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Subject: SCHOOL BOARD PROGRAMS FOR STUDENTS ON
LONG-TERM SUSPENSION

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

Reference: This memorandum replaces Policy/Program Memorandum No. 141,
August 23, 2007.

INTRODUCTION

The Ministry of Education is committed to ensuring that all students¹ who are on long-term suspension have the opportunity to continue their education. The Education Act requires school boards² to offer at least one board program for suspended students. In this document, *long-term suspension* means a suspension of more than five school days.

The purpose of this memorandum is to provide direction to school boards regarding the development of board programs for students on long-term suspension.

With respect to programs for students on long-term suspension, research³ has demonstrated that positive outcomes for students are related to specific program elements that are tailored to meet the needs of each student. The active engagement of parents⁴ and families and linkages to community-based service providers,⁵ such as agencies that provide counselling support, also contribute to positive overall outcomes for students.

1. *Student*, as used in this memorandum, refers to *pupil*, as used in the Education Act.

2. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

3. This memorandum is informed by findings from programs currently available to students in Ontario; the Safe Schools Action Team's provincial consultations; a review of the Strict Discipline Programs; Model Projects to Promote Positive Student Behaviour initiative; and a review of the literature on practices in Ontario, other provinces, and a number of countries around the world.

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of the Education Act, students who are 18 years of age or older, and students who are 16 or 17 years of age but have withdrawn from parental control, are to be treated as adults.

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

In the case of students with special education needs, boards are required to provide appropriate support consistent with the student's Individual Education Plan (IEP).

It is expected that boards will actively encourage suspended students to participate in the board program for suspended students. However, boards cannot compel students on long-term suspension to participate in a board program for suspended students.

Resources that are dedicated to programs for students on long-term suspension may also be used to benefit students who have not been suspended but who have shown behaviours that, if unchanged, could lead to a suspension. However, the needs of students on long-term suspension remain the priority.

GENERAL REQUIREMENTS

As stated above, boards must offer at least one program for students who are on long-term suspension. In the written notice of suspension, parents must be notified of the board program to which the student on long-term suspension has been assigned.

While boards are not required to provide programs for students who have been suspended for less than six days, boards are expected to provide homework packages for these students to help ensure that they do not fall behind in their school work.

Considerations for Program Development

In developing programs, boards have the flexibility to take into account local needs and circumstances, such as geographical considerations, demographics, cultural needs, and availability of board and community supports and resources.

Boards should draw upon evidence-informed practices that promote positive student behaviour. For example, the program should incorporate board-wide initiatives such as character development and bullying prevention.

In the development of board policies related to the creation of these programs, boards should consult with principals,⁶ teachers, and other school staff;⁷ students; parents; their Special Education Advisory Committee; and community partners, including social service agencies, mental health agencies, and members of First Nations, Métis, and Inuit communities (e.g., Elders). Boards should also consult with their Parent Involvement Committees and other relevant groups.

Boards must take into account the needs of individual students by showing sensitivity to diversity and to cultural needs in their programs for students on long-term suspension. Their programs should be in

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

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

keeping with the relevant strategies and initiatives outlined in related ministry documents, including *Caring and Safe Schools in Ontario: Supporting Students with Special Education Needs through Progressive Discipline, Kindergarten to Grade 12, 2010*; *Ontario's Equity and Inclusive Education Strategy, 2009*; and *Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*. The board programs should also be aligned with other relevant ministry strategies and initiatives, such as Student Success and character development, as well as with Ontario's mental health and addictions strategy.⁸

Boards are required to adhere to the Municipal Freedom of Information and Protection of Privacy Act, the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act, and the Education Act and regulations made under the act in the development and implementation of programs. Boards should consult with their legal counsel and freedom of information coordinators to ensure that they are fulfilling their legal responsibilities.

School Board Policies on Program Operation

School boards are required to develop policies regarding the operation of their programs for students who are suspended. These policies must deal with, but not be limited to, the following issues:

- discipline (e.g., what constitutes unacceptable behaviour and the consequences of such behaviour)
- safety (e.g., what measures will be taken to ensure a safe, inclusive, and accepting learning and teaching environment)

Boards are expected to make their policies publicly available. Board are also expected to provide their policies directly to students and their parents before and/or upon entry to a program for suspended students. In particular, students and their parents must be informed of the discipline and safety rules and the ways in which the rules will be implemented. Boards are advised to consult their legal counsel in the development of these policies, particularly on the aspects related to discipline and safety.

PROGRAM REQUIREMENTS

A Student Action Plan (SAP) must be developed for every student on a long-term suspension who makes a commitment to attend the board program for suspended students.

Programs for Students on a Suspension of Six to Ten School Days

The program provided for in the SAP must include an academic component to support the student on a long-term suspension of six to ten school days in continuing his or her education. Boards are not required to provide a non-academic component for suspensions of this length. However, boards should consider what types of support, if any, the student may require during the suspension and upon his or her

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

return to school. The board must also consider continuing any supports that may have been in place for the student prior to the suspension. In the case of students with special education needs, boards are required to provide appropriate support consistent with the student's IEP.

Programs for Students on a Suspension of Eleven to Twenty School Days

The program provided for in the SAP will consist of both an academic and a non-academic component to support the student on a long-term suspension of eleven to twenty school days in continuing his or her education. The board must also consider continuing any types of support that may have been in place for the student prior to the suspension. In the case of students with special education needs, boards are required to provide appropriate support consistent with the student's IEP.

If a student on a long-term suspension pending an expulsion hearing is expelled, and the student makes a commitment to attend a board program for expelled students, the SAP should be carried forward into the new program.

Components of Programs for Students on Long-Term Suspension

Boards are responsible for determining the content and balance of the program for each student for both the academic and non-academic components of the program. The content and balance of the program for a student will depend on the needs of the student, the length of the suspension, and the nature and severity of the behaviour that led to the suspension, including any mitigating or other factors (see the Appendix to this memorandum for these factors).

Academic Component

The purpose of the academic component is to ensure that all students on a long-term suspension (more than five school days) have the opportunity to continue their education. Boards must provide students with the opportunity to continue or complete programs of study, including assignments, homework, and any other work evaluated in their regular classes. In all cases, every effort must be made to maintain the student's regular academic course work throughout the suspension period.

The academic component must follow the curriculum outlined in the Ontario curriculum policy documents, unless the student has an IEP that provides for modifications to the Ontario curriculum or an alternative program. The academic component may include, but is not limited to, the provision of distance learning, e-learning, remedial help in literacy and numeracy, individual instruction, and/or opportunities within the board.

Elementary school students must be supported in continuing to acquire the necessary knowledge and skills outlined in the Ontario curriculum policy documents for elementary schools.

Secondary school students must be supported in continuing to earn credits towards their Ontario Secondary School Diploma.

Non-academic Component

The purpose of the non-academic component is to assist students on a long-term suspension of more than ten school days in the development of positive attitudes and behaviours. Identifying and addressing the underlying causes of the student's behaviour will help reduce the risk that the student might be given a suspension or expulsion in the future.

For those students on a suspension of six to ten school days, boards should consider what types of support, if any, the student may require during the suspension and upon his or her return to school.

Students may require a range of services and types of support that may include access to culturally appropriate support. The board should make appropriate support available and/or facilitate a student's referral to community-based service providers and/or provide support through other methods, such as remote access to resources (e.g., video conferencing, telepsychiatry). To meet the alternative programming requirements of a student with special education needs, the board should refer to the student's IEP.

Protocols between boards and community-based service providers should be in place to facilitate referral processes and the provision of services and support for students and their parents and families. Where such protocols already exist, they should be reviewed, and where they do not, new protocols should be developed to increase the board's capacity to respond to the needs of students on long-term suspension.

Developing and Implementing the Student Action Plan

An SAP must be developed for every student on long-term suspension who makes a commitment to attend the board program. The SAP will outline the objectives for students and be tailored to meet the specific needs of the student.

The student and/or his or her parent(s) must notify the principal verbally or in writing that the student is committed to attending the program. Once the principal has received this notification, development of the SAP must begin immediately. The SAP must be implemented as soon as possible. It is expected that the SAP, with appropriate support, will facilitate the continuation of the student's learning during the suspension period. Every effort must be made to provide an opportunity for the student to maintain his or her regular academic course work throughout the suspension period.

The SAP will be developed by the principal in cooperation with appropriate staff, the student, and his or her parent(s). It is important that parents participate in the development and implementation of the SAP on an ongoing basis. Boards should make reasonable efforts to enable parents to participate by, for example, reaching out to community members who can provide translation services for those whose first language is not English or French.

It is the responsibility of the board to coordinate the types of support required to assist the student in continuing his or her learning. For students with special education needs, boards are required to provide appropriate support consistent with the student's IEP.

For students on a long-term suspension pending expulsion, boards are also expected to provide a homework package until the SAP is in place. As stated earlier, in the case of an expelled student who attended a program for students on long-term suspension, the student's SAP should be carried forward into the program for expelled students.

The Planning Meeting

Once the student and/or his or her parent(s) have indicated that the student is committed to attending the program, the principal shall hold a planning meeting. The planning meeting should be a collaborative process and must include school and board staff and the student. Where possible, the student's parent(s) or other significant family member(s), as well as the student's teacher(s), should also be present at the meeting. Principals should make reasonable efforts to include parents in this meeting. If the parents cannot be present, the planning meeting should proceed nevertheless, and the principal must attempt to follow up with the parent(s) of the student as soon after the meeting as possible. In addition, where appropriate, community agency staff and any other relevant persons or professionals should also be included in the planning meeting.

The purpose of the planning meeting is to:

- identify the needs of the student;
- identify the student's risk factors and protective factors;
- clearly identify any types of support that the student may need to continue his or her learning;
- establish the objectives of the SAP.

The Re-entry Meeting

The principal shall hold a meeting with school and board staff, the student, and, where possible, the student's parent(s) before the student returns to school. The purpose of this meeting is to facilitate the student's transition back to school by, for example, identifying and providing for any additional academic and non-academic support that the student may require upon returning to school. Where appropriate, community agency staff and any other significant persons or professionals may be involved in the re-entry planning.

Program Delivery

The delivery of the board program may take many forms, ranging from homework packages to attendance in a designated location at the discretion of the board.

Boards may enter into agreements with other boards for the provision of a program for students on long-term suspension. Coterminous boards should, wherever possible, collaborate on providing coordinated support to students on long-term suspension and their parents. Boards may also obtain or continue to obtain services from community-based service providers in the provision of the non-academic program component. These partnerships must respect collective agreements.

ACCOUNTABILITY AND REPORTING REQUIREMENTS

Boards must meet the following requirements:

- Boards must continue to collect data on suspensions and report on it to the ministry.
- Boards must establish performance indicators for monitoring, reviewing, and evaluating the effectiveness of the board program. These indicators should be developed in consultation with their school community, including principals, teachers, and other school staff; students; parents; their Parent Involvement Committees; their Special Education Advisory Committee; and community partners, including social service agencies, mental health agencies, members of First Nations, Métis, and Inuit communities (e.g., Elders), and other appropriate community groups. Boards will also conduct a cyclical review of their programs in a timely manner.
- Boards must collect program data and share this data with the ministry, as required. Boards will also allow monitoring visits by the ministry, as required.

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

Relevant excerpts from Ontario Regulation 472/07, made under the Education Act, are provided below for ease of reference.

Mitigating factors

2. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following mitigating factors shall be taken into account:

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

Other factors

3. For the purposes of subsections 306 (2), 306 (4), 310 (3), 311.1 (4) and clauses 311.3 (7) (b) and 311.4 (2) (b) of the Act, the following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1. The pupil’s history.
2. Whether a progressive discipline approach has been used with the pupil.
3. Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment.
4. How the suspension or expulsion would affect the pupil’s ongoing education.
5. The age of the pupil.
6. In the case of a pupil for whom an individual education plan has been developed,
 - i. whether the behaviour was a manifestation of a disability identified in the pupil’s individual education plan,
 - ii. whether appropriate individualized accommodation has been provided, and
 - iii. whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil’s behaviour or conduct.