

School Board Update

Ontario Legislation Extends Time Limit for Student Expulsions

Date: April 17, 2020

Bill 189, [Coronavirus \(COVID-19\) Support and Protection Act, 2020](#) received Royal Assent on April 14, 2020. Among other things, Bill 189 amends the *Education Act* (Act) to extend the time limit to expel a student where such an extension is recommended by a principal, and granted by the Director of Education.

In the ordinary course, pursuant to section 311.3(8) of the Act, where a student has been suspended and a recommendation to expel the student has been made by a principal, a decision to expel must be made by the school board within 20 school days of the student's suspension. Practically, this means that expulsion hearings before a school board must occur within 20 school days of a student's suspension.

However, given the closure of schools as a result of COVID-19, school boards have expressed concern about their ability to hold expulsion hearings within the statutory timeframe. Bill 189 addresses these concerns with respect to students who were serving a suspension on the day that schools were closed by government order, and where there was a recommendation to expel the student, but an expulsion hearing and board decision had not yet occurred.

In these circumstances, the Director of Education may, *upon the recommendation of a principal*, provide that the normal 20 school day time limit to expel the student does not apply. Rather, where the normal 20 school day time limit does not apply, a school board must nonetheless make a decision whether to expel the student within 20 school days of the expiry of the closure order, unless the parties to the expulsion hearing agree on a later deadline.

School boards should therefore expect that it will be necessary to hold all pending expulsion hearings within 20 school days of the reopening of schools following the COVID-19 pandemic.

Further, while school boards must continue to comply with their ongoing statutory obligation to promptly conduct an investigation following a suspension, we also recommend that school boards conduct a careful review of their own policies and procedures to ensure compliance with any internal time limits and to amend the policies and procedures as appropriate.

If you have questions about the foregoing please contact [Amanda Lawrence-Patel](#) at 416.864.7030 or [your regular Hicks Morley lawyer](#).