



ALGONQUIN AND LAKESHORE CATHOLIC DISTRICT SCHOOL BOARD

ADMINISTRATIVE PROCEDURES

SUSPENSION OF A STUDENT (Policy Statement: Caring and Safe Catholic Schools)

Purpose

It is the policy of the Board that the conduct of students as members of the school community is expected to be modeled after Christ and Catholic values. Conduct falling below that standard requires appropriate discipline which may include suspension from school.

The disciplinary standards and procedures set out in the Administrative Procedures, Suspension of a Student, are consistent with the requirements of the Education Act, the applicable Regulations made under that Act and the Ministry of Education Policies and Guidelines.

References

Education Act, as amended, and Regulations

Education Act, Sections 306, 307, 308, 312, 315; Regulation 472/07

Policy/Program Memorandum No. 141: School Board Programs for Pupils on Long-Term Suspension (2007)

Policy/Program Memorandum 145: Progressive Discipline and Promoting Positive Student Behaviour (2009)

Policy/Program Memorandum No. 120: Reporting Violent Incidents (2011)

Local Police/School Protocol, 2011

Procedures

1. Statements from Ministry of Education Policy Program Memoranda:

1.1 Policy/Program Memorandum No. 128 (The Provincial Code of Conduct):

A school should be a place that promotes responsibility, respect, civility, and academic excellence in a safe learning and teaching environment. A positive school climate exists when all members of the school community feel safe, comfortable, and accepted.

All students, parents, teachers, and staff members have the right to be safe, and to feel safe, in their school community. With this right comes the responsibility to contribute to a positive school climate. The promotion of strategies and initiatives such as Student Success and character development, along with the employment of prevention and intervention strategies to address inappropriate behaviour, fosters a positive school climate that supports academic achievement for all students. Boards and schools should therefore focus on prevention and early intervention

as the key to maintaining a positive school environment in which students can learn and teachers can teach.

1.2 Policy/Program Memorandum No. 145 (Progressive Discipline):

Progressive discipline is a whole-school approach that utilizes a continuum of interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviours described above. When inappropriate behaviour occurs, disciplinary measures should be applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Schools should utilize a range of interventions, supports, and consequences that include learning opportunities for reinforcing positive behaviour while helping students to make good choices.

In some circumstances, short-term suspension may be a useful tool. In the case of a serious incident, long-term suspension or expulsion, which is further along the continuum of progressive discipline, may be the response that is required.

For students with special education needs, interventions, supports, and consequences must be consistent with the student's strengths, needs, goals, and expectations contained in his or her Individual Education Plan (IEP).

Section 300.2 of Part XIII of the *Education Act* states that an employee of the board who becomes aware that a student at a school of the board may have engaged in an activity for which suspension or expulsion must be considered, shall report the matter to the principal as soon as reasonably possible. The employee must consider the safety of others and the urgency of the situation in reporting the incident, but, in any case, must report it to the principal no later than the end of the school day.

In cases where an immediate action is required, a verbal report to the principal may be made. A written report must be made when it is safe to do so.

1.3 Policy/Program Memorandum No. 141 (School Board Programs for Pupils on Long-Term Suspension)

Boards must offer at least one program for students who are on long-term suspension (suspension of six to 20 school days). In the written notice of suspension, parents must be notified of the board program to which the student on long-term suspension has been assigned.

While boards are not required to provide programs for students who have been suspended for less than six days, boards are expected to provide homework packages for these students to help ensure that they do not fall behind in their school work.

A Student Action Plan (SAP) must be developed for every student on a long-term suspension who makes a commitment to attend the board program for suspended students.

2. Mitigating Factors and Other Factors (Ontario Regulation 472/07, ss. 2 and 3):

2.1 Application of Mitigating Factors and Other Factors:

- a) The Principal shall take into account the mitigating factors and the other factors in considering whether to suspend a pupil.

- b) The Principal shall take into account the mitigating factors and the other factors in considering how long the suspension should be.

2.2 Mitigating Factors:

The Principal shall take the following mitigating factors into account:

- a) the pupil does not have the ability to control his or her behaviour;
- b) the pupil does not have the ability to understand the foreseeable consequences of his or her behaviour; or
- c) the pupil's continuing presence in the school does not create an unacceptable risk to the safety or well-being of any person.

2.3 Other Factors:

The Principal shall take the following factors into account, if the said factors would mitigate the seriousness of the activity for which the pupil may be or is being suspended:

- a) the pupil's history;
- b) whether a progressive discipline approach has been used with the pupil;
- c) whether the activity for which the pupil may be or is being suspended 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;
- d) how the suspension would affect the pupil's ongoing education;
- e) the age of the pupil; and
- f) in the case of a pupil for whom an individual education plan has been developed:
 - i) whether the behaviour was a manifestation of a disability identified in the pupil's individual education plan,
 - ii) whether appropriate individualized accommodation has been provided, and
 - iii) whether the suspension is likely to result in an aggravation or worsening of the pupil's behaviour or conduct.

3. Pupil Suspension:

3.1 Activities leading to a Possible Suspension under the *Education Act*, s. 306 (1):

A Principal shall consider whether to suspend a pupil, if the Principal believes that the pupil 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:

- a) uttering a threat to inflict serious bodily harm on another person;
- b) possessing alcohol or illegal drugs;
- c) being under the influence of alcohol;
- d) swearing at a Teacher or at another person in a position of authority;
- e) committing an act of vandalism causing extensive damage to school property at the pupil's school or to property located on the premises of the pupil's school;
- f) bullying;
- g) any other activity for which a Principal may suspend a pupil under the policy of the Board.

3.2 Activities leading to a Possible Suspension under Board Policy:

A Principal shall consider whether to suspend a pupil, if the Principal believes that the pupil 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:

- a) persistent truancy;
- b) persistent opposition to authority;
- c) habitual neglect of duty;
- d) serious breaches of the Board Code of Conduct or the School Code of Conduct;
- e) conduct injurious to the moral tone of the school;
- f) conduct injurious to the physical or mental well-being of others in the school;
- g) the use of tobacco;
- h) the willful destruction of school property, vandalism causing damage to school or Board property, or to property located on school or Board premises;
- i) the use of profane or improper language;
- j) infraction(s) off school property where the pupil's conduct in the community negatively impacts on the school;
- k) dress that contravenes the established dress code within a school;
- l) being in possession of, or being under the influence of, or providing others with legal drugs without a prescription for the said drugs, or in a manner or an amount not contemplated by a prescription for the said drugs, or in a manner or an amount not contemplated in the general instructions for use of the said drugs;
- m) being under the influence of alcohol or illegal drugs;
- n) taking photographs and/or video and/or audio recordings during an instructional class and in other areas of the school, unless authorized by the Principal or classroom teacher;
- o) harassing another person by the use of mechanical/electronic technology or communications;
- p) invading another person's privacy by the use of mechanical/electronic technology or communications;
- q) production, possession and/or distribution of hate material, including pornography;
- r) possession or misuse of any harmful and/or explosive substances;
- s) extortion;
- t) theft;
- u) aid/incite harmful behaviour; and/or
- v) physical assault;
- w) lack of immunization as determined by the local Health Unit.

- 3.3 A suspension shall be a suspension from the pupil's school and from engaging in all school-related activities.
- 3.4 A suspension shall be for no less than one (1) school day and for no more than twenty (20) school days.
- 3.5 A Principal may not suspend a pupil more than once for the same occurrence.
- 3.6 In considering whether to suspend a pupil and in considering how long the suspension should be, the Principal shall take into account the mitigating factors and other factors set out in section 2 above.
- 3.7 The Principal shall consult with his or her Superintendent prior to making the decision to impose a suspension of 3 days or more.

- 3.8 When a Board staff member or transportation provider becomes aware of any infractions for which a suspension may be imposed by the Principal or any infractions for which a Principal may consider recommending to the Board that a student be expelled, s/he must report the infraction and any details to the Principal/Vice-Principal/teacher in charge at the earliest, safe opportunity and no later than the end of the school day, or end of a transportation run, if reported by a transportation provider. Where two or more board staff and/or transportation providers become aware of the same incident, each staff member and transportation provider shall make a report to the Principal/Vice-Principal or teacher in charge during the absence of administration. The purpose of reporting incidents is to ensure that the Principal/Vice-Principal is aware of the behaviour.
- 3.9 Wherever possible, it is expected that the employee or transportation provider will provide an oral report to the Principal /Vice-Principal or teacher in charge during the absence of administration at the earliest, safe opportunity.
- 3.10 A written report, the ALCDSB Caring and Safe Schools Incident Reporting Form – Part I (Form A) must be submitted to the Principal/Vice-Principal or teacher in charge during the absence of administration, when it is safe to do so and no later than the end of the school day or the end of the transportation run, if reported by a transportation provider. *In the case of psychologists and social workers having a clinical relationship with a student, reporting should take place when it is reasonably possible to do so without having a negative impact on the clinical relationship.* A teacher in charge who receives the report shall provide it to an administrator at the earliest convenience.
- 3.11 Once the incident report form is received, the Principal/Vice-Principal will identify on the ALCDSB Caring and Safe Catholic School Incident Reporting Form - Part II whether or not action was taken. No information identifying students will be included on the ALCDSB Caring Safe Catholic Schools Incident Reporting Form – Part II.
- 3.12 In circumstances in which action is taken by the Principal or Vice-Principal with respect to the alleged incident and student who has been disciplined, a copy of the ALCDSB Caring and Safe Catholic Schools Incident Reporting Form – Part I shall be filed in that student's OSR for at least the balance of the school year and for the following school year, unless the ALCDSB Caring and Safe Catholic Schools Incident Reporting Form – Part I is removed from the OSR in accordance with s. 266 of the *Education Act*, or as the result of a suspension review, suspension appeal, expulsion appeal or settlement or final determination of an appeal/review/proceeding/action/claim/application. The principal/vice-principal shall ensure that all information contained in the ALCDSB Caring and Safe Catholic Schools Incident Reporting Form – Part I that could identify other students has been redacted (removed/blacked out) before it is filed in the OSR of the student who has been disciplined. When action is taken against more than one student, the ALCDSB Caring and Safe Catholic Schools Incident Reporting Form – Part I shall be filed in each student's OSR, as above, and all identifying information about other students will be redacted. If action is taken, the report form and documentation of the progressive discipline action taken must be kept in the student's OSR for a minimum of one year. The principal/vice-principal shall retain the original copy of the ALCDSB Caring and Safe Catholic Schools Incident Reporting Form-Part I for at least the balance of the school year, and the following school year.
- 3.13 Where the victim has not demonstrated any inappropriate behaviour, the ALCDSB Caring and Safe Catholic Schools Incident Reporting Form Part I shall not be filed in the victim's OSR. No information about the incident shall be placed in the victim's OSR unless the student's parent/adult student, expressly request that such information be placed in the OSR.

- 3.14 If no action is taken by the Principal, the Principal is not required to retain the Form.
- 3.15 Each year the Principal shall review with all staff their duty to report as outlined above. This review shall include instructions regarding the completion of the ALCDSB Caring and Safe Schools Incident Reporting Form Part 1 and the management of the ALCDSB Caring and Safe Schools Incident Reporting Form – Part II. (See Appendix 1: Caring and Safe Schools Incident Reporting Flow Chart)

4. Assignment to a Program (Education Act, s. 306 (5) & (7) and PPM No. 141):

4.1 Homework Package:

When a Principal suspends a pupil for up to 20 school days, arrangements shall be made to provide the pupil with access to a homework package to help ensure that the pupil does not fall behind in his or her school work.

4.2 Assignment to Program:

When a Principal suspends a pupil for six (6) or more days, the Principal shall assign the pupil to a program for suspended students.

4.3 Discipline and Safety Requirements:

Prior to entry into a program for suspended pupils, each suspended pupil, if applicable, and the pupil's parent or guardian in the case of pupils under the age of eighteen shall sign a written agreement agreeing to attend the program for suspended pupils and agreeing to be bound by the discipline and safety requirements set out in Appendix 2 and in the Agreement in Appendix 3. The requirement for the signature of a parent or guardian shall be waived for pupils who are 16 or 17 years of age and who have withdrawn from parental control.

4.4 Student Action Plan (SAP):

A Student Action Plan (SAP) shall be developed for every pupil who has been assigned to a program for suspended pupils provided the necessary written commitment to attend the program and to be bound by the discipline and safety requirements has been obtained.

4.5 Planning Meeting:

The Principal shall hold a planning meeting in accordance with the relevant provisions of PPM #141 for holding such planning meetings. A precondition for the said planning meeting is the obtaining of the necessary written commitment to attend the program and to be bound by the discipline and safety rules.

4.6 Status of Suspended Pupil:

A pupil who is suspended is not considered to be engaged in school-related activities by virtue of participating in a program for suspended students.

5. Notice of Suspension (Education Act, ss. 308 & 309):

- 5.1 A Principal who suspends a pupil under section 306 of the Education Act shall:
- a) inform the pupil, if applicable and possible;
 - b) inform the pupil's teacher of the suspension; and
 - c) make all reasonable efforts to inform the pupil's parent or guardian of the suspension within 24 hours of the suspension being imposed, unless
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- 5.2 A Principal who suspends a pupil shall ensure that written notice of the suspension is given promptly to the following persons:
- a) the pupil;
 - b) the pupil's parent or guardian, unless
 - i) the pupil is at least 18 years old, or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
- 5.3 A copy of the notice of suspension shall be filed in the pupil's OSR Folder.
- 5.4 The written notice shall include:
- a) the reason for the suspension;
 - b) the duration of the suspension;
 - c) provide information about any program for suspended students to which the pupil is assigned; and
 - d) provide information about the right to appeal the suspension including:
 - i) a copy of the Board Policies and Guidelines governing suspension appeals and
 - ii) the name and contact information of the current Superintendent of School Effectiveness – Caring and Safe Catholic Schools to whom notice of the appeal must be given.
- 5.5 The Principal shall inform the parent(s)/guardian(s) of the victim(s) that the student who harmed their child has been suspended. The Principal is required to inform the parent(s)/guardian(s) of:
- a) the nature of the activity that resulted in harm to the student;
 - b) the nature of harm to the student; and
 - c) the steps taken to protect the student's safety.

The Principal shall not disclose to a victim's parent(s)/guardian(s) the name of or any personal information about a student who engaged in activity that resulted in the harm.

- 5.6 The Principal shall request police involvement or response, as directed below, which is consistent with our local Police/School Board Protocol.

a) ***Mandatory Notification of Police***

At minimum, the police must be notified of the following types of incidents:

- (i) all deaths;
- (ii) physical assault causing bodily harm requiring medical attention;
- (iii) sexual assault;

- (iv) robbery;
- (v) criminal harassment;
- (vi) relationship-based violence;
- (vii) possessing a weapon to cause or to threaten bodily harm to another person;
- (viii) using a weapon, including possessing a firearm;
- (ix) trafficking in weapons or illegal drugs;
- (x) possessing an illegal drug;
- (xi) hate and/or bias-motivated occurrences;
- (xii) possession of child pornography;
- (xiii) prostitution/procurer;
- (xiv) gang-related occurrences; and
- (xv) extortion.

In the case of possession of an illegal drug police must be notified. Notification should be as soon as practicable. Upon police arrival, the illegal drug shall be taken into their possession.

b) Discretionary Notification of Police:

- (i) giving alcohol to a minor;
- (ii) being under the influence of alcohol or illegal drugs;
- (iii) threats of serious physical injury, including threats made on social networking sites or through instant messaging, text messaging, e-mail, and so on;
- (iv) fire-setting;
- (v) incidents of vandalism; and
- (vi) trespassing incidents (new provisions under the Access to School Premises Regulation (O.Reg. 474/00) and the Trespass to Property Act).

For students with special education needs, consideration must be given to mitigating factors. However, occurrences requiring mandatory notification of police should still occur regardless of any special needs.

c) Guidelines for Contact with Police Services are provided below:

INCIDENTS	RESPONSIBILITY	CONTACTS
<p>Mandatory Incidents</p>	<p>Principal or Designate (in consultation with school administration)</p>	<ul style="list-style-type: none"> • 911 or non-emergency police line depending on the circumstances • Non-Emergency Numbers: Kingston Police: 613-549-4660 Belleville Police: 613-966-0882 OPP (all jurisdictions): 1-888-310-1122

Discretionary Incidents	Principal or Designate (in consultation with school administration)	Non-Emergency Police Line
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5.7 Where circumstances warrant, the Principal shall complete and file a Violent Incident Report Form (Form B) in the pupil's OSR Folder in accordance with the Ministry of Education Policy/Program Memorandum 120: Reporting Violent Incidents (2011).

a) P/PM 120 defines a violent incident as the occurrence of any one of the following or the occurrence of a combination of any of the following:

- (i) possessing a weapon, including possessing a firearm;
- (ii) physical assault causing bodily harm requiring medical attention;
- (iii) sexual assault;
- (iv) robbery;
- (v) using a weapon to cause or to threaten bodily harm to another person;
- (vi) extortion; and
- (vii) hate and/or bias-motivated occurrences.

All violent incidents that occur on school premises during school-run programs must be reported to the Superintendent of School Effectiveness – Caring and Safe Catholic Schools, whether the violent incident was committed by a student of the school or whether it was committed by any other person.

b) A copy of the Violent Incident Report Form (Form B) will be provided to the Superintendent of School Effectiveness – Caring and Safe Catholic Schools.

c) The violent incident will be recorded in the Student Management System (Maplewood). Possession of a weapon, at a minimum, should trigger the Community Threat Assessment

Protocol – Stage 1 (contact the Superintendent of School Effectiveness – Caring and Safe Catholic School for direction).

6. Re-entry Meetings:

6.1 In conjunction with the pupil's suspension the Principal may arrange for such re-entry meeting(s) as are required with the pupil, the pupil's Teacher and such other resource persons as required. The pupil's parent or guardian will be encouraged to attend such meetings, unless the pupil is at least 18 years old or the pupil is 16 or 17 years old and has withdrawn from parental control.

7. Appraisal of Suspensions:

7.1 If the pupil is suspended for 20 school days or is suspended more than once during a school year, the Board shall ensure that a Guidance Counsellor or other appropriate resource person employed by the Board:

- a) reviews the circumstances of the suspension or suspensions, as the case may be; and
- b) where appropriate, informs the pupil and the pupil's parent or guardian, unless the pupil is at least 18 years old or the pupil is 16 or 17 years old and has withdrawn from parental control, of services that are available from the Board or elsewhere in the community to assist the pupil.

8. Suspension Appeal Rights (Education Act, s. 309):

- 8.1 The following persons may appeal, to the Board, a Principal's decision to suspend a pupil:
- a) The pupil's parent or guardian, unless
 - i) the pupil is at least 18 years old, or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
 - b) The pupil, if
 - i) the pupil is at least 18 years old or
 - ii) the pupil is 16 or 17 years old and has withdrawn from parental control.
 - c) In the event that a pupil does not have a parent or a formal guardian, such other persons as the Chair of the Discipline Committee in his or her discretion may direct.
- 8.2 The current Superintendent of School Effectiveness – Caring and Safe Catholic Schools or his or her designate shall be the person appointed by the Board for the purposes of receiving notices of intention to appeal a suspension.
- 8.3 A person who is entitled to appeal a suspension must give written notice of his or her intention to appeal to the current Superintendent of School Effectiveness – Caring and Safe Catholic Schools within 10 school days of the commencement of the suspension.
- 8.4 Board Policy (Suspension Appeal) shall govern an appeal of a decision to suspend a pupil.

Appendices

- Appendix 1: Caring and Safe Catholic Schools Incident Reporting Flow Chart
- Appendix 2: Discipline and Safety Rules for the Suspended Pupil's Program
- Appendix 3: Discipline and Safety Requirements for Program Participants
- Appendix 4: Other Requirements for Program Participants
- Appendix 5: Letter: Suspension of 1 – 5 Days
- Appendix 6: Letter: Suspension of 6 – 10 Days
- Appendix 7: Letter: Suspension of 11 – 20 Days
- Appendix 8: Letter: Suspension Pending Possible Expulsion

Forms

- Form A: ALCDSB Caring and Safe Catholic Schools Incident Reporting Form Part I and Part II
- Form B: Violent Incident Report Form

Approved: October 25, 2011

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