

**Know
your
rights**

School disciplinary hearings

Get legal aid help

Call us toll-free at
1-800-668-8258 for help
in over 300 languages from
Monday to Friday,
8 a.m. to 5 p.m.

www.legalaid.on.ca

Throughout Legal Aid Ontario's Racialized Communities Strategy's early engagement sessions with various stakeholders, the issue of discrimination and school disciplinary hearings has been consistently raised.

Not all Ontario school boards collect data on race and suspension rates. In 2013, the Toronto District School Board released data for the 2006/07 school year, which revealed that, while black students make up only 12% of high school students, they account for more than 31% of suspensions. In comparison, white students make up 33% of the school population, but account for 29% of suspensions.

In a 2003 report by the Ontario Human Rights Commission, most of the lawyers, school board trustees, teachers, principals, students, youth leaders and workers, community workers, academics, social workers, consultants, etc., interviewed identified discrimination – direct and systemic – as the main reason why racial minority students and students with disabilities are more often disciplined.

Know your rights

At both suspension and expulsion hearings, you have a right to:

- have a lawyer represent you;
- call witnesses and present your side of the story;
- cross-examine witnesses;
- explain if there are other things that the board needs to consider.



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School board trustees will then decide to:

Suspensions	Expulsions
<ul style="list-style-type: none">• keep your suspension; or• change the type and length of your suspension; or• end the suspension, remove it from your record, and send you back to school.	<ul style="list-style-type: none">• confirm, shorten or remove your 20-day suspension pending expulsion; or• expel you from your own school only; or• expel you from all the schools in the school board; or• not to expel you and let you return to school.

All decisions are final.

What can you be suspended or expelled for?

Your school can suspend or expel you if you do any of these things either on school property, while doing a school related activity, or if your actions will hurt the school.

Reasons for suspension	Reasons for expulsion
<ul style="list-style-type: none">• uttering a threat to inflict serious bodily harm on another person• possessing alcohol or illegal drugs• being under the influence of alcohol• swearing at a teacher or at any person in a position of authority• committing an act of vandalism that causes extensive damage to school property at the student's school or to property on school premises• bullying, including cyber-bullying• any other activities identified in school board policy	<ul style="list-style-type: none">• 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 causes bodily harm requiring treatment by a medical practitioner• committing sexual assault• trafficking in weapons or illegal drugs• committing robbery• giving alcohol to a minor• bullying – if the student has previously been suspended for bullying and the student's presence in the school creates an unacceptable risk to the safety of another person• any activity for which a student can be suspended that is motivated by bias, prejudice or hate• any other activities identified in school board policy

What Legal Aid Ontario is doing

Over the coming months, LAO will be consulting with community groups through its Racialized Communities Strategy to determine how to continue to address the legal needs of the Black community.

To find out more visit www.legalaid.on.ca/rcs/

Where to get legal help

Justice for Children and Youth is a specialty legal clinic that provides help to low-income children and youth in Toronto when they are facing conflicts with the legal system, education, social service or mental health systems.

Visit jfcy.org

Suspensions



You are suspended.

You will get a written notice that tells you when your suspension starts and how long it will last.

Suspensions can last anywhere from 1 to 20 days.



Within 10 days of the start date of your suspension, you can ask for an appeal.

You/your parent or guardian must write a letter to the supervisory officer named in your notice of suspension to ask for an appeal.



Suspension appeals must be held within 15 days of receiving your notice, unless your parent/guardian and the school board have agreed to an extension.



You and your principal can then each have your say before a committee of at least three school board trustees.

All decisions are final.



You cannot appeal your suspension if your principal is doing an expulsion investigation.

You will have to wait until after your principal has completed an investigation and made a recommendation about whether to expel you or not.

Sources

Toronto Star. "Toronto school suspension rates highest for black and aboriginal students." March 2013

Ontario Ministry of Education. "Suspension and Expulsion: What Parents and Students Need to Know." 2016

Justice for Children and Youth. "Suspensions & Expulsions." 2013

Ontario Human Rights Commission. "The Ontario Safe Schools Act: School Discipline and Discrimination." July 2003

Expulsions



You are suspended for 20 days.

You are not allowed to appeal the suspension when your principal is doing an investigation to decide whether to confirm, shorten, or withdraw your suspension, or recommend expelling you.



If your principal recommends expelling you, a hearing will be held where you and the principal both have your say in front of at least three school board trustees.



The expulsion hearing must happen within 20 school days of the student being suspended.

The school board will decide to:

- confirm the suspension and its length; or
- confirm the student is still suspended, but shorten the length and update the student's record; or
- overturn the suspension and remove it from the student's record; or
- expel the student only from his/her school; or
- expel the student from all schools in the school board.



An expulsion can be appealed to the Child and Family Services Review Board within 30 days after the expulsion notice has been received.

Information on how to appeal the decision will be included in the notice of expulsion.