



KENORA CATHOLIC DISTRICT SCHOOL BOARD

300 Student Procedures

AP 309: Safe Schools – Student Suspension

The Kenora Catholic District School Board believes it is important that all pupils must have a safe, caring accepting and faith-filled school environment in order to maximize their learning potential and to ensure a positive school climate for all members of the school community.

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. A principal may delegate some disciplinary responsibilities to a vice-principal and/or teacher of the school in accordance with the Education Act, Ministry of Education policies and board procedures. In such circumstances, the delegation of authority and the authority delegated will be clearly identified in board procedures, as well the supports available to individuals in receipt of the delegated authority.

To meet the goal of creating a safe, caring, and accepting school environment, the Kenora Catholic District School Board supports the use of positive practices as well as consequences for inappropriate behavior, including progressive discipline, which includes suspension and expulsion where necessary.

The Board considers homophobia, gender based violence, and harassment on the basis of sex, gender identity, sexual orientation, race, colour, ethnicity, disability and/or any other immutable characteristic or ground protected by the Human Rights Code, as well as inappropriate sexual behaviour unacceptable. Further, the Board supports the use of positive practices to prevent such behaviour and authorizes principals, or their delegates, to impose consequences in appropriate circumstances, up to and including suspension from school.

In accordance with the Education Act, a principal may suspend a student from a school on the grounds that the conduct of the student is so refractory that the presence of the student is injurious to other students or individuals in the school or school system.

1. Suspensions, Investigations and Possible Expulsion

1.1 Activities Leading to Possible Suspension:

A principal shall consider whether to suspend a student if s/he believes that the student 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:

- (1) Uttering a threat to inflict serious bodily harm
- (2) Possessing alcohol or illegal drugs

- (3) Being under the influence of alcohol or drugs
- (4) Swearing at a teacher or other person in a position of authority
- (5) Committing an act of vandalism resulting in extensive damage to school property, or property located on school premises
- (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
- (9) Any act considered by the principal to be contrary to the board or school Code of Conduct, e.g.
 - Intentionally summoning emergency services without cause
 - Arson and fire-setting
 - Gang-related incidents
 - Hate and/or bias related incidents
 - Persistent truancy
 - Persistent opposition to authority
 - Assault not requiring medical attention
 - Use of profane language or gestures
 - Intimidation and other forms of harassment
 - Smoking on school property
 - Habitual neglect of duty

1.2 In considering whether to suspend a pupil for engaging in an activity described in subsection 1.1, a principal shall take into account any mitigating or other factors prescribed by the regulations.

1.3 A student may be suspended from:

1.3.1 His or her school and from engaging in all school-related activities;

1.3.2 One or more classes or one or more school-related activities or both.

1.4 A pupil who is suspended under this section is suspended from his or her school and from engaging in all school-related activities.

1.5 Duration of Suspension

A principal may suspend a pupil under this section for up to 20 days and in considering how long the suspension should be, the principal shall take into account any mitigating or other factors prescribed by the regulations.

1.5.1 Suspensions of up to five (5) days duration are the mandate of the school principal.

1.5.2 Suspensions over five (5) days must be discussed with and approved by the Superintendent of Education before the student is suspended.

1.6 Assignment to Program

When a principal suspends a pupil under this section, s/he shall assign the pupil to a program for suspended pupils – Alternative Suspension Program (ASP) - in accordance with any policies or guidelines issued by the Ministry of Education.

1.7 Mitigating Factors

The following mitigating factors shall be taken into account:

1.7.1 The pupil does not have the ability to control his or her behaviour;

1.7.2 The pupil does not have the ability to understand the foreseeable consequences of his or her behaviour;

1.7.3 The pupil's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

1.8 Other Factors

The following other factors shall be taken into account if they would mitigate the seriousness of the activity for which the pupil may be or is being suspended or expelled:

1.8.1 The pupil's history

1.8.2 Whether a progressive discipline approach has been used with the pupil

1.8.3 Whether the activity for which the pupil may be or is being suspended or expelled 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

1.8.4 The age of the pupil

1.8.5 In the case of a pupil for whom an individual education plan has been developed:

- (1) Whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan
- (2) Whether appropriate individualized accommodation has been provided
- (3) Whether the suspension or expulsion is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

1.9 Principal's Duties Where No Notification to Parent or Guardian

If the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 1.1 or 1.3 and the principal does not notify a parent or guardian of the pupil because of the circumstances, the principal shall:

- 1.9.1 Document the rationale for the decision not to notify a parent or guardian of the pupil
- 1.9.2 Inform the Superintendent of Education of the decision not to notify a parent or guardian of the pupil
- 1.9.3 If a teacher informed the principal of the harm, inform the teacher of the decision not to notify a parent or guardian of the pupil
- 1.9.4 If the principal determines it is appropriate to do so, inform other board employees of the decision not to notify a parent or guardian of the pupil.

1.10 Where No Response is Require

An employee who observes a pupil of a school behaving in a way that is likely to have a negative impact on the school climate is not required to respond if responding would, in the employees opinion, cause immediate physical harm to himself or herself or to that of a student or another person.

2. Principal's Inquiry

- 2.1 When an incident is reported, the principal, vice-principal or designate shall conduct an inquiry in accordance with the principal's authority under the Education Act and Regulations, and in accordance with the Kenora Catholic District School Board 's administrative procedure AP 309: Safe Schools – Student Suspension.
- 2.2 Following the inquiry the principal may wish to consult with the Superintendent of Education prior to deciding on the consequence.

2.3 After completing an investigation, if the principal decides that the student has not committed an infraction for which suspension is mandatory, the principal may consider whether a discretionary suspension is appropriate in the circumstances.

2.3.1 The principal may suspend the student from school for up to 20 days.

2.3.2 The principal may suspend the student from one or more classes or school activities.

2.3.3 Following the inquiry, the principal may decide that a warning or no action is warranted.

3. Notice

3.1 The person invoking the suspension is responsible for the prompt notification, in writing, and wherever possible by telephone or in person, of the suspension to the student, the student’s teacher, the Superintendent of Education, and where the student is under 18 years of age, to the parent/ legal guardian.

3.2 The written notice shall follow the format of the sample letter set out in Form #049 - Notification of Suspension for More than One Day or Form #50 - Notification of Suspension for One Day or Less.

4. Re-entry

4.1 At the conclusion of the suspension of more than one day and prior to resuming and re-entering classes, the student is required to attend a re-entry meeting with a school administrator.

4.2 The purpose of the meeting will be the provision of positive and constructive redirection for the student.

4.3 The parent(s)/guardians(s) will be encouraged to participate.

5. Suspension Review

5.1 Making a Request for Review

5.1.1 A request that the Superintendent of Education review a decision to suspend must be made by either the student, if aged 18 years or older, or the parent/legal guardian if the student is under 18 years of age.

5.1.2 The request must be in writing and delivered, within 3 school days of the notification, to the principal who made the decision or to the Superintendent of Education.

5.2 Notification of Supervisory Officer

Where the request is delivered to the principal, the principal will immediately notify the Superintendent of Education and will ensure that a copy of the written request is delivered to him/her.

5.3 Extension of Time Limits for Request

The Superintendent of Education may decide that extenuating circumstances exist which justify a period longer than three school days to request a review of a decision to suspend. (Examples of such situations include: where the person requesting the review was precluded from doing so as a result of an accident in which the person or a close family member was badly injured, a death in the immediate family, other similar circumstances where intervening events give rise to extenuating circumstances which prevented a timely request for review from being made.)

5.4 The Review

5.4.1 The Superintendent of Education will review the decision of the principal to determine:

- (1) If the principal interviewed all relevant and available witnesses
- (2) Whether the evidence gathered by the principal supports the conclusion that an infraction was committed by the student
- (3) Whether the principal took into account the relevant criteria in determining the nature and length of the suspension.

5.4.2 The Superintendent of Education, in conducting his/her review, will meet with the parent/legal guardian if the student is less than 18 years of age, the student, and the principal.

5.4.3 At the Superintendent of Education's sole discretion, s/he may meet with any other person or persons who s/he believes may contribute relevant information to the review.

5.5 Disposition

5.5.1 Upon completing the review, the Superintendent of Education may

- (1) Confirm the principal's decision
- (2) Modify the duration of the suspension
- (3) Expunge the student's record.

5.5.2 In the event the Superintendent of Education determines that the student did commit an infraction for which a suspension must be or should be imposed, s/he may consider the duration of the suspension which the principal imposed on the student, having regard to the following factors:

- (1) The student's history
- (2) Any factors prescribed by regulation, if any
- (3) Such other matters as s/he considers appropriate.

5.5.3 Notice of the Superintendent of Education's decision shall be provided to the student/parent/legal guardian in the format of the sample letter set out in 051 – Decision of Suspension Review.

5.6 Time Lines

The Superintendent of Education shall endeavour to complete his/her review and advise the person making the request within three school days of receipt of the request for review.

6. Suspension Appeals

6.1 Where Appeal not Possible

6.1.1 A student may not appeal a decision of a principal to suspend a student for a period of one day or less.

6.1.2 A student may not appeal a decision of a principal to suspend a student where a Suspension Review has not first occurred.

6.2 All suspension appeals will be received by the Superintendent of Education:

- (1) An appeal of a suspension does not stay the suspension
- (2) A person who intends to appeal a suspension must give written notice of his/her intention to appeal the suspension within ten (10) days of the commencement of the suspension
- (3) The Board must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension)

6.2.1 Upon receipt of written notice of the intention to appeal the suspension, the Superintendent of Education:

- (1) Will promptly advise the school principal of the appeal

- (2) Will promptly advise the adult pupil or the pupil's parent/guardian that a review of the suspension will take place and invite the appellant to contact the Superintendent of Education to discuss any matter respecting the incident and/or appeal of the suspension.
 - (3) Will review the suspension (reason, duration, any mitigating or other factors)
 - (4) Written submissions only will be allowed for Suspension Appeal Reviews.
 - (5) May consult with the principal and Director of Education regarding modification or expunging the suspension
 - (6) Will request a meeting with the adult pupil or the pupil's parent/guardian and the principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the Discipline Committee
 - (7) Will, where a settlement is not effected, provide notice of the review decision to the adult pupil or pupil/s parent/guardian.
- 6.2.2 Where the suspension is upheld on review and the adult pupil or pupil's parent/guardian chooses to continue with the appeal, the Superintendent of Education will:
- (1) Coordinate the preparation of a written report for the Board. This report will contain at least the following components:
 - A report of the incident and rationale for the suspension prepared by the principal
 - A copy of the original suspension letter
 - A copy of the letter requesting the suspension appeal
 - A copy of the correspondence with respect to the decision of the Superintendent of Education regarding the suspension review
 - 1) Inform the adult pupil or the pupil's parent/guardian of the date of the suspension appeal, provide a guide to the process for the appeal, and provide a copy of the documentation that will go to the Discipline Committee.
 - 2) Ensure that the item is placed on the Discipline Committee's agenda.
- 6.2.3 **Parties to the Appeal**
- (1) The principal
 - (2) The adult pupil or the pupil's parent/guardian, if they appealed the decision
 - (3) Other parties whom the committee may direct

6.2.4 Suspension Appeal Process

Suspension appeals will be heard orally, in camera, by the discipline committee of trustees. The Discipline Committee may grant a person with daily care authority to make submissions on behalf of the pupil.

- (1) The pupil will be asked to make a statement on his/her behalf.
- (2) The appellant and/or the person with daily care will proceed next by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.
- (3) The Superintendent of Education or the principal of the school will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The superintendent/principal may rely on the report prepared for the Discipline Committee.
- (4) The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
- (5) The Discipline Committee may ask any party, or the pupil, where appropriate, questions of clarification.

6.2.5 Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent.

6.2.6 The Discipline Committee may make such orders or give such directions at an appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and/or direction, a trustee may call for the assistance of a police officer to enforce any such order of direction.

6.2.7 Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.

6.2.8 The Discipline Committee will consider, based on the written and/or oral submissions of both parties whether the decision to discipline and the discipline imposed was reasonable in the circumstances, and shall either:

- (1) Confirm the suspension and its duration.
- (2) Confirm the suspension but shorten its duration and amend the record, as necessary
- (3) Quash the suspension and order that the record be expunged.

- (4) Make such other appropriate order.

6.3 Re-Entry Requirements Following a Suspension

- 6.3.1 Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the pupil, and the pupil's parent/guardian if possible, to provide positive and constructive redirection for the pupil.
 - (1) Where the pupil has participated in an Alternative Suspension Program (ASP), the pupil's success in achieving the goals outlined in the Student Action Plan (SAP) will be reviewed with the adult pupil or the pupil's parent/guardian and the pupil.
 - (2) 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 SAP

Forms associated with this procedure:

- Form #049 - Notification of Suspension for More than One Day
- Form #050 - Notification of Suspension for One Day or Less
- Form #050 - Decision of Suspension Review
- Form 065 - Grid of Consequences for Inappropriate Behaviour - Suspension
- Form #067 - Safe Schools Incident Reporting Form – Part 1
- Form #068 - Safe Schools Incident Reporting Form – Part 2

Legal References:

1. Education Act Part XIII Behaviour, Discipline and Safety
2. Ontario Regulation 106/01 Suspension of a Pupil
3. Guideline—Ontario Schools Code of Conduct
4. Statutory Powers Procedure Act
5. Policy/Program memorandum, No. 144, Bullying Prevention and Intervention
6. Policy/Program Memorandum, No. 145, Progressive Discipline and Promoting Positive Student Behaviour

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