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# LIMESTONE DISTRICT SCHOOL BOARD

## Agenda

### Committee of the Whole Board

#### (EDUCATION, POLICY & OPERATIONS)

#### MEETING

Wednesday, March 6, 2019

Limestone District School Board Education Centre

Barry C. O'Connor Boardroom

5:00 p.m.

#### Acknowledgement of Territory:

"The Limestone District School Board is situated on the traditional territories of the Anishinaabe and Haudenosaunee. We acknowledge their enduring presence on this land, as well as the presence of Métis, Inuit and other First Nations from across Turtle Island. We honour their cultures and celebrate their commitment to this land."

#### Approval of Agenda

#### Declaration of Conflict of Interest

#### Section A –Matters Requiring Action at the Meeting

##### 1. Reports for Information

- a) Live-streaming/Recording of Meetings (Superintendent Burra)
- b) Policy 5: Code of Conduct Review (Board of Trustees)

##### 2. Reports Requiring Decision

- a) Policy 13: Suspensions, Appeal, Expulsions (Associate Superintendent Gillam)
- b) Policy 19: Accessibility (Associate Superintendent McDonnell)

## **Section B –Information Items**

**1. Internal Reports and Other Communication**

**2. External Reports and Other Communication**

## **Other Business**

## **Next Meeting Date**

April 24, 2019 at 5:00 p.m.

## **Adjournment**



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## Education Policy & Operations Committee

### ADMINISTRATIVE REPORT: LIVE STREAMING/RECORDING OF BOARD MEETINGS

MARCH 6, 2019

#### Purpose:

To provide the Board of Trustees with information on the options and feasibility of live streaming and/or recording of public board meetings. This report is also being provided to begin further discussion of this potential change, and to receive further guidance from the Board.

#### Background:

To support transparency and public confidence in public education, the Limestone District School Board currently publishes board agendas and board minutes on the board's website. Board Meetings and committee meetings are open to the public to attend. "Boardroom Briefs" provides highlights of presentations, reports and decisions made at Board Meetings and *Around the Horseshoe* is published quarterly to provide the community with updates related to board business. In addition, Board Meetings are live tweeted by LDSB Communications staff to provide high-level information in the moment.

On a yearly basis, at the end of March, the province provides school boards with budgetary information for the following school year, and Trustees oversee the budget process in the spring as more information becomes available.

Previous consultations related to the Strategic Plan and other community engagement have not yielded requests for this service. It is unclear what metrics, anecdotal information, or other sources of information are resulting in the request for the live streaming/recording of meetings.

#### Current Status:

In a recent survey of English Public School Boards in the province, 11 of the 31 school boards live-stream their Board Meetings. No data was collected from three school boards, and the remaining 17 boards do not currently live-stream meetings. It should be noted that one board that does not live-stream meetings does provide an audio file of the meeting on its website in the days following the meeting.

Of the boards live streaming meetings, most reported very low viewership of regular meetings ranging from 5 views to as many as 100. Larger school boards reported higher numbers within this range. Boards did indicate that during Program Accommodation Reviews there was marginally higher viewership.

Boards live streaming meetings indicated that live streaming made meetings more accessible for members of the public and the media. Disadvantages cited were the cost of equipment, and salaries for two or more staff to support the live streaming.

*Limestone District School Board is situated on traditional territories of the Anishinaabe & Haudenosaunee.*

A range of technical options exist for live streaming/recording meetings. It should be noted that most boards report that the quality of the video and audio capture is a significant factor in determining what equipment provides a viable vehicle for live streaming the meetings. The quality of the equipment chosen is a driving factor for potential costs. Additional hours or overtime for staff supporting live streaming could be an additional expense per meeting. It should also be noted, the publishing of the video would have to be compliant with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA, 2005) for video and audio which would result in additional time and cost.

The Board would have to decide whether they simply wanted to capture the Board Meeting and publish it on the Internet, live-stream meetings, or live-stream and later publish the meetings on the Web.

Part of the consideration around the equipment purchase and installation relates to the fact the Board Room is used for multiple purposes everyday. As a result, the equipment purchased should potentially be utilized for other purposes during a regular day; for example, live streaming professional learning to a remote site. At the same time, we need to consider that additional use will result in a shorter lifespan. Regardless, the equipment will need to be regularly set up, and taken-down, depending on what other activities are taking place in the Board Room prior to meetings or the following day.

Further topics for consideration/discussion and direction:

- (a) Board Policies*
- (b) Recording versus live streaming*
- (c) Return on investment*
- (d) Costs: Equipment and staffing*
- (e) Compliance with the AODA*
- (f) Other?*

### Recommendation(s):

That this report be received for information purposes, and to provide the basis for further discussion and guidance.

**Report Prepared By:** Krishna Burra, Superintendent of Education - Program, Schools, and ITS  
Alistair MacLeod, Manager of ITS  
Karen Smith, Communications Officer

**Reviewed By:** Debra Rantz, Director of Education

**Attachments:** N/A



## LIMESTONE DISTRICT SCHOOL BOARD POLICY NO. 5

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# TRUSTEE CODE OF CONDUCT

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A code of conduct policy contributes to confidence in public education and respect for the integrity of Trustees in the community. It deals with acceptable and respectful behaviours. This Code of Conduct and the Enforcement Procedures Appendix apply to all Trustees of the Board, including the Chair of the Board. See appendix.

A Trustee position is an elected position which carries with it the understanding that the electorate will decide at election time its support for the effectiveness of a Trustee. At the same time, it is important to recognize the public trust and responsibility the collective body carries and that this trust and responsibility is honoured through determining and enforcing norms of acceptable behaviour.

- 1.0 Trustees of the Board shall discharge their duties loyally, faithfully, impartially and in a manner that will inspire public confidence in the abilities and integrity of the Board.
- 2.0 The Limestone District School Board expects its members to demonstrate ethical, respectful and professional conduct.
- 3.0 Trustees shall work with fellow Trustees in a spirit of harmony and co-operation in spite of differences of opinion.
- 4.0 Trustees shall maintain the highest standards of civility and respect accorded to public office through the absence of unwarranted criticism of fellow Board members, the Board, or employees, in or out of the board room.
- 5.0 Trustees shall deal appropriately with sensitive issues and respect the confidentiality of discussions that take place during closed sessions.
- 6.0 Trustees shall represent everyone Limestone District School Board serves, not a particular interest group or geographic area.
- 7.0 Trustees shall be loyal to the interests of Limestone District School Board.

- 8.0 Trustees shall maintain the integrity of the Board and the position of the Trustee when communicating and interacting with outside individuals, organizations and agencies.
- 9.0 Trustees shall respect the majority decisions of the Board.
- 10.0 Trustees shall respect and understand the roles and duties of the individual Trustees, Board of Trustees, the Director of Education and the Chair of the Board.
- 11.0 Trustees shall recognize that authority over the organization is only vested in the full board when it meets in legal session. Trustees do not attempt to exercise individual authority.
- 12.0 The Chair of the Board is the spokesperson to the public on behalf of the Board, unless otherwise determined by the Board. No other Trustee shall speak on behalf of the Board unless expressly authorized by the Chair of the Board or Board to do so. (As per 7.6.7)
- 13.0 Trustees shall clearly demonstrate discretion when making personal public statements so as to minimize the impression that such statements reflect the corporate opinion of the Board when they do not.
- 14.0 Trustees of the Board shall recognize that the expenditure of school board funds is a public trust and endeavour to see that the funds are expended efficiently, in the best interests of the students.
- 15.0 No Trustee shall use his or her office to obtain employment with the Board for the Trustee or a family member.
- 16.0 No Trustee shall accept a gift from any person or entity that has dealings with the Board if a reasonable person might conclude that the gift could influence the Trustee when performing his or her duties to the Board. However, this does not, for example, preclude a Trustee from accepting a free ticket or admission to a charitable event or professional development event.
- 17.0 A Trustee of the Board shall discharge his or her duties in accordance with the *Education Act* and any regulations, directives or guidelines thereunder and comply with the *Municipal Freedom of Information and Protection of Privacy Act*, and any other relevant legislation.
- 18.0 Trustees shall declare any conflict of involvement or interest, financial or otherwise, between their personal life and/or business interests and their position on the Board. A Trustee will not participate in or exert influence on any decision in which the Trustee has any direct or indirect interest. Trustees shall refrain from discussion and voting on any matter in which they are in conflict.

- 19.0 Trustees shall not use his or her office to advance the Trustee's interest or the interests of any family member or person or organization with whom or with which the Trustee is related or associated.
- 20.0 Trustees shall comply with Board policies, procedures, By-Laws, and Rules of Order.
- 21.0 The Board may censure a Trustee in accordance with the Education Act: Student Achievement and School Board Governance Act, as amended, where such person:
- Contravenes legislation;
  - Breaches any board policy, procedure or practice; and
  - Breaches confidentiality.

## **Appendix A (Education Act: Section 218.3)**

### **Enforcement of Code of Conduct**

- (1) A member of a Board who has reasonable grounds to believe that a member of the Board has breached the Board's code of conduct may bring the alleged breach to the attention of the Board. [2009, c. 25, s. 25]
- (2) If an alleged breach is brought to the attention of the Board under subsection (1), the Board shall make inquiries into the matter and shall, based on the results of the inquiries, determine whether the member has breached the Board's code of conduct. [2009, c. 25, s. 25]
- (3) If the Board determines under subsection (2) that the member has breached the Board's code of conduct, the Board may impose one or more of the following sanctions:
1. Censure of the member.
  2. Barring the member from attending all or part of a meeting of the Board or a meeting of a committee of the Board.
  3. Barring the member from sitting on one or more committees of the Board, for the period of time specified by the Board. [2009, c. 25, s. 25]
- (4) For greater certainty, the imposition of a sanction under paragraph 2 of subsection (3) barring a member from attending all or part of a meeting of the Board shall be deemed, for the purpose of clause 228 (1) (b), to be authorization for the member to be absent from the meeting. [2009, c. 25, s. 25]
- (5) A member of a Board who is barred from attending all or part of a meeting of the Board or a meeting of a committee of the Board under subsection (3) is not entitled to receive

any materials that relate to that meeting or that part of the meeting and that are not available to members of the public. [2009, c. 25, s. 25]

(6) If a Board determines that a member has breached the Board's code of conduct under subsection (2),

(a) The Board shall give the member written notice of the determination and of any sanction imposed by the Board;

(b) The notice shall inform the member that he or she may make written submissions to the Board in respect of the determination or sanction by a date specified in the notice that is at least 14 days after the notice is received by the member; and

(c) The Board shall consider any submissions made by the member in accordance with clause (b) and shall confirm or revoke the determination within 14 days after the submissions are received. [2009, c. 25, s. 25]

(7) If the Board revokes a determination under clause (6) (c), any sanction imposed by the Board is revoked. [2009, c. 25, s. 25]

(8) If the Board confirms a determination under clause (6) (c), the Board shall, within the time referred to in that clause, confirm, vary or revoke the sanction. [2009, c. 25, s. 25]

(9) If a sanction is varied or revoked under subsection (7) or (8), the variation or revocation shall be deemed to be effective as of the date the original determination was made under subsection (2). [2009, c. 25, s. 25]

(10) Despite subsection 207 (1) but subject to subsection (11), the part of a meeting of the Board during which a breach or alleged breach of the Board's code of conduct is considered may be closed to the public when the breach or alleged breach involves any of the matters described in clauses 207 (2) (a) to (e). [2009, c. 25, s. 25]

(11) A Board shall do the following things by resolution at a meeting of the Board, and the vote on the resolution shall be open to the public:

1. Make a determination under subsection (2) that a member has breached the Board's code of conduct.

2. Impose a sanction under subsection (3).

3. Confirm or revoke a determination under clause (6) (c).

4. Confirm, vary or revoke a sanction under subsection (8). [2009, c. 25, s. 25]



(12) A member who is alleged to have breached the Board's code of conduct shall not vote on a resolution to do any of the things described in paragraphs 1 to 4 of subsection (11). [2009, c. 25, s. 25]

(13) The passage of a resolution to do any of the things described in paragraphs 1 to 4 of subsection (11) shall be recorded in the minutes of the meeting. [2009, c. 25, s. 25]  
Appendix A (Education Act: Section 218.3) (continued)

(14) The Statutory Powers Procedure Act does not apply to anything done under this section. [2009, c. 25, s. 25]

*Legal References:*

*Education Act S. 170-171 Duties and Powers of Boards, Bill 177, Student Achievement and School Board Governance, 2009*

*Municipal Conflict of Interest Act*

*Municipal Freedom of Information and Protection of Privacy Act*

Revised: October 20, 2014.



**LIMESTONE DISTRICT SCHOOL BOARD  
POLICY NO. 13**

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**STUDENT SUSPENSION APPEALS, EXCLUSION  
APPEALS, MINUTES OF SETTLEMENT,  
EXPULSION HEARINGS, EXPULSION APPEALS**

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**1.0.0 APPEAL OF A SUSPENSION**

The duty to consider whether to suspend a student for engaging in certain activities, and the steps taken following a decision to suspend, including an appeal of that decision, are governed by ss. 306-309 of the Education Act, Administrative Procedure 358 and this Policy.

**1.1.0 Attempt at Early Resolution**

Prior to appealing a suspension, the persons who have received notice (either oral or written) of the decision to suspend must contact the Board in order that he/she/they and the Board can engage in preliminary discussions with a view to resolving the dispute prior to an appeal being made. These discussions may continue after a notice of intention to appeal has been received by the Board, and may result in an agreement that the deadline for hearing and determining the appeal will be extended.

**1.2.0 Who May Appeal a Suspension**

A Principal's decision to suspend a student under the suspension provisions of Administrative Procedure 358 may be appealed to the Board by:

- (1) the student's parent or guardian (unless the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control); and/or
- (3) any other person as specified by Board policy.

### 1.3.0 Written Notice of Intention to Appeal Suspension

A person who is entitled to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358 must give written notice of his/her intention to appeal to the [??](#) Secretary of the Board within 10 school days of the commencement of the suspension, unless the parties agree to a later deadline.

The written notice of the intention to appeal must specify the nature of the person's disagreement with the Principal's decision to suspend. It must, for example, state whether the disagreement is with the decision to suspend, the duration of the suspension, or both. The written notice must also indicate whether the person intends to call witnesses at the appeal.

### 1.4.0 Board to Inform All Interested Parties of Notice of Intention to Appeal

After receiving notice of an intention to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358, the Board must promptly contact every person entitled to appeal the suspension and inform him/her that it has received notice of an intention to appeal.

### 1.5.0 Notice of Hearing of the Appeal

If attempts at early resolution have failed, and after receiving notice of an intention to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358, the Board will then issue a written notice of the hearing of the appeal. This notice will contain a statement advising the parties to the appeal of the procedural rules of the hearing of the appeal.

### 1.6.0 Contact with the Director of Education of the Board

A person who has given notice of an intention to appeal a decision to suspend a student under the suspension provisions of Administrative Procedure 358 may contact the Director of Education of the Board (or the designate) to discuss any matter respecting the appeal of the suspension.

### 1.7.0 Parties to the Appeal

The parties to the appeal are:

- (1) the Principal who suspended the student;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian if the student's parent or guardian appealed the decision to suspend the student;
- (4) the person who appealed the decision to suspend the student, if the decision was appealed by someone other than the student's parent or guardian; and
- (5) any other interested person as specified by Board policy.

#### 1.8.0 Student May Attend

A student who is not a party to an appeal has the right to be present at the appeal and to make a statement on his/her own behalf.

#### 1.9.0 Decision to be Made by Committee

The Board may authorize a Suspension Appeal Committee of at least three trustees of the Board, as designated by the Board and based on availability, to exercise and perform powers and duties on behalf of the Board in hearing an appeal of a decision to suspend a student under the discretionary suspension provisions of Administrative Procedure 358. The Committee will elect a Chair from among its members available for the hearing in question. Quorum of the Committee is three members. The Director of Education of the Board (or his/her designate) will act in an advisory role to the Committee on procedural matters during the hearing of the appeal and during the Committee's subsequent deliberations.

#### 1.10.0 Timing of the Determination of an Appeal

The Board or Committee must hear and determine the appeal within 15 school days of receiving notice of the intention to appeal, unless the parties agree to a later deadline. The Board will not refuse to deal with the appeal on the ground that there is a deficiency in the notice of intention to appeal.

#### 1.11.0 Procedural Rules of the Hearing of an Appeal

The following procedural rules apply to the hearing of the appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358:

- (1) the parties are entitled to be represented by legal counsel if they so wish;
- (2) if the parties or their counsel do not attend the hearing of the appeal then it may proceed in their absence;
- (3) any parties who fail to attend the hearing will not be entitled to any further notice of the proceedings;
- (4) submissions at the hearing will be made first by the parties bringing the appeal, followed by the Principal, and each will have a right of reply;
- (5) the parties are entitled to call and examine witnesses, and to cross-examine witnesses; witnesses but those witnesses should be allowed to tell their own story and respond to questions from the Board or Committee with no direct examination or cross-examination being allowed; will check with Andrea risk
- (6) child and youth witnesses may face a number of challenges when giving testimony, including answering complex questions that may be beyond their cognitive developmental stage, and experiencing anxiety that may exacerbate any previous trauma. Accordingly, the Board or Committee retains the right to limit cross-examination to only that which is

reasonably required for a full and fair disclosure of all matters relevant to the issue in the appeal and may direct that testimonial aids may be used (witness screens, a support person who may be present during the delivering of testimony, etc.); a party may direct questions to another party or that party's witnesses only through the Chair presiding over the hearing;

- (7) the Board or Committee will rule on any matters of a procedural nature that may arise during the course of the hearing of the appeal; and
- (8) the hearing will be held *in camera* unless the parties agree otherwise.

#### 1.12.0 Powers on the Determination of an Appeal

On hearing an appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358, the Board or Committee will decide as follows:

- (1) to confirm both the decision to suspend and the duration of the suspension;
- (2) to confirm the decision to suspend but shorten the duration (even if the suspension under appeal has already been served) and order that the record of the suspension be amended accordingly; or
- (3) to quash the decision to suspend and order that the record of the suspension be purged (even if the suspension under appeal has already been served).

#### 1.13.0 Rendering of Decision

The decision of the Committee or Board after hearing an appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358 will be made immediately following the hearing. A written decision will follow in which the decision and reasons are shared with the parties. This written decision will be delivered by the Secretary of the Board to the parties who attended the hearing of the appeal.

#### 1.14.0 Decision is Final

The decision of the Board or Committee on an appeal of a decision to suspend a student under the suspension provisions of Administrative Procedure 358 is final and binding on all parties.

### 2.0.0 APPEAL OF AN EXCLUSION

Under Section 265 (1m) of the *Education Act*, it is the duty of a principal of a school to control access to school or class—subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils.

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### 2.1.0 Communication of Exclusion

In the event that the decision to exclude was communicated orally, the person(s) who was excluded may request, and shall then receive, reasons for the exclusion in writing.

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### 2.2.0 Who May Appeal an exclusion

A Principal's decision to exclude a student under Section 265 (1m) of the *Education Act* may be appealed to the Board by:

- (1) the student's parent or guardian (unless the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control); and/or
- (3) any other person as specified by Board policy; see 2.2.1, and 2.2.2 below.

### 2.2.1 Non-students may appeal an exclusion

A Non-student is defined as a person ~~that~~ who is not registered at the school for which the exclusion has been issued. For the purpose of sections 2.2.1 and 2.2.2 of this Policy, an "exclusion" includes both an exclusion under the *Education Act* and a notice under the *Trespass to Property Act*. A non-student can appeal an exclusion as outlined in 2.2.2

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2.2.2 In order to appeal an exclusion, a non-student may write to the Director of Education of the Board within 10 school days of the commencement of the exclusion. An appeal of the decision to exclude a non-student must be in writing and the notice of appeal must include the specific reasons for the appeal, including why the party believes that the exclusion should not have been imposed. The Director of Education of the Board, or delegate, will respond in writing with a decision regarding non-student appeals of exclusion. There is no right to an oral hearing and the decision of the Director or delegate is decision is final. Where the exclusion is by way of a notice under the *Trespass to Property Act*, the Board retains all of its rights under that *Act* despite affording non-students a right to appeal that notice under this Policy.

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### 2.2.3 Appeals of student exclusions

Student exclusions refer to exclusions issued to a person registered at the school for which the exclusion has been issued. Appeals of student exclusions will follow the process outlined in sections 2.3.0 to 2.14.0

### 2.3.0 Attempt at Early Resolution

Prior to appealing an exclusion, the persons who have received notice (either oral or written) of the decision to exclude must contact the Board in order that he/she/they and the Board can engage in preliminary discussions with a view to

resolving the dispute prior to an appeal being made. These discussions may continue after a notice of intention to appeal has been received by the Board, and may result in an agreement that the deadline for hearing and determining the appeal will be extended.

#### 2.4.0 Written Notice of Intention to Appeal Exclusion of students

A person who is entitled to appeal a decision to exclude a student under Section 265 (1m) of the *Education Act* must give written notice of his/her intention to appeal to the Secretary of the Board within 10 school days of the commencement of the exclusion, unless the parties agree to a later deadline.

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The written notice of the intention to appeal must specify the nature of the person's disagreement with the Principal's decision to exclude. It must, for example, state whether the disagreement is with the decision to exclude, the duration of the exclusion, or both. The written notice must also indicate whether the person intends to call witnesses at the appeal.

#### 2.5.0 Board to Inform All Interested Parties of Notice of Intention to Appeal

After receiving notice of an intention to appeal a decision to exclude a student, the Board must promptly contact every person entitled to appeal the ~~suspension~~ exclusion and inform him/her that it has received notice of an intention to appeal.

#### 2.6.0 Notice of Hearing of the Appeal

If attempts at early resolution have failed, and after receiving notice of an intention —to appeal a decision to exclude, the Board will then issue a written notice of the hearing of the appeal. This notice will contain a statement advising the parties to the appeal of the procedural rules of the hearing of the appeal.

#### 2.7.0 Contact with the Director of Education of the Board

A person who has given notice of an intention to appeal a decision to exclude may contact the Director of Education of the Board (or the designate) to discuss any matter respecting the appeal of the exclusion.

#### 2.8.0 Parties to the Appeal

The parties to the appeal are:

- (1) the Principal who excluded the student;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian if the student's parent or guardian appealed the decision to suspend the student;
- (4) the person who appealed the decision to suspend the student, if the decision was appealed by someone other than the student's parent or guardian; and
- (5) any other interested person as specified by Board policy.

### 2.9.0 Student May Attend

A student who is not a party to an appeal has the right to be present at the appeal and to make a statement on his/her own behalf.

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### 2.10.0 Decision to be Made by Committee

The Board may authorize an Exclusion Appeal Committee of at least three trustees of the Board, as designated by the Board and based on availability, to exercise and perform powers and duties on behalf of the Board in hearing an appeal of a decision to exclude. The Committee will elect a Chair from among its members available for the hearing in question. Quorum of the Committee is three members. The Director of Education [of the Board](#) (or his/her designate) will act in an advisory role to the Committee on procedural matters during the hearing of the appeal and during the Committee's subsequent deliberations.

### 2.11.0 Timing of the Determination of an Appeal

The Board or Committee must hear and determine the appeal within 15 school days of receiving notice of the intention to appeal, unless the parties agree to a later deadline. The Board will not refuse to deal with the appeal on the ground that there is a deficiency in the notice of intention to appeal.

### 2.12.0 Procedural Rules of the Hearing of an Appeal

The following procedural rules apply to the hearing of the appeal of a decision to Exclude a student:

- (1) the parties are entitled to be represented by legal counsel if they so wish;
- (2) if the parties or their counsel do not attend the hearing of the appeal then it may proceed in their absence;
- (3) any parties who fail to attend the hearing will not be entitled to any further notice of the proceedings;
- (4) submissions at the hearing will be made first by the parties bringing the appeal, followed by the Principal, and each will have a right of reply;
- (5) the parties are entitled to call witnesses but those witnesses should be allowed to tell their own story and respond to questions from the Board or Committee with ~~no direct examination or cross-examination being allowed;~~
- (6) a party may direct questions to another party or that party's witnesses only through the Chair presiding over the hearing;
- (7) the Board or Committee will rule on any matters of a procedural nature that may arise during the course of the hearing of the appeal; and
- (8) the hearing will be held *in camera* unless the parties agree otherwise.

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#### 2.13.0 Powers on the Determination of an Appeal

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On hearing an appeal of a decision to exclude a student the Board or Committee will decide as follows:

- (1) to confirm the decision to exclude the student from a specific school or classroom;  
or
- (2) to quash the decision to exclude from school but confirm exclusion from a classroom;  
or
- (3) to quash the decision to exclude.

#### 2.14.0 Rendering of Decision

The decision of the Committee or Board after hearing an appeal of a decision to exclude a student will be made immediately following the hearing. A written decision will follow in which the decision and reasons are shared with the parties. This written decision will be delivered by the Secretary of the Board to the parties who attended the hearing of the appeal.

#### 2.15.0 Decision is Final

The decision of the Board or Committee on an appeal of a decision to exclude a student under Section 265 (1m) is final and binding on all parties.

### **3.0.0 SUSPENSION, INVESTIGATION, RECOMMENDATION AND SUBSEQUENT POSSIBLE EXPULSION HEARING**

The requirement to suspend a student believed to have engaged in certain activities for which suspension is prescribed and the steps taken following that suspension, including any recommendation to expel and any appeal of these decisions, are governed by ss. 310-311 of the *Education Act*, Administrative Procedures 358 and 359 and this Policy.

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#### 3.1.0 Early Notice of Suspension

A Principal who suspends a student for an activity for which the principal is required to suspend under the suspension provisions of s. 310 of the *Education Act* and Administrative Procedure 358 must:

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- (1) inform the student's teacher(s) of the suspension; and
- (2) make all reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control).

#### 3.2.0 Written Notice of Suspension

A Principal who suspends a student under the suspension provisions of Administrative Procedure 359 must promptly provide written notice of the suspension to:

- (1) the student;
- (2) the student's parent or guardian (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control); and
- (3) any other person as specified by Board policy.

#### 3.3.0 Content of Written Notice of Suspension

The written notice must include:

- (1) the reason for the suspension;
- (2) the duration of the suspension;
- (3) information about any program for suspended students to which the student is being assigned;
- (4) information about the investigation that the Principal will conduct to determine whether to recommend that the student be expelled; and
- (5) a statement indicating that:
  - i. there is no immediate right to appeal the suspension,
  - ii. if the principal does not recommend to the Board that the student be expelled following the investigation, the suspension will become subject to appeal, and
  - iii. if there is an expulsion hearing because the principal recommends to the Board that the student be expelled, the suspension may be addressed by parties at the hearing.

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#### 3.4.0 Receipt of Written Notice

Where written notice is given, the date of receipt is determined as follows:

- (1) if the notice is sent by mail or another method by which an original document is sent, it is deemed to have been received -by the person to whom it was sent on the fifth school day after the day on which it was sent; and
- (2) if the notice is sent by facsimile or another method of electronic transmission, it is deemed to have been received by the person to whom it was sent on the first school day after the day on which it was sent.

#### 3.5.0 Written Notice that Expulsion Not Recommended

Where a Principal concludes his/her investigation and decides not to recommend to the Board that the student be expelled, the Principal shall ensure that everyone entitled to receive written notice of the suspension also promptly receives written notice of the following:

- (1) that the student will not be subject to an expulsion hearing for the activity that resulted in the suspension;

- (2) an indication of whether the Principal has confirmed the decision to suspend and the duration of the suspension, confirmed the decision to suspend but reduced its duration, or withdrawn the decision to suspend;
- (3) information about the right to appeal the decision to suspend (unless the decision to suspend is withdrawn) including a copy of Policy no. 13 and the name and contact information of the supervisory officer to whom notice of the intention to appeal must be given.

#### 3.6.0 Appeal of Suspension where Expulsion Not Recommended

If the Principal does not recommend to the Board that a student who has received a suspension be expelled and does not withdraw the suspension, the suspension may be appealed in accordance with part 1 above, subject to the following modifications:

- (1) a person who is entitled to appeal must give written notice of his/her intention to appeal within five school days of the date on which he/she received notice of the determination of the Principal that expulsion will not be recommended; and
- (2) if the Principal confirmed the decision to suspend but reduced the duration of the suspension then the appeal is from the reduced duration and not the original duration.

#### 3.7.0 Written Notice that Expulsion Is Recommended

Where a Principal concludes his/her investigation and decides to recommend to the Board that the student be expelled, the Principal shall ensure that everyone entitled to receive written notice of the suspension also promptly receives written notice which contains the following:

- (1) a statement that the student will be subject to an expulsion hearing ~~or the process of Minutes of Settlement~~ for the activity that resulted in the suspension;
- (2) information about the expulsion hearing ~~or Minutes of Settlement~~ including a copy of Policy no. 13;
- (3) information about the procedural rules that will apply during an expulsion hearing ~~or the process of Minutes of Settlement~~;
- (4) a statement that the person has a right to respond, in writing, to the Principal's report in which the decision to recommend expulsion was made;
- ~~(5) detailed information about the process for arriving at Minutes of Settlement~~
- ~~or~~
- (65) detailed information about the procedures and possible outcomes of the expulsion hearing (including an explanation that if the Board does not expel the student then it may confirm the suspension, shorten its duration or withdraw it, that if the student is not expelled then the parties have a right to make submissions during the expulsion hearing as to the appropriateness of the decision to suspend and/or the length of the

- suspension, that any decision made by the Board at the expulsion hearing with respect to the suspension is final and not subject to appeal, that if the Board decides to expel the student from his/her school then the student will be reassigned to another school, and that if the Board decides to expel the student from all schools of the Board then it will assign the student to a program for expelled students); and
- (76) the name and contact information of the Director of Education of the Board or designate whom the person may contact to discuss any matter relating the expulsion hearing.

The written notice must be accompanied by the Principal's report in which the decision to recommend expulsion was made.

### 3.8.0 Party May Respond

A person who is entitled to receive written notice of an expulsion hearing or process for minutes of settlement and a copy of the Principal's report may respond in writing to the Principal and to the Board.

### 3.9.0 Attempt at Early Resolution

Prior to the expulsion hearing, the persons who have received the written of the recommendation to expel may contact the Board if early resolution is of interest. The Board will then engage in preliminary discussions with a view to resolving the dispute. Although the expulsion hearing is not automatically extended by early resolution attempts, discussions may result in an agreement that the hearing date be postponed in order to allow for further dialogue.

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### 3.10.0 Conditions Required for Early Resolution

The early resolution process may only be used under the following conditions:

- (1) The potential parties to a hearing all agree to engage in the early resolution process and are aware that a hearing is the alternative. Lack of full agreement will result in the hearing proceeding;
- (2) Agreement must be reached within 15 school days of the start of the suspension, as evidenced by Minutes of Settlement that are signed by all parties;
- (3) All parties understand and agree to abide by the terms of the Minutes of Settlement, including the waiver of the right to appeal;
- (4) A disciplinary committee made up of a minimum of three (3) trustees must approve the Minutes of Settlement within 20 school days of the start of the suspension.

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### 3.11.0 Parties to Minutes of Settlement

The parties to the Minutes of Settlement are:

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- (1) the Principal who suspended the student and who recommended to the Board that the student be expelled;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian and
- (4) the Supervisor as designated by the Director of Education of the Board and any other person as specified by Board policy.

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### 3.12.0 Parties to the Expulsion Hearing

The parties to the expulsion hearing are:

- (1) the Principal who suspended the student and who recommended to the Board that the student be expelled;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian if the student's parent or guardian; and
- (4) the Supervisor as designated by the Director of Education of the Board and any other person as specified by Board policy.

#### 3.12.1 Parties to Minutes of Settlement

~~The parties to Minutes of Settlement are:~~

- ~~(1) the Principal who suspended the student and who recommended to the Board that the student be expelled;~~
- ~~(2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);~~
- ~~(3) the student's parent or guardian and~~
- ~~(4) the Supervisor as designated by the Director of Education and any other person as specified by Board policy.~~

### 3.13.0 Student May Attend

A student who is not a party to the expulsion hearing has the right to be present at the hearing and to make a statement on his/her own behalf.

#### 3.14.0 Minutes of Settlement

~~Minutes of Settlement are an alternative to an Expulsion Hearing Process. Minutes of Settlement may only be used under the following conditions:~~

- ~~(1) The potential parties to a hearing all agree to the use of Minutes of Settlement and are aware that a hearing is the alternative. Lack of full agreement will result in a hearing proceeding;~~
- ~~(2) Agreement is reached within 15 school days of the start of the suspension and the Minutes of Settlement are signed by all parties;~~
- ~~(3) All parties understand the terms of the Minutes of Settlement including the loss of right to appeal;~~

- (4) ~~A disciplinary committee made up of a minimum of three (3) trustees approves the minutes of settlement within 20 school days of the start of the suspension.~~

#### 3.14.0 ~~3.12.0~~ Decision to be Made by Committee

The Board may authorize an Expulsion Hearing Committee of at least three trustees of the Board, as designated by the Board and based on availability, to exercise and perform powers and duties on behalf of the Board in holding an expulsion hearing or ~~to approve~~ reviewing Minutes of Settlement. The Committee will elect a Chair from among its available members ~~available for the hearing in question or to approve Minutes of Settlement~~. Quorum of the Committee is three members. The Director of Education of the Board (or his/her designate) will act in an advisory role to the Committee on procedural matters during the hearing and during the Committee's subsequent deliberations ~~or during the process of approving Minutes of Settlement~~.

#### ~~3.14.0~~ 3.15.0 Submissions and Views of the Parties

At the hearing ~~or to approve Minutes of Settlement~~, the Board or Committee must:

- (1) consider the submissions of each party in whatever form the parties choose to deliver their submissions (oral, written or both);
- (2) solicit the views of all of the parties as to whether the student, if he/she is expelled, should be expelled from his/her school only or from all schools of the Board; and
- (3) solicit the views of all of the parties as to whether, if the student is not expelled, the Board or Committee should confirm the original decision to suspend, confirm the original decision to suspend but reduce its duration, or withdraw the suspension.

#### 3.16.0 ~~3.14.0~~ Procedural Rules for the Expulsion Hearing

The following procedural rules, in addition to those directly above, apply to an expulsion hearing:

- (1) the parties are entitled to be represented by legal counsel if they so wish;
- (2) if the parties or their counsel do not attend the expulsion hearing then it may proceed in their absence;
- (3) any parties who fail to attend the hearing will not be entitled to any further notice of the proceedings;
- (4) submissions at the hearing will be made first by the Supervisor designated by the Director of Education ~~for~~ of the Board, then by the Principal, and then by the student or his/her parent or guardian, and each will have a right of reply;
- (5) the parties are entitled to call witnesses but those witnesses should be allowed to tell their own story and respond to questions from the Board or

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- Committee with no direct examination or cross-examination being allowed;
- (6) a party may direct questions to another party or that party's witnesses only through the Chair presiding over the hearing;
  - (7) the Board or Committee will rule on any matters of a procedural nature that may arise during the course of the hearing of the appeal;
  - (8) where there is a conflict in the evidence presented by the parties on the issue of whether the student committed the expulsion infraction(s), the Board or Committee shall assess the evidence and determine whether, on the balance of probabilities, it is more probable than not that the student did in fact commit the infraction(s); and
  - (9) the hearing will be held *in camera* unless the parties agree otherwise.

3.17.0 ~~3.15.0~~ Decision to be Made Following an Expulsion Hearing

After completing the hearing, the Board or Committee must decide:

- (1) whether to expel the student; and
- (2) if the student is to be expelled, whether the student is to be expelled from his/her school only or from all schools of the Board.

3.18.0 ~~3.16.0~~ In making the above decision, the Board or Committee must consider:

- (1) all submissions and views of the parties, including their views as to whether the student, if expelled, should be expelled from his/her school only or from all schools of the Board; and
- (2) all "mitigating" and "other" factors set out below;

Mitigating Factors

- (1) The student does not have the ability to control his/her behaviour;
- (2) The student does not have the ability to understand the foreseeable consequences of his/her behaviour; and
- (3) The student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

Other Factors

- ~~1~~(1) The student's history;
- ~~1~~(2) Whether a progressive discipline approach has been used with the student;
- ~~1~~(3) Whether the activity for which the student may be or is being suspended was related to any harassment of the student because of his/her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
- ~~1~~(4) How the suspension would affect the student's ongoing education;
- ~~1~~(5) The age of the student; and
- ~~1~~(6) In the case of a student for whom an individual education plan has been developed,

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- (i) whether the behaviour was a manifestation of a disability identified in the student’s individual education plan;
  - (ii) whether appropriate individualized accommodation has been provided; and
  - (iii) whether the suspension is likely to result in an aggravation or worsening of the student’s behaviour or conduct; and
- (73) any written response to the Principal’s report in which the decision to recommend expulsion was made.

### 3.19.0 Timing of the Expulsion Hearing

The Board or Committee cannot expel a student if more than 20 school days have elapsed since the student was suspended, unless the parties to the expulsion hearing agree on a later deadline.

### 3.20.0 If Student Not Expelled

If the Board or Committee, following an expulsion hearing, decides to not expel a student, then it must go on to consider the decision to suspend and the duration of the suspension. In that regard, the Board or Committee can decide to:

- (1) confirm the decision to suspend and the duration of the suspension;
- (2) confirm the decision to suspend but reduce its duration (even if the suspension has already been served) and order that the record of the suspension be amended accordingly; or
- (3) quash the decision to suspend and order that the record of the suspension be expunged (even if the suspension has already been served).

#### 3.21.0 ~~3.19.0~~ In making the above decision, the Board or Committee must consider:

- (1) any submissions of the parties as to whether the decision to suspend and the duration of the suspension should be confirmed, the decision to suspend should be confirmed but its duration reduced, or the decision to suspend should be withdrawn; and
- (2) all “mitigating” and “other” factors set out above.

#### 3.22.0 ~~3.20.0~~ Notice that Student Not Expelled

After determining that the student will not be expelled, and considering the decision to suspend and the duration of the suspension, the Board or Committee will provide written notice to all parties entitled to attend the expulsion hearing which contains the following:

- (1) a statement indicating that the student will not be expelled; and
- (2) a statement indicating the Board’s or Committee’s decision regarding the decision to suspend and the duration of the suspension.

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### 3.23.0 Decision is Final

The decision of the Board or Committee following an expulsion hearing that a student is not expelled, and in regard to the decision to suspend and the duration of the suspension, is final and binding on all parties.

### 3.24.0 If Student Is Expelled

If the Board or Committee, following an expulsion hearing, decides to expel a student, then it must go on to assign that student to either another school of the Board (where the student is expelled from his/her school only) or a program for expelled students (where the student is expelled from all schools of the Board).

### 3.25.0 Written Notice of Decision to Expel

If a Board or Committee decides to expel a student then it must promptly provide written notice of the decision to expel to all parties who attended the expulsion hearing and the student (if the student was not a party to the expulsion hearing). The notice must include:

- (1) the reason for the expulsion;
- (2) a statement indicating whether the student is expelled from his/her school only or from all schools of the Board;
- (3) information about the school or program to which the expelled student has been assigned; and
- (4) information about the right to appeal the decision to expel, including the steps that must be taken in order to appeal.

## **4.0.0 APPEAL OF DECISION TO EXPEL**

### 4.1.0 Appeal of Decision to Expel

An appeal of a decision made by the Board or Committee to expel a student may be made to the Child and Family Services Review Board.

### 4.2.0 Who May Appeal a Decision to Expel

An appeal of a decision made by the Board or Committee to expel a student may be made by:

- (1) the student's parent or guardian (unless the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control); and

- (3) any other person as specified by Board policy or the Child and Family Services Review Board.

#### 4.3.0 Parties to an Appeal of a Decision to Expel

The parties to an appeal of a decision made by the Board or Committee to expel a student are:

- (1) the Board;
- (2) the student (if the student is at least 18 years old or the student is 16 or 17 years old and has withdrawn from parental control);
- (3) the student's parent or guardian (if the parent or guardian appealed the decision); and
- (4) any other person who appealed the decision to expel the student

#### 4.4.0 Timing of Notice of Appeal

In order to appeal a decision to expel to the Child and Family Services Review Board, a person entitled to appeal must provide written notice of appeal within 30 days of the date on which notice of the decision to expel was received.

#### 4.5.0 Extension of Time

The Child and Family Services Review Board may extend the period of time for giving written notice of appeal, before or after the expiry of the period of 30 days, if it is satisfied that there are reasonable grounds for the extension.

#### 4.6.0 Content of Notice of Appeal

The notice of appeal must ~~include~~:

- (1) include the date of the decision that is being appealed;
- (2) include the name of the Board that made the decision;
- (3) include a statement as to whether the decision expels the student from his/her school only or from all schools of the Board; and
- (4) be in a form acceptable to the Child and Family Services Review Board.

The Child and Family Services Review Board shall not refuse to deal with an appeal on the ground that there is a deficiency in the content or form of a notice of intention to appeal.

#### 4.7.0 Timing of Hearing of Appeal

The Child and Family Services Review Board will commence a hearing within 30 days of receiving the notice of appeal. The Child and Family Services Review Board may extend the time for commencing the hearing of the appeal at the request of any party to the appeal.

#### 4.8.0 Right of Student to be Present

A student whose expulsion is being appealed has the right to be present at the hearing of the appeal and to make a statement on his/her own behalf.

#### 4.9.0 Decision on Appeal

After hearing the appeal, the Child and Family Services Review Board shall do one of the following:

- (1) confirm the decision of the Board or Committee to expel the student;
- (2) if the decision was to expel the student from his/her school only, to quash the expulsion and reinstate the student to the school; or
- (3) if the decision was to expel the student from all schools of the Board, to
  - (i) change the expulsion to an expulsion from the student's school only, or
  - (ii) quash the expulsion and reinstate the student to his/her own school.

#### 4.10.0 Additional Order re Student's Record

If the Child and Family Services Review Board changes an expulsion from all schools of the Board to an expulsion from the student's school only, or quashes an expulsion and reinstates the student to his/her school, then it may also order that any record of the expulsion of the student be expunged or amended if the Child and Family Services Review Board considers such an order to be appropriate in the circumstances.

#### 4.11.0 Timing of Decision

Each party will be provided by the Child and Family Services Review Board with its decision on the appeal within 10 days after completing the hearing and with written reasons for its decision within 30 days after completing the hearing.

#### 4.12.0 Decision is Final

The decision of the Child and Family Services Review Board on an appeal of the decision of a Board or Committee to expel is final.

#### Legal References:

*Education Act Part XIII Behaviour, Discipline and Safety  
Guideline – Ontario Schools Code of Conduct  
Statutory Powers Procedure Act*

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Revised: ~~December 2013~~ March 2019

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**LIMESTONE DISTRICT SCHOOL BOARD  
POLICY NO. 19**

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## **Accessibility Standards Policy Statement**

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It is the policy of the Limestone District School Board to provide an environment in all of its facilities that fosters independence, dignity and respect. The Limestone District School Board is committed to providing services that are free of barriers and biases to our students, parents/guardians/families, the public and our staff. We strive to ensure that the principle of equity of opportunity is reflected and valued in our learning and working environments. Our conduct will demonstrate our belief in the strength that diversity brings to our communities.

We are 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 people with disabilities in the provision of services including those related to information and communication, employment, and student transportation.

### **Legal References**

Accessibility for Ontarians with Disabilities Act, 2005 (AODA)  
Accessibility Standard for Customer Service, Ontario Regulation 429/07  
Integrated Accessibility Standards, Ontario Regulation 191/11  
Ontario Human Rights Code  
Ontarians with Disabilities Act, 2001

[Ontario Public Service Accessible Customer Service Policy](#)

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### **Related Procedures & Documents**

[Limestone District School Board Accessibility Plan 2018-2022](#)  
Equity and Inclusive Education ~~Administrative Procedure~~ (AP-105)  
Accessibility Standards for Customer Service (AP-151)  
[Accessibility Standards for School Transportation \(AP-161\)](#)  
Monitoring and Feedback on Accessible Customer Service (AP-152)  
Notification of Disruption of Service (AP-153)  
Use of Assistive Devices by the General Public (AP-154)  
Use of Service Animals by General Public (AP-155)  
[Service Animals for Students with Special Needs \(AP-302\)](#)  
Use of Support Person by the General Public (AP-156)

Accessible Information and Communication Services (Accessible Standards for Information & Communication) (AP-157)

Limestone District School Board Accommodation and Disability Management Program

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Effective/Updated: ~~January 2013~~ February 2019