



1325 California Avenue
 Windsor, ON N9B 3Y6
 CHAIRPERSON: Barbara Holland
 DIRECTOR OF EDUCATION: Paul A. Picard

**SUPERVISED
 DELEGATION MEETING
 Tuesday, February 26, 2013 at 7:00 p.m.
 Windsor Essex Catholic Education Centre
 John Paul II Board Room**

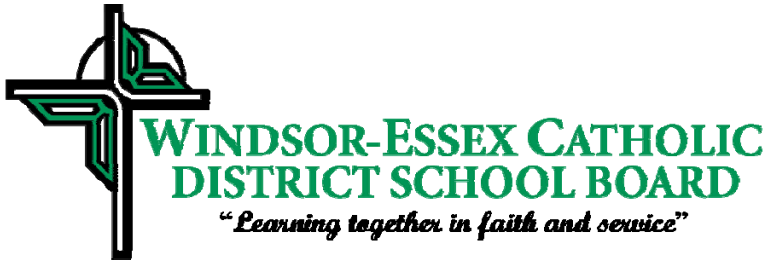
A G E N D A

		Page #
I	Supervised In-Camera Meeting – 6:00 p.m.	
II	Supervised Delegation Meeting – 7:00 p.m.	
1.	Call To Order	
2.	Opening Prayer	
3.	Recording of Attendance	
4.	Approval of Agenda	
5.	Disclosure of Interest - <u>Pursuant to the Municipal Conflict of Interest Act.</u>	
6.	Presentations:	
	a. Mental Health and Summary of Initiatives (C. Geml)	
7.	Delegations:	
8.	Action Items:	
	a. Previous Meeting Minutes	
	i) Minutes of Supervised In-Camera Meeting of January 29, 2013	--
	ii) Minutes of Supervised Delegation Meeting of January 29, 2013	1-8
	b. Items from the Supervised In-Camera meeting of February 26, 2013	--
9.	Communications:	
	a. External (Associations, OCSTA, Ministry): <i>None</i>	--
	b. Internal (Reports from Administration)	
	i) Report: Administrative Staff Report (J. Bumbacco)	9-10
	ii) Report: 2013-14 Budget Schedule (M. Iatonna)	11-18
	iii) Report: 2011-12 Employee Purchase Card Use (M. Iatonna)	19-28

- iv) Report: Public Salary Disclosure Act, 1996 – Disclosure for 2012 (M. Iatonna) *Handout*
10. Unfinished Business: *None* --
11. New Business:
- a. Report: Long-Term Financing Arrangements for Ministry Supported Not Permanently Financed Capital Debt (M. Iatonna) *Handout*
 - b. Report: Draft Policy A:32 Integrated Accessibility Standards, *final approval* (C. Geml) 29-39
 - c. Report: Draft Policy B:09 Playgrounds and Playground Equipment, *final approval* (P. Picard) 40-41
 - d. Report: Amended Board Policies – ST:05 Student Discipline, SC:15 Code of Conduct, and SC:18 Bullying Prevention and Intervention, *final approval* (C. Geml) 42-101
12. Committee Reports:
- a. Report: French Immersion Advisory Committee (FIAC) – Minutes of December 3, 2012 (C. Geml) 101-106
13. Remarks and Announcements:
14. Pending Items: *None*
15. Continuation of In-Camera, if required.
16. Future Delegation Meetings: *Unless stated otherwise, all meetings will be held at the Windsor Essex Catholic Education Centre - 1325 California Avenue, Windsor with the In-Camera Session beginning at 6:00 p.m. and the Public Session beginning at 7:00 p.m.*
- Tuesday, March 26, 2013
 - Tuesday, April 23, 2013
 - Tuesday, May 28, 2013
 - **MONDAY**, June 24, 2013
17. Closing Prayer
18. Adjournment

Norbert Hartmann
Supervisor of the Board

Paul A. Picard
Director of Education & Secretary of the Board



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

**SUPERVISED
DELEGATION MEETING
Tuesday, January 29, 2013 at 7:00 p.m.
Windsor Essex Catholic Education Centre
John Paul II Board Room**

MINUTES

PRESENT

Supervisor: N. Hartmann

Regrets:

Administration:	P. Picard	E. Byrne
	C. Geml	P. Murray
	J. Bumbacco	C. Norris
	M. Iatonna	S. O'Hagan-Wong
	P. Littlejohns	J. Shea
		J. Ulicny

Other: Rev. L. Brunet, Board Chaplain

Recorder: B. Marshall

1. Call To Order – Supervisor Hartmann called the meeting to order at 7:03 p.m.
2. Opening Prayer - Fr. Brunet opened the meeting with a prayer.
3. Recording of Attendance – All present
4. Approval of Agenda – Director Picard noted that the Walk-On reports for agenda items 11e) and 11f) have been distributed and provided electronically.

ADDITIONS:

- **Item 11e) WALK-ON Report:** Deferral of the Closure of St. John the Evangelist Catholic Elementary School and the Boundary Review for the Woodslee/Essex/Belle River Area.
- **Item 11f) WALK-ON Report:** Amended Board Policies – ST:05 Student Discipline, SC:15 Code of Conduct, and SC:18 Bullying Prevention and Intervention

That the January 29, 2013 Supervised Delegation meeting agenda be approved as amended.

Approved by Supervisor Hartmann

5. Disclosure of Interest - Pursuant to the Municipal Conflict of Interest Act.: *None*
6. Presentations: *None*
7. Delegations: *None*
8. Action Items:
 - a. Previous Meeting Minutes
 - i) Minutes of Supervised In-Camera Meeting of December 18, 2012

That the minutes of the Supervised In-Camera meeting of December 18, 2012 be adopted as distributed.

Received by Supervisor Hartmann

- ii) Minutes of Supervised Delegation Meeting of December 18, 2012

That the minutes of the Supervised Delegation meeting of December 18, 2012 be adopted as distributed.

Received by Supervisor Hartmann

- iii) Minutes of Supervised Emergency Meeting of January 11, 2013

That the minutes of the Supervised Emergency meeting of January 11, 2013 be adopted as distributed.

Received by Supervisor Hartmann

- a. Items from the Supervised In-Camera meeting of January 29, 2013

Supervisor Hartmann reported that the Windsor-Essex Catholic District School Board convened a closed Supervised in-camera meeting on January 29, 2013 pursuant to the Education Act - Section 207, to consider specific personnel, and other matters permitted or required to be kept private and confidential under the Freedom of Information and Protection of Privacy Act.

That the recommendations and directions of the Supervised in-camera meeting of January 29, 2013 be approved.

Approved by Supervisor Hartmann

Supervisor Hartmann made the following announcements:

- receipt of the Administrative Staff Report on hiring, leave of absence, return from leave of absence, retirement and resignation of staff, dated January 29, 2013;
- approved the extension of the existing arrangement with Buckingham Realty (Windsor) Ltd. for a further two year period from April 2, 2013 to April 2, 2015 for the provision of realty representation.

9. Communications:
 - a. External (Associations, OCSTA, Ministry): *None*

- b. Internal (Reports from Administration)
 i) Report: Administrative Staff Report

Issue:

To provide an overview of staff changes at Windsor-Essex Catholic District School Board.

Decision:

That the Administrative Staff Report on hiring, retirement and resignation of staff dated January 29, 2013 be received for information.

Rationale:

All hiring, retirements and resignations followed board policies, procedure and legislative requirements and requires no further action or decision.

- ii) Report: Community Use of Schools 2011-12 Annual Report

Issue:

In accordance with the reporting requirements of Board Policy A: 03 Community Use of Schools, an annual report is provided to include the charges to the Community Use of Schools Grant as of August 31, 2012.

Decision:

That the 2011-12 Community Use of Schools Annual Report be received as information.

Rationale:

Senior Manager of Facilities and Support Services Littlejohns indicated an increase in community use of schools reflects the accessibility and availability for non profit organizations.

- iii) Report: 2011-12 Annual Report on Trustee Expenses

Issue:

This report presents an annual summary of the expenses of each trustee for the 2011-12 fiscal year, in accordance with Board Policy *T02 Conventions, Meetings, Out of Pocket Expenses*.

Decision:

That the 2011-12 Annual Report on Trustee Expenses be received as information.

Rationale:

An amount of \$30,600 was provided for expenses in the 2011-12 Revised Budget. The actual total expenses of \$25,432 are \$5,168 (17%) below the approved budget.

- iv) Report: Engaging Our Future – Foundations of Faith and Learning, An Environmental Scan

Supervisor Hartmann congratulated staff on this comprehensive scan on the Board's history, mission, mandates, and successes and indicated the scan is part of a seven step process, in particular, to assist in the development of a Discussion Paper.

Director Picard noted the scan's areas of focus. He also indicated copies of *Engaging Our Future* will be distributed to schools and their Catholic School Councils, Parent

Involvement Committee members, Special Education Advisory Committee members, Bishop Fabbro, Parishes, Board Trustees, Student Trustees, Federation/Union and Non-Union Leaders. Electronic version is also located on the Board's website.

Issue:

The purpose of this document is to provide a data driven frame of reference in order to develop a shared vision towards the future.

Decision:

That the Windsor-Essex Catholic District School Board Engaging Our Future, Foundations of Faith and Learning, An Environmental Scan, be received as information.

Rationale:

The Engaging Our Future scan will assist administration to assemble the data to provide clarification and understanding in order to move forward and provide the public a comprehensive overview of the operations and issues faced by the Board.

10. Unfinished Business: *None*

11. New Business:

a. Report: Draft Policy A:32 Integrated Accessibility Standards, *approval in principle*

Issue:

Integrated Accessibility Standards passed under the Accessibility for Ontarians with Disabilities Act, 2005, (AODA) require the establishment of Board policy to address the needs of people with disabilities in accessing Board services, including those related to information and communication, employment, and student transportation.

Decision:

That the Draft New Board Policy A:32 Integrated Accessibility Standards be approved in principle.

Rationale:

The draft Board policy complies with the requirements of the Accessibility for Ontarians with Disabilities Act and is consistent with the Mission, Vision, Values, and Goals of the Windsor-Essex Catholic District School Board. Input from various stakeholders will be considered prior to final approval.

b. Report: Draft Policy B:09 Playgrounds and Playground Equipment, *approval in principle*

Issue:

The draft policy B: 09 Playgrounds/Playground Equipment is recommended for approval, in principle, in compliance with the April 10, 2012 Board resolution and recommendation.

Decision:

That the Draft New Board Policy B: 09 Playgrounds/Playground Equipment be approved in principle.

Rationale:

The draft amended policy is consistent with the April 10, 2012 Board resolution and recommendation. All input received was and will be considered prior to final approval.

c. Report: 2013 Temporary Borrowing Resolution – Annual Expenditures

Issue:

A Temporary Borrowing Resolution is approved annually authorizing a limit that the Board may borrow to finance the calendar year's expenditures.

Decision:

That the 2013 Temporary Borrowing Resolution (deemed to be read three times) authorizing the Board to borrow up to \$50,048,000 to meet, until current revenues are collected, the current expenditures of the Board for 2013.

Rationale:

Short-term loans are required to finance operations when expenses exceed revenues. The total amount required is less than in previous years and interest rates are favourable, therefore approval is granted.

d. Report: 2013 Temporary Borrowing Resolution – Permanent Improvements

Issue:

A Temporary Borrowing Resolution authorizing the Board to borrow money pursuant to the provisions of Section 247 of the Education Act to finance capital expenditures is required by the Board's banker, the Canadian Imperial Bank of Commerce.

Decision:

That the 2013 Temporary Borrowing Resolution – Permanent Improvements (deemed to be read three times) authorizing the Board to borrow \$20,048,000 to bridge finance the permanent improvements as detailed of the Board for 2013 be approved.

Rationale:

Bridge financing in the amount of \$20,048,000 is required until debentures are issued or Ministry of Education funding is received to permanently finance the capital expenditures.

e. **WALK-ON Report:** Deferral of the Closure of St. John the Evangelist Catholic Elementary School and the Boundary Review for the Woodslee/Essex/Belle River Area.Issue:

Due to the proposed joint use agreement between the Board and Woodslee Community Association (WCA), a recommendation has been made to defer the closure of St. John the Evangelist school and a boundary review in the Woodslee/Essex/Belle River area.

Decision:

That approval be given to the negotiation and execution of an agreement between the Windsor-Essex Catholic District School Board and the proposed Woodslee Community Association (WCA), for the joint use of St. John the Evangelist Catholic Elementary School; and

That, subject to and upon execution of the agreement, approval be given to the following:

- **Deferral of the closure of St. John the Evangelist from June 2013 to June 2019; and**
- **Deferral of the boundary review for the Woodslee/Essex/Belle River area, including St. John the Evangelist, Holy Name (Essex), St. William and St. John**

the Baptist, from the 2012-13 school year to the 2017-18 school year; and

That, upon examination of the results of the boundary review on or before May 31, 2018, including the utilization rates and population forecasts for St. John the Evangelist, Holy Name (Essex), St. William and St. John the Baptist, consideration be given to a possible further deferral of the closure of St. John the Evangelist or to confirm the closing of the school and allow for the establishment of a Joint Integration Committee, to facilitate the transition of the St. John Evangelist students into the St. John the Baptist Elementary School community by September 2019.

Rationale:

This has been a difficult decision. The issues that needed to be weighed were integrity of the Accommodation Review Committee (ARC) process, equity and the best interest of the students, community and Board. The acceptance of a partnership with the Woodslee Community Association is not unique. The Board was prepared to enter into an almost identical contract with the Town of Lakeshore until the latter decided against the investment. Although it does not cover the full cost of the operation, it meets the Ministry goals of expanding community partnership, retains a Catholic presence in the community, and serves the needs of student and families without disruptions at four other school communities. It also provides sufficient time to assess the reality of the townships projected growth before final decision on the school is made.

- f. **WALK-ON Report:** Amended Board Policies – ST:05 Student Discipline, SC:15 Code of Conduct, and SC:18 Bullying Prevention and Intervention

Issue:

On June 5, 2012, Bill 13, the Accepting Schools Act, was passed, amending the Education Act effective September 1, 2012. The new legislation and Policy/Program Memorandums (PPMs) issued by the Ministry of Education pursuant to that legislation require the Board to review and amend current Policy ST: 05 Student Discipline, SC: 15 Code of Conduct, and SC: 18 Bullying Prevention and Intervention.

Decision:

That the Board approve, in principle, draft amended policy ST: 05 Student Discipline;

That the Board approve, in principle, draft amended policy SC: 15 Code of Conduct; and

That the Board approve, in principle, draft amended policy SC: 18 Bullying Prevention and Intervention.

Rationale:

The policies are in compliance with Bill 13, Accepting Schools Act, the new legislation and Policy/Program Memorandums.

12. Committee Reports: *None*

13. Remarks and Announcements:

Director of Education Picard provided comment on recent activities supporting the Board's strategic priorities namely;

Catholic Faith Formation: First Day of Lent is February 13th. Please join us for an Ash Wednesday mass at Assumption Chapel.

Employee Development And Student Achievement Initiatives: During the months of January and February, the following training sessions: French as a Second Language Elementary and Secondary, Schools in the Middle Network, Principal's mentoring, Young Worker Awareness Program from February 4th to 7th, Professional Learning Cycles for Grade 10 Applied Math, Grade 9 and 10 Applied History and Geography, and Grade 9 and 10 Applied Science.

Community Engagement and Partnerships: The 9th Annual Social Justice Forum for Grade 8 students will be held on February 21, 2013. This forum is put on by the Holocaust Education Committee of the Windsor Jewish Community Centre, CAW Local 200 Human Rights Committee, and the Centre for Studies in Social Justice of the University of Windsor. Approximately 120 Grade 8 students from both our Board and the public board will be in attendance. The students will be involved in several workshops dealing with various social justice issues. It is a wonderful way to introduce our Catholic Social teachings to our elementary schools; Our grade 12 students will be traveling to Assumption University to hear Vicki Thorn speak on the "The Imperfect Art of Dating." Vicki started Project Rachel, has her psychology degree from the University of Minnesota and also has her credentials as a trauma counsellor and a facilitator in bereavement loss and parental loss; A Deanery meeting is scheduled for February 20th.

Celebrating Achievements: W.J. Langlois Open House was a huge success. Congratulations to the parents, staff and students from that community.

Miscellaneous: And last week, I attended the Council of Directors of Education Conference with Associate Director Geml and Executive Superintendent Iatonna in Toronto to keep current with initiatives.

Director Picard shared the following story:

A letter was received at the Board office after the Christmas holidays from a woman living in Texas who shared the following story about her husband, who is now 82 years of age. When her husband was in Grade 7, attending De La Salle Catholic School he was taught by the Brothers (founded by St. John the Baptist De La Salle). A visiting priest asked the Grade 7 students to write an essay on "The Proof of the Existence of God." A rosary was promised to the winner of the contest. Her husband's essay won and the priest read it to the class but for some reason the priest left and he never received the rosary. She explained that her husband never forgot about the rosary and throughout his life he often spoke about winning the essay contest but never receiving the rosary, which evidently bothered him. In her letter she asked if there was anything we could do for her husband.

Director Picard is pleased to report a package was forward to the couple with a letter from the Director, a beautiful rosary that has been blessed by His Holiness, Pope Benedict XVI, two Board pins, and two copies of our Board prayer. The rosary was donated by Fr. Thomas Rosica who recently returned from attending Synod on *The New Evangelization* at the Vatican. The letter thanked her husband for his contribution to the history of our Board and assured him that it is individuals such as himself, who exemplify Windsor-Essex Catholic District School Board's motto – "Learning together in faith and service".

14. Pending Items: *None*
15. Continuation of In-Camera, if required. - *Not required.*

16. Future Delegation Meetings: *Unless stated otherwise, all meetings will be held at the Windsor Essex Catholic Education Centre - 1325 California Avenue, Windsor with the In-Camera Session beginning at 6:00 p.m. and the Public Session beginning at 7:00 p.m.*
- Tuesday, February 26, 2013
 - Tuesday, March 26, 2013
 - Tuesday, April 23, 2013
 - Tuesday, May 28, 2013
 - **MONDAY**, June 24, 2013
17. Closing Prayer – Fr. Brunet closed the meeting with a prayer.
18. Adjournment - There being no further business, the Supervised Delegation meeting of January 29, 2013 adjourned at 8:31 p.m.

Approved

Original signed by Norbert Hartmann and Paul Picard

Norbert Hartmann
Supervisor of the Board

Paul A. Picard
Director of Education & Secretary of the Board



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

Supervised Meeting Date: February 26, 2013
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BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Paul A. Picard, Director of Education
 Jamie Bumbacco, Executive Superintendent of Human Resources
 Patrick Murray, Superintendent, Human Resources
 Colleen Norris, Manager of Human Resources & Policy Development

SUBJECT: ADMINISTRATIVE STAFF REPORT

RECOMMENDATION:

That the Board receive the *Administrative Staff Report* on hiring, retirement and resignation of staff dated February 26, 2013 for information.

SYNOPSIS:

BACKGROUND COMMENTS:

FINANCIAL IMPACT:

TIMELINES:

APPENDICES:

- Administrative Staff Report dated February 26, 2013

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	February 19, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	February 19, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	February 19, 2013

February 26, 2013

**Windsor-Essex Catholic District School Board
Administrative Staff Report
Public**

	Employee Name	Position	Date
HIRING	Goyeau, Pamela	Part-Time Custodian	January 14, 2013
RETIREMENT:	Browning, Laura	Administrative Assistant	August 30, 2013
	Lamb, Connie	Educational Assistant	January 23, 2013
	Macri-Papineau, Susan	Speech Pathologist	January 31, 2013
	Wilkinson, Patricia	Elementary Secretary	January 31, 2013
RESIGNATION:	Holgate, Kellie	Occasional Teacher	February 18, 2013
	Vigneux, Fred	Part-Time Custodian	January 23, 2013



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**Supervised
 Meeting Date:
 February 26, 2013**

BOARD REPORT

Public **In-Camera**
PRESENTED FOR: Information Approval
PRESENTED BY: Senior Administration
SUBMITTED BY: Paul A. Picard, Director of Education
 Mario Iatonna, Executive Superintendent of Business
SUBJECT: **2013-14 BUDGET SCHEDULE**

RECOMMENDATION:

That the Board receive the report on the 2013-14 Budget Schedule as information.

SYNOPSIS:

In order to provide an orderly process for the preparation of the 2013-14 Budget, a proposed schedule has been developed.

BACKGROUND COMMENTS:

The proposed 2013-14 Budget Schedule is outlined in the attached Appendix A. It includes steps for soliciting input from school councils, committees and the general public.

FINANCIAL IMPACT:

Not applicable.

TIMELINES:

Timelines are noted in the attached Appendix A.

APPENDICES:

Appendix A: WECDSB 2013-14 Budget Process

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	February 19, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	February 19, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	February 19, 2013

**APPENDIX A****WECDSB 2013-14 Budget Process**

This document is meant to outline the annual budget process, along with general timelines for development of the operating and capital budgets.

Summary: Key Budget Stages and Activities

Step	Key Budget Stage	Key Budget Activity	Deliverable(s)	Responsible for Completion	Approximate Date
1	Plan	Proposed budget timelines developed by Finance and communicated to all departments.	(1) Budget Timeline (2) Presentation at a Delegation Meeting	Finance	Feb 26
2	Forecast	Enrolment forecast prepared by Human Resources and signed off by Executive Council. Forecast of staffing begins.	(1) Enrolment Forecast	Human Resources	Jan 14 – Feb 25 (6 weeks)
3	Forecast	Preliminary funding forecast prepared by Finance. Communication of anticipated budget challenges based on forecast.	(1) Preliminary Funding Forecast (2) Presentation at a Delegation Meeting	Finance	(1) Feb 25 – Mar 7 (2 weeks) (2) Mar 26
4	Budget	Allocation of budget envelopes (salaries/benefits, departments, schools) prepared by Finance.	Preliminary Funding Forecast broken out by envelope with explanations	Finance	Mar 8
5	Budget	Preparation of departmental budgets, central school budget allocations and salary and benefits budget development.	(1) Departmental & School Budgets (2) Preliminary Staff Allocation Forecast (3) Salary & Benefits Budget	(1) All Operating Departments (2) HR (3) Finance	(1) Mar 11 – Mar 28 (3 weeks) (2) Mar 28 (3) Apr 2 - Apr 10 (1 week)
6	Budget	Budget consolidation prepared by Finance.	Consolidated Draft Budget	Finance	Mar 28 – Apr 11



Step	Key Budget Stage	Key Budget Activity	Deliverable(s)	Responsible for Completion	Approximate Date
7	Revise	Update report and draft budget tabled with Ministry Supervisor, including potential alternative program delivery options and/or program reductions. EFIS is populated and updated to reflect GSN announcements.	(1) Draft Budget with pressures and reduction options (2) Presentation at a Delegation Meeting	Finance	(1) Apr 11 (2) Apr 23
8	Revise	Ministry Supervisor review phase including preparation of a short-list of budget prioritization alternatives for community input.	Short-list of budget prioritization alternatives to community	Ministry Supervisor	Apr 23 – May 7 (2 weeks)
9	Revise	Community consultation period.	Feedback	Community and Finance	May 7 – May 21 (2 weeks)
10	Revise	Final draft budget documents revised and tabled. EFIS is updated and refined.	(1) Updated budget documents (2) Draft Final Budget tabled with Ministry Supervisor (3) Report & Presentation at a Delegation Meeting	Finance	(1) May 21 – May 28 (1 week) (2) Jun 11 (3) Jun 11
11	Approve	Final Board deliberations and public consultation.	(1) Budget deliberations & public consultation (2) Approved Budget	Ministry Supervisor and Community	(1) Jun 11 – Jun 24 (2 weeks) (2) Jun 24
12	Approve	Final Ministry Supervisor approved budget submitted to Ministry of Education through EFIS.	Submitted Budget	Finance	June 28

GSN = Grants for Student Needs

EFIS = Education Finance Information System



Operating Budget Process

Step 1: Proposed budget timelines developed by Finance and communicated to all departments.

This report is meant to outline the proposed annual budget process for the Ministry Supervisor and all Board budget owners, along with timelines for development of the Operating and Capital Budgets.

Given the Board's budget pressures and declining enrolment, identification of discretionary spending areas is critical to avoid future budget deficits. During the 2012-13 budget development process, Administration categorized budget items on a line-by-line basis as either Discretionary, Discretionary-Traditional, Non-Discretionary and Revenue Neutral. This was done to inform Trustees in their decision making and improve efficiency in the budget development process. Following the classification of budget items, the budget owners then prioritized accounts as a starting point for future budget discussion. This classification and prioritization of accounts conducted in 2012-13 will be relied upon during the 2013-14 budget development process.

Step 2: Enrolment forecast prepared by Human Resources and signed off by Executive Council. Forecast of staffing begins.

Projected enrolment for the following year is a critical point in the budget process. The Human Resources Department is responsible for establishing the following year's enrolment projections based on historical data, updated for current developments. Student Achievement K-12 will be consulted on enrolment projections and will support Human Resources by providing input on elementary school enrolment figures. These projections are conservative and will be reviewed with and approved by Executive Council before departmental funding allocation and staff forecasts can be prepared. Once approved by Executive Council, the enrolment forecast will be provided to Finance and Human Resources will begin development of the staffing forecast.

Step 3: Preliminary funding forecast prepared by Finance and communication of anticipated budget challenges.

Finance will prepare a Preliminary Funding Forecast based on guidance from Ministry B Memos and the Enrolment Forecast. A comparison of the Funding Forecast to the prior year's budget will inform the anticipated Budget challenges for the Board during the coming academic year. When the final Grants for Student Needs (GSN) announcement is made in late March (during Step 5), Finance will revise the funding forecast and budget allocations and communicate any changes to impacted departments.

Step 4: Allocation of budget envelopes (salaries/benefits, departments, schools) prepared by Finance.

Finance will allocate Budget envelopes for salaries/benefits, departments and schools based on the Preliminary Funding Forecast. Included in this allocation will be a breakdown of how allocation amounts were determined.



Step 5: Preparation of departmental budgets, central school budget allocations and salary and benefits budget development.

Once allocations have been communicated by Finance in early March, staff begins to prepare departmental budgets and central school budget allocations.

During this phase a preliminary staffing plan for all categories of employees is prepared. The Business Department is responsible for creating the salaries and benefits budgets while Human Resources is responsible for the staff allocation plan. When the staff allocation plan is complete, Finance will then consult with Human Resources to prepare the associated salary budget. Upon substantial completion of the staffing complement and salaries budget, Business (Payroll Division) will prepare the benefits budget.

Throughout the Budget Development process, Executive Council will be consulted to provide input into the individual budgets.

It is proposed annually that Administration will deliver a balanced budget in compliance with the Education Act, developed based on the following principles:

1. Budget Increase Categories
 - A. Ministry Supervisor Approved Annualizations
 - B. Provincially Negotiated Salary & Wage Increases
 - C. Contractual Obligations
 - D. Legislation Obligations
 - E. Significant Inflationary Pressures

The school board is facing fiscal pressures due to declining enrolment and a corresponding reduced grant revenue. Additionally, many departments have legislative or other restrictions that inhibit achievement of a balanced budget with the same level of program delivery and staffing levels as experienced previously. As a result, Administration will develop potential options for Ministry Supervisor consideration should certain recommendations not be acceptable. The reduction options prepared will exceed the amount required to balance the budget in order to allow some level of flexibility. Budget reduction options will be developed as follows:

2. Budget Reduction Categories
 - F. Line-by-Line Reductions
 - G. Program/Service Level Reductions (Minimal Impact)
 - H. Program/Service Level Reductions (Major Impact)
 - I. Program/Service Level Reductions (Complete Elimination)

The goal is to provide the Ministry Supervisor with the flexibility to achieve a balanced budget in compliance with the Education Act, while maintaining the system priorities of Student Achievement and Faith Development.

Step 6: Budget consolidation and listing of prioritization alternatives prepared by Finance.

After receiving individual departmental Budgets and completing the salary and benefits budget, Finance will consolidate all Budgets and prepare the Draft Budget.



Step 7: Update report and draft budget tabled with Ministry Supervisor, including potential alternative program delivery options and/or program reductions. EFIS is populated and updated to reflect the GSN announcements.

The draft budget and accompanying report prepared at this stage will outline high level budget pressures that are expected in the upcoming fiscal year. Preliminary budget impacts such as declining enrolment, Public Sector Accounting Board (PSAB) impacts to compliance, benefit cost increases, contractual increases and other general inflationary increases will also be identified. Any other budget issues identified during the Administrative budget development phase will also be presented.

The Ministry Supervisor will also receive potential options to consider should certain recommendations not be acceptable. These options will allow the Ministry Supervisor flexibility in achieving a final budget which is consistent with the Board's strategic priorities.

Step 8: Ministry Supervisor review phase including preparation of a short-list of budget prioritization alternatives for community input.

During an approximate two week period the Ministry Supervisor will review the budget issues and prioritization alternatives. The Ministry Supervisor will be asked to indicate which issues he is prepared to recommend, which will then be tabled with the public as a short-list of alternatives. Ministry Supervisor direction as to services to cut to achieve a balanced budget (if applicable) is sought at this time, based on the variety of reduction options identified.

Step 9: Community consultation period.

The Ministry Supervisor will provide the public with the short-list of prioritization alternatives developed in Step 8 for public consultation. Delegates will be able to attend Delegation meetings during this period to provide input to the Ministry Supervisor and Administration (other than for appropriate in-camera matters).

Step 10: Final draft budget documents revised and tabled. EFIS is updated and refined.

Once the Ministry Supervisor and the public have reviewed the issues and made their recommendations, Finance will update the budget documents to include the recommendation for the tabling of the budget. The final draft budget will be tabled for two weeks for the general public, various stakeholders and the Board.

Step 11: Final Board deliberations and public consultation.

The proposed timelines allow for Board budget deliberations and approval to occur at the beginning of June, allowing time for any subsequent revisions required based on discussions. Final budget deliberations will include early public input so that the Ministry Supervisor may make timely decisions regarding final budget revisions and approval.

Step 12: Final Ministry Supervisor Approved Budget submitted to Ministry of Education through EFIS.

EFIS will be finalized and submitted to the Ministry of Education by the required deadline of June 28, 2013.



Capital Budget Process

The Capital Budget will be prepared by Finance through consultation with Facilities and Information Technology (I.T.). Facilities and I.T. will determine the Board's future capital needs. These will inform the Capital Budget Development for the coming school year.

It is important to note that there is typically very little additional funding available for the annual capital budgets and that the projects in the Capital Plan must remain in balance to the projected funding.

Requested projects from departments and schools will need to be prioritized along with a detailed project description with the requested budget. Administration will review the requests and recommendations will be put forward to balance the projects to available funding. The recommendations will be based on departmental priorities taking into account asset management principles, previous funding allocations, and Board priorities.

There will be a portion of the funding for each year of the capital budget that is left unallocated to allow for some level of flexibility in future years to address changing priorities, unanticipated projects and/or changes to currently approved capital projects.

Unsupported Debt Reduction

The Debt Reduction Plan will be updated and included in the annual budget documents. The revised plan will outline the projected debt over the next 5 years, along with how the debt payments will be funded.

Staff Budget Workgroup

To better facilitate the Budget process and improve communication between departments, Administration has established a Staff Budget Workgroup comprised of Management representatives from each department. The Staff Budget Workgroup will meet weekly throughout the development cycle to discuss progress for each department and address any issues on a timely basis. This multidisciplinary team will allow the Board to take a holistic view to budget development and consider the unique needs and competencies of each department.

Competing Priorities

The budget schedule as identified above is aggressive. It is important to note that in each year, there are other significant initiatives currently underway at the Board that may impact the timelines. *The budget timelines are very tight and any changes or delays that impact the critical path of the process will result in the final budget date being postponed (resulting in significant financial penalties imposed by the Ministry of Education), or will significantly compromise the integrity of the steps inherent in the process.*



Budget Issues Categories & Definitions

Increase Categories

A. Annualizations (of previous Board Decision)

Increases to the operating budget resulting from service level changes that have been quantified and approved by the Board outside of the normal annual budget process which have an impact on future year's operating budgets and are supported by a Board Resolution.

B. Provincially Negotiated Salary & Wage Increases

Increases to the operating budget associated with salaries and wages stipulated within collective agreements.

C. Contractual Obligations

Increases to the operating budget that have been quantified and approved within a written contract / agreement, and include escalation clauses requiring additional funding. Copies of contract / agreement required.

D. Legislated Obligations

Increases to the operating budget in which there is no discretion as the Board is obligated through Federal / Provincial legislation to provide the service/program at a prescribed level as set out in the legislation.

E. Significant Inflationary Pressures

Increases to the operating budget resulting from corporately established levels and rates of inflation on specified expenditure line items. Typical items in this category include Insurance, Fuel and Utilities.

Reduction Categories

F. Line-By-Line Reductions

Reductions to the operating budget resulting from a line-by-line review of all departmental accounts in an effort to identify internal savings and efficiencies.

G. Service Level Reductions (Minimal Impact)

Reductions to the operating budget resulting in little or no impact on the department's existing level of program/service delivery as approved by the Ministry Supervisor.

H. Service Level Reductions (Major Impact)

Reductions to the operating budget resulting in significant changes to the department's existing level of program/service delivery as approved by the Ministry Supervisor.

I. Service Level Reductions (Complete Elimination)

Reductions to the operating budget resulting in a complete elimination of an existing program/service provided by the department as approved by the Ministry Supervisor.



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

**Supervised
Meeting Date:
February 26, 2013**

BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Paul A. Picard, Director of Education
Mario Iatonna, Executive Superintendent of Business

SUBJECT: **EMPLOYEE PURCHASING CARD USE 2011-12**

RECOMMENDATION:

That the Board receive the Employee Purchasing Card Use 2011-12 report as information.

SYNOPSIS:

In accordance with Board Procedure PR A: 27 Purchasing Cards, this report summarizes Board purchasing cards (P-Cards) use for the 2011-12 budget year.

BACKGROUND COMMENTS:

Authorization of Users:

Purchasing cards are issued to users who have been approved by Executive Council. In 2011-12, the Board had fifty-four corporate Purchasing Cards issued to administrative and maintenance employees. Board Trustees and Student Trustees are not issued purchasing and/or credit cards. When required, a purchasing card issued to Administration is used to confirm travel/accommodation arrangements related to Board Trustee or Student Trustee attendance at out of district meetings or conferences.

Audit Procedures:

The Board's external auditors perform random reviews of the expense statements and receipts as part of the annual audit. Supervisors review expenditures of staff that have been issued a purchasing card on a monthly basis.

Expenses:

The 2011-12 Purchasing Card Summary is listed in Appendix A. The purchasing cards issued to administrative staff are primarily used for Board business meetings and professional development expenditures, including expenditures incurred by staff in attendance at these meetings. Sixty-seven percent of the expenditures are purchases of

goods and services by Facilities Services. Expenditures associated with the Board purchasing cards include:

- Information Technology supplies
- Approved travel expenditures for authorized Board business
- Books, supplies required by the Board
- Facility maintenance/utility supplies

There are 5 purchasing cards which have credit limits of \$10,000 and a single purchase limit of \$5,000.

There are 7 purchasing cards which have credit limits of \$5,000 and a single purchase limit of \$2,000.

There are 14 purchasing cards which have credit limits of \$5,000 and a single purchase limit of \$1,000.

There are 28 purchasing cards which have credit limits of \$4,000 and a single purchase limit of \$500.

Comments respecting the expenditures listed in Appendix A are noted as follows:

1. The usage by Senior Administration totals \$18,886. This is largely attributable to purchases that are reimbursed from the Ministry of Education pertaining to specific programs. This applies in varying degrees to other purchasing card purchases as well.
2. The usage by maintenance/utility employees varies given the difference in job requirements, particularly for completing urgent repairs in a timely manner.

FINANCIAL IMPACT:

For the 2011-12 fiscal period, a total of \$138,232 was expended through the Board's twenty-four administrative cards and \$275,602 through the Board's thirty Facilities Services employee cards, for a grand total of \$413,834.

TIMELINES:

This report covers the period from September 1, 2011 through August 31, 2012.

APPENDICES:

- Appendix A - Purchasing Card Summary
- Appendix B – PR A:27 Administrative Purchasing Cards Procedure

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	February 19, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	February 19, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	February 19, 2013

Appendix A

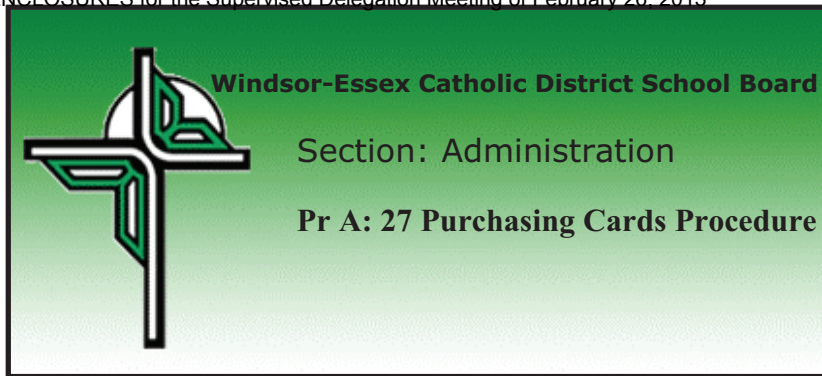
Windsor-Essex Catholic District School Board
PURCHASING CARD SUMMARY
September 2011 - August 2012

Cardholder Position	Amount
SENIOR ADMINISTRATION	
Director of Education	\$ 8,324
Executive Superintendent of Human Resources	1,223
Associate Director of Education - Student Achievement K-12	4,276
Executive Superintendent of Business	5,063
	<u>18,886</u>
ADMINISTRATION	
Superintendent of Human Resources	861
Superintendent of Education - Student Achievement K-12	14,355
Superintendent of Education - Student Achievement K-12	7,067
Superintendent of Education - Student Achievement K-12	4,266
Superintendent of Education - Student Achievement K-12	13,193
Senior Manager, Facilities and Support Services	3,624
Principal of Continuing Education	3,948
Manager of Human Resources and Policy Development	2,330
Communications Officer	3,973
Risk Assessment Manager	5,500
Executive Assistant to the Board	4,264
	<u>63,379</u>
CONSULTANTS	
Elementary Curriculum	3,135
Elementary Curriculum	121
Elementary Curriculum	2,865
Secondary Curriculum	146
International Education	10,328
Ontario Youth Apprenticeship Program (OYAP)	3,143
	<u>19,738</u>
IT DEPARTMENT	
Superintendent of Education - Student Achievement K-12	9,477
Communication Cabling Technician	4,904
Computer Services Technician	21,848
	<u>36,229</u>
FACILITIES SERVICES	
Supervisor, Operations Services	3,411
Foreperson, Maintenance Services	1,210
Maintenance Employee	24,071
Maintenance Employee	10,322
Maintenance Employee	11,625
Maintenance Employee	21,218
Maintenance Employee	11,689

Appendix A

Windsor-Essex Catholic District School Board
PURCHASING CARD SUMMARY
September 2011 - August 2012

Cardholder Position	Amount
Maintenance Employee	1,345
Maintenance Employee	4,433
Maintenance Employee	6,601
Maintenance Employee	35,420
Maintenance Employee	10,715
Maintenance Employee	6,376
Maintenance Employee	28,276
Maintenance Employee	5,721
Maintenance Employee	5,148
Maintenance Employee	661
Maintenance Employee	696
Maintenance Employee	40
Maintenance Employee	8,273
Maintenance Employee	3,752
Maintenance Employee	59
Maintenance Employee	9,180
Maintenance Employee	23,676
Maintenance Employee	366
Maintenance Employee	568
Maintenance Employee	21,344
Maintenance Employee	8,274
Maintenance Employee	10,504
Maintenance Employee	626
	<u>275,602</u>
<hr/>	
Total Purchasing Card charges for period September 2011 to August 2012	\$ 413,834



PROCEDURE:	Pr A: 27
EFFECTIVE:	
AMENDED:	
RELATED POLICIES:	A:27 A:04 Pr A:04 A:12 F:02
REPEALS:	
REVIEW DATE:	

1.0 OBJECTIVE

To provide procedures to govern the use of Board Purchasing Cards.

2.0 SCOPE

- 2.1 The use of the Purchasing Card for small dollar transactions is intended to replace purchases that would generally have been obtained by the Purchase Order or Petty Cash procedures.
- 2.2 It is unacceptable to use the Purchasing Card if the requested items have been denied through the Purchasing Requisition Process.
- 2.3 If the cardholder is uncertain regarding the acceptability of the purchase, they should discuss the issue with their manager or supervisor in advance of the purchase. If further clarification is required, the Purchasing Department should be contacted.

3.0 AUTHORIZATION

- 3.1 Purchasing Cards shall only be issued to those individuals who have been approved by Executive Council, and who have fully executed the Purchasing Card Employee Acknowledgement, which is attached as Appendix A.
- 3.2 To request consideration for approval from Executive Council, the employee’s supervisor shall submit the employee’s name and the rationale for the request detailing the employee’s need for a Purchasing Card. Approval shall be at the discretion of Executive Council.
- 3.3 The Controller of Finance shall provide to Executive Council as requested, and file with Executive Council at least twice yearly, a list of individuals who have been issued a Purchasing Card and the year to date expenses charged to their cards.

- 3.4 Supervisors shall execute the acknowledgement agreeing to review purchases to ensure the terms therein, as well as the provisions of the Board's Purchasing Card Policy and Procedure, are followed.
- 3.5 Management shall set authorization controls that include:
 - a) restriction that there be no purchases of alcohol charged to the Purchasing Card.
 - b) restriction that there be no cash advances charged to the Purchasing Card.
 - c) monthly credit limits for individual cardholders.
 - d) dollar limit per transaction for individual cardholders to a maximum of \$3,000 (sales taxes excluded).
 - e) Types of merchants that will be authorized.
- 3.6 Cardholders shall not split transactions in order to comply with the dollar limits. Supervisors shall review purchases to determine whether items are being purchased separately to avoid these limits. Should the supervisor determine, at his or her discretion, that this procedure is being breached, he or she may take disciplinary action, including cancellation of the Purchasing Card.
- 3.7 The Board will receive an annual report on Purchase Cards. The report will contain the title of the person issued the purchase card and a summary of all expenses charged to their card.

4.0 AUDIT

- 4.1 Purchasing Cards are subject to audit at any time.
- 4.2 The bank produces monthly Purchase "Exception Reports" on individual cardholders by merchant category. The Central Card Coordinator will review these "Exception Reports" on a monthly basis. Regular spot audits will be performed to ensure successful implementation of the Program.
- 4.3 Exception Reports are designated to illustrate deviations from established Board standards, Policy and Procedure dealing with the use of Purchase Cards.

5.0 PURCHASE PROCEDURES AT VENDOR

- 5.1 The steps of a typical pick-up order include the following:
 - a) the cardholder selects merchandise and presents it with the card to the cashier.
 - b) The cashier totals the sale and obtains authorization from the credit company.

- c) The cardholder signs and receives a detailed cash register receipt that is to be retained in his/her records (vendor's GST number must appear on the cash register receipt).

5.2 The steps of a typical telephone/mail/fax order include the following:

- a) the cardholder selects merchandise or service and then calls/mails/faxes the supplier with the order.
- b) the cardholder instructs the supplier to change the merchandise/service to their Purchasing Card and supplies the card number.
- c) the cardholder must instruct the supplier to follow these rules:
 - i. forward a receipt and/or packing slip to cardholder for confirmation
 - ii. ensure that the GST number is on the receipt or packing slip

6.0 BUDGET PROCEDURES

- 6.1 The WECDSB Purchasing Cards are linked to budget accounts. Each card has been assigned a default school/board department budget code that is used to process payment for purchases made on the card. Re-allocation of expenditures is not encouraged but, at the discretion of the Controller, re-allocation will be accommodated by the Finance Department.

7.0 RECONCILIATION, PAYMENT AND RECORD

- 7.1 Each cardholder will receive a Monthly Statement identifying each transaction made against the card during the previous month. The statement will be mailed to the cardholder at their office/school address. This cardholder statement is not to be paid but is for reconciliation purposes only. The total purchases will appear on the Master statement that is received by the Finance Department for direct payment.
- 7.2 The following steps are required for each cardholder for the reconciliation of all Purchasing Card purchases:
 - a) The cardholder matches all transaction receipts and supporting documentation stored in the Purchasing Card monthly file folder with the transactions listed on his/her statement. This shall include an itemized receipt, credit card receipt, and if relating to a meal expense, an explanation as to whose expenses are being covered and the reason the expense was incurred. The documents are to be attached to the monthly statement and forwarded to the accounting department.
 - b) Should the transaction involve the purchase of air or train fare, the cardholder shall attach a copy of the boarding pass or ticket stub to the statement.
 - c) The cardholder acknowledges the verification of all monthly transactions listed by signing the monthly statement at the bottom.

- Any discrepancies must be identified and appropriate action taken to resolve the problem
- d) Retain all receipts that do not appear on the current statement in the Purchasing Card monthly File Folder, to be submitted later with the statement on which they are listed.
- 7.3 The purchase cardholder must submit monthly statements to his or her supervisor for approval within 7 days of receipt of the statement.
- 7.4 Those functional areas that choose not to submit the required monthly reporting on time, will have **all cards** in their area designated as unusable for a one-month period by the Superintendent of Business. The Superintendent of Business will **not** attempt to track down the information, as the time frame to supply all information is considered reasonable. If a potential difficulty is looming, it is the responsibility of the Principal/Supervisor to contact the Central Card Coordinator. This option is intended to stress to all staff utilizing the card of the importance of timely reporting, thereby ensuring a proper audit trail.
- 7.5 Purchasing will assume that all transactions recorded by the bank are legitimate and the Cardholder/Principal will process payment to the bank without approval. Responsibility rests with the cardholder to ensure that all transactions are accurate and legitimate.

8.0 TERMINATED EMPLOYEES

- 8.1 The following are steps taken when an employee leaves the School Board:
- a) Local management is responsible for collecting and destroying the card
 - b) Local management notifies the Central Card Coordinator
 - c) The Central Card Coordinator advises the bank to cancel the card

9.0 DISPUTE PROCESS

- 9.1 The following steps should be taken for all transactions in dispute:
- a) Cardholder contacts supplier directly
 - b) Supplier reviews information and either demonstrates the charge is legitimate, credits the account or continues dispute
 - c) If the dispute continues, contact the Central Card Coordinator with details
 - d) The Central Card Coordinator will work with CIBC to resolve the issue

10.0 LOST AND STOLEN CARDS

- 10.1 The cardholder must notify the bank immediately of any lost or stolen card. The lost or stolen card will be cancelled and a replacement card will be issued. Until the card is reported lost or stolen, charges made on the card will be the responsibility of the school/department to which it has been issued. Cardholders should exercise care in keeping the Purchasing Card and its account number secure from theft or misuse.

11.0 OWNERSHIP OF CARDS

- 11.1 All Purchasing Cards issued by the Windsor-Essex Catholic District School Board remain the property of the bank and as such, may be cancelled/revoked at any time.

APPENDIX A**Purchasing Card Employee Acknowledgement**

This document outlines the responsibilities I have as a holder of the CIBC Purchasing Card for procurement. My signature indicates that I have read and understand these responsibilities and, agree to the policies and procedures established for the program.

1. The credit card is intended to facilitate the purchase and payment of materials and services required to conduct business. I cannot use the card for personal purchases.
2. Unauthorized use of the card can be considered misappropriation of funds. This could result in:
 - i) Immediate and irrevocable forfeiture of the card and/or
 - ii) Disciplinary action that may result in termination of employment
3. I understand that the card must be surrendered upon suspension or termination of employment, whether for retirement, voluntary, separation, resignation or dismissal. I may also be requested to surrender the card for reasons not related to my own personal situation, such as re-organization. I understand that use of the card, after privileges are withdrawn, is prohibited.
4. I will maintain the card with appropriate security whenever and wherever I may use the card. If the card is lost or stolen, I agree to notify CIBC and the Card Coordinator immediately. I understand failure to promptly notify CIBC of the theft, loss or misplacement of the Card could make me responsible for the fraudulent use of the card.
5. The Purchasing Card is issued in my name. I will not allow any other person to use my card.
6. I understand that since the Board is responsible for payment, I may periodically be required to comply with internal control procedures designed to protect the organizations assets. This may include being asked to produce the credit card records for audit purposes.
7. I understand that I will receive a monthly statement that will report all activity during the last cycle. I will resolve any discrepancies by either contracting the supplier of the Card Coordinator as appropriate. I understand that I will be required to obtain a copy of the cash register receipt or packing slip and reconcile them with the monthly statement.
8. I understand that all charges will be billed directly to and paid directly by the Board. I understand that CIBC cannot accept payment from me directly.
9. I agree to charge only those purchases consistent with the type of materials and services authorized by management.

I _____ hereby acknowledge the receipt of the Board's VISA Purchasing Card. I have verified the information contained thereon and attest to its accuracy.

Employee Name (please print) _____

Employee Signature: _____ Date: _____

I _____ hereby acknowledge that _____ has been approved as holder of the CIBC Purchasing Card, and as supervising officer I shall make best efforts to review purchases to ensure compliance with conditions, policies and procedures.

Supervisor's Name (please print): _____

Supervisor's Signature: _____ Date: _____



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

**Supervised
Meeting Date:**
February 26, 2013

HANDOUT BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Paul A. Picard, Director of Education
Mario Iatonna, Executive Superintendent of Business

SUBJECT: **LONG TERM DEBENTURE BY-LAW – GOOD PLACES TO LEARN RENEWAL AND CAPITAL PRIORITY PROGRAMS – MARCH 2013 ISSUE**

RECOMMENDATION:

That the Board approve the execution of By-Law 2013-01 deemed to be read three times pertaining to the loan agreement between the Ontario Financing Authority and the Windsor-Essex Catholic District School Board in the amount of \$1,425,226.00 for the long term financing of expenditures incurred up to August 31, 2012 under both the Good Places to Learn Renewal and Capital Priority programs.

SYNOPSIS:

The Ministry requires all school boards to participate in the long-term capital financing arrangements for the Good Places to Learn (GPL) Renewal and Capital Priority (CP) programs through Ontario Financing Authority (OFA). This report provides details with respect to this financing and recommends approval of the By-Law for the extension of the loan agreement between OFA and the Board for the March 2013 debenture issue. For this issue, the principal amount eligible for long-term financing reflects the value of work for permanent improvements undertaken prior to August 31, 2012 under the eligible capital projects.

BACKGROUND COMMENTS:

Good Places to Learn Renewal Program:

The GPL program was launched by the Ontario government in 2005 to address the backlog of urgent school renewal needs and the need for new schools around the province. Projects included building new schools and expanding and retrofitting existing school facilities.

The Ministry launched the GPL program in four stages. The Windsor-Essex Catholic District School Board received allocations as follows:

GPL Stage	Allocation	Total Value of Expenditures Completed by August 31, 2012	Previously Long-Term Financed Amounts	Amount to be Long-Term Financed in March 2013
Stage 1 (GPL1)	\$8,094,232	\$8,094,232	\$8,094,232	\$0
Stage 2 (GPL2)	\$4,684,843	\$4,684,843	\$4,684,843	\$0
Stage 3 (GPL3)	\$5,249,917	\$5,249,917	\$5,249,917	\$0
Stage 4 (GPL4)	\$2,140,427	\$2,140,427	\$717,942	\$1,422,485
Total	\$20,169,419	\$20,169,419	\$18,746,934	\$1,422,485

The financing for this capital renewal program has been accomplished through debenture issues under the OFA. To date, the Board has long-term financed a total of \$18,746,934 of GPL expenditures.

For this issue, the Board has \$1,422,485 of supported, not-permanently financed expenditures under the GPL4 program which are now eligible to be transitioned to long term financing under the OFA.

Capital Priority Program:

In 2010, the Ministry granted \$1.5 million of capital funding to the Board to fund the construction of a four classroom addition and the associated renovation work at St. James Catholic Elementary School.

As of August 31, 2011, the Board had expended \$1,415,863 of this allocation. Remaining expenditures for this project of \$2,741 incurred as of August 31, 2012 are now eligible to be transitioned to long-term financing through the OFA.

The Board is required to authorize execution of the attached By-Law Number 2013-01 in order to proceed with the long-term financing of the \$1,425,226 combined total of the \$1,422,485 GPL expenditure and the \$2,741 CP expenditure. The Board will then receive a cash flow from the Ministry to meet its annual debt repayments.

FINANCIAL IMPACT:

Provided in the Background Comments section.

TIMELINES:

February 2013 By-Law 2013-01 and the executed loan agreement are to be forwarded to the Board's solicitor (Borden Ladner Gervais) that is coordinating this transaction between OFA and the Board.

March 2013 Applicable funds are to be advanced from OFA to the Board.

APPENDICES:

- By-Law 2013-1: A By-Law to authorize a loan from the Ontario Financing Authority in the principal amount of \$1,425,226 pursuant to a long agreement under section 7 of Ontario Regulation 41/10 *Board Borrowing, Investing and Other Financial Matters*.

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	February 26, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	February 26, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	February 26, 2013

Windsor-Essex Catholic District School Board**BY-LAW NUMBER 2013-01**

A by-law to authorize a loan from the Ontario Financing Authority in the principal amount of \$1,425,226 pursuant to a loan agreement under section 7 of Ontario Regulation 41/10

WHEREAS subsection 247 (1) of the *Education Act* R.S.O. 1990, c. E.2, as amended (the “*Education Act*”) and the regulations made thereunder, provides that, subject to any other provision of the *Education Act* and, specifically, the regulations made under subsection 247 (3) of the *Education Act*, a district school board may by by-law borrow money or incur debt for permanent improvements and may issue or execute any instrument prescribed under clause 247 (3) (f) of the *Education Act* in respect of the money borrowed or the debt incurred;

AND WHEREAS section 7 of Ontario Regulation 41/10 (the “Regulation”), provides that (1) a board may by by-law borrow money for permanent improvements by way of a loan with an initial maturity of more than one year from the Ontario Financing Authority and that (2) a board that obtains a loan described in section 7 of the Regulation shall ensure that the proceeds of it are used for permanent improvements;

AND WHEREAS the Windsor-Essex Catholic District School Board, which under the *Education Act* constitutes a district school board (the “Board”), has undertaken urgent and high priority renewal projects at schools of the Board listed in any one or more of: (i) Appendix B of the document entitled “Good Places to Learn: Stage 1 Funding Allocation”; (ii) Appendix C of the document entitled “Good Places to Learn: Stage 2 Funding Allocation”; (iii) Appendix B of the document entitled “Good Places to Learn: Stage 3 Funding Allocation”; and (iv) Appendix B of the document entitled “Good Places to Learn: Stage 4 Funding Allocation”, in accordance with the maximum allocations listed in columns 2, 3, 4 and 5, respectively, opposite the name of the Board in Table 24 of Ontario Regulation 136/12, some of which projects are described in Schedule “A” attached to the Loan Agreement, as hereinafter defined (individually a “GPL Eligible Project”, collectively the “GPL Eligible Projects”) and pursuant to Ontario Regulation 580/07, each GPL Eligible Project constitutes a “permanent improvement” as defined in subsection 1(1) of the *Education Act*. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under the said Loan Agreement in respect of a single GPL Eligible Project, the term “GPL Eligible Projects” means that GPL Eligible Project;

AND WHEREAS the Board, which under the *Education Act* constitutes a district school board (the “Board”), has participated in one or more programs referred to as the Consolidated Capital Programs (as described below) (the “Consolidated Capital Programs”) involving capital projects that are described in the Schedule(s) referred to in recital (d) of the Loan Agreement, as hereinafter defined (individually a “Consolidated Capital Eligible Project”, collectively the “Consolidated Capital Eligible Projects”) and each Consolidated Capital Eligible Project constitutes a “permanent improvement” as defined in subsection 1(1) of the *Education Act*. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under the said Loan Agreement in respect of a single Consolidated Capital Eligible Project, the term “Consolidated Capital Eligible Projects” means that Consolidated Capital Eligible Project;

AND WHEREAS the Consolidated Capital Programs include:

- (i) capital projects to provide for construction projects (the “CP Program”) described in Column 3 of Table 22.1 of Ontario Regulation 155/09, in the municipalities set out in Column 2 of that Table opposite the name of the Board, and under the CP Program has undertaken projects, some of which projects are described in Schedule “A-6” attached to the said Loan Agreement;

AND WHEREAS the GPL Eligible Projects and the Consolidated Capital Eligible Projects are collectively referred to as the “Eligible Projects”. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under the said Loan Agreement in respect of a single Eligible Project, the term “Eligible Projects” means that Eligible Project. The GPL Program and the Consolidated Capital Programs are collectively referred to as the “Programs”. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under the said Loan Agreement in respect of a single Program, the term “Programs” means that Program;

AND WHEREAS the Board has in part financed the Eligible Projects by way of temporary borrowing from a financial institution or from a restricted purpose revenue account (formerly referred to as a reserve account or a reserve fund account) of the Board and the Board intends to borrow money from the Ontario Financing Authority for the purpose of financing the Eligible Projects on a long-term basis, and in this connection the Board intends to borrow by way of a loan with an initial maturity of more than one year from the Ontario Financing Authority the principal amount of \$1,425,226 (the “Loan”) pursuant to a loan agreement in the form attached hereto as Schedule “A” (the “Loan Agreement”) which Loan Agreement constitutes an instrument prescribed under clause 247 (3) (f) of the *Education Act* and which sets out the terms and conditions on which the Ontario Financing Authority will make the Loan available to the Board;

AND WHEREAS pursuant to an Order in Council made under subsection 257.31(2) of the *Education Act* (the “Order”), control and charge over the administration of the affairs of the Board have been vested in the Ministry of Education and the Minister appointed a Supervisor for the Board (the “**Supervisor**”) effective August 28, 2012 to exercise the powers and duties of the Minister under Division D of Part IX of the *Education Act* except those powers which the Minister reserved in the Delegation and Terms of Reference (the “**Reserved Powers**”) which Reserved Powers the Minister may delegate to other persons;

AND WHEREAS pursuant to the appointment letter dated August 28, 2012 including the Delegation and Terms of Reference (the “**Appointment Letter**”), the Minister provided that she delegates her powers and duties under Part IX, Division D of the *Education Act* except the Reserved Powers to the Supervisor to assume control over the exercise and performance by the Board of its powers, duties, and obligations with respect to all matters, ~~set~~ including, but not limited to, matters set out in section 257.33 of the *Education Act*;

AND WHEREAS subsection 257.37(1) of the *Education Act* provides that without the approval of the Minister first being obtained, a board that is subject to an order under subsection 257.31(2) shall not, under the *Education Act* or any other Act, exercise or be required

to exercise any of its powers if that exercise will or may require money to be provided by the issue of instruments prescribed under clause 247(3)(f);

AND WHEREAS subsection 257.37(2) of the *Education Act* provides that where a board is subject to an order under subsection 257.31(2) the Board may, with the approval of the Minister, pass by-laws providing for the issue of instruments prescribed under clause 247(3)(f), but no such by-law has any force and effect until approved by the Minister;

AND WHEREAS the Supervisor for the Board, for and on behalf of the Minister of Education, has, prior to the passage of this by-law, approved this by-law pursuant to section 257.37 of the *Education Act* by virtue of the authority vested in the Supervisor pursuant to the Appointment Letter, including, without limitation, the Delegation and Terms of Reference;

NOW THEREFORE THE WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD ENACTS AS FOLLOWS:

1. The Board hereby authorizes the Loan on the basis that it constitutes a loan under section 7 of the Regulation and authorizes the entering into of the Loan Agreement that is prescribed for the purposes of clause 247(3)(f) of the *Education Act*.
2. The Board is hereby authorized to enter into the Loan Agreement pursuant to which the Loan will be made available to the Board and the Supervisor of the Board and the Treasurer of the Board are hereby authorized to execute for and on behalf of the Board the Loan Agreement which provides for instalments of interest only and of combined (blended) principal and interest as hereinafter set forth, substantially in the form of Schedule "A", with such changes thereto as may be suggested by the Ontario Financing Authority and as such authorized officials of the Board shall approve.
3. The Director of Education of the Board, the Treasurer of the Board and any other financial officer of the Board are hereby each individually authorized generally to do all things and execute all other documents, instruments and agreements in the name of the Board in order to give effect to the Loan Agreement.
4. The Loan shall be paid in instalments of interest only and of combined (blended) principal and interest over a 25 year amortization period on the specified dates set out in Schedule "B" to the Loan Agreement with the first interest only payment on May 15, 2013 and thereafter instalments of combined (blended) principal and interest to November 15, 2037 in each of the years during the currency of the Loan as set forth in such schedule with the final payment of combined (blended) principal and interest on March 19, 2038. The Loan shall bear interest at the rate of 3.799% on the outstanding principal amount owing thereunder from time to time from the date thereof, which interest shall be payable in arrears as part of the instalments of interest only and of combined (blended) principal and interest payable on such days in each year of the currency of the Loan as are set out in Schedule "B" to the Loan Agreement.
5. In accordance with the provisions of the *Education Act* and the regulations made thereunder, during the currency of the Loan, the Board shall provide in its estimates for each fiscal year for the setting aside out of its general revenue in the fiscal year the amount necessary to pay the principal and interest coming due on the Loan in the fiscal year and, on or before each due date in each such year, the Board shall pay out of its general revenue the principal and interest coming due on the Loan in the year. Such sums of principal and interest payable on the Loan shall be provided for in accordance with subsection 247(5) of the *Education Act*. Subject to the foregoing, on or before each due date in each year during the currency of the Loan, the

Board shall pay out of its general revenue the amount necessary to pay the specific sums of principal and interest payable on the Loan shown for the respective year as set forth in Schedule “B” to the Loan Agreement; but such amount shall be paid out of the Board’s general revenue only to the extent required after taking into account funds available from other sources.

6. Any amounts payable by the Board in respect of the Loan including interest on overdue principal and interest in respect of the Loan together with fees and other amounts payable by the Board under the Loan Agreement, if applicable, shall be paid out of the Board’s general revenue or any other available funds.

7. The proceeds of the Loan shall be used to finance the Eligible Expenditures, as defined in the Loan Agreement, in respect of the Eligible Projects on a long-term basis and for no other purpose except as permitted by the *Education Act* and the regulations made thereunder.

READ AND FINALLY PASSED this 26th day of February, 2013.

**SUPERVISOR FOR THE BOARD AND
ON BEHALF OF THE BOARD**

The foregoing by-law is hereby approved by the Supervisor for and on behalf of the Minister pursuant to section 257.37 of the *Education Act* by virtue of the authority vested in the Supervisor pursuant to the Appointment Letter, this
day of , 2013.

**SUPERVISOR FOR THE BOARD FOR AND
ON BEHALF OF THE MINISTER OF
EDUCATION**

Windsor-Essex Catholic District School Board

SCHEDULE "A" TO BY-LAW NUMBER 2013-01

[PLEASE INSERT A FORM OF THE LOAN AGREEMENT]

This Loan Agreement made in duplicate dated and effective as of the 20th day of March, 2013.

BETWEEN: ONTARIO FINANCING AUTHORITY, a corporation established under the *Capital Investment Plan Act, 1993*, (hereinafter the "OFA")

OF THE FIRST PART

AND: WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD, a district school board continued under the *Education Act* (hereinafter the "Board")

OF THE SECOND PART

WHEREAS:

- (a) the Board has participated in a program referred to as the Good Places to Learn Program (the "GPL Program") involving urgent and high priority renewal projects at schools of the Board listed in any one or more of: (i) Appendix B of the document entitled "Good Places to Learn: Stage 1 Funding Allocation"; (ii) Appendix C of the document entitled "Good Places to Learn: Stage 2 Funding Allocation"; (iii) Appendix B of the document entitled "Good Places to Learn: Stage 3 Funding Allocation"; and (iv) Appendix B of the document entitled "Good Places to Learn: Stage 4 Funding Allocation", in accordance with the maximum allocations listed in columns 2, 3, 4 and 5, respectively, opposite the name of the Board in Table 24 of Ontario Regulation 136/12, and under the GPL Program has undertaken projects, some of which projects are described in Schedule "A" attached hereto (individually a "GPL Eligible Project", collectively the "GPL Eligible Projects") and pursuant to Ontario Regulation 580/07, each GPL Eligible Project constitutes a "permanent improvement" as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E2, as amended (the "*Education Act*"). In the event that the Board will borrow the principal amount specified in paragraph 2.1 under this Agreement in respect of a single GPL Eligible Project, the term "GPL Eligible Projects" means that GPL Eligible Project;

- (b) the Board has participated in one or more programs referred to as the Consolidated Capital Programs (as described below) (the “Consolidated Capital Programs”) involving capital projects that are described in the Schedule(s) referred to in recital (d) of this Agreement (individually a “Consolidated Capital Eligible Project”, collectively the “Consolidated Capital Eligible Projects”) and each Consolidated Capital Eligible Project constitutes a “permanent improvement” as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E2, as amended (the “*Education Act*”). In the event that the Board will borrow the principal amount specified in paragraph 2.1 under this Agreement in respect of a single Consolidated Capital Eligible Project, the term “Consolidated Capital Eligible Projects” means that Consolidated Capital Eligible Project;
- (c) the Consolidated Capital Programs include:
 - (i) capital projects to provide for construction projects (the “CP Program”) described in Column 3 of Table 22.1 of Ontario Regulation 155/09, in the municipalities set out in Column 2 of that Table opposite the name of the Board, and under the CP Program the Board has undertaken projects, some of which projects are described in Schedule “A-6” attached hereto;
- (d) the GPL Eligible Projects and the Consolidated Capital Eligible Projects are collectively referred to as the “Eligible Projects”. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under this Agreement in respect of a single Eligible Project, the term “Eligible Projects” means that Eligible Project. The GPL Program and the Consolidated Capital Programs are collectively referred to as the “Programs”. In the event that the Board will borrow the principal amount specified in paragraph 2.1 under this Agreement in respect of a single Program, the term “Programs” means that Program;
- (e) the Board has financed the Eligible Projects by way of temporary borrowing from a financial institution or from a restricted purpose revenue account (formerly referred to as a reserve account or a reserve fund account) and is entitled to receive grants in respect of the Eligible Projects from the Minister of Education pursuant to various regulations under the *Education Act* for the Board’s fiscal year 2012-2013 for the payment of interest;
- (f) the Board has requested and the OFA has agreed to lend the aggregate principal amount specified in paragraph 2.1 to the Board for the purpose of financing the Eligible Projects under the specified Programs on a long-term basis which will include the repayment of temporary borrowing, if any;

- (g) the Board is authorized to borrow money for permanent improvements from the Ontario Financing Authority by way of a loan pursuant to Ontario Regulation 41/10 and is authorized to receive grants for the repayment of such a loan from the Minister of Education pursuant to Ontario Regulation 136/12; and
- (h) the Board has agreed to enter into this Agreement to evidence its indebtedness and provide for the repayment of the loan to the OFA on the terms and conditions set forth herein.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements contained in it and subject to the terms and conditions set out in it, the parties agree as follows:

1.1 DEFINITIONS

1.2 In this Loan Agreement, unless the context or the subject matter otherwise requires:

- (a) “Advance Date” means March 20, 2013;
- (b) “Agreement” means this Agreement as it may be amended or extended from time to time by the parties in writing, including all schedules hereto and any document which the parties may at a future time mutually designate as a schedule to this Agreement, by so marking such document in writing as a schedule hereto and part hereof;
- (c) “Aggregate Principal Amount” means the total of the Program Principal Amounts, as hereinafter defined, to be advanced to the Board pursuant to paragraph 2.1 of this Agreement and is equal to the total principal amount set out in Column 2 opposite the reference to “Aggregate Principal Amount”;
- (d) “business day” means any day that is not a Saturday or Sunday and that, in the City of Toronto, is not a day on which banking institutions are generally authorized or obligated by law or executive order to close;
- (e) “dollars” or “\$” means Canadian dollars;
- (f) “Material Adverse Change” means any change or event which (i) materially impairs the ability of the Board to timely and fully perform its obligations under this Agreement, or (ii) could materially impair the ability of the OFA to enforce its rights and remedies under this Agreement;

or (iii) has a material adverse effect on the operations, properties, assets, liabilities or financial condition of the Board;

- (g) “Program” means a program undertaken by the Board that is specified in paragraph 2.1 of this Agreement;
- (h) “Program Principal Amount” means the total principal amount of monies to be advanced to the Board for Eligible Projects undertaken in connection with a Program pursuant to paragraph 2.1 of this Agreement;
- (i) “Rate” means 3.799% per annum, including an administrative fee of 0.025% per annum; and
- (j) “Repayment Date” means March 19, 2038.

2.1 PRINCIPAL AMOUNT

2.2 The OFA agrees to lend to the Board and the Board agrees to borrow from the OFA the Aggregate Principal Amount being the aggregate of the respective total principal amount specified below for each of the Programs in lawful money of Canada with interest thereon at the relevant Rate on the terms and conditions set forth in this Agreement:

1	2	3	4
PROGRAMS	PROGRAM PRINCIPAL AMOUNTS	PURPOSE FOR WHICH FUNDS WILL BE USED	STATUS OF ELIGIBLE PROJECT BY
GPL Program Stage 4:	\$1,422,485.00	Funds will only be used for the GPL Eligible Projects	Substantially completed by August 31, 2012
Consolidated Capital Programs - CP Program	\$2,741.00	Funds will only be used for the Consolidated Capital Eligible Projects	Substantially completed by August 31, 2012
Aggregate Principal Amount	\$1,425,226.00		

- 2.3 The Board acknowledges that the relevant Rate includes an administrative fee payable to the OFA in the amount of 0.025% of the Aggregate Principal Amount outstanding per annum as specified in paragraph 1.1(i).
- 2.4 Except as otherwise agreed in writing between the Board and the OFA, the monies to be advanced by the OFA shall be advanced by the OFA to the Board by electronic funds transfer directly into the bank account designated by the Board.
- 2.5 The Board authorizes the OFA to open and maintain records evidencing the Board's obligations under this Agreement and to record therein all advances, interest rates, accrued interest, payments of principal and interest and the aggregate principal and accrued interest outstanding from time to time under this Agreement. The Board agrees that the records kept by the OFA, in the absence of manifest error, shall be prima facie evidence of the indebtedness of the Board and the matters recorded provided that the failure of the OFA to record or correctly record any amount or date shall not affect the obligation of the Board to repay the Aggregate Principal Amount and pay accrued interest thereon owing under this Agreement.

3.1 REPAYMENT

- 3.2 The Board agrees to repay the Aggregate Principal Amount together with interest thereon as follows:
- (i) the Aggregate Principal Amount and interest thereon at the Rate accrued from and including the Advance Date to but excluding the Repayment Date shall be paid in instalments of interest only and of combined (blended) principal and interest over a 25 year amortization period on the specified dates set out in the amortization schedule(s) attached to this Agreement as Schedule "B" with the first and only interest only payment on May 15, 2013 and thereafter instalments of combined (blended) principal and interest to November 15, 2037 in each of the years during the currency of the loan as set forth in such Schedule with the final payment of combined (blended) principal and interest on March 19, 2038; and
 - (ii) the loan shall be fully repaid on the relevant Repayment Date.
- 3.3 If the Board fails to make any payment of principal or interest payable by it under this Agreement on the relevant due date, the overdue amount shall bear interest at the Rate (before as well as after judgment) calculated from the due date until the date of actual payment to the OFA.

- 3.4 Interest, other than interest in respect of the combined (blended) principal and interest instalments, shall be computed under this Agreement on the basis of a year of 365 days and the actual number of days elapsed.
- 3.5 If any day on which a payment is due and payable under this Agreement would otherwise fall on a day that is not a business day, such due date shall instead fall on the next succeeding business day.
- 3.6 Except as otherwise agreed in writing between the Board and the OFA and without affecting the liability of the Board under this Agreement, the monies to be repaid under this Agreement shall be repaid by the Board in immediately available funds to the OFA on the due date by pre-authorized debit from an account of the Board, such account to be designated to the OFA by the execution and delivery of the Payor Pre-Authorized Debit Agreement in a form satisfactory to the OFA ("PAD Agreement") attached to this Agreement as Schedule C, together with such other authorizations, voided cheques and other documentation as the deposit-taking institution and the rules of the Canadian Payments Association may require for such pre-authorized debit. The Board undertakes to notify the OFA and the Ministry of Education, immediately and not later than five business days prior to any due date or the relevant Repayment Date, in writing of any changes in its designated account for the purposes of the pre-authorized debits and agrees to execute and deliver a revised PAD Agreement.
- 3.7 The Board is not entitled to prepay the Aggregate Principal Amount and accrued interest thereon outstanding under this Agreement except with the prior written consent of the OFA.

4.1 CONDITIONS PRECEDENT

- 4.2 The obligation of the OFA to advance the Program Principal Amounts pursuant to paragraph 2.1 of this Agreement is subject to the following conditions being met to the OFA's satisfaction on the Advance Date:
- (a) that the representations and warranties of the Board contained in this Agreement continue to be true and correct as at the Advance Date;
 - (b) that there shall, in the reasonable opinion of the OFA, have been no Material Adverse Change with respect to the Board;
 - (c) that this Agreement shall have been duly executed and delivered; and
 - (d) that the OFA shall have received such other documentation in form and substance satisfactory to the OFA which it has reasonably requested to ensure that the Board is in compliance with the terms and conditions of this Agreement including (i) a certified true copy of the necessary by-law

authorizing the borrowing of the Program Principal Amounts and the execution of this Agreement, (ii) a favourable legal opinion from external legal counsel to the Board as to due authorization, execution, validity and enforceability of this Agreement and such other matters as the OFA considers necessary or appropriate, and (iii) a certificate or certificates executed by an authorized officer or officers of the Board as to the continued truth and correctness of the representations and warranties, the due authorization and execution of this Agreement and other documents, compliance with the *Education Act* and regulations made thereunder and such other matters as the OFA may reasonably request.

5.1 REPRESENTATIONS AND WARRANTIES OF BOARD

5.2 The Board represents and warrants to the OFA that:

- (a) the Board is a district school board under the *Education Act*;
- (b) each Eligible Project has been duly authorized by the Board at a duly called meeting of the Board at which a quorum was present by a resolution or resolutions passed by the Board (the “Resolutions”). In the event that the Board will borrow a Program Principal Amount under this Agreement in respect of a single Eligible Project and the Board has passed a single resolution in respect of the Eligible Project, the term “Resolutions” means that resolution. No application has been made or action brought to quash, set aside or declare invalid the Resolutions nor have the Resolutions been repealed, altered and amended and the Resolutions are in full force and effect;
- (c) copies of the Resolution(s) mentioned in paragraph 5.1(b) have been forwarded to the Capital Programs Branch of the Ministry of Education, if applicable;
- (d) each of the GPL Eligible Projects and the Consolidated Capital Eligible Projects constitutes an Eligible Project under the relevant Program and has been undertaken at a school of the Board (which school may constitute a shared facility) or involves the construction of a new school for the Board;
- (e) each Eligible Project constitutes a permanent improvement within the meaning of subsection 1(1) of the *Education Act*; and the Board has obtained all necessary approvals to authorize the carrying out of the Eligible Projects by the Board and the long-term financing thereof;
- (f) the status of each Eligible Project as at August 31, 2012 is accurately set out in paragraph 2.1, the Board has incurred expenditures in respect of the relevant Programs for the Eligible Projects (the “Eligible Expenditures”)

and the total amount of the Eligible Expenditures in respect of the Eligible Projects undertaken at an individual school of the Board does not exceed the respective aggregate amount of expenditures authorized by the Board in respect of such school of the Board nor does such total amount exceed the expenditures authorized by the Board pursuant to the authorizations referred to in paragraph 5.1(b);

- (g) the Program Principal Amount to be borrowed by the Board under this Agreement in respect of each Program will be borrowed by the Board in respect of the Eligible Projects undertaken by the Board pursuant to that specified Program and will not be borrowed by the Board in respect of any Eligible Projects undertaken pursuant to any other Program;
- (h) the information provided by the Board to the OFA or Her Majesty the Queen in right of Ontario, to the extent that it relates to the Board or the Eligible Projects is true and correct in all material respects when provided and remains true and correct as of the Advance Date;
- (i) the borrowing of the Aggregate Principal Amount to be advanced under this Agreement and the execution, delivery and performance of this Agreement are within the powers and capacities of the Board and have been duly authorized by all necessary legal action and proper proceedings, including a by-law passed by the Board;
- (j) the borrowing of the Aggregate Principal Amount to be advanced under this Agreement, the execution and delivery of this Agreement, and the compliance with the terms and conditions of this Agreement will not conflict with or result in a breach of any of the terms or provisions of the by-laws of the Board, laws of Ontario, including laws of Canada applicable therein, applicable to the Board or any contractual or other obligation binding on the Board and does not require the consent or approval of any other person;
- (k) this Agreement will, when executed and delivered, constitute a legal, valid and binding obligation of the Board enforceable against it in accordance with its terms;
- (l) the obligations of the Board under this Agreement are direct, unsecured and unsubordinated debt obligations and rank concurrently and equally in respect of payment of principal and interest with all other debentures and prescribed debt instruments of the Board, except as to the availability of any sinking fund, retirement fund or other prescribed fund applicable to any issue of debentures or such prescribed debt instruments;

- (m) no litigation or proceedings of any nature are now pending or threatened, attacking or in any way attempting to restrain or enjoin the execution and delivery of this Agreement or in any manner questioning the proceedings and the authority under which this Agreement is authorized, or affecting the validity thereof, or contesting the capacity of the authorized officers of the Board to sign and no authority or proceeding under which the Board is authorized to execute this Agreement has been repealed, revoked or rescinded in whole or in part; and
- (n) there are no actions, suits or proceedings threatened or pending against the Board in any court except actions, suits or proceedings which would not result in a Material Adverse Change if determined against the Board.
- (o) the Aggregate Principal Amount to be borrowed under this Agreement shall be used only for the Eligible Projects, including the repayment of temporary borrowing for the Eligible Projects from a financial institution and from a restricted purpose revenue account (formerly referred to as a reserve account or a reserve fund account) of the Board, if any, and will not be used for any other purpose except as permitted by the *Education Act* and the regulations made thereunder;
- (p) the Board is not currently in default under any debentures or other long-term debts of any kind and undertakes to immediately inform the OFA if it is in default under any such long-term financial obligations at any time during the term of this Agreement.

5.3 The representations and warranties set out in paragraph 5.1 herein shall survive the execution and delivery of this Agreement, notwithstanding any investigations or examinations which may be made by counsel for the OFA.

5.4 For greater certainty, the OFA is not responsible for ensuring that the proceeds advanced to the Board are in fact used in the manner specified in paragraph 5.1(o).

6.1 COVENANTS

6.2 The Board will duly and punctually pay or cause to be paid all principal, interest, fees and other amounts payable by it under this Agreement in accordance with the terms and subject to the conditions of this Agreement.

6.3 The Board will provide prompt notice to the OFA of the occurrence of any Event of Default, as hereinafter defined, or Material Adverse Change.

- 6.4 The Board complied at all times with all of the Board's obligations in respect of the debt and financial obligation and liability limits for the projects, if applicable, under the *Education Act* and the regulations made thereunder which were then in force.
- 6.5 The Board shall allocate all grants received by it from the Ministry of Education relating to Eligible Expenditures in respect of the Eligible Projects in accordance with the applicable legislation and shall apply such grants to the payment of its obligations under this Agreement.
- 6.6 The Board will obtain all licences, permits, consents, approvals and other authorizations which are necessary or desirable to carry out the Eligible Projects.
- 6.7 The Board will provide to the Ministry of Education reports respecting the status of the Eligible Projects as requested from time to time.

7.1 DEFAULT

- 7.2 Failure by the Board to pay any principal, interest, fees or other amount payable by it under this Agreement, unless such default is cured within three business days after the date such payment was due, shall constitute an event of default (each, an "Event of Default") and each Event of Default shall be deemed to exist and continue so long as it shall not have been remedied.

8.0 INTERCEPT AND REMEDIES ON THE OCCURRENCE OF DEFAULT

- 8.1 (a) The Board agrees that the Minister of Finance is entitled to deduct from monies appropriated by the Legislature for payment to the Board amounts equal to any amounts that the Board fails to pay under this Agreement. On the occurrence of an Event of Default, the Minister of Finance and such other Minister of the Crown as appropriate is irrevocably authorized to deduct from money appropriated by the Legislature for payment to the Board amounts equal to any amounts that the Board fails to pay to the OFA in accordance with the provisions of this Agreement and to pay such amounts directly to the OFA (the "Intercept").
- (b) The Board agrees that any notice from the OFA to the Minister of Finance in relation to this paragraph may be relied upon by such Minister without further inquiry or verification by such Minister and, upon receipt of such notice, an amount equal to the amount that the Board fails to pay to the OFA shall be deducted from money appropriated by the Legislature for payment to the Board and paid to the OFA.

8.2 On the occurrence of any Event of Default and at any time thereafter, so long as the same shall be continuing, the OFA may, in addition to any other remedy available to the OFA at law, at its option, by notice to the Board, invoke the Intercept mechanism to require payment of any amount due and payable under this Agreement.

8.3 No delay or omission of the OFA to exercise any right or remedy accruing upon any Event of Default shall impair any such right or remedy or constitute a waiver of any such Event of Default or an acquiescence therein. Every right and remedy given by this Agreement or by law to the OFA may be exercised from time to time, and as often as may be deemed expedient by the OFA.

8.4 No right or remedy herein conferred upon or reserved to the OFA is intended to be exclusive of any other such right or remedy, and every such right and remedy shall, to the extent permitted by law, be cumulative and in addition to every other right and remedy given hereunder or now or hereafter existing at law or in equity or otherwise. The assertion or employment of any right or remedy hereunder, or otherwise, shall not prevent the concurrent assertion or employment of any other appropriate right or remedy.

9.1 ADMISSIBILITY OF EVIDENCE

9.2 Where communications between the parties are provided on an electronic basis under this Agreement, printouts or other tangible reproductions of any electronic record maintained by a party in relation to such communications shall be considered business records in any legal, administrative or other proceedings that may arise in relation to this Agreement.

10.1 INTEREST ACT DISCLOSURE

10.2 For the purposes of disclosure pursuant to the *Interest Act* (Canada), the yearly rate of interest to which any rate of interest payable under this Agreement that is calculated on any basis other than a full calendar year is equivalent may be determined by multiplying such rate by a fraction, the numerator of which is the actual number of days in the calendar year in which such yearly rate of interest is to be ascertained and the denominator of which is the number of days comprising such other basis.

11.1 NOTICES

11.2 A notice or other communication pursuant to this Agreement shall be in writing and delivered in person or sent by first class prepaid post or by facsimile

transmission (subject, in the case of communication by facsimile transmission, to confirmation by telephone) to the party for which it is intended at the following addresses:

The OFA	Ontario Financing Authority One Dundas St. West, Suite 1400 Toronto, Ontario M7A 1Y7
Attention:	Executive Director Capital Markets Division
Tel. No:	(416) 325-8125
Fax No:	(416) 325-8111
The Board	Windsor-Essex Catholic District School Board
Attention:	Executive Superintendent of Business
Tel. No:	(519) 253-2481 ext.1211
Fax No.	(519) 985-2924

- 11.3 Either party may change its address for the purposes of receipt of any such communication by giving five business days' prior written notice of such change to the other party in the manner prescribed above.
- 11.4 Any notice so given takes effect, in the case of delivery in person, at the time of delivery, in the case of delivery by first class prepaid post, seven business days after dispatch and, in the case of delivery by facsimile transmission, at the time of confirmation by telephone.
- 12.1 GENERAL
- 12.2 This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.
- 12.3 This Agreement shall be binding on and enure to the benefit of the OFA, and the Board and their respective successors and permitted assigns, except that the Board shall not, without the prior written consent of the OFA assign, pledge or hypothecate any rights or obligations with respect to this Agreement.
- 12.4 If any of the provisions of this Agreement are held to be invalid, illegal or unenforceable by a court or tribunal of competent jurisdiction, the remaining provisions shall remain in full force and effect.

- 12.5 A party, by waiving the breach of any provision of this Agreement, does not waive any further breach of the same provision or any breach of any other provision of this Agreement. A waiver is binding on the waiving party only if it is in writing.
- 12.6 Subject to the provisions herein, this Agreement may not be altered or amended, except by the mutual agreement of the parties evidenced in writing.
- 12.7 Time shall in all respects be of the essence of this Agreement.
- 12.8 All references to time in this Agreement are references to Toronto time, unless otherwise indicated.
- 12.9 If any date on which an act is required to be taken under this Agreement is not a business day, such act shall be taken on the next following business day.
- 12.10 Each party shall, upon request of the other, acting reasonably, use its best efforts to make, do, execute or cause to be made, done or executed all further and other lawful acts, deeds, things, devices, documents, instruments and assurances whatever for the performance of the terms and conditions of this Agreement.
- 12.11 This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, oral and written, between the parties.
- 12.12 This Agreement may be executed in counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

ONTARIO FINANCING AUTHORITY

BY: _____
Michael D. Manning
Executive Director
Capital Markets Division

WINDSOR-ESSEX CATHOLIC
DISTRICT SCHOOL BOARD

BY: _____
Name: Norbert Hartmann
Title: Supervisor for the Board

BY: _____
Name: Mario Iatonna
Title: Treasurer

SCHEDULE "A"**GOOD PLACES TO LEARN ELIGIBLE PROJECTS DESCRIPTION****STAGE 4 GPL ELIGIBLE PROJECTS**

Please provide a list of all the GPL Eligible Projects which were substantially completed by August 31, 2012 (and in respect of which the Eligible Expenditures have not been previously financed on a long-term basis) in respect of which a total of \$1,422,485 will be borrowed hereunder pursuant to the Good Places to Learn Stage 4 Program through allocations under that program or through unspent allocations pursuant to the Good Places to Learn Stage 1 Program, pursuant to the Good Places to Learn Stage 2 Program or pursuant to the Good Places to Learn Stage 3 Program. Please provide the name of the school, the SFIS number, a project description and the amount to be borrowed hereunder.

Stage 4

<u>School Name/SFIS</u>	<u>Description of GPL Eligible Project</u>	<u>Amount to be Borrowed Hereunder</u>
St. John the Baptist / 4055	Roofing	\$ 5,762
Catholic Central / 7845	HVAC	22,609
Holy Names Secondary / 7847	Windows	114,112
St. Jules / 7836	HVAC	8,683
Assumption / 7844	HVAC	477,134
St. Jules / 7836	Windows	30,345
Cardinal Carter / 3108	HVAC	3,564
Villanova / 4571	HVAC	3,608
Villanova / 4571	Sewage Treatment Plant	11,058
St. John the Baptist / 4055	HVAC	249,737
Stella Maris / 4540	Roofing	55,594
St. Pius / 4436	Roofing	358,888
St. Peter / 4406	Roofing	81,391

SCHEDULE "A-6"**CAPITAL PRIORITIES ELIGIBLE PROJECTS DESCRIPTION**

Please provide a list of the CP Eligible Projects which were substantially completed by August 31, 2012 (and in respect of which the Eligible Expenditures have not been previously financed on a long-term basis) in respect of which a total of \$2,741 will be borrowed hereunder. Please include the name of the school, the SFIS number, a project description and the amount to be borrowed hereunder.

<u>School Name/SFIS</u>	<u>Description of CP Eligible Project</u>	<u>Amount to be Borrowed Hereunder</u>
St. James / 7833	Four classroom addition and renovation work.	\$ 2,741

Consolidated Amortization Schedule

Borrower Type(s): All
 Borrower Name(s): Windsor-Essex Catholic District School Board
 Program(s): Capital Priorities - Mar 2013, GPL Stage 4 - Mar 2013

Loan Settlement Date: 03/20/2013

Principal Amount (\$): 1,425,226.00

Annual Interest Rate (%): 3.799% includes Annual Admin Fee (%): 0.025%

Payment Date	Total Payment	Principal Amount	Interest Amount	Admin Fee	Principal Balance
15-May-2013	\$8,307.08	\$0.00	\$8,252.41	\$54.67	\$1,425,226.00
15-Nov-2013	\$44,574.99	\$17,502.83	\$26,894.01	\$178.15	\$1,407,723.17
15-May-2014	\$44,574.99	\$17,835.29	\$26,563.74	\$175.97	\$1,389,887.88
17-Nov-2014	\$44,574.99	\$18,174.07	\$26,227.18	\$173.74	\$1,371,713.81
15-May-2015	\$44,574.99	\$18,519.29	\$25,884.24	\$171.46	\$1,353,194.52
16-Nov-2015	\$44,574.99	\$18,871.06	\$25,534.78	\$169.15	\$1,334,323.45
16-May-2016	\$44,574.99	\$19,229.52	\$25,178.68	\$166.79	\$1,315,093.93
15-Nov-2016	\$44,574.99	\$19,594.78	\$24,815.82	\$164.39	\$1,295,499.15
15-May-2017	\$44,574.99	\$19,966.99	\$24,446.07	\$161.94	\$1,275,532.16
15-Nov-2017	\$44,574.99	\$20,346.26	\$24,069.29	\$159.44	\$1,255,185.90
15-May-2018	\$44,574.99	\$20,732.74	\$23,685.36	\$156.90	\$1,234,453.16
15-Nov-2018	\$44,574.99	\$21,126.56	\$23,294.13	\$154.31	\$1,213,326.61
15-May-2019	\$44,574.99	\$21,527.86	\$22,895.47	\$151.67	\$1,191,798.75
15-Nov-2019	\$44,574.99	\$21,936.78	\$22,489.24	\$148.97	\$1,169,861.98
15-May-2020	\$44,574.99	\$22,353.47	\$22,075.30	\$146.23	\$1,147,508.51
16-Nov-2020	\$44,574.99	\$22,778.07	\$21,653.49	\$143.44	\$1,124,730.44
17-May-2021	\$44,574.99	\$23,210.74	\$21,223.66	\$140.59	\$1,101,519.70
15-Nov-2021	\$44,574.99	\$23,651.63	\$20,785.68	\$137.69	\$1,077,868.07
16-May-2022	\$44,574.99	\$24,100.89	\$20,339.37	\$134.73	\$1,053,767.18
15-Nov-2022	\$44,574.99	\$24,558.69	\$19,884.59	\$131.72	\$1,029,208.50
15-May-2023	\$44,574.99	\$25,025.18	\$19,421.16	\$128.65	\$1,004,183.32
15-Nov-2023	\$44,574.99	\$25,500.53	\$18,948.94	\$125.52	\$978,682.79
15-May-2024	\$44,574.99	\$25,984.91	\$18,467.74	\$122.34	\$952,697.87
15-Nov-2024	\$44,574.99	\$26,478.50	\$17,977.41	\$119.09	\$926,219.38
15-May-2025	\$44,574.99	\$26,981.46	\$17,477.76	\$115.78	\$899,237.92
17-Nov-2025	\$44,574.99	\$27,493.97	\$16,968.62	\$112.40	\$871,743.95
15-May-2026	\$44,574.99	\$28,016.22	\$16,449.81	\$108.97	\$843,727.73
16-Nov-2026	\$44,574.99	\$28,548.39	\$15,921.14	\$105.47	\$815,179.35
17-May-2027	\$44,574.99	\$29,090.66	\$15,382.43	\$101.90	\$786,088.68
15-Nov-2027	\$44,574.99	\$29,643.24	\$14,833.49	\$98.26	\$756,445.44
15-May-2028	\$44,574.99	\$30,206.31	\$14,274.13	\$94.56	\$726,239.13
15-Nov-2028	\$44,574.99	\$30,780.08	\$13,704.13	\$90.78	\$695,459.05
15-May-2029	\$44,574.99	\$31,364.75	\$13,123.31	\$86.93	\$664,094.30
15-Nov-2029	\$44,574.99	\$31,960.52	\$12,531.46	\$83.01	\$632,133.78
15-May-2030	\$44,574.99	\$32,567.61	\$11,928.36	\$79.02	\$599,566.16
15-Nov-2030	\$44,574.99	\$33,186.23	\$11,313.81	\$74.95	\$566,379.93

Payment Date	Total Payment	Principal Amount	Interest Amount	Admin Fee	Principal Balance
15-May-2031	\$44,574.99	\$33,816.61	\$10,687.59	\$70.80	\$532,563.32
17-Nov-2031	\$44,574.99	\$34,458.95	\$10,049.47	\$66.57	\$498,104.37
17-May-2032	\$44,574.99	\$35,113.50	\$9,399.23	\$62.26	\$462,990.87
15-Nov-2032	\$44,574.99	\$35,780.48	\$8,736.64	\$57.87	\$427,210.39
16-May-2033	\$44,574.99	\$36,460.13	\$8,061.46	\$53.40	\$390,750.25
15-Nov-2033	\$44,574.99	\$37,152.69	\$7,373.46	\$48.84	\$353,597.56
15-May-2034	\$44,574.99	\$37,858.41	\$6,672.39	\$44.20	\$315,739.15
15-Nov-2034	\$44,574.99	\$38,577.53	\$5,958.00	\$39.47	\$277,161.62
15-May-2035	\$44,574.99	\$39,310.31	\$5,230.04	\$34.65	\$237,851.31
15-Nov-2035	\$44,574.99	\$40,057.01	\$4,488.25	\$29.73	\$197,794.31
15-May-2036	\$44,574.99	\$40,817.89	\$3,732.38	\$24.72	\$156,976.42
17-Nov-2036	\$44,574.99	\$41,593.23	\$2,962.15	\$19.62	\$115,383.19
15-May-2037	\$44,574.99	\$42,383.29	\$2,177.28	\$14.42	\$72,999.90
16-Nov-2037	\$44,574.99	\$43,188.36	\$1,377.51	\$9.12	\$29,811.54
19-Mar-2038	\$30,196.29	\$29,811.54	\$382.22	\$2.53	\$0.00
Total:	\$2,222,678.07	\$1,425,226.00	\$792,204.29	\$5,247.78	

SCHEDULE "C"

PAYOR PRE-AUTHORIZED DEBIT AGREEMENT (this "PAD Agreement")

TO: Ontario Financing Authority (the "OFA")

Payor (the "Board"):

<u>Windsor-Essex Catholic District School Board</u> Full Legal Name	<u>Windsor-Essex Catholic District School Board</u> Exact Name in which Account is Held
<u>1325 California Avenue</u> Address	<u>519-253-2481</u> Telephone Number
<u>Windsor</u> City	<u>Ontario</u> <u>N9B 3Y6</u> Province Postal Code

Payor's Financial Institution (the "Bank"):

<u>Canadian Imperial Bank of Commerce</u> Name of Bank	<u>100 Ouellette Avenue</u> Address
<u>Windsor</u> City	<u>Ontario</u> <u>N9A 6T3</u> Province Postal Code
<u>97-09711</u> Bank Account No.	<u>00182</u> <u>0010</u> Branch No. Institution No.

1. Scope

The Board acknowledges that this PAD Agreement is provided for the benefit of the OFA and the Bank, and is provided in consideration of the Bank agreeing to process pre-authorized debits (each, a "PAD") against the Board's account specified above (the "Account") in accordance with the rules of the Canadian Payments Association (the "CPA").

The Board represents that all information provided with respect to the Account is complete and accurate. A specimen cheque if available for the Account has been marked "VOID" and is attached to this PAD Agreement.

The Board undertakes to inform the OFA in writing of any change in the Account information provided in this PAD Agreement at least 5 business days prior to the next following PAD.

2. Valid Authority

The Board warrants and guarantees that all persons whose signatures are required to sign on the Account have signed this PAD Agreement.

3. Purpose of Debits, Amount and Timing

Business PAD

The Board authorizes the OFA to debit or cause to be debited a fixed amount from the Account which amount will be debited with set frequency determined by the Board in its sole discretion. The Board and the OFA agree that the fixed amount of each such debit is for payment due and owing by the Board to the OFA in respect of a loan agreement dated as of March 20, 2013.

4. Cancellation of Agreement

This PAD Agreement may be cancelled at any time upon notice being provided by the Board, in writing at least 5 business days prior to the next following PAD. The Board acknowledges that, in order to revoke this authorization, the Board must provide notice of revocation to the OFA. This PAD Agreement applies only to the method of payment and does not otherwise have any bearing on the payment obligations of the Board to the OFA.

5. Acceptance of Delivery of Authorization

The Board acknowledges that providing and delivering this agreement to the OFA constitutes delivery by the Board to the Bank. Any delivery of this authorization to the OFA constitutes delivery by the Board.

6. Waiver of Pre-Notification

The Board understands that no pre-notification shall be required prior to a PAD being exchanged or cleared provided the authorization occurs in compliance with this PAD Agreement.

The Board authorizes and instructs the OFA to issue, without pre-notification, a new PAD for a dishonoured PAD amount in accordance with this Agreement.

7. Validation by the Bank

The Board acknowledges that the Bank is not required to verify that a PAD has been issued in

accordance with the particulars of the PAD Agreement including, but not limited to, the amount.

The Board acknowledges that the Bank is not required to verify that any purpose of payment for which the PAD was issued has been fulfilled by the OFA as a condition to honouring a PAD issued or caused to be issued by the OFA on the Account.

8. Payor's Rights of Dispute

The Board may dispute a pre-authorized debit under the following conditions:

- (i) the debit was not drawn in accordance with this PAD Agreement; or
- (ii) this PAD Agreement was revoked or cancelled.

In order to be reimbursed, the Board must complete a declaration form to the effect that either (i) or (ii) took place at the above indicated branch of the Bank up to and including 10 calendar days, after the date on which the PAD in dispute was posted to the Account.

The Board acknowledges that disputes after the above noted time limitation are matters to be resolved solely between the OFA and the Board.

9. Contact Information

All notices sent by the Board to the OFA under Sections 1., 4. and 8. of this PAD Agreement shall be made in writing by letter and delivered to the OFA by registered mail or fax at the following address:

**Ontario Financing Authority
1 Dundas Street West
Suite 1400
Toronto, Ontario M7A 1Y7
Fax: (416) 860-8343**

Inquiries, concerns or errors regarding PADs may be directed to Mr. Joe Pedota, Coordinator, Settlements, Payments & Fiscal Agency, Finance and Reporting Division at the above address or by telephone at (416) 325-3851.

10. Board Acceptance

The Board acknowledges receipt of a signed copy of this PAD Agreement. The Board acknowledges that it has read, understands, and accepts the terms and conditions of this PAD Agreement.

Signature of Treasurer

(Date)

Signature of Supervisor for the Board

(Date)

*******For verification, please attach a blank cheque marked "VOID" to the completed Agreement.***** Do not require if banking instructions have not changed.**



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

**Supervised
Meeting Date:**
February 26, 2013

BOARD REPORT

Public **In-Camera**
PRESENTED FOR: Information Approval
PRESENTED BY: Senior Administration
SUBMITTED BY: Paul A. Picard, Director of Education
 Cathy Geml, Associate Director of Education
 Colleen Norris, Manager of Human Resources & Policy Development
SUBJECT: **NEW POLICY A: 32 INTEGRATED ACCESSIBILITY
STANDARDS - FINAL APPROVAL**

RECOMMENDATION:

**That the Board provide final approval to Draft New Board Policy A: 32
Integrated Accessibility Standards;**

**and That the Board receive as information the supporting
Administrative Procedure Pr A: 32 Integrated Accessibility Standards**

SYNOPSIS:

Final approval is requested of *Draft Policy A: 32 Integrated Accessibility Standards*, as previously approved in principle by Ministry Supervisor Hartmann following the January 29, 2013 Supervised Delegation Meeting.

BACKGROUND COMMENTS:

The Integrated Accessibility Standards passed under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*, require the establishment of Board policy and procedure to address the needs of people with disabilities in accessing Board services, including those related to information and communication, employment and student transportation.

Community Consultation:

The draft policy and supporting administrative procedure were circulated and posted for public input on December 3, 2012, and remain posted to the Board's public website under "Current Draft Policies". In addition, the draft policy was presented publicly for approval in principle at the January 29, 2013 Supervised Delegation Meeting.

Valuable input was received from the Board's sign language interpreters related to education, training and implementation of the policy principles. The suggestions will be consider in the implementation process.

Administrative Procedure:

The Administrative procedure was prepared by the Policy Working Subcommittee in compliance with the new legislation and the specific directives of the policy.

FINANCIAL IMPACT:

N/A

TIMELINES:

Accessibility Awareness Training related to accessible programming and course delivery and instruction was provided to all educators on the February 8, 2013 Professional Development Day. Upon final approval of the policy, implementation will continue as per the AODA Integrated Accessibility Standards.

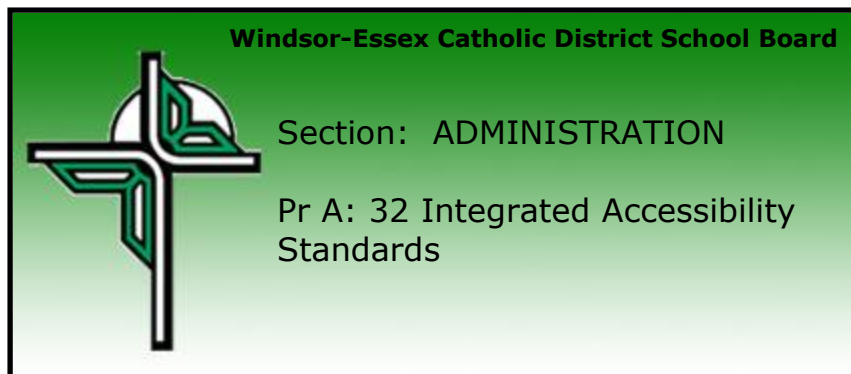
APPENDICES:

- Pr A: 32 Integrated Accessibility Standards

NOTE: Draft Policy A: 32, as approved in principle on January 29, 2013, remains posted to the Board's public website, and is presented for final approval without amendment.

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	February 19, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	February 19, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	February 19, 2013



NUMBER:	Pr A: 32
EFFECTIVE:	
AMENDED:	
RELATED POLICIES:	See References
REPEALS:	
REVIEW DATE:	2016-2017

DRAFT

1.0 ACCESSIBILITY STANDARDS FOR INFORMATION AND COMMUNICATION

1.1 Commitment to Accessible Information and Communication Services

The Board is committed to ensuring that people with disabilities have the same opportunity of access to our services as do all others we serve. The Board is committed to meeting the accessibility needs of people with disabilities, in a timely manner, in the provision of services related to information and communications.

1.2 Definitions:

Information: Includes data, facts and knowledge that exist in any format, including text, audio, digital or images and that conveys meaning.

Communications: means the interaction between two or more persons or entities, or any combination of them, where information is provided, sent, or received.

Accessible formats: include but are not limited to options such as large print, screen readers, braille, audio format, captioning.

Conversion-ready: is an electronic or digital format that facilitates conversion into an accessible format.

WCAG: refers to the World Wide Web Consortium Web Content Accessibility Guidelines.

1.3 Responsibility

- i) Supervisory Officers, Principals and Departmental Managers will ensure that all staff, volunteers and others providing services and programs on behalf of the board have received training in the requirements of the Integrated Accessibility Standards including the Standards related to Information and Communications.
- ii) Initial training will be completed by January 1, 2014.

1.4 Feedback

- i) The Board will ensure that its processes for receiving and responding to feedback are accessible to persons with disabilities.

- ii) Upon request the Board will provide or arrange for the provision of accessible formats and/or communication supports to facilitate feedback.
- iii) The Board will notify the public about the availability of accessible formats and communications supports with regard to its feedback processes.
- iv) The above provisions will be in place by January 1, 2014.

1.5 **Procurement**

- i) The Board and all its managers and school-based administrators will, wherever practicable, incorporate accessibility criteria and features when procuring or acquiring goods and services, designing new systems or planning a new initiative that are related to provision of information and communication services.
- ii) The above approach will be in place by January 1, 2013.

1.6 **Provision of information and communications in accessible formats**

- i) Upon request, the Board will provide, or arrange for the provision of, accessible formats and communications supports for persons with disabilities to facilitate their access to the services of the Board.
- ii) Accessible formats and communications supports will be provided in a timely manner that takes into account the person's accessibility needs and at a cost no greater than the regular cost charged to other persons.
- iii) The Board will determine the suitability of an accessible format or communication support and, in so doing, will consult with the person making the request.
- iv) The Board will notify the public, through websites, general publications and other relevant means, about the availability of accessible formats and communications supports.
- v) The Board will ensure that the provisions of section 1.6 are in place by January 1, 2014.

1.7 **Accessible Websites**

- i) The Board will ensure that, as of January 1, 2014, all new websites and web content on these sites will conform with the WCAG 2.0 at Level A.
- ii) The Board will ensure that, as of January 1, 2021, all its internet websites and web content will conform with WCAG 2.0 at Level AA.
- iii) These requirements do not include Live Captions or Pre-recorded Audio Descriptions.
- iv) These requirements apply to:

- (a) websites and web content, including web-based applications, that the Board controls directly or controls through a contractual relationship that allows for modifications of the product; and
 - (b) web content published on a website after January 1, 2012.
- v) Where the Board determines that meeting these requirements is not practicable, such determination will include consideration of:
- (a) the availability of commercial software or tools or both; and
 - (b) significant impact on an implementation timeline that was planned or initiated before January 1, 2012.

1.8 **Educational and training resources and materials**

- i) The Board will, upon notification of need, provide educational or training resources or materials in an accessible format that takes into account the accessibility needs due to a disability of the person to whom the material is to be provided.
- ii) To do so, the Board will procure through purchase or obtain by other means an accessible or conversion-ready electronic format, where available.
- iii) If the resources cannot be procured or converted into an accessible format the Board will arrange for the provision of comparable resources.
- iv) The Board will, upon notification of need, provide information on the requirements, availability and descriptions of programs in an accessible format to persons with disabilities.
- v) The Board will, upon notification of need, provide student records in an accessible format to persons with disabilities.
- vi) The Board will ensure these services are in place as of January 1, 2013.

1.9 **Training for Program/Classroom Staff**

- i) The Board will ensure that all staff involved in program or course design delivery and instruction will be provided with accessibility awareness training related to these responsibilities.
- ii) The Board will keep a record of the training provided including the dates on which training was provided and the number of individuals to whom training was provided.
- iii) The effective date for provision of this training is January 1, 2013.

1.10 **School Libraries**

- i) The Board will ensure that school libraries are able to provide, procure or acquire an accessible or conversion ready format of print resources upon request by a

person with a disability.

- ii) The effective date of the provision in 1.10 (i) is January 1, 2015.
- iii) The Board will ensure that school libraries are able to provide, procure or acquire an accessible or conversion ready format of digital or multimedia resources materials upon request by a person with a disability.
- iv) The effective date of the provision in 1.10 (iii) is January 1, 2020.

2.0 **Accessibility Standards for Employment**

2.1 **Access to Employment Opportunities**

The Board is committed to ensuring that people with disabilities have the same opportunity of access to employment opportunities and services as do all employees and prospective employees. The Board is committed to meeting the accessibility needs of people with disabilities, in a timely manner, in the provision of services related to employment.

2.2 **Definitions:**

Those Excluded from Application of Procedure: The procedure with regard to Accessibility in Employment applies only to employees and does not apply to volunteers and other non-paid individuals.

Performance management: means activities related to assessing and improving employee performance, productivity and effectiveness with the goal of facilitating employee success.

Career development and advancement: includes providing additional responsibilities within an employee's current position and the movement of an employee from one job to another that may be higher in pay, provide greater responsibility or be at a higher level, or a combination of these. For both additional responsibilities and employee movement this is usually based on merit or seniority or a combination of these.

Redeployment: means the reassignment of employees to other departments or jobs as an alternative to layoff when a particular job or department has been eliminated.

2.3 **Responsibility**

- i) Supervisory Officers, Principals, Departmental Managers and other staff who have responsibility for hiring and employee selection and/or supervise the work of employees of the Board will ensure that the provisions in this procedure are implemented.
- ii) Staff of the Board's Human Resources department will ensure that the provisions of this procedure are incorporated in their practices.

- iii) Unless otherwise stated, the provisions of this procedure will be in place by January 1, 2014.

2.4 **Recruitment**

- i) The Board will ensure that in its recruitment outreach practices the public is made aware that the Board will provide accommodation for applicants with disabilities in its recruitment processes.
- ii) Employees of the Board will be made aware that the Board provides accommodation for applicants with disabilities in its recruitment processes.
- iii) When the Board selects job applicants for a job selection process, the Board will make applicants aware that, upon request, they have access to accommodations in relation to materials and processes that will be used for applicant selection and that they will be consulted about the necessary accommodations that take into account their accessibility needs due to disability.
- iv) When the Board makes an offer of employment, the Board will notify the successful applicant of its policy of accommodating employees with disabilities.

2.5 **Supports for Employees**

- i) The Board will inform employees of the Board's policy of supporting employees with disabilities and procedures that provide for job accommodations.
- ii) The Board will make this information available as soon as practicable to new employees and will provide updated information as policies are revised.

2.6 **Accessible Formats and Communication Supports**

- i) Where an employee with a disability so requests, the Board will consult with the employee to provide or arrange for accessible formats and communication supports in relation to information that is generally available to employees in the workplace and that the employee needs to perform the employee's job.
- ii) The Board will consult with the employee, in determining the suitability of an accessible format or communication.

2.7 **Workplace emergency response information**

- i) The Board will ensure that individualized workplace emergency response information is provided to employees who have a disability provided the disability is such that individualized information is necessary and the Board has been made aware of the need for accommodation due to the disability. The Board will provide the necessary information as soon as practicable after becoming aware of the need for accommodation.
- ii) If an employee who receives individualized workplace emergency response

information requires assistance, the Board will, with the consent of the employee, provide such information to the person designated to provide assistance to the employee.

- iii) The Board will review individualized workplace emergency response information:
 - (a) when the employee moves to a different location in the board;
 - (b) when the employee's overall accommodations needs or plans are reviewed; and
 - (c) when the Board reviews its general emergency response procedures.
- iv) The Board will ensure that the requirements of this section are in place as of January 1, 2012.

2.8 **Individual Accommodation Plans**

- i) The Board will have in place a written process for the development of documented individual accommodation plans for employees with disabilities.
- ii) The Board's written process will address:
 - (a) How the employee requesting accommodation can participate in the development of the individual accommodation plan.
 - (b) The means by which the employee is assessed on an individual basis.
 - (c) How the Board can request an evaluation by an outside medical or other expert, at the Board's expense, to assist in determining if accommodation can be achieved and, if so, how it can be achieved.
 - (d) How the employee can request to have a representative of their bargaining unit or another workplace representative if the employee is not a member of a bargaining unit, participate in the development of the accommodation plan.
 - (e) The steps taken to protect the privacy of the employee's personal information.
 - (f) The frequency with which the individual accommodation plan will be reviewed and updated and how this will be done.
 - (g) How the reasons for denying an individual accommodation plan will be provided to an employee, if accommodation is denied.
 - (h) How the Board will ensure that the individual accommodation plan is provided in a format that takes into account the employee's accessibility needs due to disability.
- iii) The Board will provide individual accommodation plans that:
 - (a) Include, if requested any information regarding accessible formats and accommodation supports provided;

- (b) Include, if required, individualized workplace emergency response information; and
- (c) Identify any other accommodation to be provided.

2.9 **Return to Work Process**

This return to work process does not replace or override any other return to work process created as a result of any other statutory compliance, e.g. under the Workplace Safety and Insurance Act:

- i) The Board will develop, put in place and document a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work.
- ii) The return to work process will:
 - (a) outline the steps the Board will take to facilitate the return to work of employees who were absent because their disability required them to be away from work; and
 - (b) use documented individual accommodation plans (as in 2.8) as part of the process to ensure that all staff involved in program or course design, delivery and instruction will be provided with accessibility awareness training related to these responsibilities.

2.10 **Performance Management**

- i) In administering performance appraisal processes in respect of employees with disabilities, the Board will take into account the accessibility needs of employees with disabilities as well as individual accommodation plans.

2.11 **Career Development**

- i) Where the Board provides career development and advancement to its employees, the Board will take into account the accessibility needs of employees with disabilities as well as any individual accommodation plans.

2.12 **Redeployment**

- i) Where the Board has in place a redeployment process, the Board will take into account the accessibility needs of employees with disabilities as well as any individual accommodation plans during the redeployment process.

3.0 **ACCESSIBILITY STANDARDS FOR SCHOOL TRANSPORTATION**

3.1 **Provision of Accessible Student Transportation Services**

The Windsor-Essex Catholic District School Board is committed to ensuring that people with disabilities have the same opportunity of access to our services in a similar way as these services are available to all others we serve. We are committed to meeting, in a timely manner, the accessibility needs of students with disabilities in the provision of services related to student transportation.

The Windsor-Essex Catholic District School Board will ensure that accessible school transportation services are provided for students with disabilities in a manner that meets their unique needs and ensures their safety. Where appropriate and practicable, integrated accessible school transportation services will be provided.

The provision of accessible student transportation services will include the development of an individual school transportation plan for each student who has a disability that affects their transportation to and from school. The plan will be developed by the Board's Special Education Services in collaboration with the Transportation Operator and in consultation with the student's parents or guardians.

3.2 **Definitions:**

Individual school transportation plan: is a plan that provides details of the arrangements that meet the transportation needs of an individual student who has a disability.

Driver: means the driver of the school transportation vehicle.

Operator: is an entity or person who has entered into an agreement with the board for the transportation of students in accordance with the *Education Act*.

Transportation Services: means transportation that a board provides for students in accordance with the *Education Act*.

3.3 **Responsibility**

- i) The Board will ensure that the provisions of this Administrative Procedure are in place by January 1, 2014.
- ii) The Superintendent responsible for Special Education and the managerial staff responsible for student transportation will ensure that the provisions of this administrative procedure are implemented.

3.4 **Individual School Transportation Plans**

- i) The Superintendent responsible for Special Education, or his/her designate, will, in consultation with parents or guardians, annually identify students with disabilities who require specific transportation services; such identification will, wherever possible, be made prior to the commencement of the school year.
- ii) Following consultation with parents or guardians, the Superintendent responsible for Special Education, or his/her designate, will work with the Student Transportation Manager, or his/her designate, to develop an individual student

transportation plan for each student with a disability who requires specific transportation services.

- iii) The individual student transportation plan will be attached to the student's transportation record.

3.5 **Content of Individual School Transportation Plans**

- i) An individual school transportation plan shall, in respect of each student with a disability requiring specific transportation services, include the following:
 - a) Details of the student's assistance needs with respect to transportation to and from school.
 - b) Provisions for the boarding, securement and debording of the student as applicable.

3.6 **Communication of responsibilities re Individual School Transportation Plans**

- i) The Superintendent responsible for Special Education and, where appropriate, the Student Transportation Manager, will identify and communicate roles and responsibilities with regard to the implementation of the individual school transportation plan to the following:
 - a) the Operator;
 - b) the parents or guardians of the student with the disability;
 - c) the driver of the student transportation vehicle;
 - d) the appropriate members of the school staff (e.g., principal, teacher, educational assistant); and
 - e) the student with the disability.



1325 California Avenue
 Windsor, ON N9B 3Y6
 CHAIRPERSON: Barbara Holland
 DIRECTOR OF EDUCATION: Paul A. Picard

Supervised Meeting Date:
 February 26, 2013

BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Paul A. Picard, Director of Education
 Paulette Littlejohns, Senior Manager Facilities Services
 Colleen Norris, Manager of Human Resources & Policy Development

SUBJECT: **NEW POLICY B: 09 PLAYGROUNDS/PLAYGROUND EQUIPMENT - FINAL APPROVAL**

RECOMMENDATION:

**That the Board provide final approval to Draft New Board Policy B: 09
 Playgrounds/Playground Equipment;**

SYNOPSIS:

Final approval is requested of *Draft Policy B: 09 Playgrounds/Playground Equipment*, as previously approved in principle by Ministry Supervisor Hartmann following the January 29, 2013 Supervised Delegation Meeting.

BACKGROUND COMMENTS:

This policy development proposal is recommended to recognize the need to promote positive play experiences within a safe school environment; to address the budget implications of increasing maintenance costs of play structures/structure surfaces; and to incorporate sound risk management practices relating to playground equipment.

Community Consultation:

The draft policy and supporting administrative procedure were circulated and posted for public input on January 15, 2013, and remain posted to the Board’s public website under “Current Draft Policies”. In addition, the draft policy was presented publicly for approval in principle at the January 29, 2013 Supervised Delegation Meeting.

A question was raised by one of the Board’s elementary principals as to the necessity for the completion of the daily playground safety checklist, with concern that the requirement would prove too onerous.

The Policy Working Subcommittee considered that concern. However, recommends the requirement for completion of the checklist as a sound risk management practice that assists principals in ensuring compliance with the following legislative requirements:

Section 265 (j) of the Education Act:

To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds;

Regulation 298 Duties of Principal:

- (l) *inspect the school premises at least weekly and report forthwith to the board,*
- (i) *any repairs to the school that are required, in the opinion of the principal,*

To assist principals in completing the requirement, the daily checklist has been simplified (the monthly checklist being more detailed), to include inspection for:

- Hazardous debris or litter;
- Vandalism or destruction;
- Animal feces;
- Appears to be safe and free of hazards.

In addition, although the checklist requires principal sign off to ensure that an inspection is completed, the inspection itself may be delegated to a vice principal.

FINANCIAL IMPACT:

- Potential decrease in maintenance costs of play equipment deemed to be of no play value and/or beyond repair.
- Subsequent to 2012-2013 school years, the costs of repair and maintenance of play structures and costs of ongoing maintenance program for play surfaces will be covered by the schools.

TIMELINES:

The policy and procedure will be implemented upon final approval.

APPENDICES:

N/A

NOTE: Draft Policy B: 09 Playgrounds/Playground Equipment, as approved in principle on January 29, 2013, and Draft Supporting Procedure Pr B: 09, remain posted to the Board's public website. The Policy is recommended for final approval without amendment.

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	February 19, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	February 19, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	February 19, 2013



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

**Supervised
Meeting Date:**
February 26, 2013

BOARD REPORT

Public **In-Camera**

PRESENTED FOR: Information Approval

PRESENTED BY: Senior Administration

SUBMITTED BY: Paul A. Picard, Director of Education
Cathy Geml, Associate Director of Education
John Ulicny, Superintendent of Education
Colleen Norris, Manager of Human Resources/Policy Development

SUBJECT: **DRAFT AMENDED POLICIES – ST: 05 STUDENT DISCIPLINE,
SC: 15 CODE OF CONDUCT, SC: 18 BULLYING PREVENTION
AND INTERVENTION - FINAL APPROVAL**

RECOMMENDATION:

That the Board provide final approval to the following draft amended policies:

- **ST: 05 Student Discipline (as approved in principle, subject to amendment, as per draft attached);**
- **SC: 15 Code of Conduct (as approved in principle);**
- **SC: 18 Bullying Prevention and Intervention (as approved in principle);**

and, That the Board receive as information amended administrative procedure Pr ST: 05 Student Discipline.

SYNOPSIS:

On June 5, 2012, Bill 13, the Accepting Schools Act, was passed, amending the Education Act effective September 1, 2012. The new legislation and Policy/Program Memorandums (PPMs) issued by the Ministry of Education pursuant to that legislation, require the Board to review and amend current Policy ST: 05 Student Discipline, SC: 15 Code of Conduct, and SC: 18 Bullying Prevention and Intervention.

BACKGROUND COMMENTS:

Amended draft policies were publicly presented at the Supervised Meeting on January 29, 2013 and were subsequently approved in principle.

In preparing the draft policies for consultation, Administration noted an omission to amended draft policy ST: 05 Student Discipline (as approved in principle), and revised the policy to include provision for the establishment of a Student Discipline Committee (articles 3.1 and 3.2).

The Policy Working Subcommittee also amended the administrative procedure Pr ST: 05, in effect since February 1, 2008, to reflect amendments to the Education Act, amended Ministry of Education PPMs, and the specific directives set out within amended policies ST: 05 Student Discipline, SC: 15 Code of Conduct, and SC: 18 Bullying Prevention and Intervention.

Community Consultation:

The draft policies, as approved in principle (subject to the addition noted above to ST: 05), and supporting administrative procedure Pr St: 05 Student Discipline, were circulated and posted for public input on February 14, 2013, and remain posted to the Board's public website under "Current Draft Policies".

There have been no suggestions for amendment, and the draft amended policies are recommended for final approval.

FINANCIAL IMPACT:

N/A

TIMELINES:

The new legislative changes have been implemented.

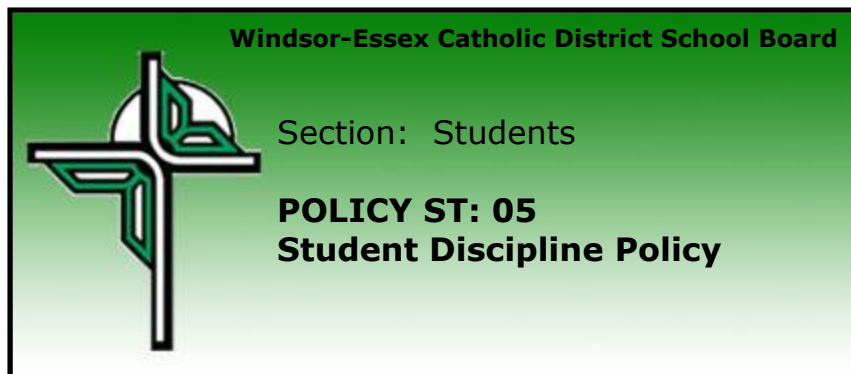
APPENDICES:

- Amended Draft Policy ST: 05 Student Discipline.
- Administrative Procedure Pr ST: 05 Student Discipline (with underlined amendments).

NOTE: Draft amended policies SC: 15 Code of Conduct, SC: 18 Bullying Prevention and Intervention, as approved in principle on January 29, 2013, and draft policy and procedure ST: 05/ Pr ST: 05 (attached) remain posted to the Board's public website.

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	February 19, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	February 19, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	February 19, 2013



NUMBER:	ST: 05
EFFECTIVE:	January 29, 2008
AMENDED:	February 9, 2010
RELATED POLICIES:	See References
REPEALS:	
REVIEW DATE:	2015-2016

1.0 OBJECTIVES:

- 1.1 ~~To meet the goal of creating a safe, caring, and accepting school environment by supporting the use of positive practices as well as consequences for inappropriate behaviour, including progressive discipline, which includes suspension and expulsion where necessary.~~

The goal of the policy is to support a safe, caring, inclusive, and accepting learning and teaching environment in which every student can reach his or her full potential.

2.0 GUIDING PRINCIPLES:

- 2.1 The Provincial Code of Conduct, the Windsor-Essex Catholic District School Board Code of Conduct and the *Education Act* create expectations for behaviour for all persons on school property.
- 2.2 It is important that all pupils have a safe, caring inclusive and accepting school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.
- 2.3 All inappropriate student behavior, including bullying, must be addressed.
- 2.4 Pursuant to the *Education Act*, principals are required to maintain proper order and discipline in schools, and pupils are responsible to the principal for their conduct and are required to accept such discipline as would be exercised by a reasonable, kind, firm and judicious parent.
- 2.5 Responses to behaviours that are contrary to the Board's code of conduct must be developmentally appropriate.
- 2.6 The Board does not support discipline measures that are solely punitive. Schools are encouraged to implement proactive positive practices and corrective supportive practices when necessary.
- 2.7 Progressive Discipline is an approach that makes use of a continuum of prevention programs, interventions, supports, and consequences, building upon strategies that build skills for healthy relationships and promote positive

POLICY ST: 05 Student Discipline Policy

behaviours.

- 2.8 The range of interventions, supports, and consequences used by the Board and all schools must be clear and developmentally appropriate, and must include learning opportunities for students in order to reinforce positive behaviours and help students make good choices.
- 2.9 Information in the student's IEP must be considered in the determination of interventions, supports, and consequences for students with special education needs.
- 2.10 The Board, and school administrators, must consider all mitigating and other factors, as required by the Education Act and regulations.
- 2.11 In order to promote a positive school climate, school boards must provide opportunities for all members of the school community to increase their knowledge and understanding of such issues as bullying; violence; inappropriate sexual behaviour; bias, stereotyping, discrimination, prejudice, and hate; critical media literacy; and safe Internet use. Ontario's curriculum provides many opportunities for students to develop an understanding of these topics and the skills to make safe and healthy choices.
- 2.12 The Board shall provide special education programs and services for students with special education needs in a caring, safe, inclusive and accepting environment.

3.0 SPECIFIC DIRECTIVES:

- 3.1 The Board authorizes the creation of ~~two~~ a Discipline Committee. ~~Committee "A" shall to decide appeals of principal suspensions and principal recommendations for expulsion arising out of county schools.~~ The Committee "A" shall be composed of three (3) Trustees, excluding the Trustee (s) elected out of the area in which the student's (appellant's) school or proposed transfer school is located, elected within the City of Windsor to the WECDSB. ~~Committee "B" shall decide appeals of principal suspensions and principal recommendations for expulsion arising out of schools located in the City of Windsor. Committee "B" shall be composed of three (3) Trustees elected within the County of Essex to the WECDSB.~~ For these purposes, The Discipline Committee will conduct the suspension appeals and expulsion hearings in accordance with the Student Discipline Procedures, Suspension Appeal Guidelines, Expulsion Hearing Guidelines and Rules.
- 3.2 In all cases where consequences might be imposed, teachers, administrators and the Board will consider the safety and dignity of all pupils, and the impact of the activity on the school climate.
- 3.3 Administration shall establish procedures to achieve the objective of this policy, in accordance with the guiding principles detailed above, and in compliance with the Education Act and its regulations and Ministry of

POLICY ST: 05 Student Discipline Policy

Education Policy/Program Memorandums.

4.0 RESPONSIBILITY:

- 4.1 The Director of Education shall be responsible for the implementation of this policy.
- 4.2 The Director shall put in place a training strategy on the Board's Student Discipline Policy for all administrators, teachers, and non-teaching staff, and shall work with the Windsor-Essex County Children's Aid Society to develop and implement annual training for Board staff concerning their duty to report under the Child and Family Services Act.

3.0 REVIEW AND EVALUATION:

- 5.1 This policy shall be reviewed during the 2015 – 2016 policy review cycle

4.0 REFERENCES:

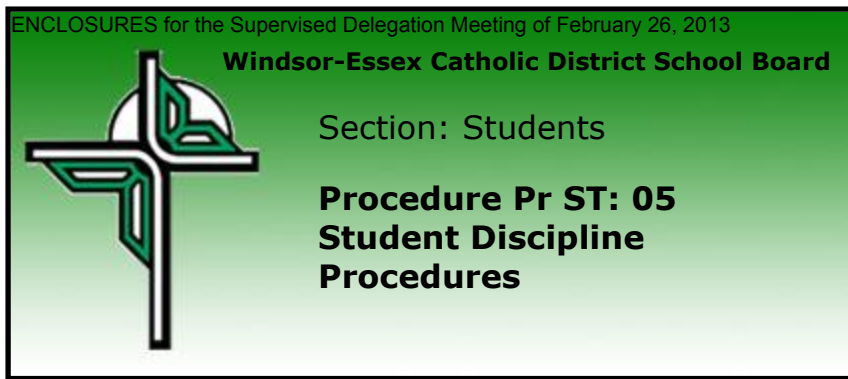
Education Act R.S.O. 1990, c. E.2 Part XIII Behaviour, Discipline and Safety
 Ontario Regulation 181/98 Identification and Placement of Exceptional Pupils
 Ontario Regulation 472/07 Suspension and Expulsion of Pupils
 Ontario Regulation 474/07 Access to School Premises
 Ontario Regulation 181/98 Identification and Placement of Exceptional Pupils
 Ministry of Education Policy/Program Memorandum No. 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario's Schools, 2009
 Ministry of Education Policy/Program Memorandum No. 141 School Board Programs for Students on Long-Term Suspension
 Ministry of Education PPM No. 142 School Board Programs for Expelled Students
 Ministry of Education PPM No. 145 Progressive Discipline and Promoting Positive Student Behaviour
 Ministry of Education PPM No. 128, The Provincial Code of Conduct and School Board Code of Conduct
 Ministry of Education PPM No. 144 Bullying Prevention and Intervention
 Ministry of Education PPM No. 119 Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools
 Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007
 English Language Learners: ESL and ELD Programs and Services, 2007

Related Board Policies/Procedures:

- A: 14 ~~Antiracism and Ethno-Cultural Equity~~ Promoting and Supporting Equity & Inclusion within a Catholic Community
 A: 20 Transportation Policy/Procedures

POLICY ST: 05 Student Discipline Policy

B: 06 Access to School Premises
B: 01 Smoke Free Schools and Sites
B: 05 Property Damage/Vandalism/Theft
H: 19 Violence Prevention in the Workplace and Program for Violence Prevention
H: 08 Workplace Harassment
SC: 03 Acceptable Use of the Internet (students)
SC: 04 Field Trips Policy/Procedure
SC: 15 Code of Conduct
SC: 18 Bullying Prevention and Intervention Policy
ST: 04 Attendance and Punctuality
Pr ST: 05 Student Discipline Procedure
ST: 18 Physical Intervention
ST: 19 Appropriate Dress



PROCEDURE:	Pr ST:05
EFFECTIVE:	Feb. 1, 2008
AMENDED:	June 10, 2008 Feb. 9, 2010
RELATED POLICIES:	(see references, Policy ST:05)
REPEALS:	
REVIEW DATE:	2015-2016

1.0 Definitions

1.1 The following definitions apply for the purposes of pupil discipline:

Adult Pupil – is a pupil who is 18 years or older, or 16 or 17 and has removed him/herself from parental control.

Board Expulsion – is an expulsion from all schools of the Board.

Bullying – is typically a form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.

"Bullying" means aggressive and typically repeated behaviour by a pupil where,

(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

(i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property, or

(ii) creating a negative environment at a school for another individual, and

(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, gender identity, gender expression, race, disability or the receipt of special education;

For the purposes of the definition of "bullying" as detailed above, behaviour includes the use of any physical, verbal, electronic, written or other means.

Cyber-bullying for the purposes of the definition of "bullying" as detailed above, bullying includes bullying by electronic means (commonly known as cyber-bullying), including,

(a) creating a web page or a blog in which the creator assumes the identity of another person;

- (b) impersonating another person as the author of content or messages posted on the internet; and
- (c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.

Aggressive behavior - may be intentional or unintentional, direct or indirect. It can take many forms, including physical, verbal, and social. If aggressive behaviour is physical, it may include hitting, pushing, slapping, and tripping. If it is verbal, it may include name calling, mocking, insults, threats, and sexist, racist, homophobic, or transphobic comments. If it is social, or relational, aggression, it is more subtle and may involve such behaviours as gossiping, spreading rumours, excluding others from a group, humiliating others with public gestures or graffiti, and shunning or ignoring. Social aggression may also occur through the use of technology (e.g., spreading rumours, images, or hurtful comments through the use of e-mail, cell phones, text messaging, Internet websites, social networking, or other technology).

Daily Care – a person with daily care is an adult person (18 years or older) who is not the custodial parent/guardian of a pupil who is less than 18 years old, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a grandparent, aunt, uncle, older brother or sister.

Discipline Committee – a committee of three (3) ~~or more~~ Trustees designated to determine suspension appeals and recommendations for expulsion.

Harm - as used in this procedure, means harm that can be experienced in a number of ways, including physical, mental, emotional, and psychological.

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which annoys, alarms or causes that individual emotional distress.

Parent/guardian – where there is a reference to involving or informing a parent/guardian it means the custodial parent or guardian of a minor child who is not an Adult Pupil.

Impact on School Climate - an incident or activity, which has a negative or positive impact on the school community.

~~*School Climate* – the sum total of all of the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable and accepted.~~ May be defined as the learning environment and relationships found within a school and school community. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. Principles of equity and inclusive education are embedded in the learning environment to support a positive school climate and a culture of mutual respect. A positive school climate is a crucial component of bullying prevention.

School Community - the school community is composed of staff, pupils, parents, and pupils of the school and feeder schools / family of schools, as well as the community of people and businesses that are served by or located in the greater neighborhood of the school.

School Expulsion – is an expulsion from the school of the Board that the pupil was attending at the time of the incident.

Weapon – is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

2.0 Positive Practices

- 2.1 A whole-school approach, which involves all members of the school community, is also important in supporting efforts to ensure that schools are safe, inclusive, and accepting. It is an effective approach to making systemic changes that will benefit all students and the broader community. Implementation of a whole-school approach needs to occur at all levels – the Board, school, class, individual, family, and community. It involves the development of respectful and caring relationships between staff, between students, and between staff and students. All aspects of school life are included in a whole-school approach, such as curriculum, school climate, teaching practices, policies, and procedures. To improve the school climate, members of the school community need to share information to develop an awareness of factors that have an impact on the school climate and to provide information about the effectiveness of prevention and intervention strategies, practices, and programs in their school. A whole-school approach is also valuable in addressing such issues as racism, intolerance based on religion or disability, bullying, homophobia, and gender-based violence.
- 2.2 In order to promote and support appropriate and positive pupil behaviours that contribute to creating and sustaining safe, comforting and accepting learning and teaching environments that encourage and support students to reach their full potential, the Board supports the use of positive practices for: (1) prevention, and (2) positive behaviour management.
- 2.3 Preventative practices include:
- Anti-bullying and violence prevention programs;
 - Mentorship programs;
 - Student success strategies;
 - Catholic Character education;
 - Citizenship development;
 - Student leadership; and
 - Healthy lifestyles.
- 2.4 Positive behaviour management practices include:
- Program modifications or accommodations;
 - Class placement;
 - Positive encouragement and reinforcement;
 - Individual, peer and group counselling;
 - Conflict resolution;
 - Mentorship programs;
 - Sensitivity programs;

- Safety Plans;
 - Student Behaviour Support Plans
 - School, Board and community support programs; and
 - Student success strategies.
- 2.5 The Board recognizes that, in some circumstances, positive practices might not be effective or sufficient to address inappropriate pupil behaviour. In such circumstances, the Board supports the use of consequences.
- 2.6 In circumstances where a pupil will receive a consequence for his/her behaviour, it is the expectation of the Board that the principle of progressive discipline, consistent with Ministry of Education direction and PPM 145, will be applied, if appropriate.

3.0 Progressive Discipline

- 3.1 Progressive discipline is a non-punitive, whole-school approach that uses a continuum of corrective and supportive interventions, supports and consequences to address inappropriate behaviour and to build upon strategies that promote positive behaviours. Consequences include learning opportunities for reinforcing positive behaviour and assisting pupils to make good choices.
- 3.2 Prevention and early intervention are important for assisting pupils to achieve their potential and for maintaining a positive school environment. A positive school environment is effected through programs and activities that focus on building healthy relationships, character development, and civic responsibility, which encourage positive participation of the school community in the life of the school.
- 3.3 Each school is required to develop and implement a school-wide progressive discipline policy, consistent with the Board Student Discipline Policy and Student Discipline Procedures.
- 3.4 The teacher, principal or designate should select the most appropriate response to address the pupil's behaviour. Where a pupil has special education and/or disability related needs, the interventions, supports and consequences must be consistent with the expectations for the pupil, including those in the pupil's Individual Education Plan or Behaviour Management Plan.
- 3.5 The Board shall not support discipline measures that are solely punitive or use exclusion (section 265 (1) (m) of the Education Act) as a disciplinary measure. If a principal does decide that it is necessary to exclude a student from a school or classroom because the student's presence in the school or classroom would, in the principal's judgment, be detrimental to the physical or mental well-being of the pupils, the principal's actions shall be in accordance with the Education Act and must be consistent with the Human Rights Code. The Principal shall notify the student's parents of the exclusion as soon as possible in the circumstances, and inform them of their right to appeal under clause 265 (1) (m).

When addressing inappropriate behaviour, school staff should consider the particular pupil and circumstances, including any mitigating and other factors as set out in the Student Discipline Procedures, the nature and severity of the behaviour, and the

impact on the school climate. Before applying disciplinary measures, the principal/designate and/or Discipline Committee of the Board shall consider the discriminatory impacts of decisions on pupils protected by the Human Rights Code, including but not limited to the impact to those students who may face discrimination based on race and disability, and whether or not accommodation is required.

- 3.6 Progressive discipline includes the use of early and ongoing intervention strategies and strategies to address inappropriate behaviour. Pupils' parent(s)/guardian(s) should be actively engaged in the progressive discipline approach.

Early and Ongoing Intervention Strategies

- 3.7 A teacher or the principal or designate, as appropriate, may utilize early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours. These may include:

- Contact with pupil's parent(s)/guardian(s);
- Oral reminders;
- Review of expectations;
- Written work assignment addressing the behaviour, that have a learning component;
- Volunteer services to the school community;
- Conflict mediation and resolution;
- Peer mentoring;
- Referral to counseling; and/or
- Consultation.

- 3.8 In all cases where ongoing intervention strategies are used, the pupil's parents/guardians should be consulted.

- 3.9 The teacher, principal or designate should keep a record for each pupil with whom intervention strategies are utilized. The record should include:

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Progressive discipline approach used;
5. Outcome; and/or Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

Addressing Inappropriate Behaviour

- 3.10 If a pupil has engaged in inappropriate behaviour the principal or designate may utilize a range of interventions, supports, and consequences that are (1) developmentally appropriate, and (2) include opportunities for pupils to focus on improving their behaviour.
- 3.11 Inappropriate behaviour includes any behaviour that disrupts the positive school climate and/or has a negative impact on the school community.

- 3.12 Inappropriate behaviour may also include, but is not limited to, one of the following infractions for which a suspension may be imposed:
1. Any act considered by the principal to be injurious to the moral tone of the school;
 2. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
 3. Any act considered by the principal to be contrary to the Board or school Code of Conduct.
- 3.13 If a pupil has committed an infraction listed above and it is the first time that the pupil has committed that infraction, the principal or designate may choose to use a progressive discipline strategy to address the infraction.
- 3.14 Interventions may include:
- Meeting with the pupil's parent(s)/guardian(s), pupil and principal;
 - Referral to a community agency for anger management or substance abuse, counseling/intervention;
 - Detentions;
 - Withdrawal of privileges;
 - Withdrawal from class;
 - Restitution for damages;
 - Restorative practices; and
 - Transfer with support.
- 3.15 Progressively more serious consequences should be considered for inappropriate behavior that is repeated or for progressively more serious inappropriate behaviour, taking into account mitigating and other factors.
- 3.16 In some cases, short-term suspension may also be considered a useful progressive discipline approach.

Factors to Consider Before Deciding to Utilize a Progressive Discipline Approach to Address Inappropriate Behaviour

- 3.17 In all cases where progressive discipline is being considered to address an inappropriate behaviour, the principal or designate must:
1. Consider the particular pupil and circumstances, including considering the mitigating or other factors;
 2. Consider the nature and severity of the behaviour;
 3. Consider the impact of the inappropriate behaviour on the school climate; and
 4. Consult with the pupil's parent(s)/guardian (unless the pupil is an adult pupil).

Mitigating Factors

- 3.18 The mitigating factors to be considered by the principal before deciding whether to use a progressive discipline approach to address the inappropriate behaviour are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

3.19 Other Factors to be Considered:

1. The pupil's academic, discipline and personal history;
2. Whether other progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, place of origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school. If the pupil's continuing presence in the school creates an unacceptable risk to the safety of others in the school, then a progressive discipline approach may not be appropriate.

Record

3.20 The principal or designate should keep a record for each pupil with whom progressive discipline approach (es) are utilized. The record should include:

1. Name of the pupil;
2. Date of the incident or behaviour;
3. Nature of the incident or behaviour;
4. Considerations taken into account;
5. Progressive discipline approach used;
6. Outcome; and
7. Contact with the pupil's parent/guardian (unless the pupil is an adult pupil).

4.0 Responding to Incidents

- 4.1 Board employees who work directly with students – including administrators, teachers, and non-teaching staff, including staff in social work, child and youth work, psychology, and related areas, and educational assistants must respond to student behavior that is likely to have a negative impact on the school climate. Such behavior

- includes all inappropriate and disrespectful behavior at any time at school and at any school-related event if, in the employee's opinion, it is safe to respond to it. Such inappropriate behavior may involve bullying, swearing, homophobic or racial slurs, sexist comments or jokes, graffiti, or vandalism, and behavior identified under sections 306 and 310 of the Education Act.
- 4.2 Responding may include asking a student to stop the inappropriate behaviour; naming the type of behavior and explaining why it is inappropriate and/or disrespectful; and asking the student to correct the behavior (e.g. to apologize for a hurtful comment and/or to rephrase a comment) and to promise not to do it again. By responding in this way, Board employees immediately address inappropriate student behavior that may have a negative impact on the school climate. When Board employees are aware that an incident involves a student with special education needs, they are expected to respond in a way that is appropriate.
- 4.3 Board employees are not required to respond to incidents when, in their opinion, responding would cause immediate physical harm to themselves or to a student or another person. However, for incidents for which suspension or expulsion must be considered, Board employees must report these to the principal and confirm their report in writing (Appendix 1). For other incidents, where suspension or expulsion would not be considered but Board employees feel it is not safe to respond, they will be expected to inform the principal verbally as soon as possible. For example, a Board employee would not be required to respond if it would mean having to leave a student with special needs who would be in danger if left alone.

5.0 Disclosure of Students' Personal Information

- 5.1 Given their obligation to respond to serious student incidents and all inappropriate and disrespectful student behaviour that is likely to have a negative impact on the school climate, Board employees (including occasional employees) who work directly with students may need to know, for any particular student, those behaviour(s) that may present a potential risk of physical harm to school staff or students as documented as part of progressive discipline in the student's Ontario Student Record (OSR). Principals are only permitted to share information documented in the OSR with Board employees who do not have access to the OSR, if disclosure is necessary, so that employees can carry out their duties, including their duty to respond to inappropriate and disrespectful student behaviour. In such cases, principals may share only the necessary information pertaining to behaviour that may present risk of physical harm.
- 5.2 Prior to disclosure, the principal must inform staff that they must treat any information disclosed about a student or incident as confidential.

6.0 Reporting to Principals:

- 6.1 The following individuals are responsible for reporting to the principal as soon as reasonably possible, when they become aware that a student at a school may have engaged in an activity for which suspension or expulsion must be considered:
- i. Any employee of the Board;
 - ii. Employees and contractors of third party transportation providers;
 - iii. Employees and contractors of third party operators providing before and/or after

- school programs for full day kindergarten or operators of extended day and third party programs;
- iv. ECEs in Board operated extended day programs.
- 6.2 ~~The employee~~ Those reporting must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal no later than the end of the school day or the end of the transportation run, if a transportation provider. In cases where an immediate action is required, a verbal report to the principal may be made, but a written report must be made within the prescribed form (see template letter as Appendix 1) when it is safe to do so. Each report will be assigned a report number.
- 6.3 In certain situations, members of the College of Psychologists of Ontario or the Ontario College of Social Workers and Social Service Workers who are engaged in a clinical relationship with a student shall report incidents of behaviour for which suspension or expulsion must be considered to the principal as soon as it is, in their professional opinion, reasonably possible to do so without having a negative impact on the nature of the clinical relationship. They shall also report, in a manner that is consistent with the code of ethics and the standards of practice of their respective professions, matters that could result in the student's doing physical, emotional, or psychological harm to him- or herself or to others.
- 6.4 The principal must investigate all reports submitted by Board employees. Once the investigation is complete, the principal must communicate the results of the investigation to the teacher who made the report. If a Board employee who is not a teacher made the report, the principal will communicate the results of the investigation to that employee if the principal considers it appropriate. Communication between the principal and school staff about the investigation and the results of the investigation is a shared responsibility, and is an important factor in meeting student needs and fostering collaboration in the school.
- 6.5 The principal must not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation. This information must be provided in a timely manner so that school staff can work with the principal to best meet the needs of students, support a positive school climate, and help prevent future inappropriate behaviour from taking place.
- 6.6 The principal must provide the person who submitted the report with a written acknowledgement of receipt on the "Safe Schools Incident Reporting Form – Part II (Appendix 1) and must specify whether action has been taken or no action is required.
- 6.7 If no further action is taken by the principal, he or she is not required to retain the report, and should destroy it. Information that could identify the student(s) involved must not be part of the acknowledgement.
- 6.8 If the principal has decided that action must be taken as a result of any incident he or she will file a copy of the reporting form, with documentation indicating the action taken, in the OSR of the student whose behaviour was inappropriate. The names of all other students that appear on the form – both ~~aggressors~~ students who have engaged in the activity and victims and students who have been harmed- must be removed from the form before it is filed in the OSR. Where the principal has taken

- action in the case of more than one student, a copy of the reporting form must be placed in the OSR of each student whose behavior was inappropriate, removing the names of other students.
- 6.9 In the case of the ~~victim~~ a student who has been harmed of an incident, no information should be placed in his or her OSR, unless the victim student or parent of the ~~victim~~ student expressly requests that it be placed in the OSR.
- 6.10 In situations where the ~~victim~~ student who has been harmed is also an ~~aggressor~~ engaged in a serious student incident ~~and the principal has taken some action short of suspension, no information about the incident must be placed in the student's OSR, if the principal has decided not to notify the student's parents. However, if the principal has notified the parents, information regarding the incident and the action taken will be placed in the OSR.~~ information regarding the incident and the action taken will be placed in the student's OSR.
- 6.11 The form and documentation must be kept in the OSR for a minimum of one year.

7.0 Supports for Students

- 7.1 Board employees must provide supports for all students who are affected by serious student incidents and all inappropriate behaviour, and for those who engage in these types of incidents, to assist them in developing healthy relationships, making choices that support continuing their learning, and achieving success. Supports may be provided through Board programs and resource personnel, or through community-based service providers, including social service agencies and mental health services.
- 7.2 In responding to any incident, Board employees who work directly with students must act in a timely, sensitive, and supportive manner. ~~All Board employees must take seriously all allegations of gender based violence, homophobia, sexual harassment, and inappropriate sexual behavior, and act in a timely, sensitive, and supportive manner.~~
- 7.3 Board employees who work directly with students are expected to support all student, including those who disclose or report such incidents, by providing them with contact information about professional supports (e.g. public health units, community agencies, help phone lines) and also by making this information readily available to students who wish to discuss issues of healthy relationships, gender identity, and sexuality.
- 7.4 If a parent is not satisfied with the supports received by his or her child who has been ~~a victim~~ harmed or involved in of a serious student incident, he or she should contact the school principal with his or her concerns. If those concerns are not adequately addressed, the parent should then contact the Superintendent of Education.

8.0 Notifying Parents

- 8.1 If a principal believes that a pupil of the school has been harmed as a result of an activity described in sections 306 (1) or 310 (1) of the Education Act, the principal shall, as soon as reasonably possible, notify the parent or guardian of the pupil who has been harmed and the parent or guardian of the pupil who the principal believes has engaged in the activity that resulted in the harm, subject to the following:

- i. A principal shall not, without the pupil's consent, notify a parent or guardian of a pupil who is 18 years old or 16 or 17 years old and has withdrawn from parental control.
 - ii. A principal shall not notify a parent or guardian of a pupil if in the opinion of the principal doing so would put the pupil at risk of harm from a parent or guardian of the pupil, such that the notification is not in the pupil's best interest.
- 8.2 The Principal shall disclose the following information when providing notice to parents of students who have been harmed as a result of an activity described in sections 306(1) or 310 (1) of the Education Act:
 - i. the nature of the activity that resulted in harm to the student;
 - ii. the nature of the harm to the student;
 - iii. the steps taken to protect the student's safety, including the nature of any disciplinary measures taken in response to the activity;
 - iv. the supports that will be provided for the student in response to the harm that resulted from the activity
- 8.3 The Principal shall disclose the following information when providing notice to parents of the pupil who the principal believes has engaged in the activity that resulted in the harm:
 - i. the nature of the activity that resulted in harm to the other student;
 - ii. the nature of the harm to the other student;
 - iii. the nature of any disciplinary measures taken in response to the activity;
 - iv. the supports that will be provided for the student in response to his or her engagement in the activity.
- 8.4 When a principal has decided not to notify parents of a victim, he or she must document the reason for the decision and notify both ~~the staff member~~ the teacher who reported the incident and the appropriate supervisory officer of this decision. Principals shall also, if they determine it is appropriate to do so, inform other Board employees of the decision. The principal shall ensure that supports are in place for the student including referrals to a community agency that can provide the appropriate confidential support when the student's parents are not called.
- 8.5 In circumstances where Board employees have reason to believe that a student may be in need of protection, Board employees must call the Windsor-Essex County Children's Aid Society according to the requirements of the Child and Family Services Act.
- 8.6 When the principal determines that it is necessary to separate students to preserve school safety, Administration shall coordinate a "transfer meeting" between the school from which the student is being transferred and the receiving school. In cases where the transfer is necessary or to protect a student, it is preferable that the victim student who has been harmed not be moved. To support students who are moved to another school, a transition strategy should be put in place to identify supports that the student may require. The strategy should include a meeting between the schools, involving the teacher and appropriate non-teaching staff at the receiving school. The

- ~~student and his or her parent should be invited to the meeting. All participants must be made aware of the confidentiality requirements with respect to the information regarding the student and the incident disclosed at the meeting.~~
- 8.7 The purpose of the transfer meeting is to put in place a transition strategy to identify any additional supports and resources that the student may require (e.g., supports provided by school-based employees of the Board, by Board personnel, or through a community-based service provider, including mental health services). The meeting must include the teachers and other school staff that will have regular direct contact with the student. The student that is being moved and his or her parents should also be invited to the transfer meeting. Schools must make reasonable efforts to accommodate parent participation at this meeting. The transfer meeting must occur prior to the day or on the day the student is transferred. When the meeting occurs on the day the student is transferred, it must occur before the student attends class. The receiving school must also be in possession of the student's OSR prior to the occurrence of the transfer meeting, and the OSR must be available to be consulted at the meeting.
- 8.8 All participants must be made aware of the confidentiality requirements with respect to the information regarding the student and the incident disclosed within a transfer meeting. At a minimum, prior to the start of the transfer meeting, the principal must inform all staff in attendance that they must treat any information about the student and the incident disclosed at the meeting as confidential.
- 8.9 ~~If a parent is not satisfied with the supports received by his or her child who has been a victim of a serious student incident, he or she should contact the school principal with his or her concerns. If those concerns are not adequately addressed, the parent should then contact the Superintendent of Education.~~

9.0 Suspension of Pupils

Suspension Infractions

- 9.1 When a principal's investigation of an incident, which should include consultation with the adult pupil or the pupil's parent/guardian and pupil, determines that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, a principal will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.
- 9.2 The principal will also contact the police consistent with the Police and School Response Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent.
- 9.3 The infractions for which a suspension may be imposed by the principal include:
1. Uttering a threat to inflict serious bodily harm on another person;
 2. Possessing alcohol or illegal and/or restricted drugs;
 3. Being under the influence of alcohol;
 4. Swearing at a teacher or at another person in a position of authority;

5. Committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
 6. Bullying;
 7. Any act considered by the principal to be injurious to the moral tone of the school;
 8. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
 9. Any act considered by the principal to be contrary to the Board or school Code of Conduct.
- 9.4 A pupil may be suspended only once for an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

Factors to Consider Before Deciding to Impose a Suspension

- 9.5 Before deciding whether to impose a suspension, or some other form of discipline, a Principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian to identify whether any mitigating or other factors might apply in the circumstances.

Mitigating Factors

- 9.6 The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:
1. Whether the pupil has the ability to control his or her behaviour;
 2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
 3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 9.7 If a pupil does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the principal will not suspend the pupil. Alternative discipline and/or other intervention may be considered by the principal in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

Other Factors to be Considered

- 9.8 Where the pupil is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the pupil:
1. The pupil's academic, discipline and personal history;
 2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;

3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

- 9.9 In reviewing whether progressive discipline approach (es) has/have been attempted with the pupil, and if so, the progressive discipline approach (es) that has/have been attempted and any success or failure, the principal will consider the following:
1. Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
 - contact with the pupil's parent(s)/guardian(s);
 - oral reminders;
 - review of expectations;
 - written work assignments with a learning component;
 - assigning the pupil to volunteer services to the community;
 - conflict mediation and resolution;
 - peer mentoring;
 - referral to counseling; and/or
 - consultation.
 2. Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
 - meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
 - referral of pupil to a community agency for anger management or substance abuse counseling;
 - detentions;
 - withdrawal of privileges;
 - withdrawal from class;
 - restitution for damages;
 - restorative practices; and/or
 - transfer

Factors Mitigating the Decision to Suspend

- 9.10 In circumstances where one or more of the factors above mitigate the decision to apply a suspension as a form of discipline for the pupil, the principal may consider whether alternative discipline and/or other intervention is appropriate in the circumstances.

Consultation

- 9.11 Before imposing a suspension of six (6) or more school days, the principal will consult with the Superintendent of Education and/or the administrator of safe schools regarding:
1. The investigation undertaken;
 2. The circumstances of the incident;
 3. Whether or not one or more of the factors outlined above are applicable in the circumstances; and
 4. The appropriate length of the suspension.

School Work

- 9.12 A pupil who is subject to a suspension of five (5) or fewer school days must be provided with schoolwork to complete at home while serving the suspension. The principal shall make reasonable efforts to have the schoolwork available to the adult pupil's designate or the pupil's parent/guardian or designate the day the pupil is suspended, if the pupil is suspended for one (1) school day. If this is not possible, the pupil must be given an opportunity to catch-up on missed schoolwork when the pupil returns. Where the pupil has been suspended for two (2) or more school days the principal will ensure that the schoolwork provided to the pupil will be available the day the pupil is suspended or the following school day.
- 9.13 In addition to receiving schoolwork for the first five (5) school days of suspension, a pupil who is subject to a suspension of six (6) or more school days must be assigned an alternative program for pupils subject to lengthy suspension (ASP). A pupil participating in an ASP is not considered to be engaging in school or school-related activities.

Procedural Steps When Imposing a Suspension

- 9.14 Where a principal has determined that it is appropriate in the circumstances to impose a suspension, the principal is required to affect the following procedural steps:
1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
 2. The principal must inform the pupil's teacher(s) of the suspension;
 3. The principal in conjunction with the pupil's teacher(s) must organize school work to be provided for the pupil to be completed during the duration of the pupil's suspension;

4. The principal must provide written notice of the suspension to the pupil, the pupil's parent/guardian (unless the pupil is an adult pupil) and the Superintendent of Education;
5. The written notice of suspension will include:
 - a) The reason for suspension;
 - b) The duration of the suspension;
 - c) Information about the ASP the pupil is assigned to, where the pupil is suspended for six (6) or more school days;
 - d) Information about the right to appeal the suspension, including the relevant policies and guidelines and the contact information for the Superintendent Responsible for Student Discipline;
(see suspension letter template attached as Appendix 2)
6. Every effort should be made to include the schoolwork with the letter of suspension to the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil) on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or his/her parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult pupil's designate or pupil's parent/guardian or designate to pick-up from the school the following school day.
 - If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
 - If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.
7. Where the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to Board property or property located on Board property, consideration should be given to filling out and filing a Violent Incident Form in the pupil's Ontario Student Record.
(see the Board's Violent Incident Form attached as Appendix 3 (a) and (b))

Alternative Suspension Program

- 9.15 Where a pupil has been suspended for six (6) or more school days the pupil will be provided with schoolwork for the first five (5) school days, or until the Student Action Plan is implemented, and will be assigned an alternative program for pupils subject to lengthy suspension (Alternative Suspension Program or ASP).
- 9.16 A pupil cannot be compelled to participate in an ASP. Should the adult pupil or a pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will continue to be provided with school work consistent with the Ontario curriculum or that pupil's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This schoolwork will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian or designate at regular intervals during the suspension period. Where schoolwork has not been picked up, the school should contact the adult pupil or the pupil's parent/guardian to determine whether the schoolwork will be picked up. The principal should record the follow-up and response.

- 9.17 A **Student Action Plan (SAP)** will be developed for every pupil subject to a suspension of six (6) or more school days who agrees to participate in an ASP.
- 9.18 Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the adult pupil or pupil's parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

Planning Meeting

- 9.19 For pupils subject to a suspension of six (6) or more school days who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.
- 9.20 The adult pupil or pupil's parent/guardian and the pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- 9.21 The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
- 9.22 If the adult pupil or the pupil's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 9.23 During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.

Student Action Plan

- 9.24 A pupil subject to suspension for eleven (11) or more school days will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP. Pupils subject to a suspension of fewer than eleven (11) school days may be offered non-academic supports where such supports are appropriate and available.
- 9.25 The SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teacher, CYW and/or social worker.
- 9.26 The principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP. This timeline will be communicated to the adult pupil and/or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input. The Principal must ensure that the pupil is provided with schoolwork until the SAP is in place.

- 9.27 Once completed, the SAP will be shared with the adult pupil, or the pupil's parent/guardian and the pupil and all necessary staff to facilitate implementation.
- 9.28 A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.
- 9.29 The SAP will identify:
1. The incident for which the pupil was suspended;
 2. The progressive discipline steps taken prior to the suspension, if any;
 3. Any alternative discipline measures imposed in addition to the suspension;
 4. Any other disciplinary issues regarding the pupil that have been identified by the school;
 5. Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
 6. Any program(s) or service(s) that might be provided to address those learning or other needs;
 7. The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
 8. Where the pupil has an IEP, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
 9. The non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed; and
 10. The measurable goals the pupil will be striving to achieve during the period of suspension.

Suspension Appeal Process

- 9.30 The adult pupil or the pupil's parent/guardian may appeal a suspension.
- 9.31 All suspension appeals will be received by the Superintendent Responsible for Student Discipline.
- 9.32 An appeal of a suspension does not stay the suspension.
- 9.33 A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) school days of the commencement of the suspension.
- 9.34 The Board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).
- 9.35 Upon receipt of written notice of the intention to appeal the suspension, the Superintendent Responsible for Student Discipline:
1. Will promptly advise the school principal of the appeal;
 2. Will promptly advise the adult pupil or the pupil's parent/guardian that a review of the suspension will take place and invite the appellant to contact the

- Superintendent Responsible for Discipline to discuss any matter respecting the incident and/or appeal of the suspension; (see the template letter at Appendix 4)
3. Will review the suspension (reason, duration, any mitigating or other factors);
 4. May consult with the principal and Superintendent of Education regarding modification or expunging the suspension;
 5. Will request a meeting with the adult pupil or the pupil's parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee;
 6. Will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil's parent/guardian. (see the template letter at Appendix 5)

9.36 Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the Superintendent Responsible for Student Discipline will:

1. Coordinate the preparation of a written report for the Board. This report will contain at least the following components:
 - a) A report of the incident and rationale for suspension prepared by the principal;
 - b) A copy of the original suspension letter;
 - c) A copy of the letter requesting the Suspension Appeal; and
 - d) A copy of the correspondence with respect to the decision of the Superintendent Responsible for Student Discipline regarding the suspension review.
2. Inform the adult pupil or the pupil's parent/guardian of the date of the Suspension Appeal; provide a guide to the process for the appeal, and a copy of the documentation that will go to the Discipline Committee. (see the letter template attached as Appendix 6)
3. Ensure that the item is placed on the Discipline Committee's agenda.

9.37 The parties in an appeal to the Discipline Committee shall be:

1. The principal; and
2. The adult pupil or the pupil's parent/guardian, if they appealed the decision.

Suspension Appeal Before the Discipline Committee of the Board

9.38 Suspension appeals will be heard orally, *in camera*, by the Discipline Committee of Trustees. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil.

1. The appellant and/or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
2. The pupil will be asked to make a statement on his/her own behalf.
3. The Superintendent of Education for the school and/or the principal will make oral submissions on behalf of the administration, including a response to any

issues raised in the appellant's submissions. The Superintendent/principal may rely on the report prepared for the Discipline Committee.

4. The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
 5. The Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification.
- 9.39 Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.
- 9.40 The Discipline Committee may make such orders or give such directions at an appeal, as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a Trustee may call for the assistance of a police officer to enforce any such order or direction.
- 9.41 Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
- 9.42 The Discipline Committee will consider, based on the written and/or oral submissions of both parties, whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:
1. Confirm the suspension and its duration; or
 2. Confirm the suspension but shorten its duration and amend the record, as necessary; or
 3. Quash the suspension and order that the record be expunged; or
 4. Make such other appropriate order.
- 9.43 The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing. (see the template letter as Appendix 7)

Re-Entry

- 9.44 Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the pupil, and the pupil's parent/guardian if possible, to provide positive and constructive redirection for the pupil. Where the pupil has participated in an ASP, the pupil's success in achieving the goals outlined in the SAP will be reviewed with the adult pupil or the pupil's parent/guardian and pupil. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the SAP.

10.0 Expulsion of Pupils

- 10.1 Subject to the Factors to Consider Before Deciding to Impose a Suspension below, when a principal has reasonable grounds to believe that a pupil has committed one or more infractions outlined below on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, the principal will suspend the pupil.

- 10.2 The principal will also contact the police consistent with the Police and School Response Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent.
- 10.3 The enumerated activities are:
1. Possessing a weapon, including possessing a firearm;
 2. Using a weapon to cause or to threaten bodily harm to another person;
 3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
 4. Committing sexual assault;
 5. Trafficking in weapons or illegal and/or restricted drugs;
 6. Committing robbery;
 7. Giving alcohol to a minor;
 8. Bullying, if,
 - i. the pupil has previously been suspended for engaging in bullying, and
 - ii. the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person.
 9. Any activity listed in section 9.3 (above) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.
 10. An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;
 11. A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;
 12. Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;
 13. Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;
 14. The pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper; or
 15. Any act considered by the principal to be a serious violation of the Board or school Code of Conduct.
 16. ~~Where a student has no history or discipline or behavior intervention, or not relevant history, or a single act, incident or infraction considered by the principal to be a serious violation of the expectations of student behaviour and/or a serious breach of the Board or school Code of Conduct.~~

Factors to Consider Before Deciding to Impose a Suspension Pending a Possible Recommendation for Expulsion

- 10.4 When deciding whether or not to impose a suspension pending a possible recommendation for expulsion, the principal will make every effort to consult with the pupil, where appropriate, and the pupil's parent/guardian, if the pupil is not an

adult pupil, to identify whether any mitigating factors might apply in the circumstances.

Mitigating Factors

- 10.5 The mitigating factors to be considered by the principal before deciding whether to impose a suspension pending a possible recommendation for expulsion are:
1. Whether the pupil has the ability to control his or her behaviour;
 2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
 3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.
- 10.6 If a pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, the principal will not suspend the pupil. Alternative discipline and/or other intervention may be considered by the principal in such circumstances.
- 10.7 If the pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of his/her behaviour, but poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure pupil and staff safety.

Suspension Pending Recommendation for Expulsion

- 10.8 If the pupil is to be suspended pending an investigation, the pupil should be suspended for (20) twenty school days. If the pupil has been suspended pending an investigation to determine whether the pupil will be recommended for expulsion, the principal must assign the pupil to a program for suspended pupils (ASP).
- 10.9 If the pupil has been suspended for twenty (20) school days, the principal must undertake an investigation to determine whether to recommend to the Discipline Committee that the pupil be expelled.

Procedural Steps When Imposing a Suspension Pending a Possible Recommendation for Expulsion

- 10.10 When imposing a suspension pending a possible recommendation for expulsion the principal is required to effect the following procedural steps:
1. Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the adult pupil or the pupil's parent/guardian of the suspension;
 2. The principal must inform the pupil's teacher(s) of the suspension;
 3. The principal must provide written notice of the suspension to the adult pupil or the pupil's parent/guardian and pupil and the Superintendent of Education. The written notice of suspension will include:
 - a) The reason for suspension;
 - b) The duration of the suspension;

- c) Information about the program for suspended pupils the pupil is assigned to;
 - d) Information about the investigation the principal is conducting to determine whether to recommend expulsion;
 - e) A statement that there is no immediate right to appeal the suspension. Any appeal must wait until the principal decides whether to recommend an expulsion, and if the principal decides not to recommend an expulsion, a statement that the suspension may be appealed to the Discipline Committee, and if the principal decides to recommend an expulsion that the suspension may be addressed at the expulsion hearing.
(see the template letter as Appendix 8)
4. Every effort should be made to include the schoolwork with the letter of suspension to the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil) on the day the pupil is suspended if the letter is provided to the pupil to take home. If it is not possible to provide the letter because the pupil and/or his/her parent/guardian is not available, the letter should be mailed, couriered, faxed or emailed to the home address that day and school work should be made available for the adult pupil's designate or the pupil's parent/guardian or designate to pick-up from the school the following school day.
- If notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
 - If notice is sent by fax or e-mail, it is deemed to have been received the first school day after it was sent.

10.11 Where the incident is a serious violent incident, such as possession of weapons, physical assault causing serious bodily harm, sexual assault, robbery, extortion or hate motivated violence; consideration should be given to filling out and filing a Violent Incident Form in the pupil's Ontario Student Record. (see the Board's Violent Incident Form attached as Appendix 3)

Alternative Suspension Program

- 10.12 Where a pupil has been suspended pending an investigation to determine whether to recommend an expulsion, the pupil will be assigned an alternative program for pupils subject to lengthy suspension (ASP).
- 10.13 A pupil cannot be compelled to participate in an ASP. Should the adult pupil or the pupil's parent/guardian choose not to have the pupil participate in an ASP, the pupil will be provided with school work consistent with the Ontario curriculum or that pupil's modified and/or alternative curriculum to be completed at home for the duration of his/her suspension. This school work will be available at the school for pick-up by the adult pupil's designate or the pupil's parent/guardian or a designate at regular intervals during the suspension period beginning the school day after the adult pupil or the pupil's parent/guardian refuses to participate in an ASP.
- 10.14 A **Student Action Plan (SAP)** will be developed for every pupil who agrees to participate in an ASP.
- 10.15 Agreement or refusal to participate in an ASP may be communicated to the school orally by the adult pupil or the pupil's parent/guardian. Where the pupil or his/her

parent/guardian declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

Planning Meeting

- 10.16 For pupils subject to a suspension pending an investigation to determine whether to recommend an expulsion who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.
- 10.17 The adult pupil or the pupil's parent/guardian and pupil (where appropriate) as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.
- 10.18 The planning meeting will be scheduled to occur within two (2) school days of the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP.
- 10.19 If the adult pupil or the pupil's parent/guardian is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.
- 10.20 During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.

Student Action Plan

- 10.21 A pupil subject to suspension pending an investigation to determine whether to recommend an expulsion will be provided with both academic and non-academic supports, which will be identified in the pupil's SAP.
- 10.22 The SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the principal of alternative programs, vice-principal of the school, guidance counselor, special education teacher, classroom teacher, CYW and/or social worker.
- 10.23 The principal will make every effort to complete the SAP within five (5) school days following the adult pupil or the pupil's parent/guardian informing the school that the pupil will participate in an ASP. This timeline will be communicated to the adult pupil or the pupil's parent/guardian if they are unable to attend the planning meeting for the purpose of providing input.
- 10.24 Once completed, the SAP will be shared with the adult pupil or the pupil's parent/guardian and pupil and all necessary staff to facilitate implementation.
- 10.25 A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.
- 10.26 The SAP will identify:

1. The incident for which the pupil was suspended;
2. The progressive discipline steps taken prior to the suspension, if any;
3. Any alternative discipline measures imposed in addition to the suspension;
4. Any other disciplinary issues regarding the pupil that have been identified by the school;
5. Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline;
6. Any program(s) or service(s) that might be provided to address those learning or other needs;
7. The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil;
8. Where the pupil has an IEP, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension;
9. The non-academic program and services to be provided to the pupil during the suspension and details regarding how that non-academic program and those services will be accessed; and
10. The measurable goals the pupil will be striving to achieve during the period of suspension.

Principal's Investigation

- 10.27 The principal will conduct an investigation promptly following the suspension of the pupil to determine whether to recommend to the Discipline Committee that the pupil be expelled. As part of the investigation, the principal will consult with the Superintendent of Education and/or Superintendent Responsible for Student Discipline regarding any issues of process and/or timing for conducting the investigation, which must be completed at the earliest opportunity as well as the substantive decision whether or not to recommend that the pupil be expelled. Should the decision be made to refer the pupil to the Discipline Committee with a recommendation for expulsion, the pupil must be referred to and dealt with by the Discipline Committee within twenty (20) school days from the date of suspension (unless timelines are extended on consent).
- 10.28 Any police investigation will be conducted separately from the principal's inquiry.
- 10.29 As part of the investigation, the principal will:
1. Make all reasonable efforts to speak with the adult pupil or the pupil's parent/guardian and the pupil;
 2. Include interviews with witnesses who the principal determines can contribute relevant information to the investigation;
 3. Make every reasonable effort to interview any witnesses suggested by the pupil, or the pupil's parent/guardian; and
 4. Consider the mitigating and other factors when determining whether to recommend to the Discipline Committee that the pupil be expelled.

Mitigating Factors

10.30 The mitigating factors to be considered by the principal before deciding whether to recommend an expulsion are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

Other Factors to be Considered

10.31 Where the pupil is able to control his/her behaviour and/or is able to understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension and whether the pupil should be referred to the Discipline Committee on a recommendation for expulsion.

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a) Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b) Whether appropriate individualized accommodation has been provided; and
 - c) Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

10.32 In reviewing whether progressive discipline approach (es) has/have been attempted with the pupil, and if so, the progressive discipline approach (es) that has/have been attempted and any success or failure, the principal will consider the following:

1. Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
 - contact with the pupil's parent(s)/guardian(s);
 - oral reminders;

- review of expectations;
 - written work assignments with a learning component;
 - assigning the pupil to volunteer services to the community;
 - conflict mediation and resolution;
 - peer mentoring;
 - referral to counseling; and/or
 - consultation.
2. Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
- meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
 - referral of pupil to a community agency for anger management or substance abuse counseling;
 - detentions;
 - withdrawal of privileges;
 - withdrawal from class;
 - restitution for damages;
 - restorative practices; and/or
 - transfer.

Consultation

- 10.33 Before making a decision the principal will make every effort to consult with the pupil and the pupil's parent/guardian (unless the pupil is an adult pupil).

Decision Not to Recommend Expulsion

- 10.34 Following the investigation and consideration of the mitigating and other factors, if the principal decides not to recommend to the Discipline Committee that the pupil be expelled, the principal must:
1. Consider whether alternative discipline is appropriate in the circumstances;
 2. Uphold the suspension and its duration;
 3. Uphold the suspension and shorten its duration and amend the record accordingly;
or
 4. Withdraw the suspension and expunge the record.
- 10.35 If the principal has decided not to recommend an expulsion of the pupil, the principal will provide written notice of this decision to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:
1. A statement of the principal's decision not to recommend expulsion to the Discipline Committee;
 2. A statement indicating whether the suspension has been upheld, upheld and shortened, or withdrawn;
 3. If the suspension has been upheld or upheld and shortened, information about the right to appeal the suspension to the Discipline Committee, including:
 - a) A copy of the Board policies and guidelines regarding suspension appeals;

- b) Contact information for the Superintendent Responsible for Student Discipline;
- c) A statement that written notice of an intention to appeal must be given within five (5) school days following receipt by the party of notice of the decision not to recommend expulsion; or
- d) If the length of the suspension has been shortened, notice that the appeal from the shortened length of the suspension.
(see the template letter at Appendix 9)

Recommendation to the Board For an Expulsion Hearing

10.36 If a principal, in consultation with the Superintendent of Education, determines that a referral for expulsion is warranted, the principal must refer the recommendation for expulsion to the Discipline Committee to be heard and dealt with within twenty (20) school days from the date the principal suspended the pupil, unless the parties to the expulsion hearing agree upon a later date.

10.37 For the purposes of the expulsion proceeding, the principal will:

1. Prepare a report to be submitted to the Discipline Committee and provide the report to the pupil and the pupil's parent or guardian (unless the pupil is an adult pupil) prior to the hearing. The report will include:
 - a) A summary of the findings the principal made in the investigation;
 - b) An analysis of which, if any, mitigating or other factors might be applicable;
 - c) A recommendation of whether the expulsion should be from the school or from the Board; and
 - d) A recommendation regarding the type of school that would benefit the pupil if the pupil is subject to a school expulsion, or the type of program that might benefit the pupil if the pupil is subject to a Board expulsion.
2. Inquire with the Superintendent Responsible for Discipline as to the date and location of the hearing and provide written notice of the expulsion hearing to the adult pupil or the pupil's parent/guardian and pupil. The notice shall include:
 - a) A statement that the pupil is being referred to the Discipline Committee to determine whether the pupil will be expelled for the activity that resulted in suspension;
 - b) A copy of the Board's guidelines and rules governing the hearing before the Discipline Committee;
 - c) A copy of the Board Code of Conduct and school Code of Conduct;
 - d) A copy of the suspension letter;
 - e) A statement that the pupil and/or his or her parent/guardian has the right to respond to the principal's report in writing;
 - f) Information about the procedures and possible outcomes of the expulsion hearing, including that:
 1. If the Discipline Committee does not expel the pupil they will either confirm, confirm and shorten, or withdraw the suspension;
 2. Parties have the right to make submissions with respect to the suspension;

3. Any decision with respect to the suspension is final and cannot be appealed;
4. If the pupil is expelled from the school, they will be assigned to another school;
5. If the pupil is expelled from the Board, they will be assigned to a program for expelled pupils;
6. If the pupil is expelled there is a right of appeal to the Child and Family Services Review Board.
7. The name and contact information for the Superintendent Responsible for Student Discipline.
(see the template letter at Appendix 10)

10.38 The Superintendent of Education will:

1. Advise the Superintendent Responsible for Student Discipline and the Trustee(s) for the school involved of the general details of the incident, including actions taken or pending; and
2. Submit the principal's Report for the Discipline Committee to the Superintendent Responsible for Student Discipline.

10.39 The Superintendent Responsible for Student Discipline may:

1. Arrange a meeting with the adult pupil or the pupil's parent/guardian and pupil and the principal, as appropriate.
 - a. If a meeting is arranged, the Superintendent Responsible for Student Discipline will review the Discipline Committee process for expulsion hearings, as well as respond to any questions or concerns the pupil or the pupil's parent/guardian may have regarding the process or incident; and
 - b. If a meeting is arranged, during the meeting the Superintendent Responsible for Student Discipline may assist to narrow the issues and identify agreed upon facts.
2. Will ensure that the item is placed on the Discipline Committee agenda for the date and time set out on the notice to the adult pupil or the pupil's parent/guardian and co-ordinate the attendance of the Trustees.
3. Will prepare a package of documents for the Discipline Committee, which will include at least the following components:
 - a. A copy of the Principal's Report; and
 - b. A copy of the notice of expulsion sent to the adult pupil or pupil's parent/guardian.
4. Will confirm with the adult pupil or the pupil's parent/guardian the date and location of the expulsion hearing, will provide a copy of the Expulsion Hearing Rules, and a copy of the package to go to the Discipline Committee.

Hearing Before the Discipline Committee

10.40 If the principal recommends expulsion, the Discipline Committee shall hold a hearing.

10.41 Parties before the Discipline Committee will be:

1. The principal; and
2. The adult pupil or the pupil's parent/guardian.

If a pupil is not a party, s/he has the right to be present at the expulsion hearing and to make submissions on his/her own behalf. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil.

- 10.42 The hearing will be conducted in accordance with the Rules of the Discipline Committee and the Guideline for Expulsion Hearings:
1. The Discipline Committee shall consider oral and written submissions, if any, of all parties;
 2. The Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is imposed, the expulsion should be a school expulsion or a Board expulsion;
 3. The Discipline Committee shall solicit and consider the views of all parties with respect to whether, if an expulsion is not imposed, the suspension should be confirmed, shortened or withdrawn; and
 4. Such other matters as the Discipline Committee considers appropriate.
- 10.43 In determining whether to impose an expulsion the Discipline Committee shall consider the following factors:
1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control his or her behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline and personal history;
 - e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - g. The impact of the discipline on the pupil's prospects for further education;
 - h. The pupil's age;
 - i. Where the pupil has an IEP or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. Whether appropriate individualized accommodation has been provided; and
 - iii. Whether an expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether an

- expulsion is likely to result in a greater likelihood of further inappropriate conduct; and
- j. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.
2. The submissions and views of the parties.
 3. Any written response to the principal's report provided before the completion of the hearing; and
 4. Such matters, as the Discipline Committee considers appropriate.
- 10.44 Where there is a conflict in the evidence presented by the parties on the issue of whether the pupil committed the infraction, the Discipline Committee may request further evidence as set out in the Expulsion Hearing Rules, subject to the requirement that the hearing take place within twenty (20) school days, or the Discipline Committee may assess the evidence and determine whether, on a balance of probabilities, it has been established that it is more probable than not that the pupil committed the infraction.

No Expulsion

- 10.45 If the Discipline Committee decides not to expel the pupil, the Discipline Committee shall take the submissions of the parties into account, including mitigating and other factors, in determining whether to:
1. Consider whether alternative discipline is appropriate in the circumstances;
 2. Uphold the suspension and its duration;
 3. Uphold the suspension and shorten its duration and amend the record accordingly;
or
 4. Quash the suspension and expunge the record such that no record of the suspension remains in the Ontario Student Record.
 5. Make such other orders, as the Discipline Committee considers appropriate.
- 10.46 The Discipline Committee shall give written notice to all parties of the decision not to impose an expulsion and the decision with respect to the suspension.
- 10.47 The Discipline Committee's decision with respect to the suspension is final.

Expulsion

- 10.48 In the event the Discipline Committee decides to impose an expulsion on the pupil, the Discipline Committee must decide whether to impose a Board expulsion or a school expulsion. In determining the type of the expulsion, the Discipline Committee shall consider the following factors:
1. The mitigating and other factors:
 - a. Whether the pupil has the ability to control his or her behaviour;
 - b. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour;
 - c. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school;
 - d. The pupil's academic, discipline and personal history;

- e. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach (es) that has/have been attempted and any success or failure;
 - f. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or to related harassment for any other reason;
 - g. The impact of the discipline on the pupil's prospects for further education;
 - h. The pupil's age;
 - i. Where the pupil has an IEP or disability related needs,
 - i. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - ii. Whether appropriate individualized accommodation has been provided; and
 - iii. Whether a school or Board expulsion is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether it is likely to result in a greater likelihood of further inappropriate conduct; and
 - j. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school;
2. All submissions and views of the parties;
 3. Any written response to the principal's report provided before the completion of the hearing; and
 4. Such other matters as the Discipline Committee considers appropriate.
- 10.49 Where the Discipline Committee decides to impose a school expulsion, then the Discipline Committee must assign the pupil to another school.
- 10.50 Where the Discipline Committee decides to impose a Board expulsion, then the Discipline Committee must assign the pupil to a program for expelled pupils.
- 10.51 The Discipline Committee must promptly provide written notice of the decision to expel the pupil to all parties, and the pupil, if he or she was not a party. The written notice shall include:
1. The reason for the expulsion;
 2. A statement indicating whether the expulsion is a school expulsion or a Board expulsion;
 3. Information about the school or program to which the pupil has been assigned; and
 4. Information about the right to appeal the expulsion, including the steps to be taken.
- (see the template letter at Appendix 11)
- 10.52 Once the principal of alternative programs has received notice that a pupil has been expelled, s/he must create a SAP in a manner consistent with the Board's policy and procedures for programs for expelled pupils.
- 10.53 An expelled pupil is a pupil of the Board, even where s/he attends a program for expelled pupils at another school Board, unless s/he does not attend the program or registers at another school Board.

Re-entry Requirements Following an Expulsion

- 10.54 A pupil who is subject to a Board expulsion is entitled to apply in writing for re-admission to a school of the Board once s/he has successfully completed a program for expelled pupils and has satisfied the objectives required for completion of the program, as determined by the person who provides the program. The Board shall re-admit the pupil and inform the pupil in writing of the re-admission.
- 10.55 A pupil who is subject to a school expulsion may apply in writing to the Board to be re-assigned to the school from which s/he was expelled.
1. The Board will consider whether re-attendance will have a negative impact on the school climate, including on any victims, where applicable;
 2. The pupil will be required to demonstrate that they have learned from the incident and have sought counseling, where appropriate;
 3. The pupil will be required to sign a Declaration of Performance form provided by the Board (see the template letter as Appendix 12);
 4. The Board, in its sole discretion, may determine that a different school than the one from which the pupil was expelled is a more appropriate placement for the pupil.

Appeal of Board Decision to Expel

- 10.56 The adult pupil or the pupil's parent/guardian may appeal a Board decision to expel the pupil to the Child and Family Services Review Board.
- 10.57 The Child and Family Services Review Board is designated to hear and determine appeals of school Board decisions to expel pupils.
- 10.58 The decision of the Child and Family Services Review Board is final.

11.0 Delegation of Authority Regarding Discipline

- 11.1 A principal may delegate powers, duties, or functions under Part XIII of the Education Act – Behaviour, Discipline and Safety to a vice-principal of the school and to a teacher employed in the school as follows:
- A principal may only delegate authority to a teacher if the principal and vice-principal are absent from the school and must respect the terms of all applicable collective agreements;
 - The delegation must be in writing and subject to any restrictions, limitations and conditions set out in the delegation;
 - The individual who has been delegated authority shall be provided with contact information for the appropriate Superintendent of Education and/or designate, who shall provide support to the individual;
 - Delegations to vice principals may include all authority under Part XIII except the final decision regarding a recommendation to the Board to expel a student and suspensions for more than 5 school days;

- Teachers may be delegated the authority to initially deal with situations involving activities that occur that must be considered for suspension and/or expulsion;
- A teacher may be delegated limited authority to contact the parent of a student who has been harmed as the result of an activity for which suspension or expulsion must be considered. The information provided to the parents by a teacher must be limited to the nature of the harm to the student and the nature of the activity that resulted in the harm;
- The teacher must not be delegated the authority to discuss the nature of any discipline measures taken in response to the activity;
- If the teacher is not clear on whether to call the parent or guardian, the teacher should contact the principal or Superintendent of Education for direction. The principal or vice-principal will follow-up with the parent as soon as possible.

12.0 Review and Development of Programs For Expelled Students and Those on Long-Term Suspension

Academic Component in Programs for Students on Long-Term Suspension or Expulsion

- 12.1 Specific locations shall be assigned so that all students in every jurisdiction will have an opportunity to continue their education. Teaching staff and educational assistants shall be allocated to provide instruction and support.
- 12.2 Every effort shall be made to continue a student's regular academic course work throughout the suspension or expulsion period. This will include assignments, homework and any other work that is normally evaluated in their regular class. The academic component will include, but is not limited to, the provision for distance learning, e-learning, remedial help in literacy and numeracy, individual instruction, and/or other opportunities within the Board. The program will follow the curriculum as outlined in Ontario curriculum policy documents.
- 12.3 Students that require special education needs will be provided with a program that will be consistent with their Individual Education Plan.

Non-Academic Component in Programs for Students on Long-Term Suspension or Expulsion

- 12.4 The purpose of the non-academic component is to assist students on a long-term suspension of more than 10 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 re-offend in the future. The Board shall consider what type of support, if any, that a student might require if they are suspended for a length of 6 to 10 days and shall assist in making that support available.
- 12.5 The Board shall make appropriate support available and/or facilitate a student's referral to community agencies and/or provide support through other methods. Board social workers will be also be utilized to assist in this process.
- 12.6 The Board will implement protocols with community agencies to facilitate the referral process and the provision of services to help support students and their parents and families.

- 12.7 Programs and agencies that are currently place will be reviewed and every attempt will be made to increase the Board's capacity to respond to the needs of students on long-term suspension.

Discipline and Safety in Programs for Students on Long-Term Suspension or Expulsion

- 12.8 There shall be clear, written guidelines and rules with respect to discipline and safety in Board programs. These shall include provisions setting out what constitutes unacceptable behaviour, consequences of such behaviour, and what measures will be taken to ensure a safe learning and teaching environment.
- 12.9 Students and parents will be provided with copies of the guidelines and rules prior to entry in a Board program.
- 12.10 Students participating in the Long-Term Suspension or Expulsion programs are required to comply with the Board's Code of Conduct, as well as the guidelines and rules of the programs, and are subject to progressive disciplinary measures.
- 12.11 The principal of the school in which the student is enrolled shall address any conduct requiring further disciplinary measures.
- 12.12 In the event that a student's conduct at the program is so detrimental to the program staff or other students that there is a safety risk, or where the conduct seriously affects the ability of the program staff to deliver the program, or seriously affects the ability of the other pupils in the program to learn and benefit from the program, the student shall forfeit their right to attend the program for the duration of the suspension if involved in a program for long term suspension, or if a program for expelled students, forfeit the right to attend the program for expelled students. This will be noted on the students SAP.

Appendix 1A

Safe Schools Incident Reporting Forms

<p>Report No. _____</p>	<p><i>Confidential</i> SAFE SCHOOLS INCIDENT REPORTING FORM – PART 1</p>
<p>Name of School</p>	
<p>1. Name of Student(s) involved (if known)</p>	<p>_____</p> <p>_____</p>
<p>2. Location of Incident (check one)</p>	<p><input type="checkbox"/> At a location in the school or on school property (please specify) _____</p> <p><input type="checkbox"/> At a school-related activity (please specify) _____</p> <p><input type="checkbox"/> On a school bus (please specify route number) _____</p> <p><input type="checkbox"/> Other (please specify) _____</p>
<p>3. Time of Incident</p>	<p>Date: _____ Time: _____</p>
<p>4. Type of Incident (check all that apply)</p>	<p>Activities for which suspension must be considered under section 306 (1) of the Education Act</p> <ul style="list-style-type: none"> <input type="checkbox"/> Uttering a threat to inflict serious bodily harm on another person <input type="checkbox"/> Possessing alcohol or illegal drugs <input type="checkbox"/> Being under the influence of alcohol <input type="checkbox"/> Swearing at a teacher or at another person in a position of authority <input type="checkbox"/> Committing an act of vandalism that causes extensive damage to school property a the student's school or to property located on the premises of the student's school <input type="checkbox"/> Bullying <input type="checkbox"/> <u>Any act considered by the principal to be injurious to the moral tone of the school;</u> <input type="checkbox"/> <u>Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or</u> <input type="checkbox"/> <u>Any act considered by the principal to be contrary to the Board or school Code of Conduct.</u> <p>Activities for which expulsion must be considered under Section 310 (1) of the Education Act.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Possessing a weapon, including possessing firearm <input type="checkbox"/> Using a weapon to cause or to threaten bodily harm to another person <input type="checkbox"/> Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner <input type="checkbox"/> Committing sexual assault <input type="checkbox"/> Trafficking in weapons or in illegal drugs <input type="checkbox"/> Committing robbery <input type="checkbox"/> <u>Bullying (if the student has been previously suspended for engaging in bullying and the student's continuing presence in the school creates an unacceptable risk to the safety of another person)</u> <input type="checkbox"/> <u>Any activity listed in subsection 306(1) that is motivated by bias, prejudice, or hate</u> <input type="checkbox"/> Giving alcohol to a minor <input type="checkbox"/> <u>An act considered by the principal to be significantly injurious to the moral tone of the school and/or to the physical or mental well-being of others;</u> <input type="checkbox"/> <u>A pattern of behaviour that is so inappropriate that the pupil's continued presence is injurious to the effective learning and/or working environment of others;</u> <input type="checkbox"/> <u>Activities engaged in by the pupil on or off school property that cause the pupil's continuing presence in the school to create an unacceptable risk to the physical or mental well-being of other person(s) in the school or Board;</u> <input type="checkbox"/> <u>Activities engaged in by the pupil on or off school property that have caused extensive damage to the property of the Board or to goods that are/were on Board property;</u> <input type="checkbox"/> <u>The pupil has demonstrated through a pattern of behaviour that s/he has not prospered by the instruction available to him or her and that s/he is persistently resistant to making changes in behaviour which would enable him or her to prosper; o</u> <input type="checkbox"/> <u>Any act considered by the principal to be a serious violation of the Board or school Code of Conduct.</u>

5. Report Submitted By: Name: _____	
Role in Community: _____	
Signature: _____	Date: _____
Contact Information: Location: _____	Telephone: _____
6. FOR PRINCIPAL'S USE ONLY: Check if incident was a violent incident , as defined in Policy/Program Memorandum No. 120	
<input type="checkbox"/> Violent incident	
<p>Information is collected is under the authority Part XIII of the Education Act in accordance with the Municipal Freedom of Information and Protection of Privacy Act, and shall be used for the purpose of student discipline. Questions about information collected on this form shall be directed to the school principal.</p>	

Appendix 1B

Safe Schools Incident Reporting Form – Part II

ACKNOWLEDGEMENT OF RECEIPT OF REPORT

Report No. _____

Report Submitted By: Name: _____ Date: _____

Investigation completed

Principal to communicate results to the teacher at a mutually convenient time*

Principal to communicate results to other Board employee at a mutually convenient time, as appropriate*

Investigation in progress

Once investigation is completed, principal to communicate results to the teacher at a mutually convenient time*

Once investigation is completed, principal to communicate results to other Board employee at a mutually convenient time, as appropriate*

Name of Principal: _____

Signature: _____ Date: _____

Note: Only Part II is to be given to the person who submitted the report.

* In accordance with s.300.2 of the Education Act, after investigating a matter reported by an employee, the principal shall communicate the results of the investigation to the teacher or other Board employee who is not a teacher, as appropriate. In accordance with the Municipal Freedom of Information and Protection and Privacy Act and the Education Act, when reporting the results of the investigation, the principal shall not disclose more personal information than is reasonably necessary for the purpose of communicating the results of the investigation

Appendix 2**Suspension Letter
[on the Letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's/Guardian's Name]:

Re: Suspension of [Pupil's Name], [DOB] from [Name of School]

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Day of Suspension] inclusive, i.e. [number] school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips. [You/Pupil's Name] may return to school on [Date]. [You/Pupil's Name] must report to the office before returning to school.

This suspension is imposed in accordance with the *Education Act*, the Board's Safe School Policy and [Name of School] Code of Conduct.

The reason for the suspension is [use infraction applicable]. Namely, my findings indicate that [you/pupil's name] [describe incident with particulars].

School work [has been delivered to you/will be available; please make arrangements to have it picked up].

[*If suspension is 6 school days or longer] In addition [you/pupil's name] [have/has] been assigned an Alternative Suspension Program, a program for suspended pupils. This Alternative Suspension Program will provide an opportunity for continued academic work and support for self-management to assist with the re-entry to school.

Please confirm [your/pupil's] participation in an Alternative Suspension Program at your earliest opportunity by contacting the School. As soon as notice of [your/pupil's] participation is received a planning meeting will be scheduled.

Should you wish to discuss this matter, please call the school and make arrangements to meet with the principal.

To discuss the appeal process, please contact the Board Office at 519-253-2481 ext. 1117.

Should you wish to appeal this suspension, you must provide written notice of your intention to appeal to the Superintendent Responsible for Student Discipline, **Cathy Geml** at the Windsor-Essex Catholic District School Board, located at 1325 California Avenue, Windsor, ON N9B 3Y6 within 10 school days of the commencement of the suspension, i.e. before [Insert Date]. Please be aware that an appeal does not stay the suspension.

A copy of the Board's Student Discipline Policy, Procedure and Suspension Appeal Guideline are available on the Board website at www.wecdsb.on.ca/. If you are unable to access the documents via the website, please contact the Board Office to obtain copies.

Sincerely,

[Principal]

cc Superintendent of Education
Superintendent Responsible for Student Discipline
Ontario Student Record
Attendance Counselor

Appendix 3A

**Windsor – Essex Catholic District School Board
 Violent Incident Report**

Student Name: _____ Date of Incident: _____

School: _____

A. Description of Violent Incident

- _____ Possession of weapons, including possessing a firearm (e.g., guns, knives)
- _____ ~~Threats of serious physical injury~~
- _____ Physical assaults causing ~~serious~~ bodily harm requiring medical attention
- _____ Sexual assault
- _____ Robbery
- _____ Extortion
- _____ Using a weapon to cause or to threaten bodily harm to another person
- _____ Any hate and/or bias motivated ~~violence~~ occurrences (e.g. incidents involving racism, homophobia)
- _____ ~~Vandalism causing extensive damage (school property or located on school premises)~~

Description:

B. Police Contact

Date of Contact:

Date of police investigation at school:

Name of Investigating Officer:

C. School/Board Response

1. _____ Suspension (# of days _____) 2. _____ Expulsion 3. _____ Other

Date of inclusion in OSR:

Signature of Principal/Designate:

Follow-up strategies/consequences:

Removal of Information from OSR
 The information relating to suspension for violent behaviour shall not be removed from the OSR unless 3 consecutive years have passed during which no further suspensions for serious violent incidents have taken place.
 The information relating to expulsion shall be removed 5 years after the date on which the school board expelled the student. Where an expelled student has been readmitted to school by a school board, and is expelled again, the information relating to the expulsions shall not be removed from the OSR until 5 consecutive years have passed without any further expulsions.
 Where the student has not been suspended or expelled, the Violent Incident Form shall be removed after 3 years if no further serious violent incident is reported to the police during that time.

Appendix 3B

Student Response Form – Violent Incident

Student Name: _____

Date: _____

Describe the incident that occurred: _____

List the name of the students involved: _____

Was your behaviour acceptable? If yes, explain: _____

If no, explain how you should have behaved: _____

Student signature: _____

Grade: _____

Parent signature: _____

Date received: _____

Principal/Designate: _____

Learning together in faith and service

December 2007

Appendix 4

Notice of Suspension Review [on the letterhead of the Board]

[Date]
[Adult Pupil/Parent/Guardian]
[Address]

Dear [Adult Pupil's Name/ Parent's/Guardian's Name]:

Re: Suspension of [Pupil's Name], [DOB] from [Name of School]

I am in receipt of your notice of intention to appeal [your/Pupil's Name] suspension from [Name of School], dated [insert date]. [You/Pupil's Name] [Were/was] suspended for [insert number] school days for [insert infraction applicable].

I will be conducting a review of the suspension. At the conclusion of my review, I will, in consultation with Principal [Name], either confirm, modify or expunge the suspension.

As part of the review process, I would like to speak to you. My office will be contacting you. Please also do not hesitate to contact me at [contact info].

Sincerely,

Superintendent Responsible for Student Discipline

cc Superintendent of Education
Principal

Appendix 5

Suspension Review Decision [on the letterhead of the Board]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/ Parent's/Guardian's Name]:

Re: Suspension Review of Suspension of [Pupil's Name], [DOB] from [Name of School]

I have completed my review of [your/pupil's name] suspension from [Name of School]. As a result of my review I have decided to [expunge/modify/uphold] the suspension.

I will contact you to discuss the results of my review and your appeal.

Sincerely,

Superintendent Responsible for Student Discipline

cc: Superintendent of Education
Principal
Ontario Student Record

Appendix 6

Notice of Suspension Appeal [On the letterhead of the Board]

[Date]
[Adult Pupil/Parent/Guardian]
[Address]

Dear [Adult Pupil's Name/ Parent's/Guardian's Name]:

Re: Appeal of Suspension of [Pupil's Name], [DOB] from [Name of School]

You have appealed the decision of Principal [Name] to suspend [you/pupil's name] from [Name of School].

The Appeal will be heard by the Discipline Committee of the Board of Trustees at [insert time and date] at [insert location].

Enclosed is a copy of the Information Package that will be relied on by the administration for the Board and will be provided to the Discipline Committee. The Information Package includes a copy of the suspension letter, your letter requesting the appeal, correspondence with respect to the suspension review and the Principal's Report of the Incident. Also enclosed is a copy of the Board's Suspension Appeal Guidelines.

Please advise me at your earliest opportunity if you intend to bring legal representation to the appeal.

Please be advised that if you fail to attend on time, the Discipline Committee will wait for 30 minutes and may then proceed to decide the matter in your absence.

Should you have any questions about the appeal process, please contact me [contact information].

Sincerely,

Superintendent Responsible for Student Discipline

cc: Superintendent of Education
Principal
Ontario Student Record

Appendix 7A

Suspension Appeal Decision [On the letterhead of the Board]

[Date]
[Adult Pupil/Parent/Guardian]
[Address]

Dear [Adult Pupil's Name/ Parent's/Guardian's Name]:

Re: Decision of Discipline Committee
Suspension Appeal of [Pupil Name], [DOB]
[Name of School]

Attached is a copy of the Decision of the Discipline Committee regarding your suspension appeal, dated [insert date].

The decision of the Discipline Committee is final and is not subject to further appeal.

Should you have any questions, please contact me at [insert contact information].

Sincerely,

Superintendent Responsible for Student Discipline

Encl.

cc: Superintendent of Education
Principal
Ontario Student Record

Appendix 7B

**Suspension Appeal Decision of the Discipline Committee
[on the letterhead of the Board]**

SUSPENSION APPEAL DECISION
IN THE MATTER OF Section 309
of the *Education Act*, as amended
-and-
IN THE MATTER OF an appeal by
[Name of Appellant], of the suspension
of [Pupil Name], a pupil of [School Name]

Decision

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the appeal pursuant to section 309 of the *Education Act*;

AND UPON being satisfied that the proper parties to the appeal are [Name of Appellant and relationship to pupil] and [Principal Name] as Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of the appeal;

AND UPON having provided an opportunity to the appellant to make submissions, having heard the submissions of the Principal, having read the materials submitted by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby [confirm the suspension / confirm the suspension but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record].

THE DECISION OF THE DISCIPLINE COMMITTEE is final.

DATED this [day] of [Month], [Year] and signed on behalf of the Discipline Committee and Board of Trustees by the Chair of the Discipline Committee.

[Board Name]
By _____
Chair

Appendix 8**Suspension Pending Possible Recommendation for Expulsion
[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's/Guardian's Name]:

Re: Suspension of [Pupil's Name], [DOB] from [Name of School]

[You/Pupil's Name] [have/has] been suspended from [Name of School] and from engaging in all school related activities from [Effective Date of Suspension] to [Last Date of Suspension] inclusive, i.e. twenty (20) school days. This suspension applies to all school buildings, grounds, school buses, school functions, activities and trips.

Please be advised that this suspension is made in accordance with the *Education Act*, the Board's Safe School Policy and [Name of School] Code of Conduct.

The reason for the suspension is [use the infraction applicable]. Namely, my findings indicate that [you/Pupil's Name] [describe incident with particulars].

Please be advised that I am continuing my investigation of this matter in order to determine whether to recommend to the Discipline Committee of the Board of Trustees that [you/Pupil's Name] be expelled. The investigation may include [... refer to Checklist and identify your next steps...]. An expulsion may be from [Name of School] or from all schools of the Board. You will be informed of the results of my investigation in writing.

The Board is committed to the education and future of its pupils. [You/Pupil's name] [have/has] been assigned to an Alternative Suspension Program, a program for suspended pupils. An Alternative Suspension Program provides pupils with the opportunity to continue academic work and receive support for self-management. Enclosed is information about Alternative Suspension Programs. Please contact the School at your earliest opportunity to confirm [your/pupil's participation] in an Alternative Suspension Program. As soon as notice of [your/pupil's] participation is received a planning meeting will be scheduled.

You do not have the right to appeal the suspension at this time. Should it be determined at the conclusion of the investigation that a recommendation for expulsion will not be made, you will be entitled to appeal the suspension to the Discipline Committee of the of Trustees. Should it be determined that a recommendation for expulsion is warranted, then you may address the suspension before the Discipline Committee at the expulsion hearing.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Education
Superintendent Responsible for Discipline
Ontario Student Record

Appendix 9

Decision Letter Not to Recommend Expulsion [on the letterhead of the School]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's/Guardian's Name]:

Re: [Pupil's Name], [DOB] [Name of School] - Expulsion Not Recommended

I am writing to you to report the result of my investigation following [your/ pupil's name] suspension. I have decided not to recommend to the Discipline Committee that [you/pupil's name] be expelled.

As part of my investigation, I have reviewed [your/pupil's name] suspension, and I have determined that the suspension should be [confirmed / confirmed but shortened to [INSERT NUMBER] school days and the record amended accordingly / withdrawn and the record expunged].

[*Unless the suspension is withdrawn:] Should you wish to appeal the suspension, you must provide written notice of your intention to appeal the suspension to the Superintendent Responsible for Student Discipline, [contact information], within 5 school days of the receipt of this notice, i.e. before [insert date - by courier or mail is 10 school days from date of this letter; by e-mail or fax is 6 school days from date of this letter].

If you provide notice of your intention to appeal, you may contact the Superintendent Responsible for Student Discipline to discuss the appeal. If the suspension has been reduced in length, the appeal is from the reduced suspension. Please be aware that an appeal does not stay the suspension.

A copy of the relevant excerpts of the Board's Student Discipline Policy, Procedures and Suspension Appeal Guideline are enclosed. The full text of the policy and procedure can be found on the Board's website at www.weedsb.on.ca.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Education
Superintendent Responsible for Student Discipline
Ontario Student Record

Appendix 10**Notice of Recommendation for Expulsion
[on the letterhead of the School]**

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/Parent's/Guardian's Name]:

Re: [Pupil's Name], [DOB], [Name of School] Investigation

I am writing to you following my investigation to determine whether to recommend an expulsion. As a result of my investigation, **I have decided to recommend to the Discipline Committee of the Board of Trustees that [you/pupil's name] be expelled.**

A copy of my Report to the Discipline Committee Recommending Expulsion is enclosed. You may respond to this Report in writing to the Discipline Committee or to me. A copy of your written submissions should be provided to the Superintendent Responsible for Student Discipline [insert contact information].

The hearing by the Discipline Committee to decide whether [you/pupil's name] should be expelled will be held on [date] at [location]. Enclosed please find copies of the Board's Student Discipline Policy, Student Discipline Procedures, Expulsion Hearing Guidelines and Discipline Committee Rules.

You will be provided with an opportunity to make a presentation to the Discipline Committee about whether [you/pupil's name] should be expelled, and whether, if [you/pupil's name] [are/is] expelled, [you/s/he] should be expelled from [School Name] or from all schools of the Board and, if no expulsion is imposed, your position with respect to the suspension.

The Discipline Committee will determine whether [you/pupil's name] should be expelled, and whether [your/pupil's name] expulsion should be from [School Name] or from all of the schools of the Board.

If [you/pupil's name] [are/is] expelled from [School Name], the Discipline Committee will assign [you/pupil's name] to a program provided at another school of the Board. If [you/pupil's name] [are/is] expelled from all schools of the Board, the Discipline Committee will assign [you/pupil's name] to a program for expelled pupils.

Information about both the program that will be provided at another school and the program for expelled pupils is enclosed. Both the program that will be provided at another school and the program for expelled pupils will provide [you/pupil's name] with an opportunity to pursue academic work and receive additional supports.

Should the Discipline Committee decide not to expel [you/pupil's name], the Discipline Committee will review the suspension. The Discipline Committee may confirm the suspension, confirm but shorten the suspension and amend the record accordingly, or withdraw the suspension and expunge the record. The decision of the Discipline Committee with respect to the suspension is final and is not subject to appeal.

You may bring legal counsel to represent you before the Discipline Committee, which might be funded by Legal Aid, depending upon your circumstances. If you intend to bring legal counsel, please provide the Superintendent Responsible for Student Discipline with notice at your earliest opportunity.

Please note that the Discipline Committee will wait for thirty (30) minutes for your arrival on [Month], [Day], [Year] and, should you fail to attend in a timely manner, the Discipline Committee may proceed in your absence.

The Superintendent Responsible for Student Discipline, [Name and Contact Information], will contact you to review the hearing process and answer any questions that you might have.

Sincerely,

[Principal]

Encl.

cc: Superintendent of Education
Superintendent Responsible for Student Discipline
Ontario Student Record

Appendix 11A

Expulsion Decision [on the letterhead of the Board]

[Date]

[Adult Pupil/Parent/Guardian]

[Address]

Dear [Adult Pupil's Name/ Parent's/Guardian's Name]:

Re: Decision of Discipline Committee
Expulsion Hearing – [Pupil Name], [DOB]
[Name of School]

Re: Expulsion Decision

Attached is the Decision of the Discipline Committee, dated [insert date].

Should you wish to appeal this decision, you may contact the Child and Family Services Review Board at 416-327-4673 or 1-888-728-8823 within 30 days of receipt of this notice.

If the pupil has been expelled: Also attached is the information regarding the educational program offered by the Board at [insert name of alternative school / program for students expelled from all schools of the Board].

Should you have any questions, please contact the undersigned at [insert contact information].
Sincerely,

Superintendent Responsible for Student Discipline

Encl.

cc: Superintendent of Education
Principal
Ontario Student Record

Appendix 11B

**Recommendation for Expulsion Decision of the Discipline Committee
[on the letterhead of the Board]**

RECOMMENDATION for EXPULSION DECISION

[School Board Name]

IN THE MATTER OF Section 311.3
of the *Education Act*, as amended

-and-

IN THE MATTER OF a recommendation by
[Name of Principal], [School Name] for the expulsion of
[Pupil Name], a pupil of [School Name]

Decision

UPON being satisfied that the Discipline Committee has jurisdiction to conduct the hearing pursuant to section 311.3 of the *Education Act*;

AND UPON being satisfied that the proper parties to the hearing are [Name of Appellant and relationship to pupil] and [Principal Name], Principal of [School Name];

AND UPON being satisfied that the parties received reasonable notice of the hearing;

AND UPON having provided an opportunity to the Appellant to make submissions, having heard the submissions of the Principal, having read any materials submitted by the parties, having considered the facts and any mitigating and/or other factors referred to by the parties, and having retired to consider the matter;

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from [School Name] and assign the pupil to an educational program at [School Name] for the following reasons: [INSERT REASONS FOR EXPULSION]

*OR

THE DISCIPLINE COMMITTEE does hereby impose an expulsion from all schools of the Board; assign the pupil to the program for expelled pupils; and require that the pupil successfully complete and meet the objectives of the program for expelled pupils before being re-admitted to a regular day school program in Ontario for the following reasons:[INSERT REASONS FOR EXPULSION].

*OR

THE DISCIPLINE COMMITTEE does not hereby impose an expulsion; and does hereby [confirm the suspension imposed by [Principal Name] / confirm the suspension imposed by [Principal Name] but shorten its duration to [number] school days and amend the record accordingly / quash the suspension and expunge the record].

DATED this [day] of [Month], [Year] and signed on behalf of the Discipline Committee and of Trustees by the Chair of the Discipline Committee.

[Board Name]
By _____
Chairperson

Appendix 12

Declaration of Performance [on the Letterhead of the School]

[Date]

[Pupil Name]

I agree to comply with the following expectations on my return as a student to [insert the name of School]:

1. I agree to comply with the expectations of the [insert name of school] Code of Conduct and the [insert Board] Code of Conduct.
2. I agree to work diligently in a positive manner and to be attentive to my teachers and classmates in an effort to accomplish the goals of my educational program.
3. I agree to be punctual and prepared for class.
4. I agree to be active and participate in the extra-curricular life of the School.
5. [insert if applicable] I agree to seek guidance and ask for help from School staff when I feel overwhelmed or anxious.
6. [insert if applicable] I agree to seek assistance from School staff when needed in order to assist me to solve problems in a constructive manner.
7. [insert if applicable] I agree to refrain from [insert one or more: using violence/restricted substances to solve my problems].

Signature [Insert name of student]

Date



1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

**Supervised
Meeting Date:**
February 26, 2013

BOARD REPORT

Public **In-Camera**
PRESENTED FOR: Information Approval
PRESENTED BY: Senior Administration
SUBMITTED BY: Paul Picard, Director of Education
 Cathy Geml, Associate Director of Education
 Emelda Byrne, Superintendent of Education
SUBJECT: **FRENCH IMMERSION ADVISORY COMMITTEE (FIAC)
 - MEETING OF DECEMBER 3, 2012**

RECOMMENDATION:

That the Board receive the Minutes of the December 3, 2012 French Immersion Advisory Committee meeting as information.

SYNOPSIS:

In accordance with Board By-Laws, *Section 5:00 Committee Reports*, the French Immersion Advisory Committee (FIAC) is submitting the Minutes of its December 3, 2012 meeting for information.

BACKGROUND COMMENTS:

The French Immersion Advisory Committee came into existence as a result of a recommendation made at a Special Board meeting on February 3, 2009. The role of the French Immersion Advisory Committee is to promote and support the system-wide French Immersion program, exchange information and points of view about the French Immersion program and provide advice, recommendations and feedback to the Board on French Immersion.

FINANCIAL IMPACT:

N/A

TIMELINES:

The next French Immersion Advisory Committee meeting occurred on Thursday, January 17, 2013 at the Catholic Education Centre. Minutes will be provided to the Board of Trustees following approval by the French Immersion Advisory Committee.

APPENDICES:

- French Immersion Advisory Committee Minutes of December 3, 2012

REPORT REVIEWED BY:

<input checked="" type="checkbox"/>	EXECUTIVE COUNCIL:	Review Date:	January 21, 2013
<input checked="" type="checkbox"/>	EXECUTIVE SUPERINTENDENT:	Approval Date:	January 21, 2013
<input checked="" type="checkbox"/>	DIRECTOR OF EDUCATION:	Approval Date:	January 21, 2013



**WINDSOR-ESSEX CATHOLIC
DISTRICT SCHOOL BOARD**

1325 California Avenue
Windsor, ON N9B 3Y6
CHAIRPERSON: Barbara Holland
DIRECTOR OF EDUCATION: Paul A. Picard

FRENCH IMMERSION ADVISORY COMMITTEE

Monday, December 3rd 2012 at 6:00 p.m.

CEC – Video Conference Room

Present: Jim McMahon - Trustee
Bernie Mastromattei - Trustee
Emelda Byrne - Superintendent of Education
Elisa Houston - Consultant
Lisa Boudreau - Principal - St. Anne French Immersion
Carm Casalena, Principal - St. Mary School
Michael Cusinato – Principal – Queen of Peace
Pat Hickson - Principal - St. Thomas of Villanova Secondary
Tish Hedderson, Principal – St. Joseph’s Secondary
Maggie Bénéteau - Dept. Head, Mod. Lang. - St. Thomas of Villanova
Renée Saad - Dept. Head, Mod. Lang. - St. Joseph’s High School
Michael Jraiche - Dept. Head, Mod. Lang. - Cardinal Carter Secondary
Kim Koekstat - Dept. Head - Mod. Lang. - St. Anne Secondary
Marc Larocque- Parent Representative - St. Anne School
Marie O’Neil - Parent Representative - St. Mary School
Brenda Verkoeyen - Parent Representative – St. Anne Secondary
Francine Mastronardi– Parent Representative – Queen of Peace School

Regrets: Lou Conte - Principal - Cardinal Carter Secondary School
Jim Minello - Principal – St. Anne’s Secondary School
Mike Garganta - Parent Representative – Cardinal Carter Secondary
Gary Wigfield - Parent Representative – St. Thomas of Villanova
Josie Culmone - Parent Representative – St. Joseph’s High School

Recording: Elisa Houston (on behalf of Simone Lira)

NOTES

- 1. Call to Order**
Trustee and Chairman McMahon called the meeting to order at 6:06 p.m.
- 2. Opening Prayer** – Elisa Houston
- 3. Introductions**
 - Trustee McMahon opened the meeting.
 - Trustee McMahon spoke about the role of the Board of Trustees under the Supervision Process. He spoke about the great start at Queen of Peace as a French Immersion School.
 - Trustees McMahon and Mastromattei are hopeful that we will expand the French Immersion (F/I) program in our Board.

4. Approval of Agenda

Motion by Renee Saad and seconded by Marc Larocque that the Agenda be approved. *Carried*

5. Approval of Minutes for Wednesday, April 4th 2012

Motion by Brenda Verkoeyen and seconded by Tish Hedderson that the Minutes be approved. *Carried*

6. Report from Emelda Byrne

- An **overview of Junior Kindergarten/Senior Kindergarten (JK/SK)** in our three French Immersion elementary sites is as follows: JK/SK every other day at St. Anne's; JK/SK full day/every day at St. Mary's (board funded) and JK/SK as Full Day Early Learning Kindergarten Program (FDELK) at Queen of Peace (Ministry funded; one Early Childcare Educator (ECE) in the larger class). All three sites are at different stages of the FDELK model.
- **Peer Assisted Learning Strategies (PALS)** – Preparation delivery in Primary classes (JK-3) in all three French Immersion sites need to have a more consistent and comprehensive approach to elevate the expectations, similar to our PALS in our English sites.
- In-servicing took place on Nov. 27th for JK/SK teachers and Learning Support Services Teachers (LSSTs) that support the JK/SK classes. The resource, *La Foret de l'Alphabet* was presented and viewed as a very comprehensive resource that would be best suited for the classroom teachers and some components for PALS.
- In-servicing continued on Dec. 3rd with the LSSTs that support the Kindergarten to Grade 2 PALS. Dr. Picard, Jen Ellwood and Elisa Houston reviewed the resource, *Apprendre à Lire – première année (Gr. 1 PALS)*. This review was beneficial to the LSSTs to ensure the program was delivered correctly and consistently (similar to the English schools). The review consisted of Letter Sound Frequency (LSF) en français, etc. *Apprendre à Lire – deuxième année* was introduced for Grade 2 PALS in order to continue the conversation/dialogue re: words, words/pictures and stories (mots, mots images, l'histoire, etc).
- By beginning the PALS earlier in the kindergarten classroom and continuing through Grades 1 and 2 will provide a more consistent approach to letter sound recognition, frequency, decoding, phonemic awareness, etc. and hopefully an increase in our reading levels in our primary Grades at our F/I sites.
- With **JK Registration** upon us in the New Year, we will be working with our three principals to refine/tweak our JK pamphlets for the F/I sites.
- **Open Houses** at our Secondary F/I sites began and continue into the New Year. St. Joseph's – Nov. 21st, St. Anne – Dec. 5th and St. Thomas of Villanova (STOV) and Cardinal Carter in January 2013.

7. Report from Elisa Houston

- Feedback from October 11th **Secondary Student Conference entitled, "Chemins de la Réussite Bilingue Conference"** indicated it was a great success. Six hundred (600) Immersion students from six (6) Boards in the region attended a full day conference for French Immersion students. Approximately 100 students attended from our four (4) F/I Secondary sites. The guest speakers were very motivating and the afternoon workshops focused on career options for bilingual students. The organization, *Canadian Parents for French* will be creating a

- success video coming out soon focusing on student feedback from the day as well as a guide for teachers created by Maggie Bénéteau and Renée Saad.
- **Official Languages in Education (OLE) Activities** planned for the year include teacher in service for elementary and secondary. We will continue to focus on oral communication as well as continue our work on learning goals, success criteria and descriptive feedback in French Immersion and French as a Second Language (FSL).
 - **An update on Common European Framework of Reference (CEFR)**
Correcteur Training- 5 teachers were trained in the summer 2 more teachers went to London in October for 4 days of training as well. This will further guide our Professional Development (PD) planning for our teachers in continuing the journey of oral, authentic, spontaneous communication. We have secured a guest speaker for January 11th in service day for secondary teachers. Kathy Lundy (author of the book *Talking to Learn*) will be coming to our Board to speak to our secondary teachers about the importance of oral communication and strategies for the French teachers.
 - Assessment levels in French language fluency related to CEFR and Board targets were discussed.

8. **Business Arising/ New Business**

- ### a) **Round Table Discussion-school communication and events**
- Queen of Peace has been working with Superintendent Byrne and Consultant Elisa Houston to look at the resources and needs of the early years French Immersion program. Registrations numbers are currently at 44 students.
 - Michael Jraiche sent 7 French Immersion high school students from Cardinal Carter to work with the Grade 1 class at Queen of Peace. The students communicated entirely in French and this was a great display of a cross panel activity that is a benefit in gaining as well as retaining our students.
 - Principal Cusinato is also looking at creating a database of potential parents for Queen of Peace and sending out a letter to inform them of the benefits of the French Immersion program. The challenge is they must be Catholic in order to attend.
 - Trustee McMahon mentioned that the Board approved the small class size for grade 1 in order to start the program and have it grow from there.
 - Michael Jraiche also mentioned the benefits of including F/I in the Queen of Peace school name (to publicize the F/I to the school community).
 - Parent representative Francine Mastronardi, said her child is excelling in the JK/SK French Immersion program and enjoys learning French. She appreciates the correspondence in English. She also mentioned that it's best to wait for the success of the F/I program to grow at the school before altering the school name at Queen of Peace as the community enjoys the traditional aspects of the school.
 - Principal Boudreau is preparing the school for Full Day Learning which will debut in September 2013. She has implemented a blog which parents are reading (3,000 hits). Teachers in the school also have their own blogs which keep parents up to date with what is going on at the school.
 - With the funding from Schools in the Middle (SIM), she has been working with teachers on Math, oral communication and PALS.
 - The St. Joseph's High School Grade 8 shadow day was very successful. Principal Hedderson wrote a letter to the students, which was read to them by Principal Boudreau.

- Principal Casalena spoke about the exchange program with a grade 8 student. The school is holding their annual pasta night this week.
- St. Joseph's High School had their open house and it was a great success. They are hoping to have a French Immersion open house in the month of January.
- Renée Saad mentioned that 2 students participated in the exchange program in Montreal in the summer. A great opportunity for our bilingual students. She has worked with Maggie Bénéteau on the teacher's guide for the October 11th bilingual conference.
- St. Anne High School open house is to take place December 5th. The registration numbers for grade 9 French Immersion are at 18, this is an increase from last year.
- Maggie Bénéteau is planning and preparing for her annual Québec trip and Europe Trip. The fundraising has begun in order to lower the cost for the students.
- St. Thomas of Villanova High School open house for grade 8 parents is scheduled for January 10th. Last Thursday was the open house for French Immersion and it was very successful with 67 parents in attendance. On the evening of the open house, 36 registration packages were given out to parents.
- Superintendent Byrne spoke about funds available for open houses through the Student Success-Cross Panel/Transition budget at the school levels. She gave an overview of registration numbers at each school and congratulated all the Department Heads for all their efforts in recruiting and retaining students.
- Enrolments at the Secondary F/I sites as of Nov. 2012: St. Joseph's – 109 (gr. 9's-25); STOV – 73 (gr. 9's – 26); St. Anne's – 51 (gr. 9's -18); Cardinal Carter – 56 (gr. 9's- 16)

b) Questions Arising

- Cardinal Carter's enrollment numbers in the program are increasing. A concern was brought forth regarding French speaking teachers in the resource room to be able to accommodate or support our French speaking students. The concern will be brought forward to Senior Administration.
- Questions were asked regarding French qualifications for teachers. Superintendent Byrne also mentioned that it is difficult to recruit French-speaking teachers when most are hired at the French language board. The Human Resources Department is aware of these concerns.
- A request was put forth to hire personnel to grow the French Immersion Program. Trustee McMahan reminded the committee that we are under Ministry Supervision but that the request would be noted for Senior Administration and the Board. Trustee Mastromattei also reiterated the fact that the Board is under supervision and mentioned how positions are impacted by the budget.

c) The next meeting will take place January 17th at 6:00 p.m. at the CEC.

9. Closing prayer and adjournment at 7:45 p.m.