

SUSPENSION AND/OR EXPULSION OF A STUDENT

Background

HPSD believes that each student enrolled in an HPSPD school should be provided with a welcoming, caring, respectful and safe environment that fosters and maintains respectful and responsible behaviours. HPSPD recognizes that from time to time it may be necessary to exclude a student from a class, school sponsored function, school bus, or school. HPSPD views this course of action as an extreme penalty and believes it should be used only after all possible avenues to reconcile the difference between the school and the student have been exhausted.

Definitions

Suspension - to remove a student:

- from school;
- from one or more class periods, or educational programs,
- from riding in a school bus, or
- for a maximum of 5 school days, unless there is a recommendation to the Board for expulsion.

Suspension from a Class - a student may be suspended by a teacher from one (1) individual class. The suspension shall be served within the school under the supervision of a staff member.

In School Suspension - a student may be suspended by the principal from one or more classes. The suspension shall be served within the school under the supervision of a staff member. The student must be reinstated into class at the end of the suspension.

Out of School Suspension - suspension of a student by the principal means the exclusion of the student from one or more class periods, from a course or program, from riding on a school bus, or from school, in accordance with section 36 of the Education Act.

Reinstate - means the re-admission of a student following a suspension.

Suspension with Recommendation to the Board for Expulsion - a student may be suspended by the principal from one or more classes, courses, school programs or school buses for a period of up to five (5) school days. If the student is not to be reinstated within five (5) school days after the suspension, the principal shall recommend that the Board expel the student.

Expulsion - to remove a student from school, one or more courses, or education programs, or from riding in a school bus, for a period of more than ten (10) school days. A student may be expelled from a school or school(s) within HPSPD for a period of time, usually not exceeding the length of the school year from which the student was expelled.

Pupil Personnel Committee - the Board delegates to the Pupil Personnel Committee, the power to make decisions with respect to the expulsion of students. The Pupil Personnel Committee shall, within ten (10) school days after the initial date of the suspension, hear representations with respect to a recommendation for a student expulsion in accordance with sections 36 and 37 of the Education Act. At that time, a decision will be made to reinstate or to expel the student from school, permit enrolment within another HPSPD school/program or expel the student from the system.

Procedures

In matters related to student discipline it is expected that a progressive discipline model that enables the student to demonstrate growth and learning shall be followed. Under section 36 of the *Education Act*, the principal has the right to suspend a student from school or riding the school bus, for up to five (5) school days. Suspensions and expulsions may be used where other forms of corrective action have been insufficient.

1. Suspension

- 1.1. A student may be suspended from a class, school sponsored function, school bus or school for unacceptable student behaviour as per section 36 of the *Education Act*, subsection (2) or (3) if in the opinion of the teacher or principal:
 - 1.1.1. the student has failed to comply with section 31, or
 - 1.1.2. the student has failed to comply with the code of conduct established under section 33(2)
 - 1.1.3. the student's conduct, whether or not the conduct occurs within the school building or during the school day, is injurious to the physical or mental well-being of others in the school, or
 - 1.1.4. The student has distributed an intimate image of another person.

2. Suspension from a class

- 2.1. A teacher may suspend a student from one class period. A teacher who suspends a student from class shall:
 - 2.1.1. promptly report the suspension to the principal;
 - 2.1.2. provide the student with the opportunity to offer an explanation;
 - 2.1.3. provide the student with a program of instruction for the class period;
 - 2.1.4. return the student to class not later than the following period;
 - 2.1.5. report to the principal in writing all circumstances surrounding the suspension prior to the conclusion of the school day; and
 - 2.1.6. notify the student's parent about the class suspension and the circumstances surrounding it as soon as reasonably possible prior to the next school day.

3. In school suspension

- 3.1. When a student is suspended from more than one class period, the principal shall:
 - 3.1.1. inform the student of the disciplinary nature of the suspension, its consequences and the reasons the suspension is being considered;
 - 3.1.2. provide the student with an opportunity to provide an explanation;
 - 3.1.3. inform the parent of the student, by telephone if possible, and promptly report in writing the circumstances of the suspension. Retain a copy of the suspension letter for the student record and forward a copy to the Superintendent or designate.
 - 3.1.4. ensure the student's teachers are informed of the suspension and work is provided to the student by the teachers for work that will be missed;
 - 3.1.5. provide an opportunity, if requested, to meet with the student's parent, and the student, if 16 years of age or older, to discuss the reasonableness of the suspension;
 - 3.1.6. reinstate the student within five (5) school days; and
 - 3.1.7. provide for the supervision of the student.

4. Out of school suspension

- 4.1. When a principal suspends a student, the principal shall:
 - 4.1.1. promptly inform the student's parent of the suspension;
 - 4.1.2. provide the student's parent with a report in writing of all the circumstances respecting the suspension. Retain a copy of the suspension letter for the student record and forward a copy to the Superintendent or designate;
 - 4.1.3. if applicable, alert the school bus driver of the student's suspension and the duration of the suspension
 - 4.1.4. provide an opportunity, if requested, to meet with the student's parent, or the student if 16 years of age or older, to discuss the reasonableness of the suspension; and
 - 4.1.5. ensure the student's teachers are informed of the suspension and work is provided to the student by the teachers for work that will be missed.

5. Reinstate

- 5.1. A Principal may reinstate a student who has been suspended from class by a teacher or a student who has been suspended under subsection (2) or (3). If the student is not reinstated within five (5) school days, within 24 hours of the decision not to reinstate, the principal must recommend the student for expulsion.

6. Suspension with recommendation for expulsion

- 6.1. If the student is not to be reinstated within five (5) school days of the date of the suspension, the Principal shall make a recommendation to the Pupil Personnel Committee of the Board that the student be expelled if, in accordance with Section 37 of the *Education Act*:
 - 6.1.1. the student has displayed an attitude of wilful, blatant and repeated refusal to comply with section 31 of the *Education Act*
 - 6.1.2. the student has displayed an attitude of wilful, blatant and repeated refusal to comply with the code of conduct established under section 33 (2) of the *Education Act*, or
 - 6.1.3. the student's conduct, whether or not the conduct occurs within the school building or during the school day, is injurious to the physical or mental well-being of others in the school, or
 - 6.1.4. The student has distributed an intimate image of another person, knowing that the person depicted in the image did not consent to the distribution, or being reckless as to whether or not that person consented to the distribution.
- 6.1.5. The following procedures shall be followed by the principal:
 - 6.1.5.1. immediately advise the Superintendent of the recommendation to expel the student since an expulsion hearing must be convened within ten (10) school days from the first day of the suspension;
 - 6.1.5.2. immediately inform the student's parent, by telephone, of the recommendation and report in writing all the circumstances of the suspension to the parent with a copy to the Superintendent or designate;
 - 6.1.5.3. write a suspension letter containing the following information:
 - 6.1.5.3.1. the student's legal name, birth date, grade level;
 - 6.1.5.3.2. student has been suspended with recommendation that the board expel the student;
 - 6.1.5.3.3. student is suspended from riding the school bus and attending all school events while under suspension from school;
 - 6.1.5.3.4. all circumstances respecting the suspension and the student's actions that led to the recommendation, with reference to the appropriate Administrative Procedure(s) and Section 36, 37 of the *Education Act*;
 - 6.1.5.3.5. the suspension will be resolved within ten (10) school days;
 - 6.1.5.3.6. the parent will be contacted by the office of the Superintendent with the date, time and location and procedures hearing;
 - 6.1.5.3.7. the student will be provided with school work to complete while under suspension;
 - 6.1.5.3.8. contact information if the parent has any questions; and
 - 6.1.5.3.9. student remains suspended until a decision is made by the Pupil Personnel Committee.
- 6.1.6. Upon receiving the recommendation for expulsion, the Superintendent or designate, shall:
 - 6.1.6.1. contact the parent to advise of the time, date and location of the hearing; and
 - 6.1.6.2. advise the parent and student of the right to be in attendance, to be heard, to make representations to the board with respect to the recommendation for expulsion and to be represented by an advocate or counsel at that time.

7. Pupil Personnel Committee

- 7.1. The Pupil Personnel Committee shall within ten (10) school days of the date of the suspension:
 - 7.1.1. convene
 - 7.1.2. provide opportunity for the student, the student's parent and, if present, the student's advocate to make representations to the Pupil Personnel Committee with respect to the Principal's recommendation to expel the student
 - 7.1.3. reinstate the student or
 - 7.1.4. expel the student from school in accordance with Section 37 of the *Education Act*.

8. Expulsion

- 8.1. The Pupil Personnel Committee may expel a student from any program operated by HPSPD for a period of more than ten (10) days if:
 - 8.1.1. the Principal has recommended that the Pupil Personnel Committee expel the student
 - 8.1.2. the student has been offered another education program by the HPSPD.
- 8.2. the Pupil Personnel Committee may establish rules or conditions for an expelled student respecting the circumstances in which the student may be enrolled in the same or a different education program.
 - 8.2.1. an expulsion or any rule or condition made may apply to a student beyond the school year in which the student was expelled.
- 8.3. When the Pupil Personnel Committee makes a decision to expel a student the Superintendent shall immediately notify, in writing, the student's parent, and the student if the student is 16 years of age or older:
 - 8.3.1. of the decision, and any rules or conditions that apply to the student, and
 - 8.3.2. of the right to request a review of the decision by the Minister of Education under section 43
- 8.4. When a student is expelled the Pupil Personnel Committee shall
 - 8.4.1. ensure the student is provided with a supervised education program consistent with the requirements of the Education Act and the regulations;
 - 8.4.2. ensure the student is provided with supports and services consistent with the principles of inclusive education.

9. Reinstatement and re-enrollment

- 9.1. In the case of a student who has been suspended or expelled, decisions regarding the placement of the student following re-instatement or re-enrollment may include conditions.
- 9.2. If the student returns after the term of expulsion without having met the conditions, the Superintendent has the authority to direct the student to another education program.

References

Education Act, Sections 1(1.1), 31, 33, 36, 37, 43

Cross Reference

[Policy 8](#)