



Suspension of Pupils Policy Directive

Date Reviewed: 01/2009

Projected Review Date: 01/2012

1.0 Rationale:

On June 4, 2007, the Education Act (Progressive Discipline and School Safety) 2007, was passed, amending Part XIII of the Education Act dealing with behaviour, discipline, and safety. There were revisions in the legislation related to suspensions. The Hamilton-Wentworth District School Board policy needed revision to reflect the changes in the legislation.

The goal of this policy and policy directive is to support a safe learning and teaching environment in which every student can reach his or her full potential. Appropriate action must consistently be taken to address behaviours that are contrary to the Provincial and Board directives and policies. The Hamilton-Wentworth District School Board is committed to providing a safe and orderly working and learning environment for all.

2.0 Definition of Terms:

Adult Pupil: For the purpose of this policy, an “adult pupil” is a pupil who is 18 years of age or older or who is 16 or 17 and has withdrawn from parental control.

Bullying: A form of repeated, persistent, and aggressive behaviour directed at an individual or individuals that is intended to cause (or should have been 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.

Parent/ Guardian: Where there is a reference to involving or informing a parent/ guardian it means the custodial parent or guardian of a minor child who is under 18 years of age or is not 16 or 17 and removed from parental control.

Suspension Appeals Committee: A committee of three or more trustees designated to determine suspension appeals and recommendations for expulsion.

3.0 Activities Leading to Possible Suspensions:

A principal shall consider whether to suspend a pupil if he or she 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:

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;
4. swearing at a teacher or at another person in a position of authority;

5. committing an act of vandalism that causes extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
6. bullying;
7. any other activity that is an activity for which a principal may suspend a pupil under a policy of the board;
8. any act considered by the principal to be injurious to the positive tone of the school;
9. any act considered by the principal to be injurious to the physical or mental well being of any member of the school community;
10. any act that may be considered by the principal to be contrary to the Board or school Code of Conduct; and/or
11. persistent opposition to authority.

3.1 Factors Principals Must Consider

In considering whether to suspend a pupil for engaging in an activity described in subsection 1.0, a Principal shall take into account the following mitigating and other factors:

Mitigating Factors

1. whether the pupil has the ability to control his or her behaviour;
2. whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; or
3. whether the pupil's continuing presence in the school does or does not create an unacceptable risk to self or any other individual in the school.

*** See Notes (page 6)

Other Mitigating Factors to be Considered

Where the pupil is able to control his or 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 the suspension and whether further investigation should be undertaken to recommend that the pupil be expelled:

1. the pupil's history;
2. whether a progressive discipline approach has been used with the pupil;
3. whether the activity for which the pupil may be 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;
4. how the suspension would affect the pupil's ongoing education;
5. the pupil's age;
6. where in the case of a pupil for whom an individual education plan 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; and
 - c) whether a suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

4.0 Progressive Discipline and Promoting Positive Pupil Behaviour:

The principal will review previous progressive discipline administered, and, the success of the approach(es). (See *Principal's Tracking Sheet for Alleged Suspension*). Consideration shall be given to further interventions and alternatives to discipline.

See 12.0 Alignment to Other Board Policies and Provincial Legislation (page 5)

5.0 Duration of Suspension:

- 5.1** The minimum duration of a suspension is one school day and the maximum is 20 school days.
- 5.2** When determining the length of a suspension, a principal shall consider any mitigating or other factors prescribed by the regulations.
- 5.3** For suspensions of less than 6 days, schools are expected to provide school work packages for pupils to complete at home while serving the suspension to help ensure that they do not fall behind in their school work. The school work must be available to the adult pupil's designate or the pupil's parent/ guardian or designate the day the pupil is suspended.
- 5.4** The Board will provide a program for pupils on a suspension of 6 days or more (i.e. on a "long term suspension"). A Student Action Plan (SAP) will be developed for every pupil on a long-term suspension who makes a commitment to attend the Board's program for suspended pupils. In the case of a long term suspensions of 6 to 10 school days, the program provided for in the SAP will include an academic component to support the pupil in continuing his or her education. In the case of a long term suspension of 11 to 20 days, the program provided for in the SAP will contain both an academic and non-academic component to support the pupil in continuing his or her education. The non-academic component will assist pupils in the development of positive behaviours and attitudes.
- 5.5** Consultation with the School Superintendent of Education is required for suspensions of 11 or more school days to discuss:
 - 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; and
 - d) the appropriate length of the suspension.

6.0 Notice of Suspension:

Within 24 hours of the decision, the principal must make all reasonable efforts to inform the adult pupil and/or parent/ guardian of the suspension from school and from engaging in school related activities.

- 6.1** In all cases, an attempt must be made to contact the parent/guardian and/or the adult pupil immediately to apprise them of the suspension and inform them that the letter of suspension is being forwarded. It is important to highlight information regarding the suspension program referral, the Student Action Plan, and the availability of the Superintendent of Education for consultation.
- 6.2** Within 24 hours of the decision, the principal shall send written notification of the decision to suspend. Notification is to be given to the pupil's teachers, parents/guardians for pupils under the age of 18, the pupil for those over 18 years of age or for those 16 to 17 years old who has withdrawn from parental control.
- 6.3** The notification letter must include the following: the reason for the suspension, a one line explanation of the reason, the duration of the suspension, information pertaining to any suspension program to which the pupil may be assigned, the right to consult with the school superintendent, and information about the right to appeal. A copy of the board's suspension policy shall be attached.

- 6.4 Copies of the letter of suspension shall be forwarded to the School Superintendent of Education, Manager of Social Work Services, teacher(s) of the pupil, and in the Ontario School Record folder.

7.0 Suspension Appeal:

- 7.1 A parent/guardian/ or; pupil 18 years or older who wishes to appeal a suspension may contact the School Superintendent of Education to discuss any matter relating to the suspension and/or appeal of the suspension.
- 7.2 Where a pupil has been suspended, the parent or guardian of a pupil who is less than 18 years of age, or an adult pupil, or a pupil who is 16 or 17 and has withdrawn from parental control may appeal the suspension. The appeal must be made in writing and delivered to the Superintendent of Safe Schools within 10 school days of the start of the suspension.
- 7.3 When a written notice of a suspension appeal is received, the Appeals committee of the Board will promptly contact every person entitled to appeal the suspension and inform them that the written notice of appeal has been received.
- 7.4 The parties to the appeal shall be the parent/legal guardian if the pupil is under the age of 18, or the pupil if 16 or 17 years of age and withdrawn from parental control, or pupil if aged 18 years or older, the principal who suspended the pupil, the person who appealed the decision if other than the pupil or parent/guardian and such other parties whom the Appeals committee may direct.
- 7.5 A pupil who (under 18 years of age and still under parent control) is not a party to the appeal has the right to be present at the appeal and to make a statement on his or her own behalf.
- 7.6 An appeal to the Board does not stay the suspension.

8.0 Suspension Appeal Hearing:

- 8.1 The Board may delegate its powers and the duties of the Board under the Education Act, as amended, and its Regulations, in respect to appeal to a committee of the Board comprised of three or more members of the Board. Such committee shall be referred to as the Appeals committee of the Board.
- 8.2 The Appeals committee of the Board shall hear and determine the appeal within 15 school days of receiving written notice of the appeal under Section 6.1 above, unless the parties agree on a later deadline. The board shall not refuse the appeal if the receipt of the notice is delayed.
- 8.3 The hearing shall be conducted in camera with a recorder present, and called to order by the Chair or designate of the Board, who shall explain the process, including any or all of the following:
- a) introduction of all present;
 - b) chair of the committee will outline the process to be followed;
 - c) presentation by the principal of the reasons for the suspension;
 - d) presentation by the suspended pupil;
 - e) presentation by the parent/guardian;
 - f) after all parties have been heard, all presenting parties will leave the hearing room while the Appeals committee considers the information and reaches a decision;

- g) should the Appeals committee require clarification, all parties must be called back into the room;
- h) following the committee's deliberation, all parties are called back to hear the decision, announced by the Chair of the committee.

8.4 The Appeals committee of the Board shall hear and determine the appeal within 15 school days of receiving written notice of the appeal under Section 6.1 above, unless the parties agree on a later deadline. The board shall not refuse to deal with the appeal on the ground that there is a deficiency in the notice of appeal.

8.5 The hearing shall be conducted in camera.

9.0 The Decision by the Appeals committee of the Board

9.1 The appeals committee may:

- a) confirm the suspension and the duration of the suspension;
- b) shorten the duration of the suspension and amend the record of suspension accordingly;
- c) quash the suspension and expunge the record of suspension.

10.0 Notice of Decision of the Appeals Committee

10.1 The chair of the committee will ensure that the decision is communicated by registered mail to all parties to the appeal.

10.2 The decision of the board on a suspension appeal is final.

11.0 Re-entry Following Suspension

A re-entry meeting shall be held to facilitate the suspended pupil's transition back to school. The parent/guardian(s), in the case of a pupil who is not an adult pupil (as defined in this policy) the principal (or designate), the teacher(s) and the pupil should attend the meeting.

12.0 Performance Indicators : (This list may be subject to changes between now and the next review period)

1. Reduction in number of suspensions.
2. Increase in prevention and intervention strategies at the school level.
3. Intervention strategies address needs identified through data.
4. Safe Schools Survey data reflects improved learning and teaching environments.

13.0 Alignment to Other Board Policies and Provincial Legislation includes but is not limited to:

- Part XIII of the Education Act
- An Act to Amend the Education Act (Progressive Discipline and School Safety), 2007
- Ontario Regulation 472/07
- Access to School Premises – Ontario Regulation 474/00
- Progressive Discipline and Promoting Positive Student Behaviour Policy
- Code of Conduct Policy
- Bullying Prevention and Intervention Policy
- Policy No. 7.13 – Expulsion of Students Policy
- Information Technology Policy
- Personal Electronic Devices Policy
- Trespass Act
- OCT Standards of Teaching Practice
- Equity Policy
- Respectful Working and Learning Environments Policy
- Harassment Policy
- Progressive Discipline Procedures (employees)
- Collective Agreements for all employee groups
- Ontario Human Rights Code
- Ontario Criminal Code

*** Notes – see 3.1 Mitigating Factors (page 2)

If a pupil does not have the ability to control his or her behaviour, does not understand foreseeable consequences of this behaviour, and if the pupil does not pose a risk to self and/or others, the principal shall consider alternative discipline and/or other interventions.

If the pupil has some ability to control his or her behaviour and some ability to understand the foreseeable consequences of his or her behaviour, the principal may impose a suspension, but shall consider whether the length of the suspension should be mitigated taking into consideration the pupil's abilities and the additional factors outlines below.

If the pupil does not have the ability to control his or her behaviour and does not understand the foreseeable consequences of this behaviour, but 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 pupil and staff safety.