



# REGULATIONS

**SUBJECT: Suspension of a Pupil**

When a principal's investigation of an incident determines that a pupil has committed one or more of the following infractions on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact on the school climate, a principal will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The principal will also contact the police and if need be, Family Service Agency, consistent with the Police / School Board Protocol if the infraction the pupil is suspected of committing requires such contact. When in doubt, the principal will consult with his or her Superintendent.

The infractions for which a suspension may be imposed by the principal include:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal and/or restricted 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 damage to school or board property or to property located on the premises of the pupil's school;
6. Bullying;
7. Any act considered by the principal to be injurious to the moral tone of the school;
8. Any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; or
9. Any act considered by the principal to be contrary to the Board or school Code of Conduct.

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

Principals must suspend a student for bullying and consider recommending that student for expulsion if the following two conditions exist:

- (1) The student has previously been suspended for bullying, and
- (2) The student's continuing presence in the school creates, in the principal's opinion, an unacceptable risk to the safety of another person.

## **SUSPENSION OF A PUPIL**

**Regulation No. R-AD-113-13**

Principals must also suspend a student, and consider referring that student for expulsion, for any incident under subsection 306(1) of the Education Act (activities leading to possible suspension), including bullying, 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, including but not limited to socio-economic status, or appearance.

### Violent Incidents

Where a principal has determined that a violent incident has occurred, he or she must reference the appropriate steps to be taken as outlined in the Safe Schools Regulation.

### Factors to Consider Before Deciding to Impose a Suspension

Before deciding whether to impose a suspension or other form of discipline, a principal will make every reasonable effort to consult with the pupil, where appropriate, and the pupil's parent(s)/guardian(s) (if the pupil is not an adult pupil) to identify whether any mitigating and/or other factors might apply in the circumstances.

### Mitigating Factors

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

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; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

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 should consider not suspending 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 safety of pupils, staff, and others in the school.

### Other Factors to be Considered

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:

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;

5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
  - a. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
  - b. Whether appropriate individualized accommodation has been provided; and
  - c. Whether a suspension is likely to result in aggravating or worsening the pupil's behaviour or conduct or whether a suspension is likely to result in a greater likelihood of further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

#### Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and

if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the principal will consider the following:

1. Whether the teacher, principal or designate has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
  - contact with the pupil's parent(s)/guardian(s);
  - oral reminders;
  - review of expectations;
  - written work assignments with a learning component;
  - assigning the pupil to volunteer services to the community;
  - conflict mediation and resolution;
  - peer mentoring;
  - referral to counseling; and/or
  - consultation.
2. Whether the principal or designate has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
  - meeting(s) with the pupil's parent(s)/guardian(s), pupil, and principal;
  - referral of pupil to a community agency for anger management or substance abuse counseling;
  - detentions;
  - withdrawal of privileges;
  - withdrawal from class;
  - restitution for damages;
  - restorative practices; and/or
  - transfer with support.

#### School Transfers Related to School Safety

In certain situations it may be deemed necessary for a student to be transferred to another school in order to preserve the safety or well-being of another. These decisions are to be

## SUSPENSION OF A PUPIL

Regulation No. R-AD-113-13

reached by the principal in consultation with the appropriate supervisory officer, and must give due consideration to the student and parents' need to be informed as part of the process. It is preferable that the student who has been harmed not be the one to transfer, unless circumstances suggest otherwise.

### Factors Mitigating Decision to Suspend

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.

### Consultation

Before imposing a suspension of six (6) or more school days, the principal will consult with the Superintendent of Education regarding:

1. The investigation undertaken;
2. The circumstances of the incident;
3. Whether or not one or more of the factors outlined above are applicable in the circumstances; and
4. The appropriate length of the suspension.

### School Work

A pupil 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. The school work must be available to the adult pupil's designate or the pupil's parent/guardian or designate as follows:

- Where the pupil is suspended for one (1) school day, the day the pupil is suspended or, if this is not possible, the pupil must be given an opportunity to catch-up on missed school work as part of the re-entry process.
- Where the pupil has been suspended for two (2) or more school days the principal will ensure that the school work provided to the pupil will be available the day the pupil is suspended or, if this is not possible, the following school day.

In addition to receiving school work for the first five (5) school days of suspension, a pupil who is subject to a suspension of six (6) or more school days must be assigned an alternative program for pupils subject to lengthy suspension. A pupil participating in such an alternative program is not considered to be engaging in school or school-related activities.

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Education Act`