



KENORA CATHOLIC DISTRICT SCHOOL BOARD

300 Student Procedures

AP 309: Safe Schools – Student Suspension

The Kenora Catholic District School Board believes it is important that all pupils must have a safe, caring accepting and faith-filled school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.

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. A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school in accordance with the Education Act, Ministry of Education policies and board procedures.

To meet the goal of creating a safe, caring, and accepting school environment, the Kenora Catholic District School Board supports the use of positive practices as well as consequences for inappropriate behavior, including progressive discipline, which includes suspension and expulsion where necessary.

The Board considers homophobia, gender based violence, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, disability and/or any other immutable characteristic or ground protected by the Human Rights Code, as well as inappropriate sexual behaviour unacceptable. Further, the Board supports the use of positive practices to prevent such behaviour and authorizes principals, or their delegates, to impose consequences in appropriate circumstances, up to and including suspension from school.

In accordance with the Education Act, a principal may suspend a student from a school on the grounds that the conduct of the student is so refractory that the presence of the student is injurious to other students or individuals in the school or school system.

1. Suspensions, Investigations and Possible Expulsion

1.1 Activities Leading to Possible Suspension:

A principal shall consider whether to suspend a student if s/he believes that the student has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

- 1) Uttering a threat to inflict serious bodily harm
- 2) Possessing alcohol, illegal drugs or, unless the student is a medical cannabis user, cannabis
- 3) Being under the influence of alcohol, illegal drugs or, unless the student is a medical cannabis user, cannabis

- 4) Swearing at a teacher or other person in a position of authority
- 5) Committing an act of vandalism resulting in extensive damage to school property, or property located on school premises
- 6) Bullying
- 7) Any act considered to be injurious to the moral tone of the school
- 8) Any act considered to be injurious to the physical or mental well-being of any member of the community.
- 9) Any act considered to be contrary to the Board Code of Conduct (AP302).
- 10) Activities engaged in by the student on or off school property that causes the student's continuing presence in the school to create an unacceptable risk to the physical or mental wellbeing of other person(s) in the school or board.

1.2 In considering whether to suspend a pupil for engaging in an activity described in subsection 1.1, a principal shall take into account any mitigating or other factors prescribed by Regulation 472/07 (Behavior, Discipline and Safety of Pupils)

1.3 A student shall be suspended from engaging in all school-related activities

1.4 Duration of Suspension

A principal may suspend a pupil for one (1) and up to Twenty (20) days and in considering how long the suspension should be, the principal shall take into account any mitigating or other factors.

1.5.1 Suspensions of up to five (5) days duration are the mandate of the school principal.

1.5.2 Suspensions over five (5) days must be discussed with and approved by the Superintendent of Instructional Services before the student is suspended.

1.5 Assignment to Program

When a principal suspends a pupil s/he shall assign the pupil a program.

1.6 Mitigating Factors

The following mitigating factors shall be taken into account:

1.6.1 The pupil does not have the ability to control his or her behaviour;

1.6.2 The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour;

1.6.3 The pupil's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

1.7 Other Factors

The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1.7.1 The pupil's history

- 1.7.2 Whether a progressive discipline approach has been used with the pupil
- 1.7.3 Whether the activity for which the pupil may be or is being suspended or expelled was related to any harassment of the pupil because of his or her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment
- 1.7.4 The age of the pupil
- 1.7.5 In the case of a pupil for whom an individual education plan has been developed:
 - 1) Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan
 - 2) Whether appropriate individualized accommodation has been provided
 - 3) Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

2. Principal's Inquiry

- 2.1 When an incident is reported, the principal, vice-principal or designate shall conduct an inquiry in accordance with the principal's authority under the Education Act and Regulations. Form 056 - *Outline of Allegations* may be used to track and report the outline of allegations and, if necessary, Form 057 *Violent Incident Report* may be used.

3. Notice of Suspension

- 3.1 A principal who suspends a pupil shall
 - 3.1.1 inform the pupil's teacher of the suspension; and
 - 3.1.2 make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless,
 - 3.1.2.3 the pupil is at least 18 years old, or
 - 3.1.2.4 the pupil is 16 or 17 years old and has withdrawn from parental control.
- 3.2 A principal who suspends a pupil shall ensure that written notice of the suspension is given promptly to the following persons (using Form 049 – *Notification of Suspension*) :
 - 3.2.1 The pupil.
 - 3.2.2 The pupil's parent or guardian, unless,
 - 3.2.2.3 the pupil is at least 18 years old, or
 - 3.2.2.4 the pupil is 16 or 17 years old and has withdrawn from parental control.
 - 3.2.3 Superintendent of Instructional Services
 - 3.2.4 Board Attendance Counsellor

3.3 Contents of notice

3.3.1 The notice must include the following:

3.3.1.3 The reason for the suspension.

3.3.1.4 The duration of the suspension.

3.3.1.5 Information about any program for suspended pupils to which the pupil is assigned.

3.3.1.6 Information about the right to appeal the suspension including,

3.3.1.6.1.1 a copy of the board policies and guidelines governing the appeal and

3.3.1.6.1.2 the name and contact information of the supervisory officer to whom notice of the appeal must be given.

4. Re-entry

4.1 At the conclusion of the suspension of more than one (1) day and prior to resuming and re-entering classes, the student is required to attend a re-entry meeting with a school administrator.

4.2 The purpose of the meeting will be the provision of positive and constructive redirection for the student.

4.3 The parent(s)/guardians(s) will be encouraged to participate.

5. Suspension Appeals

5.1 The following persons may appeal, to the board, a principal's decision to suspend a pupil:

5.1.1 The pupil's parent or guardian, unless,

5.1.1.3 the pupil is at least 18 years old, or

5.1.1.4 the pupil is 16 or 17 years old and has withdrawn from parental control.

5.1.2 The pupil, if,

5.1.2.3 the pupil is at least 18 years old, or

5.1.2.4 the pupil is 16 or 17 years old and has withdrawn from parental control.

5.1.3 Such other persons as may be specified by board

6. Board designate

6.1 Notices of intention to appeal a suspension shall be received by the Superintendent of Instructional Services.

7. Notice of appeal

7.1 A person who is entitled to appeal a suspension under subsection 5.1 must give written notice of his or her intention to appeal to the Superintendent of Instructional Services within 10 school days of the commencement of the suspension.

8. Board to inform all parties

- 8.1** After receiving a notice of intention to appeal the Superintendent of Instructional Services shall promptly contact every person entitled to appeal the suspension under subsection 5.1 (using Form 030 – *Notice of Suspension Appeal*) and inform him or her that it has received the notice of intention to appeal

9. Party may contact supervisory officer

- 9.1** A person who has given notice of intention to appeal may contact the Superintendent of Instructional Services to discuss any matter respecting the appeal of the suspension.

10. Hearing of appeal

- 10.1** The board shall hear and determine the appeal within 15 school days of receiving notice, unless the parties agree on a later deadline, and shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

11. Appeal process**11.1** Parties to appeal**11.1.1** The parties to the appeal are:

11.1.1.3 The principal who suspended the pupil.

11.1.1.4 The pupil, if,

- the pupil is at least 18 years old, or
- the pupil is 16 or 17 years old and has withdrawn from parental control.

11.1.1.5 The pupil's parent or guardian, if the pupil's parent or guardian appealed the decision to suspend the pupil.

11.1.1.6 The person who appealed the decision to suspend the pupil, if the decision was appealed by a person other than the pupil or the pupil's parent or guardian.

11.1.1.7 Such other persons as may be specified by board.

12. Pupil may attend

- 12.1** A pupil who is not a party to the appeal under subsection (8) has the right to be present at the appeal and to make a statement on his or her own behalf.

13. Powers on appeal**13.1** The board shall,

13.1.1 confirm the suspension and the duration of the suspension;

13.1.2 confirm the suspension, but shorten its duration, even if the suspension that is under appeal has already been served, and order that the record of the suspension be amended accordingly; or

13.1.3 quash the suspension and order that the record of the suspension be expunged, even if the suspension that is under appeal has already been served.

13.1.4 communicate the decision of the suspension review using Form 051 – Decision of Suspension Review). This will be done by the Superintendent of Instructional Services.

14. Decision final

14.1 The decision of the board on an appeal under this section is final.

15. Committee

15.1 The board may authorize a committee of at least three members of the board to exercise and perform powers and duties on behalf of the board under this section, and may impose conditions and restrictions on the committee.

Forms associated with this procedure:

#30 - Notification of Suspension Appeal

#49 – Notification of Suspension for More Than One Day

#51 - Decision of Suspension Appeal Hearing Committee

#54 – Notice of Suspension Pending Principal’s Investigation

#56 – Outline of Allegations

#65 - Grid of Consequences for Inappropriate Behaviour – Suspension (under revision)

#67 - Safe Schools Incident Reporting Form – Part 1

#68 - Safe Schools Incident Reporting Form – Part 2

Legal References:

1. Education Act Part XIII Behaviour, Discipline and Safety
2. Ontario Regulation 472/07 – Behavior, Discipline and Safety of Pupils
3. Guideline—Ontario Schools Code of Conduct
4. Statutory Powers Procedure Act
5. Policy/Program memorandum, No. 144 - Bullying Prevention and Intervention
6. Policy/Program Memorandum, No. 145 - Progressive Discipline and Promoting Positive Student Behavior
7. PPM 128 – The Provincial Code of Conduct and School Boards Code of Conduct
8. Suspension and Expulsion: What Parents Need to Know –
www.edu.gov.on.ca/eng/safeschools/suspexp.html

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