Guidelines to Expulsion”.

A Principal must consider all mitigating factors before a recommendation for expulsion is made to the Safe Schools Hearing Committee.

A Principal must consider all mitigating factors before an expulsion is recommended including the following:

- (i) The pupil does not have the ability to control his/her behaviour.
- (ii) The pupil does not have the ability to understand the foreseeable consequences of his/her behaviour.
- (iii) The pupil’s continuing presence in the school does not create an unacceptable risk to the well-being or safety of any other person.

Other factors that must be taken into account are: the pupil’s history; the use of a progressive discipline approach; whether the activity for which the pupil may be expelled is related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment; how the expulsion would affect the pupil’s ongoing education; the age of the pupil; whether the behaviour was a manifestation of a disability identified in the pupil’s Individual Education Plan (IEP); whether appropriate individualized accommodation has been provided (IEP); or whether the expulsion is likely to result in an aggravation or worsening of the pupil’s behaviour or conduct (IEP).



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A pupil may still be expelled for any such behaviour, or for persistent violation of Board standards of behaviour, or for other refractory conduct.

Suspension Pending Possible Expulsion

If the principal believes that an infraction listed under section 310 of *the Act* has occurred, the pupil is immediately suspended pending possible expulsion. The principal notifies the parents/guardians, and then conducts an investigation. At the end of the investigation, the Principal completes a report with a decision to confirm the suspension; confirm the suspension, but shorten its duration; quash and expunge the record; or recommend to the Discipline Committee that a school expulsion or a board expulsion be **imposed** ~~invoked~~.

The Board may not impose an expulsion if more than twenty (20) school days have lapsed since the suspension pending possible expulsion was issued unless all parties agree to extend the date beyond the 20th day.

Expulsion Hearing

If a school or board expulsion is recommended by the principal, an expulsion hearing must be held by the board within twenty (20) days after the issuing date of the Suspension Pending Possible Expulsion unless all parties agree to extend the date beyond the 20th day.

If there is a recommendation for expulsion, the Discipline Committee will decide to impose an expulsion; or confirm the suspension; or confirm but shorten its duration; or quash and expunge the record at the expulsion hearing.

The decision of the board is final.

An expulsion hearing can be waived by the parent/guardian if the parent/guardian and the principal agree to Minutes of Settlement.



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Appeal of Decision to Expel

If the Safe Schools Hearing Committee imposes a school or board expulsion, the parents, guardians, adult pupil, or a pupil who is 16 or 17 year old and who has withdrawn from parental control can appeal the decision to the Child and Family Services Review Board. The Child and Family Services Review Board decision is final and binding.

Appeal of a Suspension When Expulsion is not Recommended (section 310. of *the Act*)

This type of suspension may not be appealed until the Principal delivers a final decision in a report following an investigation.

Written notice of appeal of the suspension must be received by the area Superintendent within five (5) days of receipt of report decision. The notice must include a written statement setting out all the reasons for the appeal, and a copy of the Notice of Suspension Pending Expulsion. The Board will hear the appeal of the suspension within fifteen (15) days after receipt of the written notice to appeal the suspension.

Procedure for the Appeal of an Expulsion

Written notice must be given to the Child and Family Services Review Board within thirty (30) days after the expulsion hearing. The Appeal Notice must include a written statement setting out all the reasons for the appeal, and a copy of the expulsion decision by the Committee. The Child and Family Services Review Board will hear the expulsion appeal within thirty (30) days of receiving the notice to appeal the expulsion. The decision of the Child and Family Services Review Board is final.



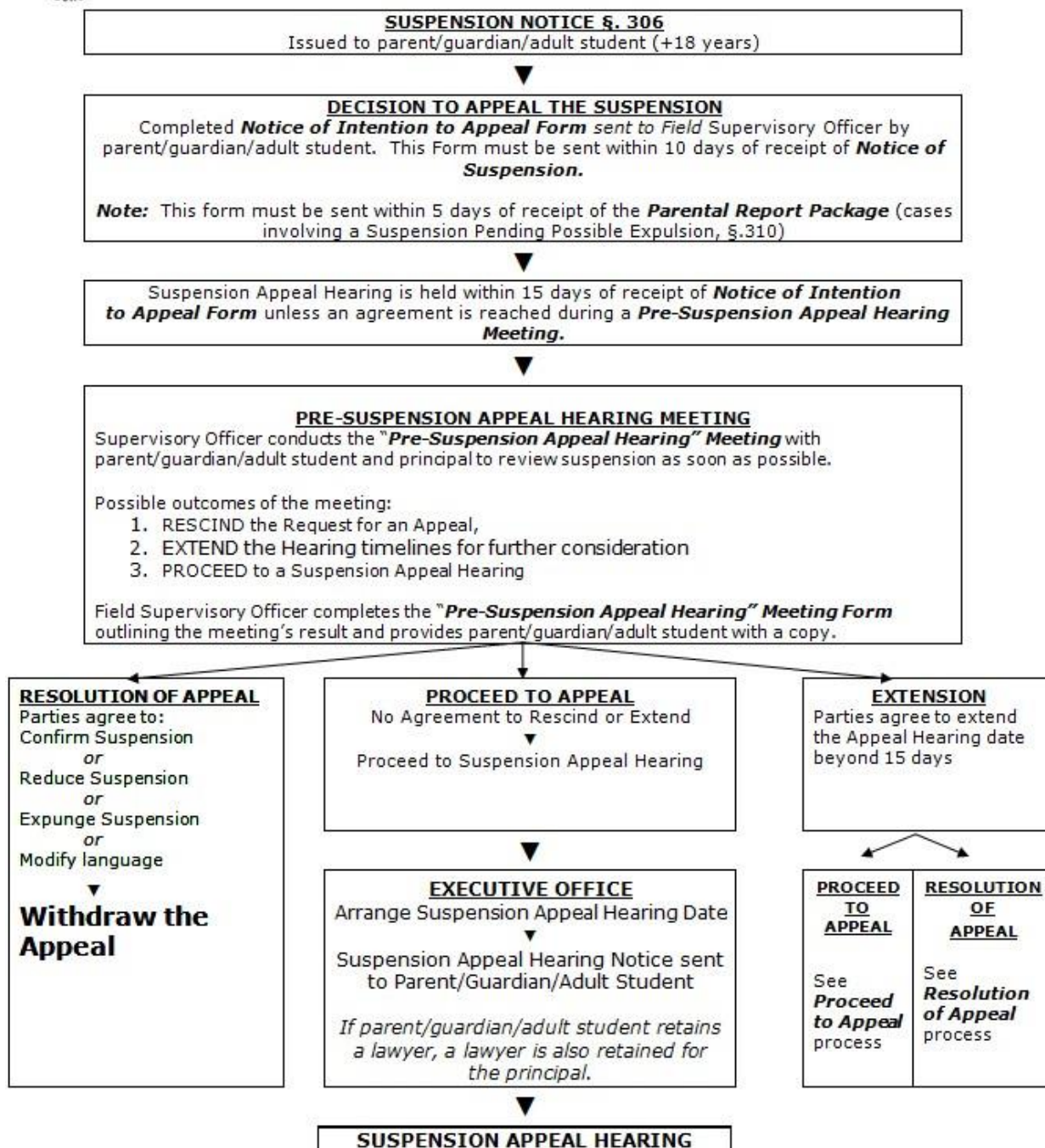
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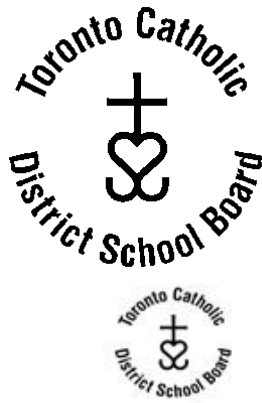
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Safe Schools Department
SUSPENSION APPEAL PROCESS



Decision of Suspension Appeal Hearing is FINAL

**POLICY SECTION: Safe Schools****SUB-SECTION:****POLICY NAME: Suspension and Expulsion Policy (Consolidated)****POLICY NO: S.S. 01**

Safe Schools Department
EXPULSION HEARING PROCESS

**SUSPENSION PENDING POSSIBLE EXPULSION NOTICE §. 310**

Issued to parent/guardian/adult student (+18 years)

PRINCIPAL INVESTIGATION

In situations where police are not involved, the principal conducts a school investigation and reaches a determination by the 6th day of suspension.

In situations where police are conducting a police/criminal investigation, the principal will not proceed with the school investigation until permitted by police to do so. In such situations, the principal's determination may be reached beyond the 6th day.

PRINCIPAL DETERMINATION

In reaching a determination, the principal will consider one of the following outcomes after reviewing mitigating and other factors

1. Recommendation for Board Expulsion
2. Recommendation for School Expulsion
3. Confirmed Suspension
4. Reduced Suspension
5. Expungement

**Recommendation for Expulsion
(Board or School)**

A pre-expulsion hearing meeting is scheduled. During this meeting the parent/guardian/adult student is provided with the Parental Report Package. An expulsion hearing is scheduled unless the parent/guardian/adult student agrees to sign Minutes of Settlement or to sign an Extension Form.

**Minutes of
Settlement**

Agreement that is final and binding signed by the principal and the parent/guardian/adult student

Expulsion Hearing

Scheduled by the 20th day of suspension unless an Extension Form has been signed.

Executive Office arranges a hearing date and sends Hearing Notice to Parent/Guardian/Adult Student.

If parent/guardian/adult student retains a lawyer, a lawyer is also retained for the principal.

**Confirmed or Reduced
Suspension**

Principal can confirm a suspension of 20 days or reduce the suspension to 1 – 19 days.

Principal provides parent/guardian/adult student with a copy of the Parental Report Package.

Suspension Appeal

Parent may request to appeal the confirmed or reduced suspension. If a suspension appeal is requested, refer to *Suspension Appeal Process* flowchart.

Expungement

Notice of Suspension Pending Expulsion and Principal Investigation documents expunged from OSR and electronically.



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OPERATIONAL PROCEDURES: Statutory Powers Procedure Act

APPENDIX F E

Statutory Powers Procedure Act



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APPENDIX E

Operational Procedures: Statutory Powers Procedure Act

The Board affords the parent (or student if an adult) a hearing following:

- a) a principal's recommendation for the expulsion (School Expulsion or Board Expulsion) of a pupil,
- b) an appeal of the suspension of a pupil

Suspension Appeal Hearings, Expulsion Hearings, and Appeals of Decisions of the Board shall be in accordance with the Rules of Procedures outlined below:

[References are to sections of Statutory Powers Procedure Act ("SPPA") or Education Act ("ACT")]

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GENERAL**1.1 Proceeding Chair**

The Proceeding Chair will be appointed by the Chair of the Board. In the absence of the Chair of the Board, the Safe Schools Hearing Committee members will appoint the Proceeding Chair.

This process for appointing the Proceeding Chair will be followed for each hearing.



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1.2 Liberal Construction Of Rules

These Rules shall be liberally construed to secure the just, most expeditious and cost-effective determination of every PROCEEDING on its merits. [SPPA §2]

1.3 Different Kinds Of Hearings In One PROCEEDING

Except as otherwise provided in these Rules, the BOARD may, in a PROCEEDING, hold any combination of written, electronic and oral hearings. [SPPA § 5.2.1]

1.4 Waiver Of Procedural Requirement

Any provision of these Rules, including the time for doing any act or thing, may be waived in the discretion of the BOARD, upon its own motion or upon the application of any party. [SPPA § 4(2)]

1.5 Disposition Without Hearing

If the parties consent, a PROCEEDING may be disposed of by a decision of the BOARD without a hearing provided that both parties agree to Minutes of Settlement. [SPPA § 4.1]

2. PROVISIONS RESPECTING TRUSTEES

2.1 The Safe Schools Hearing Committee for Procedural or Interlocutory Matters

A procedural or interlocutory matter in a PROCEEDING may be heard and determined by a discipline committee consisting of at least three members of the board, as assigned by the CHAIR. [SPPA §4.2(1)]

2.2 Decision Of Discipline Committee

The decision of a majority of the members of the Safe Schools Hearing Committee is the BOARD'S decision. [SPPA §4.2(3)]

2.3 Expiry Of Term

If the term of office of a member of the BOARD who has participated in a hearing expires before a decision is given, the term shall be deemed to continue, but only for the purpose of participating in the decision and for no other purpose. [SPPA §4.3]



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2.4 Incapacity Of Member

If the term of office of a member of the BOARD who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining Trustee or Trustees may complete the hearing and give a decision. [SPPA §4.4(1)]

3. PROCEEDINGS GENERALLY

3.1 Classes of PROCEEDINGS

There shall be two classes of PROCEEDINGS that come before the BOARD:

3.1.1 an appeal against a decision by a principal to impose a suspension; and

3.1.2 a referral by the principal of a matter of expulsion of a pupil. [SPPA §4.7]

3.2 Parties to All Classes of PROCEEDINGS The parties to any class of PROCEEDING shall be:

3.2.1 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

3.2.2 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

3.2.3 the principal of the school in which the pupil is or was enrolled. [ACT 309(8), 311.3(3)]

3.3 Adding Pupil as a Party

Where the PARENT is a party to any class of PROCEEDING, a pupil who is not a party to the suspension appeal or expulsion hearing has the right to be present at the hearing and to make a statement on his or her behalf. [ACT 309(9), 311.3(4)]

**POLICY SECTION: Safe Schools****SUB-SECTION:****POLICY NAME: Suspension and Expulsion Policy (Consolidated)****POLICY NO: S.S. 01****3.4 Hearings To Be Private**

Since intimate personal matters may be disclosed, the public will be excluded from oral, written and electronic hearings, so that undue embarrassment to any of the parties may be avoided. [SPPA §9(1)]

3.5 Presence of BOARD Solicitor

In PROCEEDINGS (including deliberations) where the Board Solicitor is not representing the principal, the BOARD Solicitor shall be present to advise the PROCEEDING CHAIR as to any legal and procedural matter that may arise, and to assist the BOARD in the preparation of formal Orders and reasons (if requested). In PROCEEDINGS where the Board Solicitor is representing the principal, an outside solicitor will be retained to be present to advise the PROCEEDING CHAIR as to any legal and procedural matter that may arise, and to assist the BOARD in the preparation of formal Orders and reasons (if requested).

3.6 Maintenance Of Order At Hearings

The BOARD may make such orders or give such directions at an oral or electronic hearing as it considers necessary for the maintenance of order at the hearing. [SPPA §9(2)]

3.7 Assistance of Peace Officer

If any person disobeys or fails to comply with any order or direction given at a hearing, the person presiding or any Trustee may call for the assistance of any peace officer to enforce the order or direction. [SPPA §9(2)]

4. WITHOLDING COMMENCEMENT OF PROCEEDINGS**4.1 Decision Not To Process Commencement Of PROCEEDING**

Subject to section 4.3, upon receiving documents relating to the commencement of a PROCEEDING, the DIRECTOR may decide not to process the documents relating to the commencement of the PROCEEDING if,

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4.1.1 the documents are incomplete;

4.1.2 the documents are received after the time required for commencing the PROCEEDING has elapsed. [SPPA §4.5(1)]

4.2 Notice of Decision Not to Process

The DIRECTOR shall give the party who commences a PROCEEDING notice of the decision under section 4.1 and shall set out in the notice the reasons for the decision and the requirements for resuming the processing of the documents. [SPPA §4.5(2)]

4.3 When Documents Incomplete or Received Late For the purposes section 4.1:

4.3.1 the documents are incomplete if they do not conform to the requirements of sections 11.2, 12.2, as the case requires;

4.3.2 the documents must be received within the time limits set out in sections 11.3, 12.1, as the case requires. [SPPA §4.5(3)]

4.4 Resumption of Processing

The processing of the documents may be resumed:

4.4.1 when the documents are complete, or

4.4.2 after the CHAIR in his/her discretion extends the time for commencing the PROCEEDING, as the case requires.

4.5 Dismissal Of PROCEEDING Without A Hearing

Subject to section 4.9, the BOARD may dismiss a PROCEEDING without a hearing if,

4.5.1 the PROCEEDING is frivolous, vexatious or is commenced in bad faith;



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4.5.2 the PROCEEDING relates to matters that are outside the jurisdiction of the BOARD; or

4.5.3 some aspect of the statutory requirements for bringing the PROCEEDING has not been met. [SPPA §4.6(1)]

4.6 Notice Of Intended Dismissal

Before dismissing a PROCEEDING under section 4.5, the BOARD shall give not less than five (5) days notice of its intention to dismiss the PROCEEDING to,

4.6.1 all parties to the PROCEEDING if the PROCEEDING is being dismissed for reasons referred to in subsection 4.5.2; or

4.6.2 the party who commences the PROCEEDING if the PROCEEDING is being dismissed for any other reason. [SPPA §4.6(2)]

4.7 Reasons For Intended Dismissal To Be Set Out

The notice of intention to dismiss a PROCEEDING shall set out the reasons for the dismissal and inform the parties of their right to make written submissions to the BOARD with respect to the dismissal within the time specified in the notice. [SPPA §4.6(3)]

4.8 Right To Make Submissions

A party who receives a notice under section 4.6 may make written submissions to the BOARD with respect to the dismissal before the close of business on the fifth (5th) business day after the date of the notice, which date and time shall be specified in the notice. [SPPA §4.6(4)]

4.9 Dismissal

The BOARD shall not dismiss a PROCEEDING under this section until it has given notice under section 4.6 and considered any submissions made under section 4.8. [SPPA §4.6(5)]



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5. DISCLOSURE

5.1 Required Disclosure

Unless otherwise ordered by the BOARD, each party to a PROCEEDING shall provide to the other party (or parties if more than one) and to the BOARD not less than two (2) clear days prior to the commencement of the PROCEEDING:

5.1.1 a list of the witnesses that the party intends to call to give evidence in the PROCEEDING;

5.1.2 a summary of the evidence that each such witness will give in sufficient detail to permit the other party (or parties if more than one) and the BOARD to know the nature of the evidence intended to be presented; and

5.1.3 if a witness, other than the principal and any teacher in the school in which the pupil is (or was) enrolled, is to be called to give a professional or expert opinion, full details of the credentials of any such witness as well as the reasons why such professional or expert opinion is required for the appropriate determination of the issues in the PROCEEDING.

5.2 BOARD May Order Disclosure

Subject to the provisions of applicable legislation respecting disclosure of personal information, the BOARD, at the request of a party or on its own motion, and at any stage of the PROCEEDING before a hearing is complete, may make orders for,

5.2.1 the exchange of documents;

5.2.2 the exchange of witness statements and reports of expert witnesses;

5.2.3 the provision of particulars;

5.2.4 any other form of disclosure. [SPPA §5.4(1)]



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5.3 Exception to Disclosure of Privileged Information Nothing in section 5.1 authorizes:

5.3.1 the production of an Ontario Student Record for any pupil other than the pupil who is the subject of the PROCEEDING;

5.3.2 the making of an order requiring any disclosure that is contrary to law; and

5.3.3 the making of an order requiring any disclosure of privileged information.

[SPPA
§5.4(2)]

5.4 Where Character, Conduct Or Competence Of A Party Is In Issue Where the good character, propriety of conduct or competence of a party is an issue in a PROCEEDING:

5.4.1 the party is entitled to be furnished with reasonable information of any allegations with respect thereto not less than 2 clear days prior to the hearing, failing which, the BOARD shall not consider any evidence of character, propriety of conduct or competence of a party; and [SPPA §8]

5.4.2 in the case of a pupil, the disclosure of the Principal's Investigation shall be deemed to be compliance with the requirements of this section.

6. PRE-HEARING CONFERENCES

6.1 Pre-Hearing Conferences



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The BOARD, at the request of a party or on its own motion, may direct the parties to participate in a pre-hearing conference to consider: [ACT 309(5)] and [ACT 311.1(9) 5]

6.1.1 the settlement of any or all of the issues;

6.1.2 the simplification of the issues;

6.1.3 facts or evidence that may be agreed upon;

6.1.4 the dates by which any steps in the PROCEEDING are to be taken or begun;

6.1.5 the estimated duration of the hearing; and

6.1.6 any other matter that may assist in the just and most expeditious disposition of the PROCEEDING. [SPPA §5.3(1)]

6.2 Who Presides At Pre-Hearing Conferences

The DIRECTOR or his/her designate, including a designated superintendent and/or Safe Schools coordinator to preside at any pre-hearing conference. [SPPA §5.3(2)]

6.3 Pre-Hearing Conference Without Prejudice Except as reflected in an order under section 6.4:

6.3.1 PROCEEDINGS at a pre-hearing conference are conducted on a "without prejudice" basis, and

6.3.2 Nothing acknowledged or asserted by one party at a pre-hearing conference may be repeated by any other party in any subsequent hearing on the matter.



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6.4 Orders At Pre-Hearing Conference

The DIRECTOR or his/her designate, including the designated superintendent and/or Safe Schools coordinator, who presides at a pre-hearing conference, may make such orders as he or she considers necessary or advisable with respect to the conduct of the PROCEEDING, including adding parties. [SPPA §5.3(3)]

6.5 Disqualification

If a Trustee acquires information related to issues that parties are attempting to settle, such Trustee shall not preside at the hearing of the PROCEEDING on its merits unless the parties consent. [SPPA §5.3(4)]

6.6 Application To Electronic Hearings

Where a PROCEEDING is conducted electronically, the provisions of Article 9 apply to a pre- hearing conference, with necessary modifications. [SPPA §5.3(5)]

7. NOTICES, AND EFFECT OF NON-ATTENDANCE

7.1 Notice Of Written Hearing

The BOARD shall give to the parties to a written PROCEEDING five (5) days prior notice of hearing and such Notice shall include:

7.1.1 a reference to § 309, 310 and/or 311 of the ACT as the statutory authority under which the hearing will be held

7.1.2 a statement of the date and purpose of the hearing, and details about the manner in which the hearing will be held;

7.1.3 a statement that the hearing shall not be held as a written hearing if a party satisfies the BOARD that there is good reason for not holding a written hearing (in which case the BOARD is required to hold it as an electronic or oral hearing) and an indication of the procedure to be followed for that purpose;



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7.1.4 a statement to the effect of section 7.2, that if the party notified neither acts under subsection 7.1.3 nor participates in the hearing in accordance with the notice, the Discipline Committee may proceed without the party's participation and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(4)]

7.2 Effect Of Non-Attendance At Written Hearing After Due Notice
Where notice of a written hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party neither acts under subsection 7.1.3 nor participates in the hearing in accordance with the notice, the BOARD may proceed without the party's participation and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(2)]

7.3 Notice of Electronic Hearing

The BOARD shall give to the parties to an electronic PROCEEDING five (5) days prior notice of hearing and such Notice shall include:

7.3.1 reference to § 309, 310 and or 311 of *the* ACT as the statutory authority under which the hearing will be held

7.3.2 a statement of the time and purpose of the hearing, and details about the manner in which the hearing will be held;

7.3.3 a statement that the only purpose of the hearing is to deal with procedural matters, if that is the case;

7.3.4 if subsection 7.3.3 does not apply, a statement that the party notified may, by satisfying the BOARD that holding the hearing as an electronic hearing is likely to cause the party significant prejudice, require the BOARD to hold the hearing as an oral hearing, and an indication of the procedure to be followed for that purpose; and



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7.3.5 a statement that if the party notified neither acts under subsection 7.3.4, if applicable, nor participates in the hearing in accordance with the notice, the Discipline Committee may proceed without the party's participation and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(5)]

7.4 Effect Of Non-Attendance At Electronic Hearings After Due Notice
Where notice of an electronic hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party neither satisfies the BOARD that holding the hearing as an electronic hearing is likely to cause the party significant prejudice if applicable, nor participates in the hearing in accordance with the notice, the BOARD may proceed without the party's participation and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(3)]

7.5 Notice Of Oral Hearing

The parties to an oral PROCEEDING shall be given five (5) days prior written notice of hearing, and such Notice shall include:

7.5.1 reference to Sections 309, 310 and or 311 as the statutory authority under which the hearing will be held

7.5.2 a statement of the time, place and purpose of the hearing; and

7.5.3 a statement that if the party notified does not attend at the hearing, the Discipline Committee may proceed in the party's absence and the party will not be entitled to any further notice in the PROCEEDING. [SPPA §6(3)(b)]

7.6 Effect Of Non-Attendance At Oral Hearing After Due Notice

Where notice of an oral hearing has been given to a party to a PROCEEDING in accordance with these Rules and the party does not attend at the hearing, the BOARD may proceed in the absence of the party, and the party is not entitled to any further notice in the PROCEEDING. [SPPA §7(1)]



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8. WRITTEN HEARINGS GENERALLY

8.1 When Written Hearing Not Permitted

Notwithstanding anything contained in these Rules, the BOARD shall not hold a hearing in writing if a party satisfies the BOARD that there is good reason for not doing so. [SPPA §5.1(2)]

8.2 Time Limit For Seeking Electronic Or Oral Hearing

A party who wishes to satisfy the BOARD that there is good reason for not holding a hearing in writing shall provide such reason to the BOARD:

8.2.1 in the case of an appeal against a suspension, at the time of delivering the appeal to the BOARD; and

8.2.2 in all other cases, within five (5) days after a determination by the BOARD to hear the appeal in writing.

8.3 Exception

Section 8.1 does not apply if the only purpose of the hearing is to deal with procedural matters. [SPPA §5.1(2.1)]

8.4 Determination by the BOARD

The BOARD shall determine whether a party has satisfied the BOARD that there is a good reason not to hold the hearing in writing.

9. ELECTRONIC HEARINGS GENERALLY

9.1 When Hearing Electronically Not Permitted

Subject to section 9.2, where the BOARD has determined to hold a hearing electronically, the BOARD shall not do so if a party satisfies the BOARD that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice. [SPPA §5.2(2)]



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9.2 Exception Not Apply Where Procedural Only

Section 9.1 does not apply if the only purpose of the hearing is to deal with procedural matters. [SPPA §5.2(3)]

9.3 Determination by the BOARD

The BOARD shall determine whether a party has satisfied the BOARD that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

9.4 Participants To Be Able To Hear One Another

In an electronic hearing, all the parties and the members of the BOARD participating in the hearing must be able to hear one another and any witnesses throughout the hearing. [SPPA § 5.2(4)]

9.5 Procedure At Electronic Hearing

At the commencement of the hearing and so often thereafter as may seem just in the circumstances:

9.5.1 the PROCEEDING CHAIR shall ascertain who is present electronically;

9.5.2 other than the clerk of the PROCEEDINGS, and except with the prior consent of the presiding chair (which consent may be arbitrarily refused), no participant or other person shall be permitted to make a recording of or broadcast any part of the PROCEEDINGS

9.5.3 the PROCEEDING CHAIR shall require each participant to prohibit any person other than:

- (a) a party,
 - (b) such party's counsel or agent as recorded present by the PROCEEDING CHAIR, and
 - (c) witnesses while giving evidence,
- from listening to anything disclosed at the hearing without the express prior approval of the PROCEEDING CHAIR;



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9.5.4 the PROCEEDING CHAIR shall require all participants to notify the PROCEEDING CHAIR before any person present electronically leaves the electronic hearing, and in default of any such notification, such person shall be deemed for all purposes to have been present throughout the whole of the electronic hearing; and

9.5.5 the procedure followed in an electronic hearing shall comply with the requirements of Article 10, and, as far as is feasible and practical, otherwise follow the same process as would be followed in the case of an oral hearing.

10. PROVISIONS AFFECTING BOTH ORAL AND ELECTRONIC HEARINGS

10.1 PROCEEDINGS Recorded by the BOARD

Except as otherwise ordered by the PROCEEDING CHAIR:

10.1.1 the PROCEEDINGS shall be recorded by the clerk of the PROCEEDING; and

10.1.2 no other recording of the PROCEEDINGS shall be permitted.

10.2 Rights of Party at Oral and Electronic Hearings

A party may call and, subject to subsection 10.5, examine witnesses and present evidence, and present submissions. [SPPA §10.1]

10.3 Cross-examination of Witnesses

Subject to section 10.5, all witnesses in an appeal of the suspension of a pupil shall be subject to cross-examination by the party other than the party calling them as may be reasonably required for a full and fair disclosure of all matters relevant to the issues. [SPPA §10.1]

10.4 Questions In Reply And From The BOARD

Subject to subsection 10.5, all witnesses in an appeal of the suspension of a pupil shall be subject to questions in reply, and questions by the BOARD.



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10.5 Limitation on Examination and Cross-examination

The BOARD may reasonably limit the number of witnesses, and further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding. [SPPA §23(2)]

11. APPEAL OF A DECISION TO SUSPEND A PUPIL

11.1 Who May Appeal a Suspension

The following persons may appeal the decision of a principal to suspend a pupil:

11.1.1 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

11.1.2 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 [ACT 309(1)]

11.2 Appeal Required In Writing, and Minimum Content

An appeal of the decision of a principal to suspend a pupil shall be in writing, and the notice thereof shall contain at least the following:

11.2.1 a copy of the Notice of the Suspension that is the subject of the appeal;

11.2.2 a written statement identifying, with appropriate detail, every reason that the person appealing wishes the BOARD to consider as to why the suspension should not have been imposed, or why the length of the suspension should be altered.



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11.3 Time For Bringing Appeal

An appeal of the decision of a principal to suspend a pupil shall be delivered to the designated supervisory officer, with a complete copy to the principal who imposed the suspension, not later than the 5th day following the delivery of a Principal's Investigation Report after a suspension pending expulsion imposed under ACT 310 or not later than the 10th day following the delivery of a Suspension Notice imposed under ACT 306.

11.4 Response Of Board

The board shall hear and determine the appeal within 15 days of receiving notice unless the parties agree on a later deadline, and shall not refuse to deal with appeal on the ground that there is a deficiency in the notice to appeal.[ACT 309(6)] The board may initiate a pre-hearing conference as stated herein. [6.1]

11.5 Hearing In Writing

Subject to Article 8, the hearing of an appeal of the decision of a principal to suspend a pupil shall be held in writing. [SPPA §5.1(1)]

11.6 Appellant To Satisfy BOARD That Principal Was Wrong

In an appeal of the decision of a principal to suspend a pupil, the appellant shall satisfy the BOARD that the decision of the principal is wrong.

11.7 Appellant Presents First, Principal Second

Where the BOARD hears an appeal of the decision of a principal to suspend a pupil either electronically or orally, the appellant shall proceed first in the calling and examination of witnesses and presentation of evidence and submissions, and the principal shall be the second to do so.

11.8 Decision Of The BOARD

The BOARD shall deliver its decision on an appeal of a decision by a principal to suspend a pupil:



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11.8.1 in the case of an appeal heard in writing where a party has applied but failed to satisfy the BOARD that there is good reason for not doing so, within ten (10) days after the latest of

- (a) the determination described in section 8.4;
- (b) the delivery or time for delivery of the response of the board described in 11.4

11.8.2 in the case of all other appeals heard in writing, within ten (10) days after receipt of the appeal; and

11.8.3 in the case of an appeal heard orally or electronically, within a reasonable time after the conclusion of the hearing.

12. REFERRAL OF AN EXPULSION MATTER TO THE BOARD

12.1 Time For Referral

A principal who refers a matter under 311.3 of the ACT shall do so as soon practicable after the Principal's Investigation Report following the suspension of a pupil pending possible expulsion under § 310 of *the Act*.

12.2 Content Of Referral

A principal who refers a matter under §311.3 of the ACT shall prepare a report that contains the following [ACT 311.1(7)]:

12.2.1 A summary of the principal's findings;

12.2.2 The principal's recommendation as to whether the pupil should be expelled from his or her school only or from all schools of the board

12.2.3 The principal's recommendation as to,

- i.) the type of school that might benefit the pupil, if the pupil is expelled from all schools 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

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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 section 311.

12.3 Hearing Electronically

Subject to Section 9.1, the BOARD may determine to hear electronically the referral of a matter under §309 or §310 of *the Act*. [SPPA §5.2(1)]

12.4 Scheduling Of Hearing

Subject to section 12.5, the BOARD shall appoint a day and time for the hearing that is not later than the twentieth (20th) school day following the date when the pupil was suspended pending expulsion under §310 of *the Act*.

12.5 Extension Of Deadline

Subject to section 12.6, the BOARD may appoint a day and time for the hearing that is later than the date prescribed in section 12.4 if the parties consent to such later date. [ACT 311.3(8)]

12.6 PARENT or Pupil Application For Adjournment

Any order of the BOARD upon the application by the PARENT or the pupil for an adjournment of the date and time appointed by the BOARD under section 12.4 or section 12.5

12.6.1 shall be subject to the express condition that the parties consent to the adjourned date as the deadline within which the BOARD may impose an expulsion, and to a continuance of the suspension pending expulsion until the end of the hearing and decision of the BOARD, and

12.6.2 may be subject to such other conditions as the BOARD in its discretion may prescribe.

12.7 Decision Of The BOARD

The BOARD shall deliver its decision on referral of a matter under §310 and §311 of the ACT by a principal not later than:

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12.7.1 the twentieth (20th) school day following the date when the pupil was suspended pending expulsion if such deadline has not been extended by agreement of the parties, or

12.7.2 the extended date, as provided in either of section 12.4 or section 12.5 as the deadline within which the BOARD may impose an expulsion, as the case requires. or

12.7.3 time needed to complete the Decision in Order following signing of Minutes of Settlement presented at the pre-hearing conference.

12.8 Appeal of Decision of the Board

The parent/guardian/adult student/student 16/17 years of age and withdrawn from parental control may appeal the board's decision to expel a pupil, whether the pupil is expelled from his or her school only or from all schools of the board, to the designated tribunal. The appellant has 30 days from the hearing date and decision to inform the designated tribunal of the intent. The designated tribunal has 30 days to hear the appeal. [ACT 311.7]

The "designated tribunal" means the Child and Family Review Board under section 207 of the Child and Family Services Act. O Reg. 472/07, s.1.

13. DEFINITIONS

13.1 Except as required by the context, in these Rules, in addition to the plain meaning of the words in each case:

13.2 "ACT" means *The Act*, R.S.O. 1990, c.E.2, as amended;

13.3 "BOARD" includes the Board of Trustees, a Committee of Trustees (Discipline Committee) to which the holding of a hearing is delegated, a Trustee designated by the CHAIR of the BOARD, or the DIRECTOR of Education or designate, as the context requires;

13.4 "CHAIR" means the CHAIR of the BOARD and includes his/her delegate;



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13.5 "DIRECTOR" means the Director of Education and includes his/her delegate;

13.6 "PARENT" includes one or both parents, and one or more guardians, of a pupil, as the case requires;

13.7 "PROCEEDING" includes

- (a) an appeal against a decision by a principal to impose a suspension;
- (b) a referral by the principal of a matter of a school or board expulsion of a pupil, and
- (c) a procedural or interlocutory matter as part of any one of the foregoing;

13.8 "PROCEEDING CHAIR" means the chair of the Discipline Committee assigned to hear the PROCEEDING;



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APPENDIX G F

Operational Procedures: Guidelines to Suspension Appeal Hearings Frequently Asked Questions for Suspension Appeal Hearings

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness will include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard—to tell his/her side of the story; and
- the right to know the case against him/her.

The following is a guideline regarding the rules of procedure for a suspension appeal.

1.If the suspension is appealed, what types of decisions can the Safe Schools Hearing Committee make?

Following the suspension appeal hearing, the Safe Schools Hearing Committee can make only one of the following decisions:

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or
- quash the suspension and order that the record of suspension be expunged.

2.Does the appeal of a suspension delay the suspension?

No. Even if there is an appeal, the suspension must still be served by the student.

3.Who are the parties to the hearing? The parties to the hearing are:



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- ~~• the parent/guardian of a student under the age of 18;~~
- ~~• an adult student;~~
- ~~• a student who is 16 or 17 years old and has withdrawn from parental control; and~~
- ~~• the school principal.~~

~~4. Can the student who has been suspended attend the hearing even if he or she is not a party? Yes. The student named in the suspension has the right to be present at the hearing and to make a statement on his or her behalf.~~

~~5. Does every party have a right to representation?~~

~~Yes. A party to a proceeding may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.~~

~~6. What is the role of the Safe Schools Hearing Committee of the Board?~~

~~The Safe Schools Hearing Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine an appeal. Members of the Discipline Committee who may have had any direct involvement in the matter prior to the commencement of the hearing will disqualify themselves and will not take part in the hearing, the deliberations, the decision or the reasons. Members of the Safe Schools Hearing Committee who have not been present through the whole of the hearing will not take part in the deliberations, the decision or the reasons.~~

~~7. Is there a requirement to provide disclosure?~~

~~Yes. Unless otherwise ordered by the Board, prior to the commencement of the hearing, each party will provide to the other party and to the Board the following information:~~

- ~~• a copy of all documents that a party intends to rely on at the hearing.~~



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8. Will the hearing be held in private?

~~Yes. The Safe Schools Hearing Committee will normally order that the hearing will be held in private session.~~

9. When will a suspension appeal hearing take place?

~~The Safe Schools Hearing Committee of the Board will hear and determine a suspension appeal within 15 school days of receiving the notice of appeal, unless the parties agree otherwise.~~

10. What is the order of presentation at the hearing?

~~When the Safe Schools Hearing Committee hears an appeal of the decision to suspend a student, the clerk or designate will provide a short summary of details related to the case. The parent or adult student will proceed first in the presentation of evidence and submissions, and the principal will proceed second, unless the parties agree otherwise.~~

11. How will the suspension appeal hearing be organized?

~~In hearing a suspension appeal, the following guidelines will apply:~~

~~(a) Five minute introduction of the parties and the Safe Schools Hearing Committee of the Board, with discussion on the issues to be addressed by the Safe Schools Hearing Committee including a short summary of the incident infraction and duration of suspension by the clerk or designate;~~

~~(b) Ten minute presentation by the parent or adult student in presenting evidence and submissions on behalf of the student;~~

~~(c) Ten minute presentation by the principal in presenting evidence and submissions on behalf of the School; and~~

~~(d) Five minute question and answer session by the Safe Schools Hearing Committee. Caucus, deliberations and decision by the Safe Schools Hearing Committee. The Safe Schools Hearing Committee has the power to reserve its decision.~~



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~~12. What if translation or interpretation services are required?~~

~~If translation or interpretation services are required, the time limit in each step may be amended at the discretion of the Safe Schools Hearing Committee.~~

~~13. What will the Discipline Committee of the Board consider in making a decision?~~

~~The Discipline Committee will assess the evidence as provided by the parties, and determine whether on a balance of probabilities, it is more probable than not that the student committed the infraction. Where the Safe Schools Hearing Committee determines that the student committed the infraction, the Safe Schools Hearing Committee will determine whether the principal considered any mitigating factors or other factors prescribed by the regulations. If the principal failed to consider the mitigating factors or other factors, then the Safe Schools Hearing Committee will do so in reaching their decision.~~

~~14. Can the Safe Schools Hearing Committee reserve its decision?~~

~~Yes. The Safe Schools Hearing Committee has the power to reserve its decision, that is, require further time for its deliberations and conclusions.~~

~~15. Will the Safe Schools Hearing Committee issue a decision in writing?~~

~~Yes. The decision of the Discipline Committee will be in writing and signed by the chair of the Discipline Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.~~

~~The Rules of Procedure for Suspension Appeals and Expulsion Hearings, which provide more detail about this process, are available on line at www.tedsb.org.~~

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;**
- the opportunity to be heard - to tell his/her side of the story; and**
- the right to know the case against him/her.**

Suspension Appeal Hearings will be conducted in accordance with the *Statutory Powers Procedure Act* (R.S.O. 1990, c. S.22). The following is a guideline regarding the rules of procedure for a suspension appeal.

1. If you decide to appeal the suspension, what types of decisions can the Committee make?

Following the suspension appeal hearing, the Committee can make only one of the following decisions:

- **confirm the suspension and the duration of the suspension;**
- **confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or**
- **quash the suspension and order that the record of suspension be expunged.**

2. Does the appeal of a suspension delay the suspension?

No. Even if there is an appeal, the suspension must still be served by the student.

3. Who are the parties to the hearing?

The parties to the hearing are:

- **the parent/guardian of a student under the age of 18;**
- **an adult student;**
- **a student who is 16 or 17 years old and has withdrawn from parental control; and/or**
- **the school principal.**

4. Can the student who has been suspended attend the hearing even if he or she is not a party?

Yes. The student named in the suspension has the right to be present at the hearing and to make a statement on his or her behalf.

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.

6. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine an appeal. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the hearing will disqualify themselves and will not take part in the hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the hearing will not take part in the deliberations, the decision or the reasons.

7. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the Hearing, each party will provide to the other party and to the Board the following information:

- a copy of documents and summary of evidence that each party intends to rely on at the hearing.

Parties will exchange this information no later than 48 (forty-eight) hours in advance of the Hearing, unless there are extenuating circumstances preventing the exchange.

Any documents or evidence not disclosed 48 (forty-eight) hours in advance will be presented to the Committee of the Board for review to determine whether they can be referenced at the Hearing.

8. Will the hearing be held in private?

Yes. The Committee will order that the hearing will be held in private session.

9. When will a suspension appeal hearing take place?

The Committee of the Board will hear and determine a suspension appeal within 15 school days of receiving the notice of appeal, unless the parties agree otherwise.

10. What is the order of presentation at the hearing?

When the Committee hears an appeal of the decision to suspend a student, the parent or adult student will proceed first in the presentation of evidence and submissions, and the principal will proceed second, unless the parties agree otherwise.

11. How will the suspension appeal hearing be organized?

Subject to the discretion of the Committee hearing a suspension appeal, the following guidelines will apply:

- (a) Five minute introduction of the parties and the Committee of the Board;

- (b)
 - i. Ten (10) minute presentation by the parent or adult student in presenting evidence and submissions on behalf of the student;
 - ii. Ten (10) minute cross-examination by the Principal (and/or Legal Counsel, if applicable) of the parent and the student [and their witnesses];
- (c)
 - i. Ten (10) minute presentation by the principal in presenting evidence and submissions on behalf of the School;
 - ii. Ten (10) minute cross-examination by the Parent or adult student (and/or their Legal Counsel, if applicable) of the Principal [and his/her witnesses];
- (d) Five (5) minute closing arguments by parent or adult student (or their Legal Counsel, if applicable);
- (e) Five (5) minute closing arguments by the Principal (or their Legal Counsel, if applicable);
- (f) Five (5) minute questions and answer session by the Committee. Caucus, deliberations and decision by the Committee. The Committee has the power to reserve its decision.

12. What if translation or interpretation services are required?
If translation or interpretation services are required, the time limit in each step may be altered.

13. What will the Committee of the Board consider in making a decision?

The Committee will assess the evidence as provided by the parties, and determine whether on a balance of probabilities, it is more probable than not that the student committed the infraction. Where the Committee determines that the student committed the infraction, the Committee will determine whether the principal considered the mitigating factors or other factors prescribed by the regulations. If the principal failed to consider the mitigating factors or other factors, then the Committee will do so.

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision; that is, require further time for its deliberations and conclusions.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.



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Frequently Asked Questions for Expulsion Hearings



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APPENDIX G

Operational Procedures: Guidelines to Expulsion Hearings **Frequently Asked Questions for Expulsion Hearings**

It is a basic principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be imposed by a school administrator who conducts an investigation in an impartial and fair manner. This includes:

- the right to know what rule has been violated and what conduct he/she is being accused of; and
- the opportunity to respond to the allegations against him/her—to tell his/her side of the story.

The following is a guideline regarding the rules of procedure for an expulsion hearing. An expulsion hearing will be heard by the Board's Safe Schools Hearing Committee that will consist of at least three Trustees.

1. Who are the parties to the hearing?

A "party" to a hearing is a person who has a legal right to participate in the hearing. The parties to an expulsion hearing are:

- the parent/guardian of a student under the age of 18;
- an adult student;
- a student who is 16 or 17 years old and has withdrawn from parental control; and
- the school principal.

2. Can the student who has been suspended attend the hearing even if he or she is not a party? Yes. The student named in the expulsion referral has the right to be present at the hearing and to make a statement on his or her behalf.

3. Does every party have a right to representation?

Yes. A party to the hearing may be represented by counsel or an agent. Counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case.



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~~4. What is the role of the Safe Schools Hearing Committee?~~

~~The Committee will hear and determine whether a student will be expelled. Members of the Committee who may have had any direct involvement in the matter prior to the Principal's decision to refer the matter for an expulsion hearing will disqualify themselves and will not take part in the hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present for the whole hearing will not take part in the deliberations, the decision or the reasons.~~

~~5. Is there a requirement for each party to provide its evidence to the Safe Schools Hearing Committee and to the other party before the hearing?~~

~~Yes. Unless otherwise ordered by the Committee, at least two school days before the hearing begins, each party will provide to the Committee and to the other party the following information:~~

- ~~• a list of the witnesses that the party intends to call to give evidence in the proceeding with consideration of age and exceptionality(s); and~~
- ~~• a copy of documents that the party intends to rely on at the hearing with names of witnesses and victims redacted.~~

~~6. Will the hearing be held in private?~~

~~The Committee will normally order that the hearing will be held in private session, unless there is an objection by one of the parties and the objection is approved by the Safe Schools Hearing Committee.~~

~~7. When will an expulsion hearing take place?~~

~~A hearing will be held by the committee within 20 school days from the first day of the suspension, unless the parties to the hearing agree otherwise. A decision to expel by the Safe Schools Hearing Committee may not take place if more than 20 school days from the first day of the suspension has lapsed, unless the parties to the hearing agree otherwise.~~



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8. What is the order of presentation at the hearing?

When the Committee hears a recommendation of a principal to expel a student, the principal will be the first party to call and examine witnesses, present evidence, and make submissions to the Safe Schools Hearing Committee. The parent or adult student will call and examine witnesses, present evidence, and make submissions to the Committee after the principal, unless the parties agree otherwise.

9. How will the expulsion hearing be organized?

The Chair of the Safe Schools Hearing Committee introduces the matter and the parties appearing. The Chair sets out the process for the Safe Schools Hearing Committee. The process includes:

- opening statement by the principal, counsel or agent;
- opening statement by the parent/guardian/adult student or counsel/representative;
- a presentation of evidence, including witnesses, by the principal, counsel or agent;
- cross-examination by the parent/guardian/adult student or counsel/representative;
- re-examination;
- questions or points of clarification, through the Chair, by the Committee, on the principal's presentation;
- a presentation of evidence, including witnesses, by the parent/guardian/adult student or counsel/representative;
- cross-examination by principal, counsel or agent;
- re-examination;
- questions or points of clarification, through the Chair, of the presentation of the student/parents;
- a statement by the student, if the student chooses to make a statement to the Safe Schools Hearing Committee, when the student is not a party and attends the hearing;
- reply by the principal, counsel or agent;
- summation by the principal, counsel or agent;
- summation by the parent/guardian/adult student or counsel/representative;



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- statement by legal counsel to the Discipline Committee on responsibilities of the Safe Schools Hearing Committee;
- The Safe Schools Hearing Committee debates the issue in private and comes to a decision;
- in the event that the recommendation for expulsion is accepted, any motion passed in the private session would be read to the parties in open session by the Chair of the Discipline Committee.

10. What will the Safe Schools Hearing Committee consider to make its decision?

The Safe Schools Hearing Committee will assess the evidence as provided by the parties, and determine whether, on a balance of probabilities, it is more probable than not that the student committed the infraction. If the Committee determines that the student committed the infraction, the Committee will determine whether the principal considered any mitigating factors or other factors prescribed by the regulations. If the principal failed to consider the mitigating factors or other factors, then the Committee will do so in reaching its final decision.

The Safe Schools Hearing Committee will also consider the parties' submissions on whether the student should be expelled from his or her school only, or from all schools of the Board, and the parties' submissions on whether, if the student is not expelled, the Board should confirm the suspension, confirm the suspension but shorten its duration, or quash the suspension.

11. What types of decisions can the Safe Schools Hearing Committee make?

After completing the hearing, the Committee will decide whether to expel the student; and if the student is to be expelled, whether the student is expelled from his or her school only or from all schools of the Board.

12. What if the Safe Schools Hearing Committee decides to expel the student? If the Committee expels a student, Safe Schools will assign the student to:

- (a) in the case of a student expelled from his or her school only, another school of the Board; and
- (b) in the case of a student expelled from all schools of the Board, a program for expelled students.



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~~13. What if the Safe Schools Hearing Committee decides not to expel the student? If the Committee does not expel a student, with respect to the original suspension, it will:~~

- ~~(a) confirm the suspension and the duration of the suspension; or~~
- ~~(b) confirm the suspension, but shorten its duration, even if the suspension 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 has already been served.~~

~~14. Can the Safe Schools Hearing Committee reserve its decision?~~

~~Yes. The Committee has the power to reserve its decision to take more time for its deliberations and conclusions.~~

~~15. Will the Safe Schools Hearing Committee issue a decision in writing?~~

~~Yes. The decision of the Committee will be in writing and signed by the Chair of the Committee. When requested by a party, the Committee will give written reasons. Copies of the decision, along with written reasons, if requested, will be sent to all parties who took part in the hearing at their respective addresses last known to the Board.~~

~~16. Is the Safe Schools Hearing Committee's decision final?~~

~~No, not if the Committee decides to expel the student, either from his or her school only, or from all schools of the Board. There is a right of appeal to the Child and Family Services Review Board.~~

~~However, if the Committee decides not to expel the student, the Committee's decision regarding the suspension is final.~~

~~The Rules of Procedures for Suspension Appeals and Expulsion Hearings, which provide more detail about this process, are available on-line at: www.tedsb.org~~

It is a fundamental principle of the common law that persons facing disciplinary consequences be treated fairly. Procedural fairness requires that the disciplinary consequences to a student be administered by a school administrator who conducts an investigation in an impartial and fair manner. Depending on the circumstances, fairness may include:

- giving the student reasonable notice of the rule involved;
- the opportunity to be heard - to tell his/her side of the story; and
- the right to know the case against him/her.

Expulsion Hearings are to be conducted in accordance with the *Statutory Powers Procedure Act* (R.S.O. 1990, c. S.22). The following is a guideline regarding the rules of procedure for an Expulsion Hearing:

1. If you decide to have an Expulsion Hearing, what types of decisions can the Committee make?

Following the Expulsion Hearing, the Committee can make only one of the following decisions:

- whether to expel the pupil; and
- if the pupil is to be expelled, whether the pupil is expelled from his/her school only or from all schools of the Board.

If the Board does not expel the pupil, the Board shall, with respect to the suspension originally imposed under Section 310 of the *Education Act*:

- confirm the suspension and the duration of the suspension;
- confirm the suspension, but shorten its duration and order that the record of suspension be amended accordingly; or
- quash the suspension and order that the record of suspension be expunged.

2. Does the Expulsion Hearing delay the 20-day suspension?

No. Even if there is a Hearing, the suspension must still be served by the student.

3. Who are the parties to the hearing?

The parties to the hearing are:

- the school principal;
- the pupil, if:
 - the pupil is at least 18 years old (an adult student); or
 - the pupil is 16 or 17 years old and has withdrawn from parental control;
- the pupil's parent/guardian, unless:
 - the pupil is at least 18 years old; or
 - the pupil 16 or 17 years old and has withdrawn from parental control.

4. Can the student who has been recommended for expulsion attend the hearing even if he or she is not a party?

Yes. The student named in the suspension pending expulsion has the right to be present at the hearing and to make a statement on his or her behalf.



GUIDELINES FOR AN EXPULSION HEARING

5. Does every party have a right to representation?

Yes. A party to a proceeding may be represented by legal counsel or an agent. Legal counsel is a lawyer. An agent may be a trusted family friend, a religious advisor or other person who can assist with the presentation of the case. If a pupil, or parent/guardian (in accordance with #3 above), intends to bring legal counsel to the Hearing, they must inform the Board's legal counsel of this intention at least 10 (ten) days in advance of the Hearing date.

6. What is the role of the Committee of the Board?

The Committee of the Board will consist of at least three members of the Board of Trustees. It will hear and determine the recommendation for expulsion. Members of the Committee who may have had any direct involvement in the matter prior to the commencement of the Hearing will disqualify themselves and will not take part in the Hearing, the deliberations, the decision or the reasons. Members of the Committee who have not been present through the whole of the Hearing will not take part in the deliberations, the decision or the reasons.

7. Is there a requirement to provide disclosure?

Yes. Unless otherwise ordered by the Board, prior to the commencement of the Hearing, each party will provide to the other party and to the Board the following information:

- a copy of documents and summary of evidence that each party intends to rely on at the hearing.

Parties will exchange this information no later than 48 (forty-eight) hours in advance of the Hearing, unless there are extenuating circumstances preventing the exchange. Any documents or evidence not disclosed 48 (forty-eight) hours in advance will be presented to the Committee of the Board for review to determine whether they can be referenced at the Hearing.

8. Will the hearing be held in private?

Yes. The Committee will order that the Hearing will be held in private session.

9. When will an Expulsion Hearing take place?

The Committee of the Board will hear and determine a recommendation for expulsion within 20 school days of the pupil's suspension pending expulsion under section 310 of the *Education Act*, unless the parties to the Expulsion Hearing have signed an Extension Form and/or the parties to the Expulsion Hearing agree on a later deadline.



GUIDELINES FOR AN EXPULSION HEARING

10. What is the order of presentation at the hearing?

When the Committee hears an Expulsion Hearing, the principal will proceed first in the presentation of evidence and submissions, and the parent or adult student will proceed second.

11. How will the Expulsion Hearing be organized?

In an Expulsion Hearing, the following guidelines will apply:

(a) Five (5) minute introduction of the parties and the Committee of the Board, with discussion on the issues to be addressed by the Committee;

(b) (i) Twenty (20) minute presentation by the principal/legal counsel in presenting evidence and submissions on behalf of the School, including any witness evidence*;

(ii) Ten (10) minutes total for parent or adult student (and/or legal counsel, if applicable) to ask questions of clarification of the principal (and/or legal counsel, if applicable);

(c) (i) Twenty (20) minute presentation by the parent or adult student (and/or legal counsel, if applicable) in presenting evidence and submissions on behalf of the student, including any witness evidence*;

(ii) Ten (10) minutes total for principal (and/or legal counsel, if applicable) to ask questions of clarification of the parent or adult student (and/or legal counsel, if applicable); and

(d) Five (5) minute closing arguments by the Principal (or their Legal Counsel, if applicable);

(e) Five (5) minute closing arguments by parent or adult student (or their Legal Counsel, if applicable);

(f) Ten (10) minute question-and-answer session by the Committee.

*Note: video evidence, if shown, does not count toward the 20-minute time limit

(g) Caucus, deliberations and decision by the Committee. The Committee has the power to reserve its decision.

12. What if translation or interpretation services are required?

If translation or interpretation services are required, the time limit in each step may be altered.



GUIDELINES FOR AN EXPULSION HEARING

13. What will the Committee of the Board consider in making a decision?

The Committee will consider:

- all submissions and views of the parties, including their views as to whether the pupil, if expelled, should be expelled from his or her school only or from all schools of the board;
- (b) any mitigating or other factors prescribed by the regulations and as outlined in TCDSB Policy S.S.01; and
- (c) any written response to the principal's report recommending expulsion that a person gave to the board under subsection 311.1 (10) of the *Education Act* before the completion of the hearing.

14. Can the Committee reserve its decision?

Yes. The Committee has the power to reserve its decision; that is, require further time for its deliberations and conclusions and give its decision at a later date/time.

15. Will the Committee issue a decision in writing?

Yes. The decision of the Committee will be in writing and signed by the chair of the Committee. A copy of the decision will be sent to all parties to the proceeding who took part in the hearing at their respective addresses last known to the Board.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

OPERATIONAL PROCEDURES: Principal Investigation Guideline

APPENDIX I H

Principal Investigation Guideline



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

APPENDIX H

Operational Procedures: Principal Investigation Guideline

We believe that those entrusted with leadership positions in the Catholic Schools must be conspicuous for their goodness, sincerity and attachment to the faith. In other words, they are men and women who demonstrate in practice the very reason for the Catholic school's existence: an integrated Christian maturity inspired by the Gospel and lived in authentic freedom and commitment. (Fulfilling the Promise: The Challenge of Leadership, 1993).

As outlined in the TCDSB Suspension and Expulsion Policy S.S.01, it is the policy of the Board that, whenever the principal suspends a student pending possible expulsion, the principal will conduct an investigation under the Board's Suspension and Expulsion Policy S.S. 01 to determine whether to recommend to the Board that the pupil be expelled. The student, and any other person who may reasonably be regarded as having been affected by such activity, shall be given a fair opportunity to promptly furnish information relevant to the principal's investigation, unless it is impractical to do so, eg. the student is in custody.

Guidelines:

- 1. In circumstances where there is police involvement regarding a school related incident and the principal has been given direction by police not to proceed with a school investigation, the principal may exclude the student for the duration of the police investigation according to *Education Act* Section 265 (1) (m). During this time, the principal shall continue to provide academic programming to the student. The principal will also maintain ongoing contact with police to determine when it is permissible for the principal to continue with the school investigation. Once the principal has been granted permission by police to proceed with the school investigation, the principal will conduct an investigation to determine appropriate next steps.**



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

2. Where the principal believes that a student has engaged in activity for which expulsion must be considered, the principal shall suspend the student from school and from all school-related activities. The principal shall discuss with the student and parent/guardian (if minor) the TCDSB long-term suspension program (TIPSS) and will encourage the student's participation in this program. The principal shall conduct an investigation to determine whether to recommend to the Board that the student be expelled.
 - a. The investigation shall be considered as a matter of high priority and shall be conducted and completed as soon as reasonably possible. The principal shall **endeavor to** complete the school investigation within 5 school days from the start of the suspension. ~~unless the principal has been given direction by police not to proceed with a school investigation. In these cases where police prohibit investigation, the principal (i) will not begin an investigation and will contact Safe Schools or Corporate Services for consultation and direction, and (ii) will maintain ongoing contact with police to determine when it is permissible for the principal to continue with the school investigation.~~
 - b. The investigation shall be conducted by the principal who may request the assistance of a designate(s). It is recommended that interviews be conducted in the presence of another staff person designated by the principal.
 - c. The principal shall remain neutral in attitude and non-judgmental as to the matters disclosed to him/her during the investigation, and shall gather information from students, staff and other persons about the activity that has given rise to the investigation.



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

- d. The principal shall inform a student what the allegations are, and shall give the accused student an opportunity to respond to those allegations prior to reaching a final determination unless it is impractical to do so, e.g. the student is in custody.
- e. During the investigation stage and before being interviewed further by the principal the subject student, and his/her parents if the student is a minor, shall be advised of the student's right to have one other adult present with the student ("accompanying person") during the interview. The principal, however, in his/her sole discretion may permit more than one accompanying person.
- f. The Principal will document information gathered from the school investigation in the Safe Schools Progressive Discipline Application, specifically the online Principal Investigation.
- g. Before making a final determination, the principal shall consider mitigating factors and other factors in accordance with the requirements of the Ministry of Education.
- h. Upon reviewing the school investigation and relevant mitigating and other factors, the principal shall make a final determination which will include one of the following:
 - i. Board Expulsion
 - ii. School Expulsion
 - iii. Confirmed Suspension
 - iv. Shortened or Reduced Suspension
 - v. Withdrawal of Suspension and Expungement of the Record



POLICY SECTION: Safe Schools

SUB-SECTION:

POLICY NAME: Suspension and Expulsion Policy (Consolidated)

POLICY NO: S.S. 01

- i. The principal shall provide a written notice outlining details related to the principal's final determination to every person to whom he/she was required to give notice of suspension under Section 311 of *Education Act*. This written notice is entitled "Parent Report Package".

OPERATIONAL PROCEDURES: Search and Seizure Guideline

APPENDIX I

Search and Seizure Guideline



APPENDIX I

Operational Procedures: Search and Seizure Guideline

1. From time to time, proper investigation of an incident in a school may require a search of a student or his/ her property.

For example,

- a. a principal or a teacher may have reason to suspect that a student is carrying a concealed weapon, or
 - b. a student questioned with regard to a fight may blurt out that one of the antagonists sells drugs and keeps some in his/her locker, or
 - c. a student reports that his/her personal property has been stolen and indicates that he/she believes it was taken by another student and may be found in that student's knapsack.
2. The Toronto Catholic District School Board prohibits the possession, on school property or at school functions, of substances or objects which may threaten good order, discipline, decorum, and public safety. Such substances or objects may include, but are not limited to:
 - a) alcoholic beverages;
 - b) cannabis/cannabis products, unless the student is a medical cannabis user;
 - c) illegal or restricted drugs;
 - d) stolen property;
 - e) weapons, either restricted or prohibited by law;
 - f) any object which may be used as a weapon and which may cause serious injury; and
 - g) hate literature, racist material, pornography, etc.

What is the proper procedure to follow in circumstances such as these?

3. Section 8 of the *Canadian Charter of Rights and Freedom* provides that: "Everyone has the right to be secure against unreasonable search and seizure". However, a student's reasonable expectation of privacy is diminished at school because the student knows that principals and teachers are responsible for providing a safe environment and maintaining order and discipline in the school.
4. Principals and teachers may conduct a search if there are reasonable grounds to believe that a school rule has been violated and that evidence will be found in school property, in student property, or on the person searched. Staff must, where possible, consult with the principal or designate prior to conducting a search of school property, student property, or a person. School property includes, but is not limited to, student lockers, student desks, student cubbies, or any other place on school property. Student property includes, but is not limited to, knapsacks, purses, and personal electronic devices.
5. The following may constitute reasonable grounds:
 - a. information received from one student considered to be credible;
 - b. information received from more than one student;
 - c. a teacher's or principal's own observations; and
 - d. any combination of these pieces of information which the school authority considers to be credible.

Random or arbitrary searches or searches on groundless suspicion are not reasonable and will likely be in contravention of the Charter.
6. All searches of property and persons may only be conducted in the presence of the principal or teacher and one other adult witness.
7. Where need for a personal search is indicated, and where it is safe to do so, all personal searches of a student should be conducted in the privacy of the principal's office or another suitable room.
8. The student involved should be given the opportunity to produce the substance or object which he or she is suspected of possessing before a search of the student is conducted. If the student is not cooperative in producing the substance or object, the principal or designate will immediately contact the police.

9. The principal or designate will make all reasonable efforts to contact the parent/guardian of the student (unless the student is 18 years of age and older or the student is 16/17 years of age and has withdrawn from parental control) once the search has been conducted, unless otherwise directed by Police. The principal will contact the parent/guardian when cleared by Police to do so. In all cases, the principal or designate will document all efforts/attempts to contact the parent/guardian and any instructions received from Police.
10. When a search is conducted, a record of all pertinent information, including action taken, witnesses present, the date, time and place of the search, and results of the search, will be documented as soon as possible. Documents will be filed appropriately and the Area Superintendent will be promptly advised. This information is subject to the provisions of Freedom of Information legislation. Confiscated property will be appropriately secured until removed from school premises by police or by other arrangement as determined by Principal and Area Superintendent.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEEUPDATE TO BLESSING AND OFFICIAL OPENING
OF SCHOOLS POLICY S.08

*I know that when I come to you, I will come in the full measure of the blessing of Christ.
Romans 15:12*

Created, Draft

April 29, 2019

First Tabling

May 7, 2019

Review

Click here to enter a date.

Shazia Vlahos, Chief of Communications & Government Relations

Peter Aguiar, Superintendent of Student Achievement & Wellbeing and Governance & Policy

RECOMMENDATION REPORT

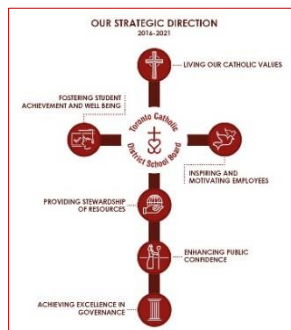
Vision:

*At Toronto Catholic we transform the world through
witness, faith, innovation and action.*

Mission:

*The Toronto Catholic District School Board is an inclusive
learning community uniting home, parish and school and
rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to
lead lives of faith, hope and charity.*



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends updating the current Blessings and Official Opening of Schools Policy S.08 to reflect current practice and reformat in meta policy format.

The cumulative staff time required to prepare this report was 6 hours

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance Policy Committee as it recommends policy revision.

C. BACKGROUND

1. The Blessings and Official Opening of Schools Policy S.08 was approved in October 1967 and was last updated March 2013.
2. This policy has been amended in consultation with the Communications and Legal Services Departments.

D. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored by members of the Communications Department.
2. Further reports will be brought to Board in accordance with the policy review schedule

E. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. Changes to this policy will be highlighted at Principal Meetings.

2. The updated policy as approved will be posted on the TCDSB policy register.

F. STAFF RECOMMENDATION

Staff recommends that the Blessings and Official Opening of Schools Policy S.08, as proposed and amended in Report Appendix A, be adopted



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: BLESSING AND OFFICIAL OPENING OF SCHOOLS

POLICY NO: S.08

Date Approved: March 7, 2013— Student Achievement and Well Being October, 1967	Date of Next Review: March 2016	Dates of Amendments: March, 2013 , 14 Dec 92; 18 Jun 92; 19 Oct 89; 16 Oct 86, Oct.67
Cross References:		
Appendix		

Purpose:

The policy outlines the manner in which the Toronto Catholic District School Board can provide support concerning ~~the blessings~~ and official **school** openings ~~of schools~~ ceremonies.

Scope and Responsibility:

The Director of Education with the support of the Communications Department and respective ~~Schools—S~~superintendents will provide support to the ~~local School~~ Principal during events celebrating official openings and blessings.

Alignment with MYSP:**Living Our Catholic Values**

Strengthening Public Confidence

Providing Stewardship of Resources



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: BLESSING AND OFFICIAL OPENING OF SCHOOLS

POLICY NO: S.08

Financial Impact:

Generally, there is no overall significant financial impact as the award costs will not exceed the annual budget provision in the amount of \$10,000.

Legal Impact:

There is no significant or identified legal impact.

Policy:

An appropriate ceremony shall be arranged for the blessings and official school openings of a new school, or an addition to a school or sod turning.

Regulations:

The following procedure shall be adopted with respect to solemn blessings and official openings of new schools and sod turnings for new schools. and new additions—remove.

1. The Principal will consult with the area Trustee, pastor and superintendent to determine a suitable date and time for the event. A planning committee will be established locally, including the Ppincipal, school staff, Catholic School Parent Council (CSPC) and student council, with support from the Communications Department. At a meeting convened by the pPrincipal the program will be planned by a committee comprised of the pPrincipal, teachers, supervisory officer, member of the Communications Department,



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: BLESSING AND OFFICIAL OPENING OF SCHOOLS

POLICY NO: S.08

~~the local pastor, the local school trustee, the Chairman of the Catholic School Advisory Council and the President of the Student Council.~~

2. The official guest list will include:
 - the Archbishop/**Cardinal**, Chair of the Board, all ~~ward~~**local** trustees of the Board, parish priest, senior board officials, architect, contractor, **the Minister of Education**, the ~~m~~**Mayor (if city partnership)**, the **local** city councillors, ~~and~~ **the local member of provincial parliament** and **the local member of parliament** ~~federal representatives.~~
3. The order of speakers on the program will be as follows:
 - a. Chair of the Board/**Trustee (if no Chair)**
 - b. Principal of the School/**Director of Education (if no Principal)** ~~Chair~~
 - c. **Minister of Education/ member of provincial parliament designate**
 - d. **Local Member of Parliament (no speaking role unless project involvement)**
 - e. **Mayor/ Councilor designate (if city partnership)**
 - f. **Archbishop/bishop/parish priest (blessing)**
 - g. **CSPC Chair/ President of the student council (where applicable)**
 - ~~h. Minister of Education~~
 - ~~i. Appropriate Trustee~~
 - ~~j. Local Member of Provincial Parliament~~
 - ~~k. Local Member of Parliament~~
 - ~~l. Representative of the Municipality~~
 - ~~m. Director of Education~~



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: BLESSING AND OFFICIAL OPENING OF SCHOOLS

POLICY NO: S.08

~~n. Chair of Catholic School Advisory Council~~

~~o. Parish Priest~~

~~p. President of the Student Council, where applicable~~

4. If the event is to celebrate the opening/blessing of an addition to an existing school, or the sod turning for a school addition, the official guest list will include:

The Trustee, local parish priest, area superintendent, architect, contractor, local city councilor (if city funding) and local member of provincial parliament.

5. The order of speakers on the program for the opening of an addition to an existing school will be as follows:

a. Chair/ Local Trustee

b. Principal of the school

c. Local member of provincial parliament

d. Local member of parliament—no speaking role unless involvement in the project

e. Local city councilor (no speaking role unless involvement in the project)

f. Superintendent

g. Chair of Catholic School Advisory Council

h. Pastor

i. President of the student council, where applicable



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: BLESSING AND OFFICIAL OPENING OF SCHOOLS

POLICY NO: S.08

6. Others to be invited **to attend sod turnings, openings and blessings of new schools and additions can include** students, parents, pastor(s) of neighbouring parish(es), **former principals of the school**, principals of neighbouring Catholic and public elementary and secondary schools **and the Director of Education or designate**, ~~chairman and senior officials of the Board of Education.~~
7. The ceremony for the blessing of the school will be planned in consultation with the pastor.
8. An annual budget of \$600 per school community under 500 students and \$750 per school community over 500 students will be set for the costs of the blessing and official opening of schools up to a maximum of \$10,000 per year.

Definitions:

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

The Director of Education, supported by the Communications Department, shall ensure compliance with the **invite protocol and** overall maximum budget allocation.



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

UPDATE TO BULLYING PREVENTION AND INTERVENTION POLICY S.S.11

*Anyone who claims to be in the light but hates a brother or sister is still in the darkness.
1 John 2:9*

Created, Draft	First Tabling	Review
April 29, 2019	May 7, 2019	Click here to enter a date.

John Shain, Acting Superintendent of Safe Schools
Nadia Adragna, Principal Safe Schools Department

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends updating the current Bullying Prevention and Intervention Policy S.S.11 to conform to current legislation, ensure equity and reformat in meta policy format.

The cumulative staff time required to prepare this report was 10 hours

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance Policy Committee as it recommends policy revision.

C. BACKGROUND

The Bullying Prevention and Intervention Policy S.S.11 was approved in January 2008 and was last amended in November 2015.

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with staff from the Safe Schools Department, Legal Departments and the Safe Schools Advisory Committee which includes representation from SEAC, CUPE 1280, CUPE 1328, DECE, TCPVA, SSVPA, SSPA, TECT, TSU, CSLIT, Trustee Member and Parent Member.

E. METRICS AND ACCOUNTABILITY

1. Annual Safe Schools Climate surveys administered to representative groups of TCDSB students.
2. Anonymous school climate surveys conducted with Parents and Staff at least every two years.
3. Safe Schools data as reported in the Safe Schools Annual Report.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. The amended policy as approved will be posted on the TCDSB policy register.
2. The amended policy will be presented to all Principals at a Principal meeting

G. STAFF RECOMMENDATION

Staff recommends that the Bullying Prevention and Intervention Policy S.S.11, as amended and proposed in Report Appendix A, be adopted.



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: Bullying Prevention and Intervention

POLICY NO: S.S. 11

Date Approved:

January 23, 2008

Date of Next Review:

September 2018

Dates of Amendments:

April 4, 2013

September 5, 2013

November 19, 2015- Board

Cross References:

- Education Act Part XIII, Behaviour, Discipline and Safety
- Program/Policy Memorandum 144, 2012 Bullying Prevention and Intervention
- Program/Policy Memorandum 145, 2012 Progressive Discipline and Promoting Positive Student Behaviour
- **Program/Policy Memorandum 128, The Provincial Code of Conduct and School Board Codes of Conduct**
- Policy/Program Memorandum 149, 2009 Protocol for Partnerships with External Agencies for Provision of Services by Regulated Health Professionals, Regulated Social Services Professionals, and Paraprofessionals
- **The Ontario Human Rights Code – Prohibited Grounds of Discrimination**
- **H.M. 24 Catholic Equity and Inclusive Education Policy**
- S.S. 09 Code of Conduct Policy
- **S.S. 01 Suspension and Expulsion Policy**
- **S.S. 10 Progressive Discipline Policy**

Appendix A: Investigation and Reporting of Student Bully Behaviours**Purpose:**

This Policy affirms the need for students to feel safe, **included and welcomed** at school. A whole-school approach is required to raise awareness about inclusion, respect and bullying behaviours in order to provide strategies to intervene and prevent bullying for the ~~target~~ **victim**, the witnesses and bystanders, as well as the ~~perpetrator of~~ **student who engages in** bullying behaviours.



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: Bullying Prevention and Intervention

POLICY NO: S.S. 11

A safe and positive learning environment is essential for student achievement and well-being, **and to** supporting students to reach their full potential.

Scope and Responsibility:

The policy extends to all students of the TCDSB and assigns specific duties to principals and employees of the board to ensure compliance with the policy and legislation. The Director of Education, the Superintendent of Safe Schools, and school Principals are responsible for this policy.

Alignment with MYSP:

Living Our Catholic Values

Strengthening Public Confidence

Fostering Student Achievement and Well-Being

Financial Impact:

~~The TCDSB Safe Schools Department provides professional learning for TCDSB staff, students and parents in a variety of ways. There would also be costs associated with services provided by external agencies~~

Legal Impact:

~~The Education Act requires school boards to develop goals for promoting a positive school climate that is inclusive and accepting of all students and for promoting the prevention of bullying. There may be liability that is associated with failure to provide appropriate prevention and intervention strategies to address bullying behaviours occurring at schools.~~



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: Bullying Prevention and Intervention

POLICY NO: S.S. 11

Policy:

The Toronto Catholic District School Board is committed to providing safe, healthy, inclusive, equitable and Christ-centered learning environments that support student achievement and well-being. Bullying adversely affects a student's **well-being and** ability to learn. **Bullying also** ~~and~~ adversely affects the school climate, including healthy relationships. Bullying behaviour will not be accepted on school property, at school-related activities, on school buses, or in other circumstances **(e.g. online)**. ~~where engaging in~~ Bullying behaviours **that has** ~~will have~~ an **adverse** impact on the school climate, **including incidents occurring off school property and outside school hours, will not be accepted.** Bullying behaviours presented by students will be investigated and addressed promptly by the principal, and supports will be provided for the target(s) of bullying behaviours, the individual(s) responsible for the bullying behaviours, and the witnesses and bystanders of the bullying behaviour.

Regulations:

1. Each school in the TCDSB will have a Safe and Accepting Schools Team that will develop a local bullying awareness, prevention and intervention plan consistent with integrating local needs as part of its Safe Schools Plan. The Plan will be posted on each school's portal page.
2. Employees of the board must take seriously all allegations of bullying behaviour and act in a timely, sensitive and supportive manner when responding to students who disclose or report bullying incidents.
3. **Board employees who work directly with students must respond to any student behaviour that is likely to have a negative impact on the school climate if it is safe to do so. If board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as**



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: Bullying Prevention and Intervention

POLICY NO: S.S. 11

possible.

4. Employees, bus drivers, third party service providers, and other individuals identified in the TCDSB Code of Conduct will report to the Principal, as soon as reasonably possible, if they become aware **that** of a student **at a school of the board** who may have engaged in bullying behaviour or any other activity for which suspension or expulsion must be considered. **The employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal no later than the end of the school day. In cases where an immediate action is required, a verbal report to the principal may be made. A written report must be made when it is safe to do so. All employee reports made to the principal, including those made verbally, must be confirmed in writing using the The Safe Schools Incident Reporting Form-Part I must be completed and submitted to the principal by the end of the school day.**
5. The Principal **must investigate all reports submitted by board employees. The principal** will communicate the results of the investigation to the **teacher who made the report. If a board employee who is not a teacher made the report, the principal will communicate the results of the investigation to that employee if the principal considers it appropriate. In all cases, the principal will provide the employee who reported the incident with written acknowledgement using the Safe Schools Incident Reporting Form – Part II.** ~~employee who made the written report.~~

Where the principal has taken action in response to the incident of bullying, a copy of Reporting Form-Part I and accompanying documentation will be filed in the student's OSR **as per the Ministry of Education requirement.**

6. Principals will investigate any report of bullying and will notify the



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: Bullying Prevention and Intervention

POLICY NO: S.S. 11

parent/guardian of the student who was harmed and provide information about the **nature of the** activity that led to the harm, **the nature of the harm to the student** and the steps taken to protect the student's safety. The principal will invite parents/ guardians to discuss the supports that will be provided for their child.

7. Principals will notify the parent/guardian of students who ~~perpetrated~~ **engaged in** the bullying behaviours, and provide information about the **nature of the** activity that lead to the harm, the nature of the harm to the other student and the nature of any disciplinary measures taken in response to the activity. The principal will invite parents/guardians to discuss the supports that will be provided for their child.
8. **A principal shall not notify a parent of a student if, in the opinion of the principal, doing so would put the student at risk of harm from a parent of the student, such that notification is not in the student's best interest. When principals have decided not to notify the parents that their child was involved in a serious student incident, they must document the rationale for this decision and notify both the teacher who reported the incident and the appropriate supervisory officer of this decision. Principals should also refer students to board resource staff who, if needed, can make referrals to community-based service providers that can provide the appropriate type of confidential support.**

In circumstances where board employees have reason to believe that a student may be in need of protection, board employees must call a children's aid society according to the requirements of the Child, Youth and Family Services Act.

9. If dissatisfied with the supports in place by the principal in response to the complaint, parents are encouraged to contact the area superintendent. If the matter remains unresolved, parents may request that the superintendent



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: Bullying Prevention and Intervention

POLICY NO: S.S. 11

inform and consult with the Associate Director or Director in order to reach a resolution.

10. Consistent with progressive discipline approaches for correcting inappropriate behaviour, a principal shall consider suspension for a student who engages in bullying behaviours.

~~11. A student will be suspended pending possible expulsion for bullying behaviour if,~~ **Principals must suspend a student for bullying and consider referring that student for expulsion:**

- i. **Only if** ~~The pupil~~ **the student** has previously been suspended for bullying, and the ~~pupil's~~ **student's** continuing presence in the school creates, **in the principal's opinion,** an ~~unreasonable~~ **unacceptable** risk to the safety of another person.
- ii. **If** ~~The~~ the bullying was motivated by hate, prejudice or bias.

12. Principals must also suspend a student, and consider referring that student for expulsion for any activity considered for suspension [subsection 306 (1) of the Education Act] if the activity 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).

13. The principal will ensure resources, programs, intervention and other supports identified in the board bullying awareness and prevention plan are provided to students who have been bullied, students who have witnessed incidents of bullying (bystander) and students who have engaged in bullying behaviour to assist them in developing healthy relationships and practicing pro-social behaviours.



POLICY SECTION: SAFE SCHOOLS

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The programs, intervention and other supports will be provided by school-based employees of the board, and may be provided by external, third party providers as per the TCDSB Protocol. **For students with special education needs, interventions, supports, and consequences must be consistent with the students' strengths and needs, as well as with the program goals and learning expectations documented in their Individual Education Plan (IEP).**

14. The Board will provide annual professional development programs to educate teachers and other school staff about bullying prevention strategies for promoting a positive, **safe, welcoming, and inclusive** school climate.
15. Schools will provide opportunities for students to participate in bullying prevention and leadership initiatives within their own school.
16. The Board will identify safe reporting procedures in bullying awareness, prevention and intervention plans that allow students, parents, guardians and other persons to report incidents of bullying to staff of a school in a way that minimizes the possibility of reprisal and that ensures incidents of bullying are addressed in a timely, sensitive and supportive manner.
17. Principals will support students who want to establish and lead activities ~~and organizations~~ that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate. These activities and organizations may promote gender equity, anti-racism, an understanding and respect for people with disabilities, or an understanding and respect for people of all sexual orientations and gender identities. The activity ~~or organization~~ must promote a positive school climate that is inclusive and accepting of all students, and must be consistent with Catholic social teachings and the expectations of the Code of Conduct.



POLICY SECTION: SAFE SCHOOLS

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POLICY NO: S.S. 11

18. Anonymous surveys will be conducted at least once every two years to collect information from students, staff, parents/guardians in order to develop strategies and initiatives that promote a positive school climate and the prevention of bullying.

19. The TCDSB will proclaim the week beginning on the third Sunday in November ~~in~~ **of** each year as Bullying Awareness and Prevention Week.

Definitions:

Bullying

Aggressive and typically repeated behaviour (physical, verbal, electronic, written or other means) by a student where,

- a) the behaviour is intended by the student to have the effect of, or the student ought to know that the behaviour would ~~be~~ likely ~~to~~ have the effect of,
 - i. causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or
 - ii. creating a negative environment at a school for another individual, and;
- b) the behaviour occurs in a context where there is a real or perceived power imbalance between the student and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education.



POLICY SECTION: SAFE SCHOOLS

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Cyber-bullying

This is a form of bullying that occurs through the use of technology, including the use of a computer, cellular phone or other electronic devices, using instant/text messaging, social networks, e-mail, websites or any other electronic **means** activities, and involves:

- a) creating a web page or blog in which the creator assumes the identity of another person;
- b) impersonating another person as the author of content or messages posted on the internet; and
- c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Safe and Accepting School Teams

Each school must have in place a safe and accepting schools team responsible for fostering a safe, inclusive and accepting school climate. The team must include at least one parent, one teacher, one non-teaching staff member, one community partner, and the principal. The team should include at least one student. The Chairperson of this team must be a staff member.

At TCDSB, members of the safe and accepting school teams will have opportunities to meet, provide input into discussions, review data from the student surveys, and provide advice to the principal about school safety and Ministry of Education initiatives related to school climate and safety.

School Climate

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



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

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POLICY NO: S.S. 11

accepted, and actively promote positive behaviours and interactions.

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

1. Annual Safe School Climate surveys administered to representative groups of TCDSB students.
2. Anonymous school climate surveys conducted with parents and staff at least every two years.
3. Analysis of Safe Schools Data **as reported in the Safe Schools Annual Report.** :~~Reporting Forms Part I, Progressive Discipline Incident Logs, Suspensions and Expulsions.~~



POLICY SECTION: SAFE SCHOOLS

SUB-SECTION:

POLICY NAME: Bullying Prevention and Intervention

POLICY NO: S.S. 11



REPORT TO

GOVERNANCE AND POLICY
COMMITTEEUPDATE TO COMBINED (SPLIT) GRADE CLASSES
FOR ELEMENTARY SCHOOLS POLICY S.24

“May my teaching drop like the rain, my speech condense like the dew; like gentle rain on grass, like showers on new growth.” Deuteronomy 32:2

Created, Draft	First Tabling	Review
April 29, 2019	May 7, 2019	Click here to enter a date.

Adrian Della Morra, Executive Superintendent of Education, Human Resources & Employee Relations

Joe Genova, Coordinator, Human Resources & ICT Support

Peter Aguiar, Superintendent of Student Achievement & Wellbeing, and Governance & Policy

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends updating the current Combined (Split) Grade Classes for Elementary Schools Policy S.24 to conform to current legislation, ensure equity and reformat in meta policy format.

The cumulative staff time required to prepare this report was 5 hours

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance Policy Committee as it recommends policy revision.

C. BACKGROUND

The Combined (Split) Grade Classes for Elementary Schools Policy S.24 was approved in October, 2013 and has not been updated since.

D. EVIDENCE/RESEARCH/ANALYSIS

This policy has been amended in consultation with the Human Resources and Legal Departments.

E. METRICS AND ACCOUNTABILITY

An annual information report on the number of combined (split) classes in TCDSB elementary schools shall be presented to the Board of Trustees.

F. IMPLEMENTATION

1. A parent pamphlet outlining the procedures and policies related to combined grades will be created and shared with all school communities.
2. Principals will be notified of changes to this policy at a Principal Meeting.

G. STAFF RECOMMENDATION

Staff recommends that the Combined (Split) Grade Classes for Elementary Schools Policy S.24, as amended and proposed in Appendix A, be adopted.



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: COMBINED (SPLIT) GRADE CLASSES
FOR ELEMENTARY SCHOOLS

POLICY NO: S.24

Date Approved:

October 24, 2013

Date of Next Review:

October 2016

Dates of Amendments:**Cross References:**

- A.33 – Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns
- S.05 – School Organization Change
- S.A.02 – Placement of Pupils
- S.P. 13 - Student And Program Assessment
- Collective Agreement between Toronto Catholic District School Board and Toronto Elementary Catholic Teachers of the Ontario English Catholic Teachers' Association ~~2008/2012~~ **September 1, 2014 – August 31, 2019**
- Ministry Primary Class Size (PCS) Framework
- Education Act S.265 (1) (e) Duties of a principal
- Education Act, Ontario Regulation 132/12: Class

Appendix**Purpose:**

The purpose of this Policy is to ensure that all decisions regarding combined (split) grade classes within the Board are guided by **principals of equity and** professional standards, considering student and well-being and achievement.



POLICY SECTION: SCHOOLS

SUB-SECTION:

**POLICY NAME: COMBINED (SPLIT) GRADE CLASSES
FOR ELEMENTARY SCHOOLS**

POLICY NO: S.24

Scope and Responsibility:

This Policy extends to all elementary schools within the Toronto Catholic District School Board (TCDSB). The Director of Education is responsible for this Policy.

Alignment with MYSP:

Fostering Student Achievement and Well-Being

Providing Stewardship of Resources

Financial Impact:

~~There would be significant financial and facility impact on the TCDSB if the Board provided for only single grade classes within their elementary schools.~~

Legal Impact:

~~The Toronto Catholic District School Board is obligated to meet all Ministry requirements in regards to class size. The board also has contractual obligations that restrict the number of students in any particular class.~~

Policy:

The Toronto Catholic District School Board promotes single grade classes where feasible. All combined (split) grade classes must meet Ministry and contractual guidelines in regards to a total number of students assigned. When single grade classes cannot be achieved, the Principal shall adhere to the following regulations:



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: COMBINED (SPLIT) GRADE CLASSES
FOR ELEMENTARY SCHOOLS

POLICY NO: S.24

Regulations:

1. Consistent with the Education Act S.265 (1) (e), under the *Duties of a principal (timetable)*, school principals are expected “to assign classes and subjects to teachers.”
2. There shall be no double split classes. Double split classes refer to regular classroom teachers who cannot be assigned to teach two combined (split) grade classes on their daily timetable. The Board will respect negotiated class sizes.
3. Assignment of students to individual classes is to be determined by a school team in June of the proceeding year. The team includes principal/vice principal, special education staff, the current and projected classroom teachers, **program specialty, English as a Second Language (ESL) and French as a Second Language (FSL) teachers.**
4. Principals will be responsible for the final assignments **configuration** of all classes within the school. They will consider **minimizing** cross-divisional splits **where possible** when determining staff allocations as well as Ministry and contractual obligations.



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: COMIBNED (SPLIT) GRADE CLASSES
FOR ELEMENTARY SCHOOLS

POLICY NO: S.24

5. Classes will be balanced and functional with consideration for the following:
 - Student academic needs, **number of students in each grade**, age, behaviour, development, ~~gender, group dynamics~~ **number of boys and girls in the class, social skills of the students (e.g., ability to cooperate or take the initiative), students' strengths (e.g., degree of independence, ability in problem-solving)**, learning style, physical maturity, social-emotional and special education needs
 - The continuity of the curriculum in regards to the overall expectations
 - Students, wherever possible, will not be subject to combined (split) grade placement ~~after~~ **for** two consecutive years
 - Number of students in each of the grades selected for a combined (split) grade class

6. Principals will be responsible for informing the local school parent community ~~in June~~ regarding the projected class assignments and the associated size of each class. A parent pamphlet outlining the procedures and policies related to combined (split) grades will be provided to those particular parents whose child is placed in a combined (split) grade. Principals will also present at the October



POLICY SECTION: SCHOOLS

SUB-SECTION:

POLICY NAME: COMBINED (SPLIT) GRADE CLASSES FOR ELEMENTARY SCHOOLS

POLICY NO: S.24

Catholic School Advisory Committee **School Parent Council** meeting the final overall class organization for the school and the rationale for the assignment of students in various classes.

7. Parents shall be notified before a decision is made so that their input could be considered before any changes are made to a child's **initial** class placement.
8. The Board will ensure that it provides students with required materials, differentiated learning opportunities and adequate training for teachers concerning combined (split) grade classes.

Definitions:

- **Combined (Split) Grade Classes**

Combined (split) grade classes group students from two consecutive grades into one classroom.

- **Divisional Splits**

Combined (split) grade classes that are created and cross over from primary to junior or junior to intermediate grades (i.e. Grade 3 / 4, Grade 6 / 7).



POLICY SECTION: SCHOOLS

SUB-SECTION:

**POLICY NAME: COMIBNED (SPLIT) GRADE CLASSES
FOR ELEMENTARY SCHOOLS**

POLICY NO: S.24

Evaluation and Metrics:

The effectiveness of the policy will be determined by measuring the following:

An annual information report on the number of combined (split) classes in TCDSB elementary schools shall be presented to the Board of Trustees. ~~Staff will survey elementary principals in June to gather feedback regarding the implementation of the new policy and report back to the Student Achievement and Well Being Committee.~~ A parent pamphlet outlining the procedures and policies related to combined grades will be created and shared with all school communities.



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

RECOMMENDATION TO ADOPT A PARTISAN ACTIVITIES AND CAMPAIGNING POLICY A.40

*For receiving instruction in prudent behaviour, doing what is right and just and fair.
Proverbs 1:30*

Created, Draft	First Tabling	Review
April 29, 2019	May 7, 2019	Click here to enter a date.

Shazia Vlahos, Chief of Communications & Government Relations

Peter Aguiar, Superintendent of Student Achievement & Wellbeing and Governance & Policy

RECOMMENDATION REPORT

Vision:

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Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends the adoption of a Partisan Activities and Campaigning Policy A.40.

The cumulative staff time required to prepare this report was 8 hours

B. PURPOSE

The purpose of this policy is to establish the rules that govern and regulate partisan and election activities on TCDSB properties.

C. BACKGROUND

1. In the lead up to the 2019 Federal Election, we can expect a number of requests by candidates to hold partisan events at TCDSB schools. If we remain status quo, our Board may be vulnerable when granting permits or making school visit accommodations for a person seeking nomination of candidacy, a candidate or an elected official, leading up to and during an election, whether municipal, provincial or federal. Granting access to one candidate may be seen as an endorsement of a candidate or political party. A policy is also needed to ensure clarity for all TCDSB staff around access to Board properties during pre-writ and writ periods.
2. While the Board has a number of policies that captures elements related to activities during elections, there is no comprehensive policy that brings all considerations together into one policy.

D. METRICS AND ACCOUNTABILITY

The effectiveness of this policy will be evaluated on an as needed basis.

E. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. The policy will be communicated by way of memo to all TCDSB staff, students, school councils and community advisory committees to ensure

everyone is aware of the new policy. Reminders will be sent in the lead up to any upcoming election.

2. This policy was developed in consultation with legal and the communication department.

F. STAFF RECOMMENDATION

Staff recommends that the Partisan Activities and Campaigning Policy A.40, as proposed in Report Appendix A, be adopted.



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

POLICY NAME: PARTISAN ACTIVITIES AND CAMPAIGNING POLICY

POLICY NO: A. 40

Date Approved:	Date of Next Review:	Dates of Amendments:
Cross References: <ul style="list-style-type: none"> • A.03, Advertising Policy • A.29, Electronic Communication System- Acceptable Use Policy • A. 37, Communications Policy • H.M.25, Employee Involvement in Municipal, Provincial and Federal Elections • S.02, School Events Communications and Invitee Protocols • S.S.04, Access to Students in Schools • S. 10 Catholic School Parent Councils Policy • T.04, Trustees Code of Conduct • T.7, Community Engagement Policy • T.15, Provision Of Requested Information To An Individual Trustee • T.16, Logo Use • <i>Municipal Freedom of Information and Protection of Privacy Act</i> • <i>Education Act</i> 		
Appendix		

Purpose:

The purpose of this policy is to establish the rules that govern and regulate partisan and election activities on TCDSB properties.

Scope and Responsibility:

This policy extends to election activities by Trustees, candidates and individuals seeking nominations for candidacy. TCDSB staff, volunteers, students and school councils also have certain responsibilities under this policy. The Director of Education, supported by the Chief of Communications & Government Relations is



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

**POLICY NAME: PARTISAN ACTIVITIES AND
CAMPAIGNING POLICY**

POLICY NO: A. 40

responsible for this policy. This policy operates as supplemental to the existing statutes governing the conduct of members of the Board in all their roles and candidates for public office including but not limited to the Education Act, Municipal Elections Act, Elections Act and Federal Elections Act.

Alignment with MYSP:

Fostering Student Achievement and Well-Being

Providing Stewardship of Resources

Enhancing Public Confidence

Achieving Excellence in Governance

Policy:

The TCDSB believes that all Trustees, candidates for any elected position and staff shall act in a manner that appropriately uses Board resources at all times during election campaign periods. This supports accountable stewardship of Board resources and contributes to confidence in public education.

Regulations:

1. Use of Board Resources, Properties and Communications

- a. The use of Board resources for partisan activities or to campaign for any position of political office is not permitted on Board property.
- i) Partisan and election activities not permitted includes distribution of election or candidate signs, partisan pamphlets, buttons or paraphernalia, and the use of school resources, Board or school



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

**POLICY NAME: PARTISAN ACTIVITIES AND
CAMPAIGNING POLICY**

POLICY NO: A. 40

communication tools. Election signs are prohibited on Board properties or premises.

- ii) Use of Board logo by any candidate during an election period on written, printed or electronic formats, websites and social media platforms is strictly prohibited.
- iii) During an election period, no candidate or political party will be permitted to make public announcements or have access to TCDSB school sites for partisan or election activity purposes other than to participate in all candidates meetings.
- iv) Trustees will not distribute partisan materials during any election period for individuals seeking candidacy or candidates using Board resources and/or information technology including Board email, Board issued devices, Board networks and employee distribution lists.
- v) Trustees will not use Board resources or funds to print and disseminate partisan information promoting either themselves as candidates or any other candidate. Distribution of information pertaining to all candidates meetings is permitted if approved and held on Board property.
- vi) Staff, in their capacity as an employee of the Board, shall not be seen as endorsing a particular candidate or political party including on social media, photographs or in printed materials.
- vii) Candidates or individuals seeking candidacy (including their staff and campaign volunteers) are prohibited from using photographs,



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

**POLICY NAME: PARTISAN ACTIVITIES AND
CAMPAIGNING POLICY**

POLICY NO: A. 40

videos or audio of TCDSB staff, students and properties for any election activity.

viii) TCDSB websites including school pages and social media accounts will not include any partisan or election activity materials.

2. Staff Responsibilities

- a. Staff shall be governed by H.M.25, Employee Involvement in Municipal, Provincial and Federal Elections Policy, when responding to requests for support for partisan or election activities. Staff must not use their role or affiliation with the Board to support any partisan or election activities.
- b. Superintendents shall advise the principal of the policy if a request is made for school visitation during an election period by a candidate or public office holder.
 - i. Ensure the Communications Department is aware of the request and consult with the Chief of Communications & Government Relations as necessary.
- c. Principals shall notify their Superintendent and the Communications Department if a request for a school visit is received during an election period by a candidate or public office holder.



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

**POLICY NAME: PARTISAN ACTIVITIES AND
CAMPAIGNING POLICY**

POLICY NO: A. 40

3. Restrictions for Students, School Councils and Community Advisory Committees

- a. Students shall not participate in partisan election activities during school hours and on Board properties.
- b. Distribution of partisan and candidate materials during school hours and on school premises is prohibited.
- c. The Board supports student awareness of the electoral process.
- d. School councils and community advisory committees shall not endorse a specific candidate or campaign when acting in their official capacity on behalf of the council or committee.

4. School Visits by Candidates, Individuals Seeking Candidacy and Other Public Office Holders

- a. School visits by candidates, individuals seeking candidacy or other elected officials will not be permitted for partisan or election activity purposes. Access will only be granted for an all candidates meeting.
- b. Trustees holding office will be permitted to partake in school visits related to fulfilling official duties including graduation or awards ceremonies but shall not campaign or conduct themselves in any manner that may be perceived as partisan.
- c. The Board's Community Use of Schools department will not grant access to premises for partisan or election activities unless access is being



POLICY SECTION: ADMINISTRATION

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POLICY NAME: PARTISAN ACTIVITIES AND
CAMPAIGNING POLICY

POLICY NO: A. 40

requested for an all candidates meeting. Partisan materials and signage will not be permitted during the all candidates meeting.

Definitions:

Board: The Toronto District School Board is also referred to as “TCDSB”.

Board Property: Sites owned, operated and leased by the Board; and sites that are occupied by others in a lease or other agreement.

Board Resources: Facilities, equipment, supplies, services, staff, funds, branding (logo), Board vehicles or other resources owned and operated by the Board.

Partisan Activity: Any activity or behavior that is considered to be affiliated with a political party or political position.

Candidate: Person seeking nomination for a position of elected office at the school board, municipal council, provincial or federal parliament.

Election and By-Election: Regular municipal, provincial or federal election or by-election.

Election Activity: Activities related to campaigning for school board, municipal council, provincial or federal parliament, and/ or seeking nomination as a candidate.



POLICY SECTION: ADMINISTRATION

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POLICY NAME: PARTISAN ACTIVITIES AND
CAMPAIGNING POLICY

POLICY NO: A. 40

Election Period: Commencement of the official campaign period of an election.

- For a school board and municipal council election, the election period commences on May 1 of an election year and ends on voting day.
- For a provincial or federal election, the election period commences the day the writ for the election is issued and ends on voting day.
- For a by-election at the school board, municipal council, provincial or federal parliament, the period commences when the by-election is called and ends on voting day.

Evaluation and Metrics:

The effectiveness of this policy will be evaluated on an as needed basis.



REPORT TO

GOVERNANCE AND POLICY
COMMITTEEUPDATE TO ADMISSION AND PLACEMENT OF
ELEMENTARY PUPILS POLICY S.A.01

“He judges the world with righteousness; he judges the peoples with equity.”, Psalm 9:8

Created, Draft	First Tabling	Review
April 29, 2019	May 7, 2019	Click here to enter a date.

B. Leporati, Sr. Coordinator Planning Services
M. Loberto, Superintendent Planning and Development

RECOMMENDATION REPORT

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Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends updating the current *Admission and Placement of Elementary Pupils Policy (S.A.01)* to reflect current practice, legal precedent and to reformat in meta policy format.

The cumulative staff time required to prepare this report was 20 hours

B. PURPOSE

This recommendation report is on the Order Paper of the Governance Policy Committee as it recommends policy revision.

C. BACKGROUND

1. *The Admission and Placement of Elementary Pupils Policy (S.A.01)* was approved on October 23, 2014 and was last updated January 6, 2015.
2. The policy amendments (*Appendix 'A'*) proposed herein reflect changes to legislation, alignment with other policies and refinement of policy language to current standard.
3. *Public consultation on the policy has occurred.* The opportunity for public to comment on this policy was offered through the Board website via online survey from April 11th to April 24th, 2019.

D. EVIDENCE/RESEARCH/ANALYSIS

1. *Regulation 1 (iv): The removal messaging that refers to FDK implementation that occurred between 2010 and 2014.* The remaining points under Regulation 1 sufficiently address eligibility for admission to a TCDSB elementary school.
2. *Regulation 2 (v) – The removal of requirements for school boards to collect Immunization Records.* The TCDSB was informed in December 2018 that Toronto Public Health (TPH) would no longer require school boards to collect Immunization Records. Ontario's Immunization of School Pupils Act (ISPA) has been amended and requires parents of children attending elementary and

secondary school to provide their local health unit (TPH in Toronto) with proof of their child's immunization. Failure to update TPH with immunization documentation can result in the child's suspension from school.

3. ***Regulation 4 (b). The removal of the reference to grandfathering of students with siblings in specialized program enrolled in the 2014-15 school year.*** This clause was added in the October 23, 2014 approval of this policy. As the grandfathering has run its course, the clause is no longer applicable.
4. ***Regulation 8.*** Statement added to *clarify that applications are assigned priority levels* at the beginning of the registration process.
5. ***Regulation 11. Added to address any instances that are not satisfied through the existing policy.*** The Director of Education is granted this right through the Placement of Pupils Policy S.A. 02.

E. METRICS AND ACCOUNTABILITY

1. ***Public consultation (Appendix 'B') on this policy was offered through the Board website via online survey from April 11th to April 24th, 2019.***
2. ***The responses gathered were negative in nature however they are based on a misinterpretation of the actions noted above (Appendix 'A').***
 - Several respondents were concerned with the removal of the Immunization record as a required document. An Immunization record is still required, however TCDSB is no longer responsible for collection of the document, as this responsibility has been transferred to TPH.
 - Several respondents raised concern over the removal of the ***sibling rule for a specialized program***. This clause was removed as part of the October 23, 2014 approval of the policy, and a clause added to address grandfathering siblings of students enrolled in 2014-15 school year. Changes proposed at this time simply remove the clause regarding grandfathering as the time has elapsed.
 - The remaining concerns relate to ***sections of the policy where no changes are recommended***, specifically priority levels and guaranteed acceptance.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. The updated policy and accompanying appendices, as approved will be posted on the TCDSB Policy Register.

G. STAFF RECOMMENDATION

That the Board approve the amendments to the *Admission and Placement of Elementary Pupils Policy (S.A.01)* as indicated in Appendix 'A'.



POLICY SECTION: STUDENT

SUB-SECTION: ADMISSIONS AND PLACEMENT

POLICY NAME: Admission and Placement of Elementary Pupils

POLICY NO: S.A. 01

Date Approved:
Oct 23rd, 2014

Date of Next Review:
2018

Dates of Amendment:
January 6th, 2015

Cross Reference:

- Education Act Sections, 32, 33(3), 36(3), 49(7), 49.1, 49(6)
- F.M. 03 Assessment Policy
- **H.M. 24 Catholic Equity and Inclusive Education Policy**
- S.A. 03 Elementary School Attendance Boundary Policy
- S.P. 01 Special Education Programs
- **S.P. 02 Elementary French Programming**
- S.S. 05 Expulsions
- S.S. 12 Fresh Start
- S.T. 01 Transportation Policy
- Archdiocese of Toronto – Eastern Rite Churches in Communion with Rome (<http://www.archtoronto.org/discipleship/RCIA/File%205%20Part%20IV%20Appendices.pdf>)
- **Toronto Public Health - <http://www.immunization@toronto.ca>**

Purpose:

This policy provides the conditions by which children may be admitted to the Toronto Catholic District School Board (TCDSB) and placed in an elementary school operated by the Board consistent with the exercise of the Board's denominational rights under section 93 of the Constitution Act, 1867, and as recognized in section 19 of the Ontario Human Rights Code.

Scope and Responsibility:

The policy extends to all elementary schools of the TCDSB, except where provided for otherwise. The Director of Education is responsible for this Policy.

The placement of a pupil under this policy in a particular program or school does not constitute a commitment of the Board to provide transportation; entitlement thereto is governed by the Transportation Policy then in force.



POLICY SECTION:	STUDENT
SUB-SECTION:	ADMISSIONS AND PLACEMENT
POLICY NAME:	Admission and Placement of Elementary Pupils
POLICY NO:	S.A. 01

Alignment with MYSP:

Living Our Catholic Values
Fostering Student Achievement and Well
Being Strengthening Public Confidence

Financial Impact:

May have a financial impact based on enrolment.

Legal Impact:

Under the Education Act, a resident pupil has the right to attend an English-language, publicly funded Roman Catholic district school board.

Policy:

By embracing the opportunities and challenges of providing an **equitable and inclusive learning** environment, the Toronto Catholic District School Board will admit a student to a TCDSB school provided that the student meets specific criteria as per the Ministry of Education statutes and regulations, and TCDSB policies. The TCDSB is committed to fostering the spiritual growth of all students, allowing them to become citizens of the world who live their lives in accordance with our Gospel values.

Regulations:

1. The TCDSB will admit a student to an elementary school:
 - i. who is a resident pupil with the right to attend school as per sections 32 and 33(3) of the Education Act;
 - ii. who is Catholic or a member of an Eastern Rite church in communion with the See of Rome;



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- iii. who is not Catholic, but whose parent/guardian is Catholic and resides in the City of Toronto;
- iv. ~~whose residential address falls within the Full Day Kindergarten (FDK) program defined boundary, established and implemented between 2010 and 2014, which is now the fixed attendance boundary of a particular school (refer also to regulation 7);~~
- v. whose parent/guardian, being a resident in the City of Toronto, is able to direct support to Catholic schools as per section 33(3) of the Education Act;
- vi. whose parent/guardian is attending the Rite of Christian Initiation of Adults (R.C.I.A.), or the student is over the age of 7 and attends the Rite of Christian Initiation of Children (R.C.I.C.) Program. Catechumens who do not successfully complete the R.C.I.A. /R.C.I.C. program, as established by the parish, and are not brought into the Catholic faith, shall not be re-admitted to any TCDSB elementary school the following September.

2. The following original documents are required for registration and admission to an elementary school:

- i. Proof of Catholicity as evidenced by: Baptismal Certificate; First Communion Certificate; Confirmation Certificate; letter from Catholic parish priest attesting to parent/s Catholicity; letter from Catholic parish priest confirming registration in R.C.I.A./R.C.I.C. program and the date they will be brought into the Catholic faith.
- ii. Proof of age as evidenced by any of a birth certificate; passport; statement of live birth.
- iii. Status in Canada as evidenced by proof of Canadian citizenship; permanent resident status; or any other valid status as per the Education Act, sections 49(7) and 49.1, excluding those on valid visitor permits. In accordance with section 49.1 of the Education Act, students with 'no status' shall not be denied admission to a TCDSB elementary school (refer to regulation 11).
- iv. Proof of residency as evidenced by ownership/tenant lease agreement; utility bill; bank statement; phone bill.
- ~~v. Immunization Record.~~



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- vi. An Application for direction of school support documentation, which must be signed by the owner/tenant at the time the elementary student is registered.
3. Provided that all admission requirements have been met, the student will be placed in his/her home school in accordance with normal registration protocol. An application for registration is not complete until all required documents are submitted, as per regulation #2. The order of applicants will be determined by date and time of completion of initial application for registration. In cases where all required documentation is not received by the school, parents/guardians may request additional time to submit the documents. The time frame within which to submit the documentation shall be determined by the school principal or designate. **(refer also to regulation #8)**
4. a) Pupils, who have siblings already enrolled in the requested school who are returning for the next school year, shall be considered as the first priority for registration, followed as a second priority by in-boundary students, subject to date and time requirements as per normal application for registration protocol. The Board recognizes the importance of the family unit and will undertake its best efforts, within the context of this policy, to place siblings at the same school.
b) Resident pupils living outside the fixed attendance boundary of a school which offers regional or specialized programs, who have siblings already enrolled in these programs at the requested school and who are returning for the next school year, shall not be considered for automatic admission to the school unless it is for enrolment in a specialty program. Where space and program availability permit, the school principal, in consultation with the school superintendent and Planning staff, may admit an out-of-boundary sibling to the regular track program. ~~Students currently in a specialized program with a sibling enrolled in the 2014-2015 school year shall be grandfathered until graduation.~~
5. Students requesting placement at a school other than their home school can make an application at the requested school but are not guaranteed placement.
6. Elementary students whose primary residence is outside the City of Toronto shall be admitted to a TCDSB school if all of the following criteria are met:
 - a. the student is Catholic;



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- b. space is available in the TCDSB school requested; and
 - c. the non-resident parent/guardian is an English-separate school supporter in the jurisdiction in which they reside.
7. In schools with a utilization rate of 80% or less of the Ministry rated capacity (determined by October 31st by the school principal in consultation with planning staff), the school principal will accept out of boundary students in advance of the wait list date of the last business day of April.
8. **All applications are assigned a priority level upon initiating the application process. (refer also to regulation #3)** Should a request exceed available space at the requested school, the student will be placed on a wait list and will be considered for placement according to the priorities identified below. In December, the school principal shall inquire with parents/guardians whether it is anticipated that siblings of returning students will be seeking admission for the following school year.
- i. Priority 1 – Siblings of students already attending school, who will be returning for the following school year.
 - ii. Priority 2 – Students whose primary residence is situated within the fixed attendance boundary of the requested school.
 - iii. Priority 3 - Students attending licensed childcare, including licensed home childcare, within the fixed attendance boundary of the requested school.
 - iv. Priority 4 – Students receiving childcare within the fixed attendance boundary of the requested school.
 - v. Priority 5 – Students residing in the City of Toronto.
 - vi. Priority 6 – Students residing outside the City of Toronto.
9. Excluded from the placement procedures are those students who will be placed by the following processes:
- i. Identification Placement Review Committee;
 - ii. Safe Schools;
 - iii. Early French Immersion;



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- iv. Extended French program; or
- v. any other specialty programs.

10. Provided that all admission requirements are met and supporting documents are received, students new to Canada will be admitted to the TCDSB and placed in a school if they are:

- i. Canadian citizens, permanent residents or refugee claimants;
- ii. students who are here while their parent(s) is under: a work permit, Visiting Forces Act, diplomatic status or as a full-time student at an accredited Toronto college or university;
- iii. living with their parent(s) who reside in the City of Toronto while awaiting their work permit or determination of their claim to become permanent residents.

11. Subject to requirements of the appropriate legislation, and of the policy and the regulations, the Director of Education shall determine the appropriate placement of pupils in accordance with his/her judgment as to what will be in the best interest of all of the pupils in the system.

12. Students residing with their parents who are in Canada without valid immigration status will not be denied admission to a TCDSB elementary school, consistent with the provisions of section 49.1 of the Education Act.

13. Where a child is presently registered in a TCDSB elementary school and, due to family circumstances, must be temporarily relocated in a youth shelter, the student will be placed in another TCDSB school, and the student's Ontario School Record (OSR) will be transferred in accordance with TCDSB procedures.

14. A visa student will be admitted to the TCDSB and placed in a school as per the requirements in regulations #1 and #2.

15. In those circumstances where a visa student does not have, or cannot produce, a valid Baptismal Certificate, the parent-appointed custodian and/or the homestay provider with whom the student is residing must be Catholic. Initial



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16. placement of the student will be coordinated by International Education Program staff of the Continuing Education Department.

Definitions:

Application for Direction of School Support

An Application for Direction of School Support form allows Roman Catholics and members of the Eastern Catholic Churches to direct their school support designation to English Separate. Otherwise, school support designation defaults to English Public as per section 16(4) of the Assessment Act.

Catechumen

A person who is taught according to the principles of Christianity.

Constitution Act, 1867, Section 93

The Act created the Dominion of Canada in 1867, and provided the provinces with the exclusive jurisdiction to make laws in relation to education. Nothing in any law shall prejudicially affect denominational rights held by separate (Catholic) schools prior to Confederation.

Custodian

A custodian is a Canadian citizen or permanent resident designated by parents/guardians to provide care and be responsible for their minor child while he/she studies in Canada for a fixed period of time. ~~(temporary)~~ All minor students participating in the TCDSB International Education Program must be assigned to a custodian, who will act in place of the parent.

Early Learning

~~Also known as Full Day Kindergarten.~~

Eastern Rite Church

An Eastern Rite Church is any Eastern Catholic church entrusted to the pastoral government of the Roman Pontiff, in primacy over the universal Church.

<http://www.archtoronto.org/discipleship/RCIA/File%205%20Part%20IV%20Appendices.pdf>



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Full Day Kindergarten Program (FDK)

The FDK program is a two-year school program for children ages 4 and 5 years old.

Guardian

A person who has lawful custody of a child, other than the parent of the child.

Home School

A school which is located within the Board approved ~~Full Day Kindergarten~~ boundary or fixed attendance boundary (JK-Grade 8) where applicable, and in which boundary is situated the student's residential address.

Homestay

A homestay placement typically occurs when an international student lives with a local family. The homestay family is selected by the parents with the assistance of the custodian. The student would typically be provided with a private bedroom, shared bathroom facilities along with three meals a day. The family would eat with the student and provide guidance and support as required. In most cases the custodian would provide consent for the homestay mother and/or father to contact the school as required. The school should request this authorization when admitting the student.

Identification Placement Review Committee

Regulation 181/98 of the Education Act requires that all school boards establish an Identification Placement and Review Committee (IPRC) for the purpose of identifying whether a student is deemed 'exceptional' according to the categories and definitions of exceptionalities provided by the Ministry of Education. ~~and further to assign such a student to one of five 'placements' ranging from the regular classroom to a fulltime special education class. The IPRC must be composed of at least 3 people, one of whom must be either a principal or supervisory officer of the board. The IPRC reviews the identification and placement of exceptional students each year.~~

Ontario Human Rights Code ("the Code"), Section 19

While the Human Rights Code prohibits discrimination and provides equal treatment for all people in Ontario with respect to a number of categories, section



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19 recognizes that the Code will not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the Constitution Act, 1867 and the Education Act.

Rite of Christian Initiation for Adults/Children (RCIA/RCIC)

This program is offered by the Roman Catholic Church through parishes of the diocese, to those adults seeking to enter the Roman Catholic Church. The Church welcomes the candidates and provides pastoral formation in preparation for Baptism, First Eucharist and Confirmation at the Easter Vigil. For children to be involved in the RCIC program, the catechetical age is seven (7).

Section 32.(1) of the Education Act: Resident Pupil right to attend school

A person has the right, without payment of fee, to attend a school in a school section, separate school zone or secondary school district, as the case may be, in which the person is qualified to be a resident pupil.

Section 32.(2) of the Education Act: Admission without Fee

Despite the other provisions of this Part, but subject to subsection 49.(6), where it appears to a board that a person who resides in the area of jurisdiction of the board is denied the right to attend school without the payment of a fee, the Board, at its discretion, may admit the person from year to year with the payment of a fee.

Section 33.(3) of the Education Act: Resident pupil qualification: elementary English-language separate district school boards and elementary Roman Catholic school authorities Subject to sections 44 and 46, a person who attains the age of six years in any year is, after September 1 in that year, qualified to be a resident pupil in respect of a separate school zone of an English-language separate district school board or a Roman Catholic school authority for elementary school purposes until the 1st school day in June in the year in which he or she attains the age of 21 years if:

- a) the person resides in the separate school zone; and
- b) the person's parent or guardian who is a separate school supporter and who is not a French-language separate district school board supporter resides in the separate school zone.



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Sibling

A brother or sister currently enrolled in, and who will be returning for the next academic school year, to the same school that has been requested by the applicant.

Specialty Programs

For purposes of regulation 4 b) and regulation #9, specialty programs may include future 'specialty schools'.

Study Permit

International students who wish to study in Canada for more than six months require a study permit from Citizenship and Immigration Canada (CIC). A study permit is not required if they are in a program lasting less than six months. A study permit alone does not allow access into a country and a temporary resident visa is typically issued with the study permit. Study permits must be renewed thirty days before they expire. Expired study permits cannot be extended from within Canada.

Temporary Resident VISA Student

All international students studying in a program that lasts more than six months must have a temporary resident visa. **Only secondary** ~~high~~ school students are typically ~~only~~ issued a study visa. Students wishing to exit and return to Canada must ensure that they request a multi-visit entry visa that expires subsequent to their anticipated return.

Utilization Rate

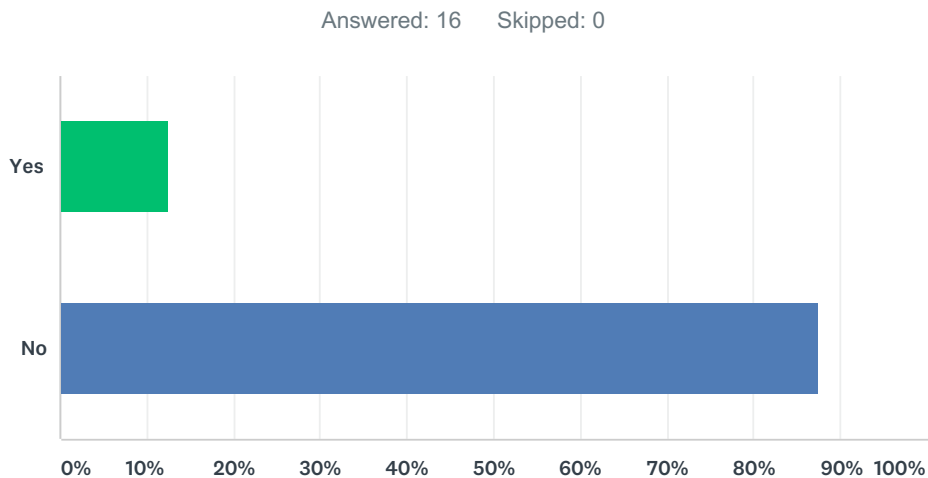
Based on the Ministry rated capacity of a school building and a school's enrolment, and taking into account contractual staffing obligations, this refers to the amount of space in a school used for school purposes expressed as percentage of enrolment over capacity.

Evaluation and Metrics:

1. An annual report of elementary student enrolment will be provided to the Board as per the rolling calendar of annual standard reports.

Q1 We are committed to providing the best Catholic education for all our students, and accommodating them in the fairest and most equitable manner. The Toronto Catholic District School Board routinely reviews policies to ensure that they are current. We encourage all members of our Catholic school communities to participate in the consultation process regarding proposed revisions to the Admission and Placement of Elementary Pupils Policy (S.A. 01). Of particular note for your review and feedback are key changes being proposed to the following sections of the policy: Updates to reference materials, addition of S.P. 02 Elementary French Programming and Toronto Public Health. Revision of language in Regulation 1 iv – regarding fixed attendance boundary. Removal of Immunization Record from required documents in Regulation 2. Clarification of when Priority is assigned in Regulation 8. Addition of Regulation 11 – Director of Education authority. Please review the draft policy revisions here and complete the brief survey below to provide your feedback.

1. Do you agree with the policy revisions?



ANSWER CHOICES	RESPONSES	
Yes	12.50%	2
No	87.50%	14
Total Respondents: 16		

Q2 2. Do you have any comments and concerns?

Answered: 14 Skipped: 2

#	RESPONSES	DATE
1	Removal of immunization should not take place. All students should be immunized. Where there is some refusal to comply, that should be dealt with on a case by case basis. Everything else is fine.	4/23/2019 5:15 PM
2	Yes, you force people to enrol at their home school, without taking into account that not all school offer before and after school programs. The priority of level 3, for licensed childcare should be revised. If your homeschool does not offer childcare option, the next closest school to your home address, with childcare, should still count as a "priority 2". Last year my child had to be enrolled in a public school because my catholic school didn't have childcare. I found out in May that my closest school with childcare did have a spot for her, but that was not guaranteed. In a works where parents work, access to licensed childcare is crucial.	4/18/2019 6:56 AM
3	Students attending a publicly funded school should be immunized.	4/18/2019 2:55 AM
4	Disagree with changes to sibling rules and addition of Director's authority	4/15/2019 11:10 PM
5	It's not a fair and equitable process to have a program which is recognized as "specialized" be only available to family members already enrolled or those within (an arbitrary) fixed attendance boundary. It should be "first come, first serve"	4/15/2019 2:13 PM
6	I do NOT agree with these changes. Keep existing policy as is with no changes. Keep option for siblings at same school when one gets accepted in specialized program. No - to Director of Education to tell me where to put my child! This is utter nonsense. Why are these draft changes pushing for more stress and hardship for families?	4/13/2019 10:57 PM
7	Keep existing Policy. Do NOT change. The deletion of sibling clause for specialized programs will be a hardship on parents. And siblings will lose the opportunity to bond with each other especially if one is already being moved to a specialized program. KEEP THE SIBLING POLICY AS IS EXISTING TODAY. NO CHANGES NECESSARY. Question - why is the Board looking to cause more havoc and stress in everyday family life?? Utter needlessness.	4/13/2019 10:46 PM
8	I disagree with the removal of Immunization Record from the required documents list. This SHOULD remain a required document in order to attend a TCDSB school.	4/12/2019 1:31 PM
9	My concern is with the removal of the Immunization Records as a required document.	4/12/2019 12:25 PM
10	I don't think it is a good idea to take the Immunization Record out of the required materials.	4/12/2019 10:46 AM
11	My concerns are with removal of immunization record from required documents. I think this should be kept (i.e., parents/guardians must provide their child's immunization record)	4/12/2019 12:10 AM
12	Removal of immunization record means students without proper vaccines can go to school? And potentially expose all of their classmates to very serious and fatal diseases? I bought schools were supposed to be a safe place for all students. Having students without all of the vaccinations and immunizations pose a medical risk to all, especially vulnerable students and staff- like students/staff who have a reduced or limited immune system, teachers who are pregnant, etc.	4/11/2019 7:26 PM
13	the board should be able to say that all students living within the school boundary area will be accepted	4/11/2019 3:28 PM
14	yes, removal of Immunization Record is unacceptable	4/11/2019 12:56 PM



REPORT TO

GOVERNANCE AND POLICY
COMMITTEEUPDATE TO ELEMENTARY SCHOOL ATTENDANCE
BOUNDARY REVIEW POLICY S.A.03

"From one ancestor he made all nations to inhabit the whole earth, and he allotted the times of their existence and the boundaries of the places where they would live," Acts 17:26

Created, Draft

April 30, 2019

First Tabling

May 7, 2019

Review

[Click here to enter a date.](#)

B. Leporati, Sr. Coordinator Planning Services

M. Loberto, Superintendent Planning and Development

RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.

We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.



Rory McGuckin
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

This report recommends updating the current *Elementary School Attendance Boundary Review Policy (S.A.03)* to reflect current practice, legal precedent and to reformat in meta policy format.

The cumulative staff time required to prepare this report was 20 hours

B. PURPOSE

This recommendation report is on the Order Paper of the Governance Policy Committee as it recommends policy revision.

C. BACKGROUND

1. The *Elementary School Attendance Boundary Review Policy (S.A.03)* was last updated October 22, 2015.
2. The policy amendments (*Appendix 'A'*) proposed herein reflect alignment with other policies and refinement of policy language to current standard.
3. *The opportunity for public consultation on the policy amendments has been provided.* Public consultation on this policy was offered through the Board website via online survey from April 11th to April 24th, 2019.

D. EVIDENCE/RESEARCH/ANALYSIS

1. *The proposed amendments to the policy are minor in nature and intended to provide clarity to the existing policy.* There are no significant policy changes proposed at this time.

E. METRICS AND ACCOUNTABILITY

1. *Public consultation (Appendix 'B') on this policy was offered through the Board website via online survey from April 11th to April 24th, 2019.*

2. There was agreement with the proposed changes among 75% of respondents to the online survey.
3. Two respondents indicated disagreement with portions of the policy where there was no recommended change.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. The updated policy, and accompanying appendices, as approved will be posted on the TCDSB policy register.

G. STAFF RECOMMENDATION

That the Board approve the amendments to the *Elementary School Attendance Boundary Review Policy (S.A.03)* as indicated in Appendix 'A'.



POLICY SECTION: STUDENT

SUB-SECTION: ADMISSIONS AND PLACEMENT

POLICY NAME: ELEMENTARY SCHOOL ATTENDANCE
BOUNDARY REVIEW POLICY

POLICY NO: S.A. 03

Date Approved: October 22, 2015- Board	Review Cycle: 2018	Dates of Amendment: April 28, 2010 – Board October 18, 2012 – Board March 20, 2014 – Corporate Affairs April 14, 2015 –Corporate Affairs
Cross Reference: <ul style="list-style-type: none">• S.A. 01, Elementary Admission and Placement Policy• S.T. 01, Transportation Policy• T. 07, Community Engagement Policy• H.M. 24 Catholic Equity and Inclusive Education Policy		

Policy

The Director of Education may prepare a report for consideration by the Board identifying a school, or group of schools, facing programming challenges and/or facility limitations due to enrolment oversubscription or undersubscription, and in respect of which there may be a need to consider as a possible solution, adjustments to existing boundaries in respect of one or more of the identified schools.

Regulations

1. An attendance boundary review shall be initiated by the community, the Director of Education or Board staff through a submission of a formal request to the Board of Trustees compliant with Board procedures, or through a recommendation by Board staff.
2. The Director of Education shall set a limit on the total number of attendance boundary reviews conducted per year, dependent upon availability of appropriate staff resources, and reserves the right to prioritize the requests for reviews.



POLICY SECTION: STUDENT

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**POLICY NAME: ELEMENTARY SCHOOL ATTENDANCE
BOUNDARY REVIEW POLICY**

POLICY NO: S.A. 03

3. The Board reserves the right to aggregate individual requests for boundary reviews depending on the geographic location of the schools being considered for review.
4. Boundary reviews shall be conducted in accordance with the **principles of equity and fairness** following procedure.
5. A committee comprised of the following stakeholders from all schools affected by the boundary adjustment shall be established, and shall hold a minimum of one (1) public meeting for the purpose of reviewing and reaching a consensus on the boundary adjustment:
 - Principal (or designate)
 - School Superintendent (or designate)
 - Catholic School Parent Council (CPSC) ~~CSAC~~ executive
 - Local trustee(s)
 - Planning staff
 - Transportation staff
6. Additional meetings of the stakeholder committee may be held at the discretion of the chair of the committee.
7. A minimum of 30 days public notification shall be provided prior to the first **public** meeting.
8. Boundary reviews shall be undertaken at a community engagement level of 'consult' as defined in Community Engagement Policy (T. 07): *"To obtain input from community members and the general public on proposed Board directions and decisions."*



POLICY SECTION: STUDENT

SUB-SECTION: ADMISSIONS AND PLACEMENT

**POLICY NAME: ELEMENTARY SCHOOL ATTENDANCE
BOUNDARY REVIEW POLICY**

POLICY NO: S.A. 03

9. The school superintendent(s) whose school is the subject of a boundary adjustment shall; chair the meeting(s), and in leading the review process, shall establish the committee, shall arrange the meeting(s) and provide notification of meeting(s) to other stakeholders and the public, shall prepare an agenda for the meeting(s) as required, shall arrange for the recording of meeting notes, and shall provide all notification about the boundary adjustments reached by consensus. The school superintendent shall function as secretary of the committee as well as in a resource capacity. If the schools under review are represented by more than one superintendent, the duties of the chair shall be shared by the school superintendents.
10. Administrative staff, including staff from the Planning and Facilities Departments and from the Toronto Student Transportation Group (TSTG), shall attend the meeting(s) to provide expertise and resources, as necessary.
11. Staff shall provide the committee with all relevant information including the following:
 - school profile data including capacity;
 - current and projected enrolment;
 - maps of the area;
 - information and maps on transportation;
 - one boundary adjustment option for consideration, with a complete **analysis of impact on transportation impact and space requirements**.
12. To the extent possible and practical, boundary adjustments shall be guided by the following principles:
 - Boundaries are to follow logical and easily identifiable routes and/or physical landforms where possible, such as major roads, rail-lines, watercourses, parklands, ravines, and established political boundaries.



POLICY SECTION: STUDENT

SUB-SECTION: ADMISSIONS AND PLACEMENT

**POLICY NAME: ELEMENTARY SCHOOL ATTENDANCE
BOUNDARY REVIEW POLICY**

POLICY NO: S.A. 03

- Schools affected by a nearby boundary adjustment benefit to the fullest extent possible, both in terms of maximizing student enrolment and utilization of available classroom space.
 - Program offerings (e.g. French Immersion, Gifted, etc.) shall be taken into consideration when adjusting boundaries; as a result, there could be more than one boundary associated with any given school(s) under review.
13. If consensus is achieved during the meeting(s):
- i. the school superintendent(s) shall prepare the appropriate notification to be signed by the Director of Education and sent to the school community(ies) in a timely manner, informing them about the decisions made by the committee, as well as arranging to have decisions posted on the Board and school website;
 - ii. boundary adjustments shall be planned for **in consideration of Full Day Kindergarten (FDK) registration timelines** and implemented no sooner than the following school year;
 - iii. staff shall undertake all things necessary to implement the changes.
14. If the committee cannot achieve consensus during the meeting(s), the Director of Education shall prepare a report with recommendations for the consideration of trustees at a regularly scheduled committee or board meeting.
15. The Director of Education's report shall be made publicly available by having it posted on the Board's website in advance of the committee or board meeting at which it is to be considered.
16. Opportunity for public input regarding the Director of Education's report shall be provided at a subsequent committee or board meeting which will hear and receive delegations as well as consider written submissions.



POLICY SECTION: STUDENT

SUB-SECTION: ADMISSIONS AND PLACEMENT

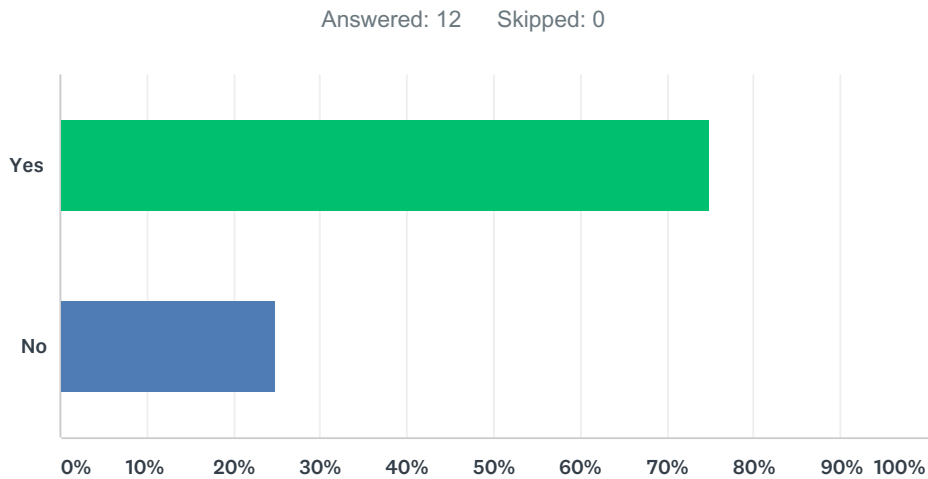
**POLICY NAME: ELEMENTARY SCHOOL ATTENDANCE
BOUNDARY REVIEW POLICY**

POLICY NO: S.A. 03

17. The Director of Education shall prepare a further report for consideration by the committee or board in public session of a subsequent meeting, regarding and responding to the public input received and presentations made at the previous meeting. A decision regarding boundary adjustments may be made by trustees at this meeting, or a subsequent meeting of committee or board.
18. The Director of Education's report shall be made publicly available by having it posted on the Board's website in advance of the committee or board meeting at which it is to be considered.
19. The school superintendent(s) of the school(s) under review shall prepare the appropriate notification to be signed by the Director of Education and sent to the school community(ies) in a timely manner, informing them about the decisions made by the trustees, and shall have the decision posted on the Board and school website.
20. A decision made by trustees to implement a boundary adjustment shall be planned for **in consideration of FDK registration timelines** and implemented no sooner than the following school year.
21. Student transportation will be provided in accordance with the Board's Transportation Policy.
22. Notwithstanding any other provision contained herein, this policy shall not apply to any boundary reviews, changes or decisions that are made as a result of a school accommodation review pursuant to policy S.09. In the case of a conflict between this policy and the School Accommodation Review Policy (S.09), the School Accommodation Review Policy (S.09) shall take precedence.

Q1 We are committed to providing the best Catholic education for all our students, and accommodating them in the fairest and most equitable manner. The Toronto Catholic District School Board routinely reviews policies to ensure that they are current. We encourage all members of our Catholic school communities to participate in the consultation process regarding proposed revisions to the Elementary School Attendance Boundary Review Policy (S.A. 03). Of particular note for your review and feedback are key changes being proposed to the following section of the policy: Clarification of language concerning public notification and timelines for decisions in Regulation 7, 11, 13 ii and 20. Please review the draft policy revisions here and complete the brief survey below to provide your feedback.

1. Do you agree with the policy revisions?



ANSWER CHOICES	RESPONSES	
Yes	75.00%	9
No	25.00%	3
Total Respondents: 12		

Q2 2. Do you have any comments and concerns?

Answered: 3 Skipped: 9

#	RESPONSES	DATE
1	Clarification needed to the following:: The Director of Education may prepare a report for consideration by the Board identifying a school, or group of schools, facing programming challenges and/or facility limitations due to enrolment oversubscription or undersubscription **AND ONLY WITH THE EXPRESS APPROVAL OF 2/3 MAJORITY OF THE PARENTS IN THE POTENTIALLY AFFECTED SCHOOL COMMUNITY ** As we have seen the Board make recommendations based on 'unjustified' claims as to the projections of oversubscription levels in 2018 - St Bonaventure - which report was later unanimously rejected by the Trustees in January 2019.	4/13/2019 11:11 PM
2	No	4/11/2019 7:27 PM
3	attendance boundary reviews and planning staff recommendations should be made, only when REAL solutions exist...what happened last year with the review at St. Gregory, was an exercise in frustration which raised much ill will, with NO real solution--the suggestions did not view the whole area, but identified only certain schools within the review, totally ignoring other potential solutions to the south--it was not very encouraging use of taxpayer and parent time--not to mention how the planning department really failed this community--real, comprehensive solutions were not discussed; we hope that any changes to the policy remember where errors were made in the past and try to avoid the going forward	4/11/2019 3:34 PM



Catholic Education Centre | 80 Sheppard Avenue East | North York, ON | M2N 6E8

April 26, 2019

Ida Li Preti, Governance & Policy Committee Chair
Board of Trustees

Trustee Li Preti,

At our April regular meeting, CPIC was been made aware that the Policy P.04 (Catholic Parent Involvement Committee) is up for review with a schedule to bring back updates to the Governance & Policy Committee in September.

We understand that staff is proceeding to conduct stakeholder consultation and input at the same time as policies S.04 (Catholic School Parent Councils) & A.33 (Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns).

S.04 & A.33 are important cornerstone policies affecting parents in their capacity as school council members and interaction with Board staff as it relates to issues & complaints. It is CPIC's view that the P.04 and its associated procedures is primarily governing in nature relating to the business of its affairs & Board interaction. As such P.04 ideally should not be included as a distraction to the important outcomes needing updates and/or improvements in the other two noted policies.

Furthermore, CPIC is undertaking an end-to-end review of its Constitution (originally approved in 2011), including a series of planned rewrites, simplification & substantial changes to its membership & affairs. This may have impact on the planned policy review & associated updates required.

CPIC would request that the planned review of P.04 be placed on hold until CPIC's constitutional work is completed over the next few months – to allow the revised policy & procedures to be congruent and reflective of all changes.

I appreciate your attention to this request and the Committee's consideration.

John Del Grande
CPIC Chair

GOVERNANCE AND POLICY COMMITTEE

PENDING LIST TO MAY 7, 2019

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	Mar-2017 Governance and Policy	TBC	Governance and Policy	Report regarding consultations with CLSIT and conversations with the Archdiocese in regards to the content of the policy (Update to Chaplaincy Program Policy)	Legal Counsel
2	June-2017 GAP	TBC	Governance and Policy	Staff to bring back after the Ministry of Education's Transportation report is considered (Update to Transportation Policies S.T.01, 03, 04 and 05)	Legal Counsel
3	Sep-2017 Governance and Policy	TBC	Governance and Policy	Staff to look at options to improve efficiencies for Trustees, staff and the public to gain greater Order Paper, report and back-up materials (Inquiry from Trustee Crawford regarding Gaining greater Order Paper, Report, and Backup Materials Efficiencies with e-Scribe)	Director of Education
4	Jan-2018 Corporate Services	TBC	Governance and Policy	That the report and related policy be referred to the Governance and Policy Committee for consideration (Non-Qualifying Transportation Students by Trustee Ward (All Wards))	Legal Counsel

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
5	Jan-2018 Governance and Policy	TBC	Board	That staff look at various lobbying policies of the City of Toronto and other school Boards and draft a lobbying policy for the TCDSB (Policy Priority Update January 2018)	Legal Counsel
6	Mar-2018 Regular Board	TBC	Governance and Policy	That the matter be referred to the Governance and Policy Committee (Photographing and Filming of Individuals at Board and Committee Meetings)	Legal Counsel
7	May-2018 Governance and Policy	TBC	Governance and Policy	Staff was requested to add the policy to the Governance and Policy Committee work plan for the development of an Omnibus policy (Update to School Events Communications and Invitee Protocols Policy (S.02).	Legal Counsel
8	Jun-2018 Corporate Services	TBC	Governance and Policy	That the Pupil Accommodation Review Policy and Operating Procedures be referred to the Governance and Policy Committee to be updated to reflect changes to the Pupil Accommodation Review Guidelines with extensive community and Section E Implementation, Strategic Communications and Stakeholder Engagement Plan (Ministry Memo 2018: B10 – Final Pupil	Legal Counsel

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
9				Accommodation Review Guidelines and Updated on Integrated Planning and Supports for Urban Education)	
	Oct-2018 Governance and Policy	TBC	Governance and Policy	<p>That the Director, or designate, engage in a consultation / dialogue with our union and non-union partners regarding wearing Identification (photo ID) tags to identify staff for safety and security reasons;</p> <p>That staff come back with the costing of plastic photo ID cards with name, for all staff who do not currently possess an access card; and</p> <p>That staff come back to the Committee with the results of the consultation by February 2019 (Staff Identification Badges)</p>	Director of Education
10	Jan-2019 Governance and Policy	Jan-2020	Governance and Policy	Review the Director Performance Appraisal policy in one year, including the challenges during an election year and the “parked” items from the November 21, 2018 Special Board meeting, TRIPLE PRIVATE Session (Review of the Director Performance Appraisal)	Legal Counsel

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
11	Jan-2019 Governance and Policy	TBC	Governance and Policy	<p>That all existing and new policies be reviewed to reflect the Ontario Human Rights Commission (OHRC) Accessible Education for Students with Disabilities Policy Document and that once completed, that they be brought back to GAP Committee; and</p> <p>That staff develop a policy reflective of the OHRC Accessible Education for Students with Disabilities Policy Document (SEAC Minutes, 2018-09-19, Item 9g) Ontario Human Rights Commission (OHRC) Policy Document Article on Special Education Inclusion)</p>	Legal Counsel
12	Mar-2019 Special Board	TBC	Governance and Policy	<p>That the TCDSB establish a comprehensive policy regarding the refusal to admit special education students and those with special needs and disabilities to school; and</p> <p>That a refusal to admit policy should depend on the TCDSB ensuring that students excluded from attending school are provided an equivalent educational program; and</p> <p>That students should not be excused unless it can be demonstrated that the student</p>	

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				<p>presents an imminent risk to health or safety; and</p> <p>That the policy include:</p> <p>Circumstances when a refusal to admit is permitted, and when it is not permitted;</p> <p>Procedures that must be followed when refusing to admit a student;</p> <p>Timelines dictating the maximum number of consecutive days a student can be excused from school;</p> <p>An appeal process; and</p> <p>Data documentation and process for reporting to SEAC and Board.</p> <p>That the policy should include where the TCDSB refuses to accommodate students with special education disabilities in regular classrooms without needed supports or services, the principal be required to provide written notice and rationale of this to the family and that the Superintendent be copied; and</p>	

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
13				That a refusal to admit policy be referred to the Governance and Policy Committee; and that staff prepare a comprehensive report on the implementation of a refusal to report policy.	
	Apr-2019 Student Achievement	TBC	Governance and Policy	That staff develop a policy on Catholic Curriculum in all subjects taught in all Toronto Catholic Schools.	Legal Counsel
	Apr-2019 Student Achievement	TBC	Governance and Policy	That staff create a policy regarding Forms of Acceleration for Gifted and Talented Students and that it be presented to the Governance and Policy Committee for consideration	Legal Counsel
15	Apr-2019 Student Achievement	TBC	Governance and Policy	That the policy and the regulations governing Admissions and French Programming be sent to the Governance and Policy Committee for revisions that more accurately reflect the delivery and availability of regional programs with equity in mind (St. Brigid Catholic School Admissions Inquiry: Junior Kindergarten French Immersion).	Legal Counsel

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
16	Apr-2019 Student Achievement	TBC	Governance and Policy	That a policy be implemented that has direct instruction of cursive writing in Grade 3 (2019 Cursive Writing Update)	Legal Counsel
17	Apr-2019 Student Achievement	TBC	Governance and Policy	Review of Purchasing Policy (F.P.01) after the Board has made a decision.	Legal Counsel
18	Apr-2019 Regular Board	TBC	Governance and Policy	Review of the sections of the Revised Conflict of Interest Act and Integrity Commissioner Update dealing with governance	Legal Counsel
19	Apr-2019 Regular Board	TBC	Governance and Policy	<p>That the Update to Suspension and Expulsion Policy (S.S.01) policy be referred to the Governance and Policy (GAP) Committee with the following changes, and also to SEAC for consultation:</p> <p>Page 178, Cross Reference: Include The Ontario Human Rights Code and The Ontario Human Rights Policy on Accessible Education for Students with Disabilities;</p> <p>Page 188: Add not related to a disability after Item (2) Refractory conduct;</p> <p>Page 189: Add or the Pupil would benefit from one after ...an individual education</p>	Legal Counsel

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
				plan has been developed,; and Page 259, Regulation 13: include explanation of mitigating and other factors.	

Governance and Policy Committee
2019 Policy Priority Schedule

GAP Date	Policy	Policy #
16-Jan	Alcohol and Other Drugs	S.S.03
	Concussion Policy	S.26
	Religious Accommodation	S.22
	Fresh Start	S.S. 12
	Copyright and Fair Dealing Guidelines	A.15
12-Feb	Victim's Rights	S.S.13
	Suspension and Expulsion Policy	S.S.01
	Filling a Trustee Vacancy	T. 18
	Trespass	S.S.14
	Smoke & Vapour Free Space	B.B.04
	AIDS (Acquired Immune Deficiency Syncrome)	H.M.17
	Year-End Celebrations for Kindergarten Children S.M.18	S.M.18
	Employee PhotoIdentification (ID) Cards	B.B.06
19-Mar	Code of Conduct Policy	S.S.09
	Progressive Discipline	S.S.10
	Permits	B.R.05
	Environmental Practice--Waste Management and Purchasing	B.M.06
	Purchasing Policy	F.P.01
09-Apr	School Excursions	S.E.01
	Communications Policy	A.37
	Good Neighbour	S.25
	Trustee Services & Expenditures	T.17
07-May	Bullying Prevention and Intervention	S.S.11
	Blessing and Official Opening of Schools	S.08
	Combined (Split) Grade Classes for Elementary Schools	S.24
	Elementary Admission and Placement Policy	S.A.01
	Elementary School Attendance Boundary Review Policy	S.A.03
	Partisan Activities and Campaigning	TBD
04-Jun	Special Education Advisory Committee	A.23
	Business Cards	A.17
	Guidelines for Trustees, Parents and Staff in Addressing School Related Concerns	A.33
	Freedom of Information and Privacy	A.38
	Video Security Surveillance	B.M.07

10-Sep	Food and Beverage Sold in Schools	S.M.08
	Trustees Code of Conduct	T.04
	Awards, Funds and Scholarships	F.F.01
	Community Planning and Partnerships	B.R.07
	Board Vehicles	B.G.04
	Catholic Parent Involvement Committee	P.04
	Catholic School Parent Councils	S.10
08-Oct	Student and Program Assessment	S.P.13
	Effective Financial Management and Control Operations	F.M.08
	Elementary French Programing	S.P. 02
	Accessibility Standards for Services and Facilities	A.36
	Governance	T.20
12-Nov	Guidelines For Trustees, Parents and Staff in Addressing School Related Concerns	A.33
	Pupil Accommodation Review	S.09
	Workplace Accommodation for Employees with Disabilities	H.M.38
	Service Animal Policy	TBD
	Acceleration and Retention	TBD