

JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD
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ADMINISTRATIVE PROCEDURE STUDENTS: NO. 381	
Effective	August 21, 2019
Last Revised	August 15, 2023

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STUDENT SUSPENSION

PURPOSE

The administration of James Bay Lowlands Secondary School Board has developed this administrative procedure to support Board Governance Policy GOV-20 Safe School Environment, and Administrative Procedure 379 Progressive Discipline.

This administrative procedure is intended to promote a safe learning and working environment in Northern Lights Secondary School and to assist students in recognizing the behaviours required for good citizenship. This procedure provides direction for suspension of students in accordance with the *Education Act*, regulations, and policy/program memoranda.

When early and ongoing interventions and supports to promote positive behaviour have not met with success, and/or in the case of serious incidents, the principal 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. Principals have a duty under the *Education Act* to maintain proper order and discipline in schools, and students are responsible to the principal for their conduct.

DEFINITIONS

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 can take many forms. Bullying can be physical (e.g., hitting, pushing, tripping); verbal (e.g., name calling, mocking, or making sexist, racist, or homophobic comments); or social (e.g., excluding others, spreading rumours). It may also occur through the use of technology.

Discipline Committee: The Discipline Committee is a committee of three members of the Board designated to decide upon suspension appeals.

Expulsion: Expelled students are removed from Northern Lights Secondary School and school activities for an indefinite time period. Students are suspended first, while a principal's investigation takes place. The Board offers a program for expelled students which must be completed before the student returns to school.

Harassment: Harassment means words, conduct, or action that is 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*.

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.

Parent: A reference to “parent” in this administrative procedure refers to one or both parents, as applicable, and to a guardian or guardians.

School Climate: School climate refers to the sum total of all the personal relationships within a school. A positive climate exists when all members of the school community feel safe, comfortable, and accepted.

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.

PROCEDURES

1. Suspension Infractions

1.1 When a principal’s investigation of an incident determines that a student has committed one or more infractions outlined below 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 the student should be suspended. The principal will take into account any mitigating and other factors, as described in section 2 below, that might be applicable in the circumstances. The infractions for which a suspension may be imposed by the principal include:

- a) uttering a threat to inflict serious bodily harm on another person;
- b) possessing alcohol, illegal drugs, or restricted drugs;
- c) being under the influence of alcohol or drugs;
- d) swearing at a teacher or at another person in a position of authority;
- e) committing an act of vandalism that causes extensive damage to school property at the student’s school or to property located on the premises of the student’s school;
- f) bullying;
- g) any act considered by the principal to be injurious to the physical or mental well-being of any member of the school community; and
- h) any act considered by the principal to be contrary to the school Code of Conduct.

1.2 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.

- 1.3 The principal shall also contact the police, consistent with the Police Protocol, if the infraction the student is suspected of committing requires such contact. When in doubt, the principal will consult with the supervisory officer

2. Factors to Consider Before Imposing a Suspension

- 2.1 Before deciding whether to impose a suspension or some other form of discipline, a principal will make every effort to consult with the parent to identify whether any mitigating or other factors might apply in the circumstances.

Mitigating Factors:

- 2.2 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 does or does not create an unacceptable risk to the safety of any other individual at the school.
- 2.3 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 may decide not to suspend the student. Alternative discipline and/or other intervention may be considered by the principal in such circumstances.
- 2.4 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:

- 2.5 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 3;
 - 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, creed, disability, gender or gender identity, 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 the student's disability;
 - whether appropriate individualized accommodation has been provided; and
 - whether a suspension is likely to result in aggravating or worsening the student's behaviour or whether a suspension is likely to result in further inappropriate conduct.
- g) whether or not the student's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

3. Review of Progressive Discipline

- 3.1 The principal will review whether progressive discipline has been attempted with the student, and if so, the approaches that have been attempted and any success or failure. The principal will consider the following:
- a) whether or not early interventions such as contact with parents, verbal reminders, a review of expectations, or a written work assignment with a learning component have provided appropriate supports for the student;
 - b) whether or not ongoing interventions such as meeting with parents, volunteer service to the school community, conflict mediation, peer mentoring, and/or a referral to counseling have been attempted;
 - c) whether or not consequences for inappropriate behaviour such as meeting with the parent, student, and principal; referral to a community agency for anger management or substance abuse; detentions; restitution for damages; restorative practices; or loss of privileges have been used.
- 3.2 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.

4. Procedural Steps When Imposing a Suspension

- 4.1 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.
- 4.2 Before imposing a suspension of six (6) or more days, the principal will consult with the supervisory officer regarding the appropriate length of the suspension.
- 4.3 Within 24 hours of the decision to suspend, the principal must make all reasonable efforts to orally inform the parent of the suspension. The principal must inform the student's teacher(s) and bus driver (if applicable) of the suspension.
- 4.4 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 this is not possible, the student must be given an opportunity to catch up on missed school work as part of the re-entry process.

- 4.5 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 student participating in an alternative suspension program is not considered to be engaging in school or school-related activities. See sections 5 and 6 below for a description of the alternative suspension program and the student's action plan.
- 4.6 The principal must provide written notice of the suspension to the student's parent and to the supervisory officer.
- 4.7 The written notice of suspension will follow the template, Form ADMIN 381-01 Notification of Suspension, including 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 contact information for the supervisory officer.
- 4.8 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 fax or e-mail, it is deemed to have been received the first school day after it was sent.
- 4.9 If the incident is a serious violent incident, a Violent Incident Report shall be completed and filed in the student's Ontario Student Record (OSR).

5. Alternative Suspension Program

- 5.1 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.
- 5.2 A student cannot be compelled to participate in an alternative suspension program. If a student's parent 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 school work will be available at the school for pick-up by the student's parent or designate at regular intervals during the suspension period. If school work has not been picked up, the school should contact the parent to determine whether the school work will be picked up. The principal will record this follow-up and the response from the parent.

- 5.3 Agreement to participate in an alternative suspension program or refusal to participate may be communicated to the school orally by the parent. The principal shall record the date and time of a refusal to participate.

6. The Student Action Plan

- 6.1 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.
- 6.2 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:
- a) identify the needs of the student;
 - b) identify the student's risk factors and protective factors;
 - c) clearly identify any types of support that the student may need to continue his or her learning; and
 - d) establish the objectives of the Student Action Plan.
- 6.3 The student's parent and the student, as well as the appropriate teaching and support staff members, will be invited to participate in the planning meeting.
- 6.4 The planning meeting will be held within two (2) school days of the parent informing the school that the student will participate in an alternative suspension program.
- 6.5 If the parent is not available to participate in the planning meeting, the meeting will proceed in his or her absence and a copy of the Student Action Plan will be provided to the parent following the meeting.
- 6.6 The Student Action Plan will be developed under the direction of the principal 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.
- 6.7 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.
- 6.8 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.
- 6.9 The Student Action Plan will identify:

- a) the incident for which the student was suspended;
 - b) the progressive discipline steps taken prior to the suspension, if applicable;
 - c) any alternative discipline measures imposed in addition to the suspension;
 - d) 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.
- 6.10 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.
- 6.11 Once completed, the Student Action Plan will be shared with the parent and student and all staff members involved in facilitating the alternative suspension program.
- 6.12 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.

7. The Re-entry Meeting

- 7.1 Following a suspension of six (6) or more school days, a re-entry meeting will be held with appropriate staff, the student, and the student's parent, if possible, to provide positive and constructive redirection for the student.
- 7.2 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 parent. 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.
- 7.3 If appropriate, community agency staff and other persons or professionals may be involved in the re-entry planning.

8. Suspension Appeal Process

- 8.1 Where a student's parent or the student, if 18 or older or 16 or 17 and has removed him/herself from parental control, disagrees with the decision of a principal to

suspend the student, that student's parent or the student, if 18 or older or 16 or 17 and removed from parental control, may appeal the principal's decision to suspend, in accordance with this administrative procedure and Board Policy GOV-21 Appeals and Hearings Regarding Student Discipline.

- 8.2 Suspension appeals will not be conducted in accordance with or be subject to the *Statutory Powers Procedure Act*.
- 8.3 An appeal of a suspension does not stay the suspension.
- 8.4 A person who intends to appeal a suspension must give written notice of this intention within days of the commencement of the suspension. This notice must ten (10) school include information about the reasons for the appeal and will be sent to the director of education.

Review by the Director of Education:

Note: References to "parent" in this subsection include references to an adult student as described in subsection 8.1 above.

- 8.5 Upon receipt of the notice to appeal the suspension, the director of education:
- a) will promptly advise the school principal of the appeal;
 - b) will promptly advise the parent that a review of the suspension will take place, using Form ADMIN 381-02 Notice of Suspension Review, and invite the parent to discuss any matter respecting the incident and/or the appeal 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 request a meeting with the parent and the principal to discuss the issues and try to bring about a settlement;
 - f) will arrange a date for the appeal before the Discipline Committee of the Board so that the appeal can be conducted within fifteen (15) school days following notice of intent to appeal, if a settlement is not effected; and
 - g) will, where a resolution is not found, provide notice of the review decision to the parent, using Form ADMIN 381-03 Suspension Review Decision.

The Information Report for the Board:

- 8.6 If the suspension is upheld on review and the parent chooses to continue with the appeal, the supervisory officer will coordinate the preparation of a written report for the Discipline Committee of the Board. This report will contain at least the following components:
- a) a report of the incident and rationale for suspension prepared by the principal;
 - b) a copy of the suspension notice, Form ADMIN 381-01 Notification of Suspension;

- c) a copy of the letter from the parent stating the intent to appeal the suspension; and
- d) a copy of Form ADMIN 381-03 Suspension Review Decision, stating the decision of the supervisory officer regarding the suspension review.

8.7 The director of education shall inform the parent of the date of the suspension appeal and provide the parent 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 Board Policy No. GOV-21 Appeals and Hearings Regarding Student Discipline.

REFERENCE DOCUMENTS

Legal:

Education Act, Part XIII Behaviour, Discipline and Safety

Education Act: 265 (1) (a) Duties of Principal: Maintain Proper Order and Discipline

Ontario Regulation 298, 23 (4) Requirements for Pupils: Responsible to principal for conduct

Ontario Regulation 472/07 Behaviour, Discipline and Safety of Pupils [includes mitigating and other factors]

Ontario Student Record Guideline

Ontario Guideline—Provincial Code of Conduct and School Board Codes of Conduct

Ontario Ministry of Education *Student Success Strategy* [grades 7-12]

Policy/Program Memorandum 119 Developing and Implementing Equity and Inclusive Education Policies 2013

Policy/Program Memorandum 120 Reporting Violent Incidents to the Ministry of Education

Policy/Program Memorandum 128 The Provincial Code of Conduct and School Board Codes of Conduct

Policy/Program Memorandum 141 School Board Programs for Students on Long-term Suspension

Policy/Program Memorandum 144 Bullying Prevention and Intervention

Policy/Program Memorandum 145 Progressive Discipline and Promoting Positive Student Behaviour

Ontario Human Rights Code

Youth Criminal Justice Act

Board:

Board Policy GOV-01 Values, Vision, and Mission

Board Policy GOV-13 Equity and Inclusion

Board Policy GOV-19 Special Education

Board Policy GOV-20 Safe School Environment

Board Policy GOV-21 Appeals and Hearings Regarding Student Discipline

Administrative Procedure 379 Progressive Discipline

Administrative Procedure 382 Student Expulsion

Administrative Procedure 385 Violence-Free School

Administrative Procedure 386 Student Assault on Staff/Volunteers

Police Protocol

Form ADMIN 381-01 Notification of Suspension

Form ADMIN 381-02 Notice of Suspension Review

Form ADMIN 381-03 Suspension Review Decision.