



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**

## **UNDERSTANDING EXPULSIONS AND EXPULSION APPEALS**

The parties to an expulsion are the adult student (18 years or over, or 16-17 years and removed from parental care/control) or the student's parent or guardian and the principal who recommended the expulsion. Please note that the alleged victims are not a party to the expulsion unless added according to board policy.

### **Grounds for Expulsion include:**

- Possessing a weapon (including a firearm)
- Using a weapon to cause or threaten bodily harm to another person
- Committing physical assault on another person that requires treatment by a medical practitioner
- Committing sexual assault
- Trafficking in weapons or in illegal drugs
- Committing robbery
- Giving alcohol to a minor
- Any other activity under the policy of a School Board that requires the principal to suspend a student (for example, a serious breach of a School Board's code of conduct.)

### **Consequences of Expulsion**

The Discipline Committee must decide among the following options:

- Decision that the student be expelled from the school they were attending. Student must be assigned a new school with programming appropriate to their needs.
- Decision that the student be expelled from all schools under the jurisdiction of the School Board, but the student must have the opportunity to attend an Expulsion Program.
- Decision that Expulsion is not warranted, and appropriateness of suspension.

## Consequences of Expulsion continued...

The decision must be communicated in writing to the adult student or the student's parent or guardian. The contents of the letter must include:

- The reason for the expulsion
- A statement indicating if the student is expelled from one school or all schools
- Information about the new school or program they will be assigned to
- Information about the right to an appeal

## Appealing the Discipline Committee's Decision to Expel a Student

- The parent/guardian or adult student may appeal the Discipline Committee's decision.
- The appeal will be heard by the Child and Family Services Review Board (soon to be merged with other administrative tribunals to create a Social Justice Tribunal).
- Appeals must be heard again fresh, from the beginning by a panel of three adjudicators.
- Usually, the School Board is represented by legal counsel.
- Sometimes, the student or the parent/guardian may be represented by legal counsel, but this is not necessary to present an appeal.

**For more detailed information on this topic, please consult your board legal counsel or the appropriate Board Superintendent**