

## **ADMINISTRATIVE PROCEDURE 358**

### **Student Suspension**

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The Director of Education has established Administrative Procedure 350 (Safe Schools: Codes of Student Behaviour and Discipline) to define clear and consistent expectations for desired student conduct. Part XIII of the Education Act also requires all schools in the Limestone District School Board to have a written code of student behaviour.

There will be times when students do not follow the terms of the school and District codes of behaviour. It is important that administrators and teachers deal with inappropriate behaviour in a fair, firm and consistent way. This Administrative Procedure describes inappropriate behaviour and establishes clear and consistent consequences for such behaviour. One such consequence is suspension. All suspensions levied against a student shall be in accordance with the Education Act, the Regulations made under that Act, and Board policies and procedures.

#### **1.0.0 ACTIVITIES FOR WHICH A SUSPENSION SHALL BE CONSIDERED**

1.1.0 The Director of Education and the system administrators fully respect and support the powers of Principals with regard to suspensions as outlined in this Procedure and in the *Education Act* and uphold the principle that the proof of an offence consists of reasonable evidence based on observation and/or investigation.

1.2.0 A student may be suspended if he or she engages in any of the following activities while at school, at a school-related activity or in other circumstances in which engaging in the activity will have an impact on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol or illegal drugs;
3. Being under the influence of alcohol or illegal drugs;
4. Swearing at a teacher or at another person in a position of authority;
5. Committing an act of vandalism that causes damage to school property at the student's school or to property located on the premises of the student's school;
6. Bullying;
7. Persistent truancy;
8. Persistent opposition to authority;
9. Habitual neglect of duty;
10. Conduct injurious to the moral tone of the school and/or physical or mental well being of others in the school;
11. Any other activity that is an activity for which a Principal may suspend a student under a policy of the Board.

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- 1.3.0 Where a Principal believes that a student has engaged in any of these behaviours, the Principal must consider whether a suspension is warranted. In determining this, the Principal must take into account the following “mitigating” and “other” factors:

#### Mitigating Factors

1. The student does not have the ability to control his/her behaviour;
2. The student does not have the ability to understand the foreseeable consequences of his/her behaviour; and
3. The student’s continuing presence in the school does not create an unacceptable risk to the safety of any person.

#### Other Factors

1. The student’s history;
2. Whether a progressive discipline approach has been used with the student;
3. Whether the activity for which the student may be or is being suspended was related to any harassment of the student because of his/her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
4. How the suspension would affect the student’s ongoing education;
5. The age of the student; and
6. In the case of a student for whom an individual education plan (IEP) has been developed,
  - (i) whether the behaviour was a manifestation of a disability identified in the student’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 student’s behaviour or conduct.

- 1.4.0 If a Principal decides to suspend a student, then the Principal shall suspend the student from his/her school and from engaging in all school-related activities.

- 1.5.0 The suspension shall be for a minimum of one school day and for no more than twenty school days. In determining the length of the suspension, the Principal must again consider the “mitigating” and “other” factors listed above.

- 1.6.0 Where a student is suspended, he/she may be readmitted but only after the Principal or Vice-Principal has met or communicated with the student and his/her parent or guardian and agreed to conditions for the readmission of the student.

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1.7.0 Where a Principal suspends a student for more than five school days, the Principal must assign that student to a program for suspended students.

1.8.0 A Principal cannot suspend a student more than once for the same occurrence.

1.9.0 A Principal who suspends a student must:

- (1) Inform the student's teacher(s) of the suspension; and
- (2) Make all reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control).

Notwithstanding 1.9.0 (2), where the student is less than 18 years old and has not withdrawn from parental control, the principal's duty of care is such that the student's parent or guardian must be advised of the suspension before the student is released into the parent/guardian's care during the school day.

1.10.0 A Principal who suspends a student must also ensure that that student's bus driver is informed that the student will not be riding the bus for the duration of the suspension.

1.11.0 A Principal who suspends a student must promptly provide written notice of the suspension to:

- (1) The student;
- (2) the student's parent or guardian (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control); and
- (3) Any other person as specified by Board policy.

1.12.0 The written notice must include:

- (1) The reason for the suspension;
- (2) The duration of the suspension;
- (3) Information about any program for suspended students to which the student is being assigned;
- (4) Information about the right to appeal the suspension including a copy of the Board's Policy no.13 and the name and contact information of the Director of Education or designate to whom the notice of appeal must be given.

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- 1.13.0 A student who is suspended is not considered to be engaged in school-related activities by virtue of using services, taking a course or participating in a program designed to assist such students (i.e., Youth Diversion, Anger Management Programs, etc.) where such services, courses or programs are accessed as a result of a referral by the school or where those services, courses or programs are outside of the school system.
- 1.14.0 A suspension may be appealed in accordance with Board Policy no. 13.

#### **2.0.0 ACTIVITIES FOR WHICH A STUDENT SHALL BE SUSPENDED AND MAY BE EXPELLED**

- 2.1.0 The Director of Education and the system administrators fully respect and support the duty of Principals with regard to suspensions as outlined in this Procedure and in the *Education Act* and uphold the principle that the proof of an offence consists of reasonable evidence based on observation and/or investigation.
- 2.2.0 A student shall be suspended if the Principal 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. Possessing a weapon, including possessing a firearm;
  2. Using a weapon to cause or to threaten bodily harm to another person;
  3. Committing a physical assault on another person that causes bodily harm requiring treatment by a medical practitioner;
  4. Committing a sexual assault;
  5. Trafficking in weapons or illegal drugs;
  6. Committing a robbery;
  7. Giving alcohol to a minor;
  8. Giving drugs to a minor;
  9. The student's pattern of behaviour is so refractory that the student's presence is injurious to the effective learning and/or working environment of others;
  10. The student has engaged in activities that cause the student's continuing presence in the school to be injurious to the physical or mental well being of other students or persons in the school;
  11. The student has demonstrated through a pattern of behaviour (i.e. neglect of duty, truancy or opposition to authority) that he/she has not prospered by the instruction available to him/her and that he/she is persistently resistant to making the changes in behaviour which would enable him/her to prosper;

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12. Bullying, if, (i) the pupil has previously been suspended for engaging in bullying, and (ii) the pupil's continuing presence in the school creates an unacceptable risk to the safety of another person;
13. Any activity outlined in 1.2.0 that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor; and
14. Any other activity that is an activity for which a Principal must suspend a student under a Policy of the Board and, accordingly, must also conduct an investigation to determine whether to recommend to the Board that the student be expelled.

2.3.0 A student who receives a suspension is suspended from his/her school and from engaging in all school-related activities.

2.4.0 A Principal may impose a suspension for up to twenty school days. In determining the duration of the suspension, the Principal must take into account the following "mitigating" and "other" factors:

#### Mitigating Factors

1. The student does not have the ability to control his/her behaviour;
2. The student does not have the ability to understand the foreseeable consequences of his/her behaviour; and
3. The student's continuing presence in the school does not create an unacceptable risk to the safety of any person.

#### Other Factors

4. The student's history;
5. Whether a progressive discipline approach has been used with the student;
6. Whether the activity for which the student may be or is being suspended was related to any harassment of the student because of his/her race, ethnic origin, religion, disability, gender or sexual orientation or to any other harassment;
7. How the suspension would affect the student's ongoing education;
8. The age of the student; and
9. In the case of a student for whom an individual education plan (IEP) has been developed,

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- i. Whether the behaviour was a manifestation of a disability identified in the student'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 student's behaviour or conduct.
- 2.5.0 Where a student is suspended , he/she may be readmitted but only after the Principal or Vice-Principal has met or communicated with the student and his/her parent or guardian and agreed to conditions for the readmission of the student.
- 2.6.0 Where a Principal suspends a student, the Principal must assign that student to a program for suspended students.
- 2.7.0 A Principal cannot suspend a student more than once for the same occurrence.
- 2.8.0 A Principal who imposes a suspension must:
  - (1) Inform the student's teacher(s) of the suspension; and
  - (2) Make all reasonable efforts to inform the student's parent or guardian of the suspension within 24 hours of the suspension being imposed (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control).

Notwithstanding 2.8.0 (2), where the student is less than 18 years old and has not withdrawn from parental control, the principal's duty of care is such that the student's parent or guardian must be advised of the suspension before the student is released into the parent/guardian's care during the school day.
- 2.9.0 A Principal who suspends a student must also ensure that that student's bus driver is informed that the student will not be riding the bus for the duration of the suspension.
- 2.10.0 A Principal who imposes a suspension must promptly provide written notice of the suspension to:
  - (1) The student;
  - (2) the student's parent or guardian (unless the student is at least 18 years old or is 16 or 17 years old and has withdrawn from parental control); and
  - (3) Any other person as specified by Board policy.
- 2.11.0 The written notice must include:

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- (1) The reason for the suspension;
- (2) The duration of the suspension;
- (3) Information about any program for suspended students to which the student is being assigned;
- (4) Information about the investigation that the Principal will conduct to determine whether to recommend that the student be expelled; and
- (5) a statement indicating that while there is no immediate right to appeal the suspension there is a right to appeal the suspension if the Principal conducts his/her investigation and does not recommend to the Board that the student be expelled or if the Principal conducts his/her investigation and does recommend to the Board that the student be expelled such that there is an expulsion hearing.

2.12.0 Following a suspension, a Principal must conduct an investigation to determine whether to recommend to the Board that the student be expelled. This investigation and the possible subsequent expulsion hearing are detailed in Administrative Procedure 359 (“Student Expulsion”).

2.13.0 A student who is suspended is not considered to be engaged in school-related activities by virtue of using services, taking a course or participating in a program designed to assist such students (i.e., Youth Diversion, Anger Management Programs, etc.) where such services, courses or programs are accessed as a result of a referral by the school or where those services, courses or programs are outside of the school system.

2.14.0 A suspension may be appealed in accordance with Board Policy No. 13.

### **3.0.0 Suspension Ordered by the Medical Officer of Health**

3.1.0 In accordance with the Immunization of School Pupils Act, and Reg. 645, the Medical Officer of Health may order that a student be suspended or excluded from school where the student is not immunized as required by legislation and is not legally exempt from being immunized.

#### **Legal References**

Education Act, ss 306-308 Suspension

Ontario Regulation 472/07 “Suspension and Expulsion of Pupils”

P/PM 128 Ontario Schools Code of Conduct

Immunization of School Pupils Act, and Regulation 645

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