

RAINBOW DISTRICT SCHOOL BOARD

POLICY & PROCEDURES MANUAL		P.6.06
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POLICY STATEMENT

P. 6.06 SUSPENSION

IN ORDER TO MEET THE GOAL OF CREATING A SAFE AND CARING SCHOOL ENVIRONMENT, THE BOARD SUPPORTS THE USE OF POSITIVE PRACTICES AS WELL AS CONSEQUENCE FOR INAPPROPRIATE BEHAVIOUR, WHEN NECESSARY.

THE BOARD WILL DEAL WITH SUSPENSIONS OF PUPILS IN ACCORDANCE WITH THE *EDUCATION ACT*, AS AMENDED BY THE *EDUCATION ACT AMENDMENT ACT (PROGRESSIVE DISCIPLINE AND SCHOOL SAFETY) 2007* AND THE REGULATIONS.

OPERATIONAL PROCEDURES

OP. 6.06 SUSPENSION

1. BACKGROUND

Rainbow District School Board, the Provincial Code of Conduct, and the *Education Act* create expectations for behaviour for all persons on school property. It is important that all pupils have a safe and caring school environment in order to maximize their learning potential.

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.

2. DEFINITIONS

The following definitions apply for the purposes of this policy.

Appellant – is a person who appeals a decision.

Adult Pupil – is a pupil who is 18 years or older or 16 or 17 and has

removed him/herself from parental control.

ASP – is the Alternative Suspension Program.

Board Expulsion – is an expulsion from all schools of the Board.

Bullying - is typically a form of repeated, persistent and aggressive behaviour directed at an individual or individuals that is intended to cause (or should be known to cause) fear and distress and/or harm to another person's body, feelings, self-esteem, or reputation. Bullying occurs in a context where there is a real or perceived power imbalance.

Daily Care and Control – a person with daily care and control is an adult person (18 years or older) who is not the custodial parent/guardian of the pupil, who is less than 18 years old, but is a person who cares for the pupil on a daily basis and is known by the school to provide daily care, for example a grandparent, aunt, uncle, older brother or sister.

Discipline Committee – a committee of three or more Trustees designated to determine suspension appeals and recommendations for expulsion.

Harassment – words, conduct or action that is directed at an individual and serves no legitimate purpose and which annoys, alarms or causes that individual emotional distress.

Parent/Guardian – means the custodial parent or guardian of a minor child who is not 16 or 17 and removed from parental control.

Impact on School Climate - an incident or activity which has a negative impact on the school community.

School Community - is composed of staff, pupils and parents of the school and feeder schools / family of schools as well as the community of people and businesses that are served by or located in the greater neighbourhood of the school.

Weapon – is any object or thing used to threaten or inflict harm on another person and includes, but is not limited to, knives, guns, replica guns and animals.

SAP – is the Student Action Plan.

3. ACTIVITIES LEADING TO POSSIBLE SUSPENSION

Suspension shall be considered when a principal's investigation of an incident, which should include consultation with the pupil's parent/guardian and pupil or the adult pupil, determines that the pupil has committed one

or more of the infractions outlined below on school property, during a school-related activity or event, and/or in circumstance where the infraction has an impact on school climate.

A student may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days. The infractions include:

- a) Uttering a threat to inflict serious bodily harm on another person.
- b) Possessing alcohol or illegal drugs.
- c) Being under the influence of alcohol.
- d) Swearing at a teacher or at another person in a position of authority
- e) Committing an act of vandalism that causes extensive damage to school property.
- f) Bullying.
- g) Use of profane or improper language.
- h) Smoking on school property.
- i) Academic dishonesty.
- j) Inappropriate use of technology.
- k) Inappropriate dress.
- l) Any act considered by the principal to be injurious to the moral tone of the school.
- m) Any act considered by the principal to be injurious to the physical or mental well-being of members of the school community.
- n) Any act considered by the principal to be contrary to the Board or school Code of Conduct.

4. MITIGATING AND OTHER FACTORS

Before recommending a suspension from the pupil's school, the principal must consider any mitigating and other factors such as:

- 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.
- c) The pupil's continuing presence in the school does not create an unacceptable risk to the safety of any person.

If a pupil does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the principal will strongly consider not to suspend the pupil. Alternative discipline and/or other intervention may be considered by the principal in such circumstances. If the pupil poses an unacceptable risk to the safety of others in the school, the principal will consult with his/her Superintendent regarding appropriate accommodations and/or strategies that might be instituted to ensure the safety of pupils and staff.

Where the pupil is able to control his/her behaviour and is able to

understand the foreseeable consequences of his/her behaviour, the principal will consider whether the following factors mitigate the length of a suspension or the decision to apply a suspension as a form of discipline for the pupil:

- 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.

In the case of a pupil for whom an Individual Education Plan (IEP) has been developed:

- a) Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan.
- b) Whether appropriate individualized accommodation has been provided.
- c) Whether the suspension is likely to result in aggravating or worsening of the pupil's behaviour or conduct.

In circumstances where one or more of the factors above mitigate the decision to apply a suspension as a form of discipline for the pupil, the principal may consider whether alternative discipline and/or other intervention is appropriate in the circumstances.

5. CONSULTATION

Before imposing a suspension of eleven (11) or more days, the principal will consult with the Superintendent of the school regarding:

- a) The investigation undertaken.
- b) The circumstances of the incident.
- c) Whether or not one or more of the factors outlined above are applicable in the circumstances.
- d) The appropriate length of the suspension.

6. SCHOOLWORK

Where a pupil has been suspended for up to five (5) days schoolwork must be available on the first day of the suspension to be completed at home while serving the suspension. The schoolwork must be available to be picked by the pupil's parent/guardian or designate or the adult pupil's

designate.

A pupil who is subject to a suspension of six (6) or more days must be assigned an Alternative Suspension Program (ASP).

A suspended pupil shall not engage in school or school-related activities.

7. SUSPENSION PROCEDURES

Where a principal has determined that it is appropriate to impose a suspension, the principal will follow these procedural steps:

- a) Within 24 hours of the decision, the principal must make all reasonable efforts to orally inform the pupil's parent/guardian or adult pupil of the suspension.
- b) The principal must inform the pupil's teacher(s) of the suspension.
- c) The principal, in conjunction with the pupil's teacher(s), must make every effort to include schoolwork with the letter of suspension on the day the pupil is suspended.
- d) As soon as possible the principal must provide written notice of the suspension to the pupil, the pupil's parent/guardian or the adult pupil and the Superintendent of the school.
- e) The written notice of suspension will include:
 - i) the reason for suspension;
 - ii) the duration of the suspension;
 - iii) information about the ASP the pupil is assigned to, where appropriate;
 - iv) information about the right to appeal the suspension, including the relevant policies and guidelines; and
 - v) the contact information for the Director of Education.
- f) If possible, the letter of suspension will be provided to the pupil to be taken home on the day of the suspension. The letter must also be mailed, couriered, faxed or emailed to the home address that day or as soon thereafter as possible.
- g) If schoolwork is not sent home with the pupil, the principal will ensure that the schoolwork will be available for the pupil's parent/guardian or designate or the adult pupil's designate to pick-up from the school the day the pupil is suspended or the following day.

- h) When notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent.
- i) When notice is sent by fax or e-mail, it will be deemed to have been received the first school day after it was sent.
- j) Where the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to Board property or property located on Board property, consideration should be given to filling out and filing a Violent Incident Form in the pupil's Ontario Student Record.

8. ALTERNATIVE SUSPENSION PROGRAM (ASP)

Where a pupil has been suspended for six (6) or more days the pupil will be assigned an alternative program for pupils subject to lengthy suspension (Alternative Suspension Program or ASP).

A pupil cannot be compelled to participate in an ASP. Should the pupil's parent/guardian or the adult pupil choose not to have the pupil participate in an ASP, the pupil will be provided with schoolwork consistent with the Ontario curriculum or that pupil's modified or alternative curriculum to be completed at home for the duration of his/her suspension. This schoolwork will be available at the school for pick-up by the pupil's parent/guardian or designate or the adult pupil's designate at regular intervals during the suspension period, beginning the day after the pupil's parent/guardian or adult pupil declines participation in the ASP.

A Student Action Plan (SAP) will be developed for every pupil subject to a suspension of six (6) or more days who agrees to participate in an ASP.

Shortly after a suspension has been issued, agreement to participate in an ASP or refusal to participate may be communicated to the school orally by the pupil, the pupil's parent/guardian or adult pupil. Where the pupil, pupil's parent/guardian or adult pupil declines the offer to participate in an ASP, the principal shall record the date and time of such refusal.

9. PLANNING MEETING

For pupils subject to a suspension of six (6) or more days who choose to participate in an ASP, the principal of the school or designate will hold a planning meeting for the purpose of developing the SAP.

The pupil and the pupil's parent/guardian or the adult pupil as well as any appropriate teaching and support staff will be invited to participate in the planning meeting.

The planning meeting will be scheduled to occur within two (2) school days of the pupil's parent/guardian or the adult pupil informing the school that the pupil will participate in an ASP.

If the pupil's parent/guardian or the adult pupil is not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the SAP will be provided to them following the meeting.

During the planning meeting the principal or designate will review the issues to be addressed in the pupil's SAP.

10. STUDENT ACTION PLAN (SAP)

A pupil subject to suspension for eleven (11) or more days will be provided with both academic and nonacademic supports, which will be identified in the pupil's SAP. Pupils subject to a suspension of fewer than eleven (11) days may be offered non-academic supports where such supports are appropriate and available.

The SAP will be developed under the direction of the principal of the school with assistance, as appropriate, from the vice-principal of the school, guidance counsellor, special education teacher and/or classroom teacher.

The principal will make every effort to complete the SAP within five (5) school days following the pupil's parent/guardian or adult pupil informing the school that the pupil will participate in an ASP.

This timeline will be communicated to the pupil's parent/guardian or adult pupil if they are unable to attend the planning meeting for the purpose of providing input.

Once completed, the SAP will be shared with the pupil's parent/guardian or adult pupil and the pupil and all necessary staff to facilitate implementation.

A copy of the SAP will be stored in the pupil's Ontario Student Record until such time as it is no longer conducive to the improvement of instruction of the pupil.

The SAP will identify:

- a) The incident for which the pupil was suspended.
- b) The progressive discipline steps taken prior to the suspension, if any.

- c) Any alternative discipline measures imposed in addition to the suspension.
- d) Any other disciplinary issues regarding the pupil that have been identified by the school.
- e) Any learning needs or other needs that might have contributed to the underlying infraction resulting in discipline.
- f) Any program(s) or service(s) that might be provided to address those learning or other needs.
- g) The academic program to be provided to the pupil during the suspension period and details regarding how that academic program will be accessed by the pupil
- h) Where the pupil has an IEP, information regarding how the accommodations/modifications of the pupil's academic program will be provided during the period of suspension.
- i) The non-academic program and services to be provided to the pupil, if applicable, during the suspension and details regarding how that non-academic program and those services will be accessed.
- j) The measurable goals the pupil will be striving to achieve during the period of suspension.

11. RE-ENTRY

Following a suspension, a re-entry meeting will be held with the principal and/or vice-principal, the pupil and, where possible, the pupil's parent/guardians before the pupil returns to school. The purpose of this meeting is to facilitate the pupil's transition back to school by, for example, identifying and providing for any additional academic and non-academic support that the pupil may require upon returning to school. Where appropriate, community agency staff and any other significant persons or professionals may be invited to the re-entry planning.

Where the pupil has participated in an ASP, the pupil's success in achieving the goals outlined in the SAP will be reviewed with the pupil and the pupil's parent/guardian or the adult pupil.

12. SUSPENSION REVIEWS

The parent/guardian or the adult pupil may request a review of a decision

to suspend where a suspension has been issued.

A written request setting out the reasons for a review must be made within three (3) days of receipt of notice of the suspension. The time for requesting the review may be extended at the discretion of the Superintendent of the school where circumstances precluded a request within the requisite time frame.

The review shall take place upon receipt by the Superintendent of the school of a request for a review.

13. SUSPENSION APPEAL PROCESS

Where a suspension review has occurred, the pupil's parent/guardian or the adult pupil may appeal the suspension imposed by the principal. In accordance with the Board's administrative procedures, the appeal must be made in writing and delivered to the Director of Education within ten (10) days of the commencement of the suspension.

Timing of the Appeal Hearing

The Discipline Committee must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of the intention to appeal (unless parties agree to an extension) in accordance with the Board's administrative procedures. The hearing will be no more than two hours in length.

Discipline Committee

The powers and the duties of the Board under the *Education Act* and *Regulations and the Statutory Powers Procedure Act*, in dealing with the appeal of a suspension, shall be exercised and performed by 3 members or fewer of the Discipline Committee. Quorum for this committee is one (1) member.

The Director or designate will act in an advisory role to the committee on procedural matters during the appeal hearing and the committee's subsequent deliberations.

The Superintendent of the school will act as advisor to the principal.

Parties

The parties to the appeal shall be the pupil's parent/guardian and/or designate or the adult pupil and/or designate and the principal. The chair of the Discipline Committee may require that other interested parties be a party to the appeal. The chair of the Discipline Committee may grant party status to any other person who makes a request to be a party to the appeal.

Pre-hearing Conference

A pre-hearing conference will be held at least five (5) working days in advance of the hearing or as soon as reasonably possible prior to the hearing. Pre-hearing conferences may be conducted electronically.

Pre-hearing Disclosure

The parties, under the direction of the chair or designate, of the Discipline Committee shall exchange the following:

- an outline of the party's position, setting out with particularity the party's position on the circumstances which gave rise to the suspension and the party's position on the suspension
- copies of any documents which the party proposes to submit at the hearing
- where the party proposes to call witnesses, a list of the witnesses whom the party intends to call and a brief outline of what the witnesses will say.

Hearing Procedures

The hearing will be conducted in accordance with this policy, the Board's administrative procedures, and the Statutory Powers Procedure Act.

In-camera Hearing

Since intimate personal matters involving the pupil and in some cases, other persons, will be disclosed at the hearing, the interests of the privacy of the pupil and such other persons outweigh the desirability of holding a public hearing and require that the hearing be conducted in-camera. However, this may be reconsidered by the Discipline Committee in any particular case and the Committee may direct that the hearing be open to the public where the Committee determines that the holding of an open public hearing outweighs the concern for privacy of the pupil or other persons.

Disposition

The Discipline Committee may:

- confirm the principal's decision
- modify the duration of the suspension, or
- expunge the record.

The decision of the Discipline Committee is final. The decision shall be communicated to the appellant in writing.