



CENTRE FOR GOVERNANCE EXCELLENCE

Professional Development Program for School Board Trustees

Core Modules

11

Legal Aspects of School Board Governance

PART A: QUASI-JUDICIAL DECISION MAKING

DISCIPLINE COMMITTEE - KEY CONCEPTS IN DECISION MAKING

When deciding on a recommendation for expulsion or a suspension appeal, the Discipline Committee must ensure that school administrators used the Progressive Discipline approach and considered Mitigating and Other Factors in their decision to suspend or expel a student.

Progressive Discipline

- Progressive Discipline is an approach to discipline that attempts to understand the underlying causes of behaviour and attempts to teach the student why their behaviour was inappropriate.
- The use of a Progressive Discipline approach is required for ALL students.
- Progressive Discipline imposes consequences for behaviour in a progressive manner and suggests natural consequences for inappropriate behavior.
Example: If a student writes graffiti on his locker, the student may have to wash the graffiti off his locker as opposed to being immediately suspended.
- This approach recognizes that different incidences will require different responses. In severe cases where there has been no history of inappropriate behavior, but a serious incident has occurred, the Progressive Discipline imposed may be a recommendation for expulsion.

Mitigating and Other Factors

- School administrators are required to consider Mitigating Factors in determining the course of Progressive Discipline and the consequences of behaviour for ALL students.
- Mitigating Factors do not justify or excuse student behaviour.
- They take into account the behaviour and may make the consequences of behaviour less severe.
- Mitigating Factors to consider:
 - The student does not have the ability to control his or her behaviour. (For example, due to a disability).

Mitigating and Other Factors continued...

- The student does not have the ability to understand the potential consequences of his or her behaviour. (For example, due to young age).
- The student's continuing presence in the school does not create an unacceptable risk to the safety of any person. (For example, student has no history of aggressive behaviour).
- If one or more of these mitigating factors applies to the student being disciplined, the Discipline Committee must determine if any discipline is appropriate at all.
- If discipline is appropriate, they must decide the extent to which the discipline imposed should be mitigated.
- Other Factors to consider:
 - The student's history
 - Whether a Progressive Discipline approach was used
 - Whether the activity for which the student is being suspended or expelled was related to any harassment.
 - How the suspension or expulsion would affect the student's ongoing education.
 - The age of the student.
 - In the case of a student with an IEP (Individual Education Plan), whether the behaviour was a manifestation of a disability identified in the student's IEP.
 - Whether appropriate individual accommodation has been provided.
 - Whether the suspension or expulsion is likely to aggravate or worsen the student's behaviour or conduct.