



ADMINISTRATIVE PROCEDURE STUDENTS, PARENTS AND COMMUNITY	
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## STUDENT DISCIPLINE: SUSPENSION

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### 1. PURPOSE

This administrative procedure has been developed to support a progressive discipline approach that uses a continuum of interventions, supports, and consequences to address inappropriate student behaviour. When early and ongoing interventions and supports to promote positive behaviour have not met with success, and/or in the case of serious incidents, principals may find that short-term suspension is a useful tool. Principals may respond to other situations with a long-term suspension, which is further along the continuum of progressive discipline.

Rainbow District School Board, the provincial code of conduct, the *Education Act*, regulations, and policy/program memoranda create expectations for behaviour for all persons on school property. It is important that all students have a safe and caring school environment in order to maximize their learning potential.

As directed by the *Education Act*, principals are required to maintain proper order and discipline in schools and students 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

**Progressive Discipline:** Progressive discipline is the consistent use of a range of disciplinary interventions, supports, and consequences consistent with Ministry of Education direction and Policy/ Program Memorandum No. 145.

**Adult Student:** An adult student is 18 years of age or older, or 16 or 17 and has removed themselves from parental control.

**Bullying:** 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.

**Harassment:** Harassment means words, conduct, or actions that are directed at an individual and serves no legitimate purpose and which annoys, alarms, or causes that individual emotional

distress. The term is often, but not always, related to the grounds enumerated in the Ontario *Human Rights Code*.

**Suspension:** A suspension means students are removed from school temporarily for a specific period of time. Students may be suspended for a period of time ranging from one school day to twenty school days. Students who are suspended for more than five school days are considered to be on long-term suspension. Students cannot take part in school activities or events while suspended.

**Mitigating and Other Factors:** Mitigating and other factors must be taken into account when discipline is being considered. These factors are described in Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils.

**Tribunal:** The tribunal is a committee of three or more members of the Board of Trustees designated to decide upon suspension appeals.

**Parents:** Every use of “parents” in this administrative procedure includes legal guardians and a single parent or guardian.

### 3. APPLICATION

This administrative procedure applies to any student of the Rainbow District School Board that has committed one or more of the infractions outlined in this administrative procedure on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on school climate.

## PROCEDURES

### 4. Activities that can lead to suspension

4.1 Suspension shall be considered when a principal’s investigation of an incident determines 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;
- b) possessing alcohol, cannabis, illegal drugs, or restricted drugs;
- c) consumption of cannabis on school property;
- d) being under the influence of alcohol or drugs and/or cannabis;
- e) sharing cannabis on school property;
- f) swearing at a teacher or at another person in a position of authority;
- g) committing an act of vandalism that causes extensive damage to school property;
- h) bullying;
- i) use of profane or improper language;
- j) smoking/vaping on school property;
- k) academic dishonesty;
- l) inappropriate use of technology;
- m) any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
- n) any act considered by the principal to be contrary to the Board code of conduct.

A student may be suspended only once for a particular instance of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days.

The principal shall also contact the police, consistent with the Ontario North East Region Safe Schools Protocol, if the infraction the student is suspected of committing requires such contact. If the principal has questions about contacting the police, the principal will consult with the appropriate supervisory officer.

- 4.4 If a **student in junior kindergarten to Grade 3** has engaged in any of the activities listed above, the principal will consider what positive behaviour supports the school can provide to the student.

#### **5. Factors to Consider Before Imposing a Suspension**

- 5.1 Before deciding whether to impose a suspension or some other form of discipline, a principal will identify whether any mitigating or other factors might apply in the circumstances.

#### **Mitigating Factors:**

- 5.2 The mitigating factors to be considered by the principal before deciding whether to impose a suspension are:

- a) whether the student has the ability to control his or her behaviour;
- b) whether the student has the ability to understand the foreseeable consequences of his or her behaviour; and
- c) whether the student's continuing presence in the school creates an unacceptable risk to the safety of any other individual at the school.

- 5.3 If a student does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his or her behaviour, the principal will strongly consider not suspending the student. Alternative discipline and/or other intervention may be considered by the principal in such circumstances.

- 5.4 If the student poses an unacceptable risk to the safety of others in the school, the principal will consult with the supervisory officer regarding the accommodations and/or strategies that could be instituted to ensure the safety of students, the staff, and others in the school.

#### **Other Factors:**

- 5.5 If the student is able to control his or her behaviour and is able to understand the foreseeable consequences of that 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 student:

- a) the student's academic, discipline, and personal history;
- b) the history of progressive discipline attempted, as described in section 6;

- c) whether the infraction for which the student might be disciplined was related to any harassment of the student because of race, ethnic origin, religion, disability, gender or sexual orientation, or harassment for any other reason;
- d) the impact of the discipline on the student's prospects for further education;
- e) the student's age;
- f) if the student has an Individual Education Program (IEP) or disability-related needs:
  - whether the behaviour causing the incident was a manifestation of a disability identified in the student's individual education plan;
  - whether appropriate individualized accommodation has been provided; and
  - whether a suspension is likely to result in an aggravation or worsening of the student's behaviour or conduct.

## 6. Review of Progressive Discipline

6.1 The principal will review the progressive discipline that has been attempted with the student, and if applicable, the approaches that have been attempted and the outcome: Where it is relevant the principal will consider the following:

- a) whether or not early interventions such as contact with parents, verbal reminders, or a review of expectations have provided appropriate supports for the student;
- b) whether or not ongoing interventions such as regular meetings with parents, volunteer service to the school community, conflict mediation, peer mentoring, and/or a referral to counselling have been attempted;
- c) whether or not consequences for inappropriate behaviour such as detentions, restitution for damages, restorative practices, or loss of privileges have been used.

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

## 7. Procedural Steps When Imposing a Suspension

7.1 When a principal has determined that it is appropriate in the circumstances to impose a suspension, the principal is required to follow the procedural steps set out below.

7.2 Before imposing a suspension of ten (10) or more days, the principal will consult with the supervisory officer regarding:

- a) the investigation undertaken;
- b) the circumstances of the incident;
- c) whether or not mitigating or other factors are applicable in the circumstances;
- d) the progressive discipline strategies that have been implemented; and
- e) the appropriate length of the suspension.

7.3 Within 24 hours of the decision to suspend, the principal must make all reasonable efforts to orally inform the parents of the suspension. The principal must inform the student's teacher(s) and bus driver (if applicable) of the suspension.

7.4 A student who is subject to a suspension of five (5) or fewer school days must be provided with school work to complete at home while serving the suspension. If not sent home with

the student, the school work must be sent through electronic means or available to be picked up by the student's parent or designate or the adult student's designate, as soon as it can be made available.

- 7.5 In addition to receiving school work for the first days of suspension, a student who is subject to a suspension of six (6) or more school days must be assigned to an alternative program for students subject to a long-term suspension. A suspended student shall not engage in school or school-related activities. See sections 8 and 9 below for a description of the alternative suspension program and the student's action plan.
- 7.6 The principal must provide written notice of the suspension to the student's parents and to the supervisory officer as soon as possible.
- 7.7 The written notice of suspension will include the following information:
- a) the reason for the suspension;
  - b) the duration of the suspension;
  - c) information about the alternative suspension program to which the student is assigned, if the student is suspended for six (6) or more school days;
  - d) information about the right to appeal the suspension, including a copy of this administrative procedure; and
  - e) the name and contact information for the school's supervisory officer.
- 7.8 If the notice is sent by mail or courier, it will be deemed to have been received on the fifth school day after it was sent. If the notice is sent by e-mail, it is deemed to have been received the first school day after it was sent.
- 7.9 If the incident is a serious violent incident, including a credible threat to inflict serious bodily harm or vandalism causing extensive damage to board property, consideration will be given to filling out and filing a Violent Incident Form in the student's Ontario Student Record.

## **8. Alternative Suspension Program**

- 8.1 When a student has been suspended for six (6) or more school days, the student will be provided with school work as soon as possible following the suspension, and will be assigned to an alternative program for students subject to a long-term suspension.
- 8.2 A student cannot be compelled to participate in an alternative suspension program. If a student's parent/guardian decides against participation in such a program, the student will continue to be provided with school work consistent with the Ontario curriculum or that student's modified or alternative curriculum, to be completed at home for the duration of the suspension. This schoolwork will be available through electronic means or at the school for pick-up by the student's parents or designate or the adult student's designate at regular intervals during the suspension period, beginning the day after the student's parents or adult student declines participation in the alternative suspension program.
- 8.3 Agreement to participate in an alternative suspension program or refusal to participate may be communicated to the school orally by the parents. The principal shall record the date and time of a refusal to participate.

## 9. The Student Action Plan

- 9.1 A Student Action Plan will be developed for every student subject to a long-term suspension who agrees to participate in an alternative suspension program.
- 9.2 The principal of the school or designate will hold a planning meeting for the purpose of developing the Student Action Plan. The purpose of the planning meeting is to:
- identify the needs of the student;
  - identify the student's risk factors and protective factors;
  - clearly identify any types of support that the student may need to continue his or her learning; and
  - establish the objectives of the Student Action Plan.
- 9.3 The student's parents and the student, as well as the appropriate teaching and support staff members, will be invited to participate in the planning meeting.
- 9.4 The planning meeting will be held within two (2) school days of the parents informing the school that the student will participate in an alternative suspension program.
- 9.5 If the parents are not available to participate in the planning meeting, the meeting will proceed in their absence and a copy of the Student Action Plan will be provided to the parents following the meeting.
- 9.6 The Student Action Plan will be developed under the direction of the principal or designate of the school with assistance, as appropriate, from the classroom teacher, special education teacher, other support staff members, or representatives of community agencies. The content and balance of the planned program will depend on the needs of the student, the length of the suspension, and the nature and severity of the behaviour that led to the suspension, including any mitigating or other factors.
- 9.7 A student subject to a suspension of fewer than eleven (11) school days shall be provided with an academic program to support the student in continuing his or her education. For suspensions of this length, there is no requirement to provide a non-academic component to the program, but this component may be offered. In the case of a student with special education needs, the program shall provide appropriate support consistent with the student's Individual Education Plan.
- 9.8 A student subject to a suspension of eleven (11) or more school days shall be provided with both an academic and a non-academic program component, which will be identified in the Student Action Plan. In the case of a student with special education needs, the program shall provide appropriate support consistent with the student's Individual Education Plan.
- 9.9 The Student Action Plan will identify:
- the incident for which the student was suspended;
  - the progressive discipline steps taken prior to the suspension, if applicable;
  - any alternative discipline measures imposed in addition to the suspension;
  - any other disciplinary issues identified by the school staff;

- e) any learning needs or other needs that might have contributed to the inappropriate behaviour;
- f) any program(s) or service(s) that can be provided to address those learning or other needs;
- g) the academic program to be provided and details regarding how that program will be accessed by the student;
- h) if the student has an Individual Education Plan, information as to how the accommodations or modifications of the academic program will be provided during the period of suspension;
- i) the non-academic program and services to be provided, if applicable, and details about how the non-academic program and services will be accessed; and
- j) the measurable goals the student will be striving to achieve during the alternative suspension program.

9.10 The principal will make every effort to complete the Student Action Plan within five (5) school days of learning that the student will participate in an alternative suspension program.

9.11 Once completed, the Student Action Plan will be shared with the parents and student and all staff members involved in facilitating the alternative suspension program.

9.12 A copy of the Student Action Plan will be stored in the student's Ontario Student Record (OSR) until such time as it is no longer conducive to the improvement of instruction of the student.

## 10. The Re-entry Meeting

10.1 Following a suspension, a re-entry meeting will be held with the principal or vice-principal, other staff as appropriate, the student, and, if possible, the student's parents, to provide positive and constructive redirection for the student and facilitate transition back to school.

10.2 Where the student has participated in an alternative suspension program, the student's success in achieving the goals outlined in the Student Action Plan will be reviewed with the student and parents. Further programs and services might be recommended by the principal for the purpose of achieving additional or greater success in meeting the goals outlined in the Student Action Plan.

10.3 If appropriate, community agency staff and other persons or professionals may be involved in the re-entry planning.

## 11. Suspension Review

11.1 The parent/guardian or the adult pupil may request a review of a decision to suspend where a suspension has been issued.

11.2 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 supervisory officer of the school where circumstances precluded a request within the requisite time frame.

11.3 The review shall take place upon receipt of a request for a review by the supervisory officer of the school.

## **12. Review by the Supervisory Officer**

Upon receipt of the notice to review the suspension, the supervisory officer:

- a) will promptly advise the school principal of the notice to review the suspension;
- b) will promptly advise the parents that a review of the suspension will take place, and invite the parents to discuss any matter respecting the incident and/or the review of the suspension;
- c) will review the suspension, including a review of the reason for the suspension, its duration, and any mitigating or other factors;
- d) may consult with the principal regarding modification or expunging the suspension;
- e) will communicate with the parents and the principal to discuss the issues;
- f) will share the outcome of the review with the parents and principal.

If the suspension is upheld on review, the supervisory officer will provide written notice of the review decision to the parents.

## **13. Suspension Appeal Process**

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

13.2 The supervisory officer will arrange a date for the appeal before the Tribunal of the Board so that the appeal can be conducted within fifteen (15) school days following notice of intent to appeal.

## **14. The Information Report for the Tribunal**

14.1 If the suspension is upheld on review and the parents choose to proceed with a suspension appeal, the supervisory officer will coordinate the preparation of a written report for the Tribunal of the Board. This report will contain the following components:

- a) a report of the incident and rationale for suspension prepared by the principal;
- b) a copy of the suspension notice;
- c) a copy of the letter from the parents stating the intent to appeal the suspension; and
- d) a copy of the suspension review decision, stating the decision of the supervisory officer regarding the suspension review.

14.2 The supervisory officer shall inform the parents of the date of the suspension appeal and provide the parents with a guide to the process for the appeal and a copy of the documentation that will go to the Discipline Committee. The process for the appeal of a suspension is described in the appendix below and referenced in Board Policy No. GOV-12 Learning and Working Environment: Safe Schools.

**Appendix:****Timing of the Appeal Hearing**

The Tribunal 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.

**Tribunal**

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 Tribunal. Quorum for this committee is one (1) member. The chair of the board selects the Tribunal members.

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

The supervisory officer 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 Tribunal may require that other interested parties be a party to the appeal. The chair of the Tribunal 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 Tribunal 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. Hearings may be conducted electronically.

**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 Tribunal in any particular case and the Tribunal may direct that the hearing be open to the public where the Tribunal determines that the holding of an open public hearing outweighs the concern for privacy of the pupil or other persons.

**Disposition**

The Tribunal may:

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

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

**REFERENCE DOCUMENTS****Legal:**

*Education Act, Section 169.1 Positive School Climate*

*Education Act, Section 265 Duties of Principals: Discipline*

*Education Act, Part XIII Behaviour, Discipline and Safety*

Ontario Regulation 298, Section 23 Requirements for Pupils

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

Ontario Regulation 474/00 Access to School Premises

Ontario Student Record Guideline

PPM No. 120 Reporting Violent Incidents to the Ministry of Education

PPM No. 128 The Provincial Code of Conduct and School Board Codes of Conduct

PPM No. 141 School Board Programs for Students on Long-term Suspension

PPM No. 144 Bullying Prevention and Intervention

PPM No. 145 Progressive Discipline and Promoting Positive Student Behaviour

*Ontario Human Rights Code*

*Youth Criminal Justice Act*

*Municipal Freedom of Information and Protection of Privacy Act*

**Board:**

Board Policy No. GOV-11 Learning and Working Environment: Equity and Inclusion

Board Policy No. GOV-12 Learning and Working Environment: Safe Schools

Administrative Procedure: Acceptable Use of Information and Communication Technologies

Administrative Procedure: Bullying Prevention and Intervention

Administrative Procedure: Equity and Inclusive Education

Administrative Procedure: Personal Mobile Devices

Administrative Procedure: Privacy and Distribution of Personal Information

Administrative Procedure: Student Discipline: Expulsion

Rainbow District School Board - Code of Conduct

Rainbow District School Board - Safe Schools

**Community:**

Ontario North East Region Safe Schools Protocol