

School Board Expulsions

As of September 1, 2001, the *Safe Schools Act*, requires that a student be expelled for committing certain infractions (e.g., possessing a weapon, committing sexual assault) while at school or engaged in a school-related activity.

A decision by a school board to expel a student may be appealed to the Child and Family Services Review Board (CFSRB) by:

- * The student's parent or guardian (if the student is a minor),
- * The student (if the student is not a minor), or
- * Another person as may be specified by the school board.

To ensure a fair process for expelled students who request an appeal, the following time limits have been set:

- * A person has 60 days after the date of the school board's decision to give the CFSRB written notice of appeal,
- * The CFSRB has 30 days after receiving a written notice of appeal to convene a hearing, and
- * The CFSRB has 10 days to render a decision after completing a hearing.

After hearing an appeal from a school board's decision, the Board may:

- * Confirm the school board's decision
- * Modify the type or duration of the expulsion,
- * Impose, change or remove conditions that must be satisfied if the student is to return to school in Ontario following an expulsion, or
- * Overrule the decision of the school board and reinstate the student.

Three members of the Board constitute a quorum for purposes of hearing an expulsion appeal.

For further information

Contact the

Child and Family Services Review Board

At

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24th Floor

Toronto, Ontario

M4W 3V5

416-327-4634 (phone)

416-327-4673 (phone)

1-800-597-6088

1-888-728-8823

or

416-327-0558 (fax)

416-327-4379 (fax)

or

by email at _____

CHILD

AND

FAMILY

SERVICES

REVIEW

BOARD



Duties of the Board

The Child and Family Services Review Board (CFSRB) is required by law to conduct reviews under the *Child and Family Services Act*, upon receipt of application to do so, regarding the following matters:

- * Residential placement of a child
- * Admission of a child to emergency secure treatment
- * Refusal of the disclosure of information relative to an adoption
- * Expulsion of student by a school board

The Board is required to issue orders on the matters that it reviews and in doing so, is dependent upon the parties at hearings to present all relevant evidence. The Board does not conduct independent investigations. It must rely on the capabilities and thoroughness of those who submit evidence.

Some details regarding each area of the Board's responsibility are noted as follows:

Residential Placements

A Residential Placement Advisory Committee (RPAC) is required by law to review residential placements of children within its jurisdiction. The RPAC, in addition, must advise the child immediately following such a review, of the child's right to apply to the Board for a further review of the matter.

A child, 12 years of age or older, who is in a residential placement to which he or she objects, may apply to the Board to determine the child's placement. Also, such a child may apply to the Board for a review, if the recommendation of the RPAC is not being followed.

The Orders of the Board, following such reviews, are final and can be subject to Judicial Review. The

Board can order transfer of the child to another residential placement, order that the child be discharged, or confirm the existing placement.

Emergency Secure Treatment

The CFSRB provides that a child with a mental disorder who, as a result of such disorder, has caused or threatens to cause serious bodily harm to self or others, may be admitted to a secure treatment facility on an emergency basis. Such a child, or any other person, has a right to apply to the Board for an order releasing the child from the secure treatment program and the child must be advised of that right.

The administrator of the secure treatment program is required to notify the Office of Child and Family Service Advocacy and the Office of the Children's Lawyer of the child's admission to the program. The Advocacy Office, in turn, is required to ensure that an independent individual explains the right to a review to the child.

If the child decides to apply for a review, the Office of the Children's Lawyer must ensure that the child has legal counsel. The decision of the Board in such cases is final and can be subject to Judicial Review.

The Ministry of Community and Social Services and Ministry of Children and Youth Services have approved six secure treatment programs in the province, pursuant to the CFSA within the following facilities;

- * Youthdale Psychiatric Crisis Centre, Toronto
- * Roberts/Smart Centre, Secure Treatment Program, Ottawa
- * Thistleton Regional Centre for Children and Adolescents, Rexdale
- * George Hull Centre for Children and Families, Etobicoke
- * Beech Grove Children's Centre, Kingston
- * Secure Treatment Program, Syl Apps Campus, Oakville

Adoption

Placement of a child for adoption in Ontario is the legal preserve of the Children's Aid Society or the holder of a licence to place children for adoption.

Licensees, except those exempted from doing so, must first notify a Director appointed by the Ministry of Children and Youth Services of a proposed placement. At the time that a licensee notifies a Director, that licensee also must provide a Director with a report of an adoption home study of the person with whom placement is proposed.

The Director may refuse to approve the placement or may set any terms and conditions on a placement that the Director considers appropriate. In such cases, the Director must notify the licensee and the person with whom placement is proposed and provide written reasons.

In cases where a Director refuses placement of a child for adoption or sets terms and conditions for placement, the applicant and/or Licensee are entitled to a hearing before the Board.

The Board may order the Director to take any action it considers appropriate. Also the Board may confirm, strike out, and/or impose any terms and conditions it considers appropriate.

Adoption Information

Information regarding an adoption may be disclosed to certain individuals under prescribed circumstances. A person, who has been refused disclosure of information that relates to an adoption, may apply to the board for a review of the matter.

Following its review, the Board may make an order requiring the disclosure of all or part of the information to the person or, conversely, make an order confirming the refusal.