

## **SUSPENSION AND EXPULSION OF STUDENTS**

### **Background**

To ensure a satisfactory climate for learning, school rules and regulations must be observed by students and teachers must be empowered to enforce those rules and regulations. Students who do not conform to the student code of conduct may negatively affect the school's learning environment and cannot be accepted.

The suspension or expulsion of a student from school is a very serious matter and should only be taken when other measures have proven to be ineffective or when the seriousness of the offense warrants such action.

Section 36 of the *Education Act* identifies expectations for student conduct and Sections 36 and 37 deal with student suspensions and expulsions.

### **Procedures**

#### Suspension of Students

1. The Principal and the teachers of a school shall ensure that they are familiar with Section 36 of the *Education Act* that provides the legislated framework governing student suspensions.

A teacher may suspend a student for one class period in accordance with the following:

- 2.1 The teacher immediately notifies the Principal of the suspension.
- 2.2 The teacher informs the student about the suspension, its consequences and the reason the suspension is being considered.
- 2.3 The student is given an opportunity to offer an explanation for his/her actions.
- 2.4 The teacher directs the student to the Principal to remain under the supervision of the school until the student's normal class dismissal time.
- 2.5 The teacher reports all of the circumstances surrounding the suspension to the Principal, in writing.
- 2.6 The teacher informs the parents of the student by telephone of the suspension and the circumstances surrounding it as soon as possible.
- 2.7 The teacher recommends follow-up designed to resolve the problem that led to the suspension, e.g., counselling, etc.

3. A Principal may suspend a student from class, school, riding on a school bus or participating in any school activity in accordance with the following:
  - 3.1 The Principal will confer with affected staff members to gather information about the student's misbehaviour.
  - 3.2 The Principal shall prepare a written record of all actions taken in regard to the incident and the student's behavior.
  - 3.3 The Principal will inform the student about the proposed suspension, its consequences and the reason the suspension is being considered.
  - 3.4 The student will be given an opportunity to offer an explanation for his/her behaviour.
  - 3.5 If a suspension is warranted, the Principal will inform the student of the reason for the suspension and length of the suspension.
  - 3.6 The Principal shall inform the parents of the student by telephone, of the suspension, including reasons for and the length of, and shall immediately report in writing all the circumstances of the suspension to the parents with a copy to the Superintendent.
    - 3.6.1 The letter of suspension must contain a space for the parent to sign indicating that they have received a copy of the letter.
  - 3.7 The Principal shall, if requested, provide an opportunity to meet with the parents, and the student if the student is 16 years of age or older, to discuss the reasonableness of the suspension.
  - 3.8 Where a student has been suspended on two or more occasions, for the same or unrelated actions in the same term or school year, the Principal may request the Superintendent to convene a Student Conduct Panel to review the student's record and consult with the parent, the teacher, the Principal, the counsellor and the student on matters of student conduct. The Panel may recommend: transfer to another school, placement in an out-of-Division program, a designated management contract, and/or future consequences of continued behaviour.
  - 3.9 If the student is not to be reinstated within five school days after the date of suspension, the Principal shall immediately report in writing all the circumstances of the suspension and provide a recommendation to the Board through the office of the Superintendent.

### Expulsion of Students

1. The Principal shall become familiar with Section 37 of the *Education Act* that deals with the expulsion of students.
2. Upon receiving the report from the Principal and the Principal's recommendation as required in 3.9 above, the Board shall within ten school days after the date of the suspension either reinstate or expel the student.

3. Prior to the Board making a decision on the recommendation of the Principal, the student's parents and the student if the student is 16 years of age or older, shall be advised of the date, time and location of the Board meeting at which the decision will be made and of their right to make a representation of the Board with respect to the Principal's recommendation. The student and the student's parents will also be advised of their right to attend the hearing with, and be represented by, legal counsel or a spokesperson.
4. The procedure to be followed in conducting the hearing into the recommendation of the Principal will be as follows:
  - 4.1 The Board chair or a designated member of the Board will chair the meeting, outline the purpose of the meeting and the procedure to be followed.
  - 4.2 The Board may choose to have legal counsel present.
  - 4.3 The Principal will present the report documenting the case along with his/her recommendation.
  - 4.4 The student and parents will be given an opportunity to respond to the information presented as well as add information they feel is relevant.
  - 4.5 The members of the Board may ask questions or request additional information from parents, students or Principal that they feel is relevant to their deliberations.
  - 4.6 The Board shall, without school-based administration present, discuss the merits of the case and the recommendation.
  - 4.7 Should the Board require additional information the student, the student's parents, and the Principal will be requested to return in order to provide additional information.
  - 4.8 The Board will then make a decision to either reinstate or expel the student in the absence of the student, the student's parents and the Principal.
  - 4.9 The Board's decision shall be communicated in writing to the student and parents by the Superintendent with copies sent to the Principal. If a student is expelled, the letter to the student and parents will indicate the student/parent's right to appeal the decision to the Minister of Education. The Minister's address and phone number should also be provided.
5. If the Board's decision is to expel the student, the following information must be included in the letter to the student if the student is 16 years of age or older and the student's parents:
  - 5.1 The educational program to be provided to the student and the name of the individual to be contacted in order to make the necessary arrangements.
  - 5.2 The length of the expulsion.
  - 5.3 Whether the student will have the opportunity to write the final exam and receive a grade for the course.

**Legal References:**        **Sections 24, 31, 36, 37, *Education Act***

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