

Administrative Procedure 351

Students

SUSPENSION

BACKGROUND

The charter board approves of the use of suspension and expulsion as disciplinary actions in response to student conduct that school administration considers excessive or persistent.

The charter board requires that all methods used to suspend or expel a student be consistent with the *Education Act* and charter board policy.

Administration will consider the needs and rights of all affected members of the Westmount community but will ultimately be guided by the principle of undue hardship to the school in all such considerations.

The superintendent and principal are jointly responsible for the implementation of this administrative procedure.

PROCEDURES

1. Definitions

The following definitions shall apply:

- 1.1 “suspend” means to remove a student
 - 1.1.1 from school;
 - 1.1.2 from one or more class periods, courses or education programs;
 - 1.1.3 from riding in a school bus; or
 - 1.1.4 for a period of ten (10) school days or less, in accordance with the *Education Act*.
- 1.2 “expel” means to remove a student
 - 1.2.1 from school;
 - 1.2.2 from one or more courses or education programs;
 - 1.2.3 from riding in a school bus; or
 - 1.2.4 for a period of more than ten (10) school days, in accordance with the *Education Act*.
- 1.3 “date of suspension” means the school day after the action to suspend was taken.
- 1.4 “in-school suspension” means the student will be assigned work to complete at school but outside the classroom.
- 1.5 “school suspension” means the student may not attend school classes, programs and activities and may not be on school grounds, in the school building or other designated areas used by the school for the duration of the suspension.

2. General Guidelines

- 2.1 Specific grounds for suspension and/or a recommendation to expel include but are not limited to:
 - 2.1.1 those conditions specified under the *Education Act*;
 - 2.1.2 serious and/or repeated disregard for the Student Code of Conduct;

- 2.1.3 serious and/or repeated violations of charter board policy, as well as administrative procedures AP-342 Student Responsible Use Policy, AP-330 Student Attendance, AP-341 Harassment by Students and AP-343 Student Dress Code;
- 2.1.4 any violation of AP-347 Student Drug and Alcohol Abuse; and
- 2.1.5 offenses which affect the safety and security of others as more particularly described under AP-350 Student Discipline.
- 2.2 All actions taken or contemplated under this administrative procedure will be applied in a reasonable, fair and objective manner.
- 2.3 A decision to suspend or expel a student is normally a response to a serious or repeated disciplinary matter. All parties involved in a decision to suspend or expel must balance the individual needs and rights of the student being disciplined with the needs and rights of the total school population. A decision to suspend or expel a student shall be guided by the school's duty to accommodate, but will ultimately be guided by the principle of undue hardship to the school in all such considerations.
- 2.4 Under this administrative procedure, school administration has a responsibility to communicate with students and parents of students who are either being considered for suspension or expulsion, or are suspended or expelled. All written communication shall be delivered to the parent by hand, by email, or by registered mail.
- 2.5 The principal's authority to suspend a student for a period not exceeding five (5) school days may be delegated.
- 2.6 Suspension from a class, an education program, or riding the school bus does not exclude the student from participating in other school classes, education programs, or other school-sponsored activities.

3. Suspensions

The following guidelines apply specifically to the suspension of a student:

- 3.1 The *Education Act* provides that the principal or designate may suspend a student, if the student has failed to comply with AP-340 Student Code of Conduct or the student's conduct is harmful to the physical or mental wellbeing of others in the school.
- 3.2 A teacher may only suspend a student for one class period and must report that suspension to the principal.
- 3.3 The principal may suspend a student from:
 - 3.3.1 school;
 - 3.3.2 one or more class periods, courses or education programs;
 - 3.3.3 one or more school extra-curricular activities; or
 - 3.3.4 riding in a school bus.
- 3.4 Under normal circumstances, the principal would take the following steps when contemplating a suspension:
 - 3.4.1 meet with the student to discuss the cause(s) of a potential suspension in the presence of a witness;
 - 3.4.2 explain to the student the cause(s) for contemplating a suspension;
 - 3.4.3 allow the student the opportunity to explain his/her/their actions to the principal;
 - 3.4.4 as the facts require, consider what limits to the school's duty to accommodate applies to the student;

- 3.4.5 decide on what action, if any, will be taken; and
- 3.4.6 document a summary of the meeting.
- 3.5 When a student is suspended under (3) above, the principal shall:
 - 3.5.1 immediately inform the student's parent of the suspension;
 - 3.5.2 report in writing to the student's parent all circumstances leading to the suspension; and
 - 3.5.3 if requested, provide an opportunity to meet with the student's parent, and the student, if desirable. If the student is sixteen (16) years of age or older, meet to discuss the reasonableness and terms of the suspension.
- 3.6 The principal may reinstate a student suspended under (3.2) or (3.3) above.
- 3.7 Prior to reinstating a student, the principal will meet with the student and the student's parent to clarify the reason for the suspension and expectations for future conduct.
 - 3.7.1 Clarify for the student and the student's parents possible actions by the school should the student's conduct not improve. The principal may consider information offered by the student or his/her/their parents at the time to address the circumstances of the student's conduct. The principal will document a summary of this meeting.
- 3.8 If the student is not to be reinstated within five (5) school days of the date of suspension, the principal shall:
 - 3.8.1 recommend to the charter board that the student be expelled;
 - 3.8.2 immediately inform the chairperson and the superintendent of the suspension; and
 - 3.8.3 report in writing to the charter board, the superintendent and the parent of the student all the circumstances leading to the suspension and the principal's recommendation to expel, and the student remains suspended until the charter board has made a decision as provided under section 4 below.
- 3.9 The *Education Act* provides that the principal may recommend the charter board expel the student if the student has displayed an attitude of willful, blatant and repeated refusal to comply with AP-340 Student Code of Conduct or the student's conduct is injurious to the physical or mental wellbeing of others in the school.
- 4. Discipline Committee Hearing
 - 4.1 Upon notification from the principal that a student has been suspended for a period in excess of five (5) school days the chairperson shall immediately establish an ad hoc committee of the board.
 - 4.2 The ad hoc committee of the board shall consist of the chairperson or vice-chairperson and two other qualified members of the charter board.
 - 4.3 Upon notification from the principal that a student has been suspended for a period in excess of five (5) school days, the superintendent shall
 - 4.3.1 convene a hearing of the ad hoc committee of the board within ten (10) school days after the initial date of the suspension;
 - 4.3.2 advise the parent of the student and the principal of the date, time and location of the hearing; and
 - 4.3.3 provide all parties with documentation relevant to the suspension in advance of the date of the hearing.

- 4.4 At the request of the superintendent, the principal shall provide a report to the superintendent containing the following information:
 - 4.4.1 an anecdotal report of any incident leading to the suspension;
 - 4.4.2 an anecdotal report of discipline referrals to the school administration in the current school year and for April, May and June of the previous school year when a suspension occurs during the first three (3) months of a new school year;
 - 4.4.3 a report on academic progress, attendance and general deportment to the date of the student under suspension; and
 - 4.4.4 any other information the principal considered to be pertinent to the student and/or the suspension; and
 - 4.4.5 any other information the superintendent may request be provided by the principal.
- 4.5 Prior to the date of the ad hoc committee of the charter board hearing, the superintendent shall meet with the parent and the student to review the school's documentation and to discuss the matter of the suspension. The parent shall be provided with the opportunity to present information relative to the suspension and this information will be passed along to the ad hoc committee of the charter board.
- 4.6 The following guidelines apply to a hearing of the ad hoc committee of the charter board:
 - 4.6.1 Those attending the hearing are the charter board's ad hoc committee, the superintendent, the principal, the parent(s), the student and any representative of the parent or student. The charter board may choose to have legal counsel in attendance.
 - 4.6.2 The chairperson or the vice-chairperson of the charter board will chair the hearing.
 - 4.6.3 The superintendent shall provide introductory comments as to the cause for the hearing and shall make reference to relevant sections of the *Education Act* and charter board policy.
 - 4.6.4 Any additional documents prepared by the principal shall be distributed to the committee members and the principal shall speak to the reason(s) for the suspension.
 - 4.6.5 The student, parent(s) and/or their representative(s) shall have the opportunity to speak to the reason(s) for the suspension.
 - 4.6.6 As the facts of the particular matter require, Westmount will consistently adhere to the schools 'duty to accommodate' as stated in law when applying the process and substance of this administrative procedure. Westmount will consider the needs and rights of all affected members of the Westmount community but will ultimately be guided by the principle of undue hardship to the school in all such considerations.
 - 4.6.7 The committee members, the superintendent, the student, the parent(s) and/or any representative may ask questions and discuss the matter with the parties in attendance and may also refer to documents that are relevant to the student's conduct and/or to the impact of such conduct on other members of the Westmount community.
 - 4.6.8 The committee shall adjourn and hold an in-camera meeting in order to reach its decision.
- 4.7 The decision of the charter board's ad hoc committee shall be final. The superintendent shall immediately communicate the decision and the committee's

rationale in writing to the parent, the student, if 16 years of age or older, and the principal.

- 4.8 If the decision of the charter board's ad hoc committee is to expel the student, the parent and student, if sixteen (16) years of age or older, shall be advised of the right to request a review of the board's decision by the Minister.
- 4.9 The charter board's ad hoc committee has the authority to make any one or a combination of the following decisions:
 - 4.9.1 The student may be reinstated.
 - 4.9.2 The student may be reinstated with reasonable conditions, restrictions and/or accommodations aimed at modifying his/her/their conduct.
 - 4.9.3 The student may be expelled for a specific period of time and then reinstated. The period of expulsion may extend beyond the end of the current school year.
 - 4.9.4 Any order or direction with respect to the student's suspension or expulsion that is both reasonable under all of the circumstances and complies with the *Education Act*.
- 4.10 As an alternative to expulsion the student and parent may agree to a voluntary withdrawal from the school.

5. Expulsion

The following provisions apply specifically to a decision to expel a student:

- 5.1 The principal must have made a recommendation to expel the student.
- 5.2 The student must be offered another education program by the charter board. Alternative education programs that may be offered include:
 - 5.2.1 a home study program under the supervision of the charter board;
- 5.3 An expelled student may be reinstated only if and when the charter board has the necessary space and resources to provide a suitable education program for his/her/them, while at the same time providing a welcoming, caring, respectful and safe learning environment for the larger school population.

Legal Reference:	<i>Education Act</i>
Cross Reference:	AP-330 Student Attendance AP-340 Student Code of Conduct AP-341 Harassment by Students AP-342 Mid-High Student Responsible Use Policy AP-342.1 Elementary Student Responsible Use Policy AP-343 Student Dress Code AP-347 Student Drug and Alcohol Abuse AP-350 Student Discipline
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