

## Administrative Procedure 351

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### STUDENT SUSPENSION AND EXPULSION

#### Background

The Superintendent believes that the maintenance of an atmosphere conducive to learning and to harmonious interpersonal relationships is essential to the achievement of the purposes of its schools. Accordingly, certain behaviour, which is deemed seriously detrimental to such an atmosphere, may be cause for the removal of a student from a school bus, a class, a school function/activity or from school.

To ensure a satisfactory climate for learning, school rules and regulations must be observed by students and teachers must be empowered to enforce those rules and regulations. Students who do not conform to the student code of conduct may negatively affect the school's learning environment and this behaviour cannot be accepted.

The suspension and expulsion of a student is a very serious matter and is only to be taken when other measures have proven to be ineffective or when the seriousness of the offence warrants such action.

Section 31 of the Education Act identifies student responsibilities and sections 36 and 37 deal with student suspensions and expulsions. A student's behaviour may warrant exclusion from class, school, bus or school sponsored functions.

#### Procedures

##### Suspension

1. Further to expectations outlined in **Administrative Procedure 350 Student Discipline**, the following items may be considered as reasons for student suspension, but this listing shall not be considered either complete or so prescriptive as to require that suspension follow automatically when the student commits the offence:
  - 1.1 Open opposition to the authority of the Principal or school staff;
  - 1.2 Willful disobedience over a prolonged period or in a single instance where the disobedience endangers the students, teachers, building or general climate of orderly behaviour;
  - 1.3 Habitual neglect to do work that is assigned to the student and which is within their competence to complete;
  - 1.4 Use of profane or indecent language in the presence of other students or staff;

- 1.5 Threats or acts of physical violence against a teacher or student;
  - 1.6 Any act of indecency;
  - 1.7 Failure to observe and to obey any reasonable rule, regulation, or procedure established by the teacher or by the Principal for maintaining a climate of behaviour conducive to learning;
  - 1.8 Willful damage to school property or equipment; or
  - 1.9 Improper use of drugs or alcohol.
2. The Superintendent will provide a report annually to the Board with a summary of all suspensions of one (1) day or more by date and school.
  3. The Principal and the teachers of a school shall ensure that they are familiar with section 36 of the Education Act that provides the legislated framework governing student suspensions.
  4. A teacher may suspend a student for one (1) class period in accordance with the following:
    - 4.1 The teacher immediately notifies the Principal of the suspension;
    - 4.2 The teacher informs the student about the suspension, its consequences and the reason the suspension is being considered;
    - 4.3 The student is given an opportunity to offer an explanation for his/her action;
    - 4.4 The teacher directs the student to the Principal to remain under the supervision of the school until the student's normal class dismissal time;
    - 4.5 The teacher reports all of the circumstances surrounding the suspension to the Principal, in writing;
    - 4.6 The teacher informs the parents of the student by telephone of the suspension and the circumstances surrounding it as soon as possible;
    - 4.7 The teacher recommends follow-up designed to resolve the problem that led to the suspension.
  5. A Principal may suspend a student from class, school, riding on a school bus or participating in any school activity in accordance with the following:
    - 5.1 The Principal will confer with affected staff members to gather information about the student's misbehaviour.
    - 5.2 The Principal shall prepare a written record of all actions taken in regard to the incident and the student's behaviour;
    - 5.3 The Principal will inform the student about the proposed suspension, its consequences and the reason the suspension is being considered;

- 5.4 The student will be given an opportunity to offer an explanation for his/her behaviour;
- 5.5 If a suspension is warranted, the Principal will inform the student of the reason for the suspension and the length of the suspension;
- 5.6 The Principal shall immediately inform the parents of the student by telephone, of the suspension, including reasons for and length of, and shall immediately report in writing all the circumstances of the suspension to the parents with a copy to the Superintendent;
- 5.7 The Principal shall, if requested, provide an opportunity to meet with the parents, and the student if the student is sixteen (16) years of age or older, to discuss the reasonableness of the suspension;
- 5.8 If the student is not to be reinstated within five (5) school days after the date of the suspension, the Principal shall immediately report in writing all the circumstances of the suspension and provide a recommendation to the Student Discipline Review Committee for expulsion through the office of the Superintendent.

#### Expulsion

6. Expulsion is an action which can be taken only by the Board and only on the basis of a recommendation provided by a Principal. A student may be expelled from one or more specified schools in the Division, and for a specified period of time if:
  - 6.1 A student is suspended in accordance with Section 36 of the Education Act, the principal may recommend, prior to the end of the student's suspension, that the Board expel the student if
    - 6.1.1 the student has displayed an attitude of willful, blatant and repeated refusal to comply with section 31 of the Education Act,
    - 6.1.2 the student has displayed an attitude of willful, blatant and repeated refusal to comply with the code of conduct established under Section 33(2) of the Education Act,
    - 6.1.3 the student's conduct, whether or not the conduct occurs within the school building or during the school day, is injurious to the physical or mental well-being of others in the school, or
    - 6.1.4 the student has distributed an intimate image of another person in the circumstances described in Section 1(1.1) of the Education Act.
7. An expulsion or any rules or conditions may apply to a student beyond the school year in which the student is expelled.

8. The Board may expel a student from a class, from school, or from riding on a school bus.
9. In contemplating a recommendation for expulsion, the Principal shall consult the Superintendent or designate in regard to necessary documentation and procedures, prior to making such a recommendation.
10. When it is the Principal's recommendation that a student be expelled, the Principal shall indicate, within forty-eight hours of initiating the suspension, as much in his/her correspondence to the parent and student (if the student is sixteen years of age or older), and shall forthwith inform the Board through the Superintendent of the suspension and recommendation for expulsion.
11. The Principal shall report in writing to the Board all of the circumstances of the suspension together with the recommendation for expulsion. The Principal's report shall include:
  - 11.1 The recommendation for expulsion including recommended duration of the expulsion;
  - 11.2 A detailed description of the nature of the incident;
  - 11.3 A thorough description of the school administration's investigation of the incident; and
  - 11.4 A summary of other relevant student behaviours and/or administrative interventions, if applicable.
12. The Principal's report to the Board shall be copied to the Superintendent, the parents and the student, if the student is sixteen years of age or older.
13. It is the responsibility of the Superintendent or designate to advise parents and the student, if the student is sixteen years of age or older, of the procedural steps relating to a Principal's recommendation for expulsion, and of the actions being taken with respect to a given student.
14. The Superintendent will inform the student and the student's parent(s), in writing, regarding:
  - 14.1 When and where the Board will meet to consider the recommendation for expulsion.
  - 14.2 Their right to be in attendance, to be heard, to provide written information, and to be represented by counsel or an advocate at that time.
15. The student and the student's parent(s) must have the opportunity to make representation to the Board with respect to the Principal's recommendation to expel the student.

16. When a recommendation for expulsion has been made, the student will remain suspended until the Board has made its decision regarding the recommendation for expulsion. The Board shall, within ten (10) school days of the commencement of the suspension, either reinstate the student or expel the student.
17. In the event the Board determines that a student is to be expelled, the Board shall:
  - 17.1 Declare the terms of the expulsion, including rules or conditions under which the student might be able to subsequently return to his/her regular education program.
18. The Superintendent or designate will, in the event a student is expelled:
  - 18.1 Inform, in writing, the student, where the student is sixteen years of age or older, the parents and the Principal of the Board decision regarding the recommendation for expulsion.
  - 18.2 Inform the parents and the student, if the student is sixteen years of age or older, of their right to request that the Minister of Education review the decision of the Board.
  - 18.3 Inform the parents and the student, if the student is sixteen years of age or older about an alternate program offering(s) for the student.

Reference: Education Act 11, 31, 32, 33, 36, 37, 196, 197, 222 Youth Criminal Justice Act Criminal Code (Canada)	
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References shall be updated as required and do not require additional approval.