



## ***POLICY: Safe Schools – Pupil Suspension***

Category (Schools & Students)

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## **POLICY: Safe Schools – Pupil Suspension**

### ***Rationale***

The learning environment of our Catholic schools is entrusted to the oversight of staff under the direction and leadership of the school Administrator (Principal, Vice-Principal). With firmness and Christ-like compassion, school Administrators exercise a kind of shepherding role which seeks out the lost, protects the weak and vulnerable members of the community, and maintains a shared commitment to learning and discipleship. This role will require student suspension, from time-to-time, to ensure safety of students and staff, and an ordered learning environment.

It is the policy of the Board that the conduct of students as members of the school community is expected to be modelled after Christ and Catholic values. Conduct falling below that standard requires appropriate discipline which may include suspension from school.

The disciplinary standards and procedures set out in the Board Policy, Suspension of a Pupil, are consistent with the requirements of the Education Act, the applicable Regulations made under that Act and the Ministry of Education Policies and Guidelines.

### ***Personnel Affected by Policy:***

Pupils, Parents, Teachers, Principals, Supervisory Officers, The Board

### ***Organizational Authority:***

The Board

### ***Regulations:***

1. ***Statements from Ministry of Education Policy Program Memoranda:***
  - 1.1 ***Policy/Program Memorandum No. 128 (Provincial Code of Conduct):***
    - a) A school should be a place that promotes responsibility, respect, civility, and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, included, and accepted, and actively promote positive behaviours and interactions. ... (p. 1)
    - b) All students, parents, teachers, and staff members have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate. To foster a positive school climate that supports student achievement and well-being, school

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boards should focus on prevention and early intervention strategies to address inappropriate behaviour. (p. 2)

**1.2 Policy/Program Memorandum No. 145 (Progressive Discipline):**

- a) Progressive discipline is a whole-school approach that utilizes a continuum of prevention programs, interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote and foster positive behaviours. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that are developmentally and socio-emotionally appropriate and include learning opportunities for reinforcing positive behaviour while helping students to make better choices.
- b) In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.
- c) For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths and needs, as well as program goals and learning expectations documented in their Individual Education Plan (IEP). (p. 3)

**1.3 Policy/Program Memorandum No. 141 (School Board Programs for Pupils on Long-Term Suspension):**

... boards must offer at least one program for students who are on long-term suspension. In the written notice of suspension, parents must be notified of the board program to which the student on long-term suspension has been assigned.

While boards are not required to provide programs for students who have been suspended for less than six days, boards are expected to provide homework packages for these students to help ensure that they do not fall behind in their school work. (p. 2)

A Student Action Plan (SAP) must be developed for every student on a long-term suspension who makes a commitment to attend the board program for suspended students. (p. 3)

**2. *Mitigating Factors and Other Factors (Ontario Regulation 472/07, ss. 2 and 3):***

**2.1 Application of Mitigating Factors and Other Factors:**

- a) The Principal shall take into account the mitigating factors and the other factors in considering whether to suspend a pupil.
- b) The Principal shall take into account the mitigating factors and the other factors in considering how long the suspension should be.

**2.2 Mitigating Factors:**

The Principal shall take the following mitigating factors into account:

- a) the pupil does not have the ability to control his or her behaviour;
- b) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour; or
- c) the pupil's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

**2.3 Other Factors:**

The Principal shall take the following factors into account, if the said factors would mitigate the seriousness of the activity for which the pupil may be or is being suspended:

- a) the pupil's history;
- b) whether a progressive discipline approach has been used with the pupil;
- c) whether the activity for which the pupil may be or is being suspended 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;
- d) how the suspension would affect the pupil's ongoing education;
- e) the age of the pupil; and
- f) in the case of a pupil for whom an individual education plan has been developed:
  - i) whether the behaviour was a manifestation of a disability identified in the pupil'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 pupil's behaviour or conduct.

**3. *Pupil Suspension:*****3.1 Activities leading to a Possible Suspension under the Education Act, s. 306 (1):**

A Principal shall consider whether to suspend a pupil, if the Principal believes that the pupil 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:

- a) uttering a threat to inflict serious bodily harm on another person, (including threats made on social networking sites or through instant messaging, text messaging, email and other forms of communications);
- b) possessing alcohol, illegal drugs or, unless the pupil is a medical cannabis user, cannabis;
- c) being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis;

- d) swearing at a Teacher or at another person in a position of authority;
- e) committing an act of vandalism causing extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
- f) bullying;
- g) any other activity for which a Principal may suspend a pupil under the policy of the Board.

**3.2 Activities leading to a Possible Suspension under Board Policy:**

A Principal shall consider whether to suspend a pupil, if the Principal believes that the pupil 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:

- a) being under the influence of illegal drugs;
- b) persistent truancy;
- c) persistent opposition to authority;
- d) habitual neglect of duty;
- e) the wilful destruction of school property;
- f) the use of profane or improper language;
- g) conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school;
- h) infractions off school property where the pupil's conduct in the community negatively impacts on the school;
- i) dress that contravenes the established dress code within a school;
- j) trafficking in legal drugs;
- k) being in possession of, or being under the influence of, or providing others with legal drugs without a prescription for the said drugs, or in a manner or an amount not contemplated by a prescription for the said drugs, or in a manner or an amount not contemplated in the general instructions for use of the said drugs;
- l) taking pictures during an instructional class and in other areas of the school, unless authorized by the Principal or classroom teacher;
- m) harassing another person by the use of mechanical/electronic technology or communications;
- n) invading another person's privacy by the use of mechanical/electronic technology or communications;
- o) serious breaches of the Board Code of Conduct or the School Code of Conduct.

**3.3** A suspension shall be a suspension from the pupil's school and from engaging in all school-related activities.

**3.4** A suspension shall be for no less than one (1) school day and for no more than twenty (20) school days.

**3.5** A Principal may not suspend a pupil more than once for the same occurrence.

**3.6** In considering whether to suspend a pupil and in considering how long the suspension should be, the Principal shall take into account the mitigating factors and other factors set out earlier.

**4. Assignment to a Program (Education Act, s. 306 (5) & (7) and PPM No. 141):**

**4.1 Homework Package:**

When a Principal suspends a pupil for five (5) days or less, arrangements shall be made to provide the pupil with access to a homework package to help ensure that the pupil does not fall behind in his or her school work.

**4.2 Assignment to Program:**

When a Principal suspends a pupil for six (6) or more days, the Principal shall assign the pupil to a program for suspended students.

**4.3 Discipline and Safety Requirements:**

Prior to entry into a program for suspended pupils, each suspended pupil, if applicable, and the pupil's parent or guardian in the case of pupils under the age of eighteen shall sign a written Agreement agreeing to attend the program for suspended pupils and agreeing to be bound by the discipline and safety requirements. The requirement for the signature of a parent or guardian shall be waived for pupils who are 16 or 17 years of age and who have withdrawn from parental control.

**4.4 Student Action Plan (SAP):**

A Student Action Plan (SAP) shall be developed for every pupil who has been assigned to a program for suspended pupils provided the necessary written commitment to attend the program and to be bound by the discipline and safety requirements has been obtained.

**4.5 Planning Meeting:**

The Principal shall hold a planning meeting in accordance with the relevant provisions of PPM #141 for holding such planning meetings. A precondition for the said planning meeting is the obtaining of the necessary written commitment to attend the program and to be bound by the discipline and safety rules.

**4.6 Status of Suspended Pupil:**

A pupil who is suspended is not considered to be engaged in school-related activities by virtue of participating in a program for suspended students.

**5. Notice of Suspension (Education Act, ss. 308 & 309):**

**5.1** A Principal who suspends a pupil under section 306 of the Education Act shall:

- a) inform the pupil, if applicable and possible;
- b) inform the pupil's teacher of the suspension; and
- c) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless
  - i) the pupil is at least 18 years old or
  - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.

**5.2** A Principal who suspends a pupil shall ensure that written notice of the suspension is given promptly to the following persons:

- a) the pupil;
- b) the pupil's parent or guardian, unless
  - i) the pupil is at least 18 years old or
  - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.

**5.3** A copy of the notice of suspension shall be filed in the pupil's OSR Folder.

**5.4** The written notice shall include:

- a) the reason for the suspension;
- b) the duration of the suspension;
- c) provide information about any program for suspended students to which the pupil is assigned; and
- d) provide information about the right to appeal the suspension including:
  - i) a copy of the Board Policies and Guidelines governing suspension appeals and
  - ii) the name and contact information of the current Superintendent of Education to whom notice of the appeal must be given.

**5.5** For incidents set out in Appendix A, the Principal shall request police involvement or response. For incidents set out in Appendix B, the Principal shall report the violent incident to the Ministry of Education. (Appendices A and B are set out at the beginning of the Safe Schools Policy Section.)

**5.6** Where circumstances warrant, the Principal shall complete and file a Violent Incident Report in the pupil's OSR Folder as set out in Appendix C which is set out at the beginning of the Safe Schools Policy Section.

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**6. *Re-entry Meetings for Pupils on Long-Term Suspension***

**6.1** In conjunction with the pupil's suspension the Principal shall arrange for such re-entry meeting(s) as are required with the pupil, the pupil's Teacher and such other resource persons as required. The pupil's parent or guardian will be encouraged to attend such meetings, unless the pupil is at least 18 years old or the pupil is 16 or 17 years old and has withdrawn from parental control.

**7. *Appraisal of Suspensions:***

**7.1** If the pupil is suspended for the maximum period allowed or is suspended more than once during a school year, the Board shall ensure that a Guidance Counsellor or other appropriate resource person employed by the Board:

- a) reviews the circumstances of the suspension or suspensions, as the case may be; and
- b) where appropriate, informs the pupil and the pupil's parent or guardian, unless the pupil is at least 18 years old or the pupil is 16 or 17 years old and has withdrawn from parental control, of services that are available from the Board or elsewhere in the community to assist the pupil.

**8. *Record of Suspension:***

**8.1** Information relating to pupil suspension for violent behaviour shall not be removed from the suspended pupil's OSR Folder unless three consecutive years have passed during which no further suspensions for violent incidents have taken place.

**8.2** Information relating to student suspensions for conduct which did not involve violent behaviour shall be retained in the suspended pupil's OSR Folder for at least one school year.

**8.3** At the end of each school year the Principal in consultation with the appropriate Superintendent shall review each suspension relating to conduct which did not involve violent behaviour which took place over one (1) year ago and make a determination whether the record of the suspension should be expunged or retained.

**8.4** Information relating to pupil suspension for conduct which did not involve violent behaviour shall be removed from the suspended pupil's OSR Folder, if three (3) consecutive years have passed during which no further suspensions have taken place.

**9. *Suspension Appeal Rights (Education Act, s. 309):***

**9.1** The following persons may appeal, to the Board, a Principal's decision to suspend a pupil:

- a) The pupil's parent or guardian, unless
  - i) the pupil is at least 18 years old or
  - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- b) The pupil, if
  - i) the pupil is at least 18 years old or
  - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- c) In the event that a pupil does not have a parent or a formal guardian, such other persons as the Chair of the Hearing Committee in his or her discretion may direct.

**9.2** The current Superintendent of Education or his or her designate shall be the person appointed by the Board for the purposes of receiving notices of intention to appeal a suspension.

**9.3** A person who is entitled to appeal a suspension must give written notice of his or her intention to appeal to the current Superintendent of Education within 10 school days of the commencement of the suspension.

**9.4** Board Policy shall govern an appeal of a decision to suspend a pupil.

***Related Information***

*Procedures / Information for this Policy*

Appendix: Suspended Pupil Program

*Procedures / Information for the Safe Schools Policies*

Appendix A: Occurrences Requiring Police Response

Appendix B: Reporting Violent Incidents to the Ministry of Education (MOE)

Appendix C: Incident Reporting Form

Appendix D: Suicide Prevention Protocol

[Appendices A-D are set out at the beginning of the Safe Schools Policy Section.]

*Related Board Policies*

POLICY: Safe Schools – Access to School Premises

POLICY: Safe Schools – Bullying, Prevention, Intervention & Suicide Protocol

POLICY: Safe Schools – Code of Conduct

POLICY: Safe Schools – Delegation of Authority

POLICY: Safe Schools – Progressive Discipline

POLICY: Safe Schools – Pupil Suspension

POLICY: Safe Schools – Pupil Suspension Appeal

POLICY: Safe Schools – Pupil Expulsion



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POLICY: Safe Schools – Pupil Expulsion Hearing

*Other Relevant Board Policy and Procedure (Administration Category)*

POLICY: Information (Personal) – Collection, Use and Disclosure

PROCEDURE A: Information (Personal) – Student Information

APPENDIX A - Explanation Related to Student Information

*Legislation [see Ontario Government web site: e-laws]*

Education Act, Part XIII, ss. 300 – 316, (Behaviour, Discipline and Safety)

Education Act, ss. 306 - 309 (Pupil Suspension)

Education Act, ss. 310 – 316 (Suspension leading to Expulsion)

Access to School Premises (Ontario Regulation 474/00)

Behaviour, Discipline and Safety of Pupils (Ontario Regulation 472/07)

*Ministry of Education [see Ontario Ministry of Education web site]*

Policy / Program Memorandum No. 120 (Reporting Violent Incidents to the MOE)

Policy / Program Memorandum No. 128 (Provincial Code of Conduct and School Board Codes of Conduct)

Policy / Program Memorandum No. 141 (School Board Programs for Students on Long Term Suspensions)

Policy / Program Memorandum No. 142 (School Board Programs for Expelled Students)

Policy / Program Memorandum No. 144 (Bullying Prevention and Intervention)

Policy / Program Memorandum No. 145 (Progressive Discipline & Promoting Positive Student Behaviour)

Suicide. In *Supporting Minds*, Draft Version 2013 (pp. 126-137)

*Other Relevant Information*

(June 2015) Local Police and School Board Protocol.