

CHECKLIST

This section is designed to help you prepare for the disciplinary process. It is divided into two separate checklists—Suspension only and Suspension with Pending Expulsions. Choose the checklist most appropriate to the student’s current situation.

Suspension only

- If a student is suspended for more than a few days, consider consulting with a lawyer as soon as possible. Pro Bono Ontario may be able to provide assistance please contact nicole@probonoontario.org for further information.
- The student should ask to wait to have a parent present before speaking with the principal, or other school official, about an incident that could give rise to a suspension. A parent should make every effort to be available, if possible, even if by telephone. This meeting will be stressful; the student should not go into it alone. If the parent is not available, it may be possible for another trusted adult to be designated by the parent to attend.
- It is very important that all information received from the school is recorded and saved. This means keeping all letters from the school stored in a safe place.
- Even though the situation is very stressful for students and their families, it is essential that all communication with the school be courteous and respectful.
- Rather than attending at the school unannounced, it is preferable to call ahead or make an appointment.
- The Ministry of Education in Ontario created a Code of Conduct for all people involved in the school system, *including parents and legal guardians of students*. Schools are also allowed to add their own rules. If a parent doesn’t follow these rules, the principal may refuse to speak with a parent and can even prohibit the parent from entering school property.
- Information should be provided to the principal with regard to mitigating factors as soon as possible, so that they can be considered at an early stage.
- As soon as the student is suspended, the principal should be asked for information about how to access the necessary resources and programs, including the program for suspended students, so that the student’s learning is disrupted as little as possible.
- For short suspensions, a parent should ask the school to provide the necessary homework and assignments so that the student may reduce the impact of the suspension.
- The parent should ask the principal for a copy of the student’s Ontario Student Record (OSR). The OSR is the official record of all information concerning the student since he or she started in school. The OSR will show any other suspensions in the past and other information that may provide mitigating considerations.

Suspension pending an expulsion

Early on – Action before the Principal’s Report

- If a student is suspended for more than a few days, consider consulting with a lawyer as soon as possible. Pro Bono Ontario may be able to provide assistance.
- The student should ask to wait to have a parent present before speaking with the principal, or other school official, about an incident that could give rise to a suspension. A parent should make every effort to be available, if possible, even if by telephone. This meeting will be stressful; the student should not go into it alone. If the parent is not available, it may be possible for another trusted adult to be designated by the parent to attend.
- If the police are involved, the student should not speak with the police or the principal without a parent or designated adult present (someone not associated with school administration).
- If the police are involved, the student should not speak with the principal without seeking legal advice.
- Any letters provided by the school should be read and kept in a safe place.
- Contact should be established and maintained with the principal. A prompt telephone call can initiate a dialogue and a positive relationship, which can allow the student or parents to have input into the principal’s investigation and consideration of the mitigating factors.
- Even though the situation is very stressful for students and their families, it is essential that all communication with the school be courteous and respectful.
- Rather than attending at the school unannounced, it is preferable to call ahead or make an appointment.
- The Ministry of Education in Ontario created a Code of Conduct for all people involved in the school system, *including parents and legal guardians of students*. Schools are also allowed to add their own rules. If a parent doesn’t follow these rules, the principal may refuse to speak with a parent and can even prohibit the parent from entering school property.
- If the student is excluded rather than suspended by the principal on the basis of the police involvement, it should be communicated to the principal that the student should actually be suspended and that the student is treating the exclusion as a suspension. Legal advice should be sought.
- Information should be provided to the principal with regard to mitigating factors, so that they can be considered at an early stage.
- As soon as the student is suspended, the principal should be asked for information about how to access the necessary resources and programs, including the program for suspended students, so that the student’s learning is disrupted as little as possible.

After the Principal’s Report and Before the Expulsion Hearing

- **The parents and student should not agree to extend the time for holding the expulsion hearing, if one is to be held, without consulting a lawyer first.**
- Once the principal’s report is received, it should be read carefully, so that the allegations and decision are properly understood.
- If the report does not include the names of the witnesses and a summary of what they said, or refers to other information that is not attached to the report, that information should be requested, preferably in writing. The names will likely not be provided based on privacy concerns, but the summaries, and any other evidence the principal reviewed, should be.
- The parent should ask the principal for a copy of the student’s Ontario Student Record (OSR). The OSR is the official record of all information concerning the student since he or she started

in school. The OSR will show any other suspensions in the past and other information that provide mitigating evidence.

- The lead-up to the expulsion hearing is another point at which many people recognize that they may benefit from the assistance of a lawyer.
- The rules for how the hearing will be conducted should be reviewed, so it is understood what will happen.
- There will need to be preparation for the expulsion hearing, which will involve gathering evidence and making arguments. In its simplest form, this should address the following questions:
 - Did the conduct actually occur as the principal describes it or is there other evidence (such as witnesses) that needs to be presented?
 - Was the conduct at school or did it impact on the school environment?
 - Was the conduct on the list of prohibited conduct in the *Act* or under board policy?
 - What mitigating factors apply, if any? What evidence is needed to show them?

A decision will need to be made as to whether the student will give his or her version of events at the expulsion hearing and, if so, whether it is done in writing or orally. Again, there are issues that may arise if there is the possibility of criminal charges, so legal advice will usually be helpful.

After the Hearing

- If the student is expelled from all schools, there should be a discussion with the principal about how to promptly access the programs that the board provides for students who have been expelled from all schools in the board, as well as the requirements that have been set for the student to return to regular school.
- If the student is expelled from their school only, there should be a discussion with the superintendent or safe schools staff to ensure that the most appropriate new school is selected and the student is registered in the new school as soon as possible.
- If the student and parent disagree with the outcome, or the process at the expulsion hearing did not give the student a chance to fully explain his or her position to discuss the mitigating circumstances or to present evidence, a lawyer could be consulted with respect to whether an appeal might be appropriate.
- If an appeal is being considered, a decision needs to be made quickly as there is a time limit for filing the appeal.
- If it is believed that the process did not treat the student fairly as a result of his or her race, disability, gender, or similar ground, the Human Rights Legal Support Centre or a lawyer should be consulted for advice on applying to the Ontario Human Rights Tribunal.