

Kettle and Stony Point First Nation EDUCATION POLICIES	NO 200 - 09
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SUBJECT: Suspension of Students	EFFECTIVE DATE: September 1, 2011
	APPROVAL DATE: Revised Motion: 12 Year/Month: 2011/08

POLICY:

It is the policy of the Kettle and Stony Point First Nation Education Committee to ensure a positive and safe learning and working environment for all students, staff and visitors. A pupil who engages in activities that jeopardize this environment may be subject to suspension.

Regulations:

I. ACTIVITIES LEADING TO POSSIBLE SUSPENSION

When the Principal or Vice-Principal's investigation of an incident, which should include consultation with the pupil and the pupil's parent/guardian, determines that a pupil has committed one or more infractions as outlined below, on school property, during a school-related activity or event, and/or in circumstances where the infraction has an impact upon the school climate, the Principal and Vice-Principal of Hillside School will consider whether that pupil should be suspended, taking into account any mitigating and other factors that might be applicable in the circumstances.

The Principal and Vice-Principal will also contact the police consistent with the Police and School Response Protocol if the infraction the pupil is suspected of committing requires such contact.

The infractions for which a suspension may be imposed by the Principal and Vice-Principal of Hillside School include:

1. Uttering a threat to inflict serious bodily harm on another person;
2. Possessing alcohol, illegal and/or restricted drugs;
3. Being under the influence of alcohol or narcotics;
4. Smoking on school property
5. Swearing at a teacher or at another person in a position of authority;
6. Committing an act of vandalism that causes damage to school or First Nation property (i.e. buses, playground equipment) or to individual property located on the premises of the school;
7. Bullying or fighting.

8. Any act considered by the Principal and Vice-Principal to be injurious to the moral tone of the school;
9. Any act considered by the Principal and Vice-Principal to be injurious to the physical or mental well-being of any member of the school community;
or
10. Any act considered by the Principal and Vice-Principal to be contrary to the KSPFN Education Committee Student Code of Conduct.

A pupil may be suspended only once for any incident of an infraction and may be suspended for a minimum of one (1) school day and a maximum of twenty (20) school days per infraction.

Factors to Consider Before Deciding to Impose a Suspension

Before deciding whether to impose a suspension or other form of discipline, the Principal and Vice-Principal of Hillside School will make every reasonable effort to consult with the pupil and the pupil's parent(s)/ guardian(s) to identify whether any mitigating and/or other factors might apply in the circumstances.

Mitigating Factors

The mitigating factors to be considered by the Principal and Vice-Principal before deciding whether to impose a suspension are:

1. Whether the pupil has the ability to control his or her behaviour;
2. Whether the pupil has the ability to understand the foreseeable consequences of his or her behaviour; and
3. Whether the pupil's continuing presence in the school does or does not create an unacceptable risk to the safety of any other individual at the school.

If the pupil does not have the ability to control his or her behaviour or does not understand the foreseeable consequences of his/her behaviour, the Principal and Vice-Principal of Hillside School should consider not suspending the pupil. Alternative discipline and/or other intervention may be considered in such circumstances.

If the pupil poses an unacceptable risk to the safety of others in the school, the Principal or Vice-Principal of Hillside School will consult with the KSPFN Education Committee regarding appropriate accommodations and/or strategies that might be instituted to ensure safety of pupils, staff, and others in the school.

Other Factors to be Considered

Where the pupil is able to control his/her behaviour and is able to understand the foreseeable consequences of his/her behaviour, the Hillside Principal or Vice-

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 pupil:

1. The pupil's academic, discipline and personal history;
2. Whether progressive discipline has been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure;
3. Whether the infraction for which the pupil might be disciplined was related to any harassment of the pupil because of race, ethnic origin, religion, creed, disability, gender, or gender identity, sexual orientation or harassment for any other reason;
4. The impact of the discipline on the pupil's prospects for further education;
5. The pupil's age;
6. Where the pupil has an IEP or disability related needs,
 - a. Whether the behaviour causing the incident was a manifestation of the pupil's disability;
 - b. Whether appropriate individualized accommodation has been provided; and
 - c. Whether a suspension is likely to result in aggravating or worsening the pupil's behavior or conduct or whether a suspension is likely to result in a greater likelihood or further inappropriate conduct; and
7. Whether or not the pupil's continuing presence at the school creates an unacceptable risk to the safety of anyone in the school.

Progressive Discipline

In reviewing whether progressive discipline approach(es) has/have been attempted with the pupil, and if so, the progressive discipline approach(es) that has/have been attempted and any success or failure, the Hillside Principal and/or Vice- Principal will consider the following:

1. Whether the teacher, Hillside Principal or Vice-Principal has utilized early and/or ongoing intervention strategies to prevent unsafe or inappropriate behaviours, such as:
 - * contact with the pupil's parent(s)/guardians(s);
 - * oral reminders
 - * review of expectations;
 - * written work assignments with a learning component;
 - * conflict mediation and resolution;
 - * peer mentoring;
 - * referral to counseling; and/or
 - * consultation.

2. Whether the Hillside Principal or Vice-Principal has used a progressive discipline approach to address inappropriate behaviour for which a suspension could have been imposed, such as:
- meeting(s) with the pupil's parent(s), pupil, and Hillside Principal or Vice Principal;
 - referral of pupil to a community service provider for anger management or substance abuse counseling;
 - detentions
 - withdrawal of privileges;
 - withdrawal from class;
 - restitution for damage;
 - restorative practices.

If the pupil's continuing presence in the school creates an unacceptable risk to the safety of others in the school, than a progressive discipline approach may not be appropriate.

II. SUSPENSION BY MEDICAL OFFICER OF HEALTH

In accordance with the Immunization of School Students Act, Reg. 645, the Medical Director of the Kettle and Stony Point First Nation Health Services may order that a student be suspended or excluded from school where the student is not immunized.

III. SUSPENSION BY PRINCIPAL/ Vice-Principal

If the Hillside Principal or Vice-Principal decides to suspend a student for engaging in an activity described in Section I. above, the principal shall suspend the student from his or her school and from engaging in all school-related activities.

When the Hillside Principal or Vice-Principal suspends a student for more than five (5) school days, he or she shall assign the student to a program for suspended students in accordance with VIII below.

A student who is suspended is not considered to be engaged in school-related activities when participating in a program for suspended students.

Suspensions shall be for no less than one school day and no more than 20 school days, and in considering how long the suspensions should be, a principal shall take into account any mitigating or other factors set out above.

Consultation

The Hillside Principal will inform the KSPFN Education Committee for any suspension of six (6) or more school days.

School Work

A pupil who is subject to a suspension of suspension of five (5) or more days must be provided with school work to complete at home while serving the suspension. The school work must be available to the pupil's parent/guardian or designate as follows:

- Where the pupil is suspended for one (1) school day, the day the pupil suspended or, if this is not possible, the pupil must be given an opportunity to catch-up on missed school work as part of the re-entry process.
- Where the pupil has been suspended for two (2) or more school days, the Hillside Principal or Vice-Principal will ensure that the school work provided to the pupil will be available the day the pupil is suspended or, if this is not possible the following school day.

In addition to receiving school work for the first five (5) days of suspension, a pupil who is subject to a suspension of six (6) or more school days must be assigned alternative programming. A pupil participating in such an alternative program is not considered to be engaging in school or school-related activities.

REGULATIONS

SUBJECT: Suspension Reviews and Appeals

Review of a Suspension

1. A review of a suspension may be requested within 3 school days of the commencement of a suspension by the parent/guardian of a student.
2. The request for review may be received either verbally or in writing by the Hillside Principal.
3. If the request is made verbally, the person requesting the review will be advised that it must be confirmed in writing to be valid under the Regulations.
4. The review will be conducted by the Hillside Principal or designate who may consider the reason(s) for the suspension, duration, mitigating or other factors, and any other information deemed relevant to the review.
5. The Hillside Principal may consult with the Vice-Principal regarding modification or expunging the suspension.

6. The Hillside Principal will provide notice of the review decision to the pupil's parent / guardian.

Appeal of a Suspension

1. Where a student has been suspended, the parent/guardian of the student may appeal the suspension to the KSPFN Education Committee.
2. The appeal must be made in writing and delivered to the KSPFN Education Committee within ten (10) school days of the commencement of the suspension.
3. An appeal of the suspension does not stay the suspension.
4. The KSPFN Education Committee shall designate three members to hear the appeal. The established Conflict of Interest rules will apply.
5. The designated KSPFN Education Committee members shall hear and determine the appeal within fifteen (15) school days of receiving notice of appeal, unless the parties agree upon a later deadline, and shall not refuse to deal with the appeal on the grounds that there is a deficiency in the notice of the appeal.
6. The appeal will be conducted in camera, and in accordance with the Ontario Education Act, KSPFN Education Committee policy, regulations and administrative procedures.

Automatic Review of Suspension upon Appeal

1. The Hillside Principal will conduct a review of any suspension appealed.
2. Upon receipt of written notice of intention to appeal the suspension, the Hillside Principal:
 - Will promptly advise the Hillside Vice-Principal of the appeal, and the review prerequisite;
 - Will promptly advise the pupil's parent/guardian that a review of the suspension will take place and invite the parent/guardian to discuss any matter respecting the incident and/ or appeal of the suspension;
 - Will review the suspension and in doing so may consider the reason(s) for the suspension, duration, mitigating or other factors, or any other information deemed relevant to the review;
 - May consult with the Hillside Vice-Principal regarding modification or expunging the suspension;
 - Will request a meeting with the pupil's parent/ guardian and the Vice-Principal to narrow the issues and try to effect a settlement, and arrange a date for the appeal before the designated member of the KSPFN Education Committee;

- Will, where a settlement is not effected, provide notice of the review decision to the pupil's parent/ guardian.
3. Where the suspension is upheld on review and the pupil's parent/ guardian chooses to continue with the appeal the Hillside Principal will:
 - Co-ordinate the preparation of a written report for the designated members of the KSPFN Education Committee. The report will contain but may not be limited to the following components:
 - i. A report of the incident and rationale for suspension prepared by the Hillside Vice Principal;
 - ii. A copy of the original suspension letter;
 - iii. A copy of the letter requesting the Suspension Appeal; and,
 - iv. A copy of the correspondence with respect to the decision of the Hillside Principal regarding the outcome of the suspension review.
 4. Inform the pupil's parent/ guardian of the date of the Suspension Appeal meeting; provide a guide to the process for the appeal, and a copy of the documentation that will go to the designated member of the KSPFN Education Committee member.

The Suspension Appeal Meeting

1. The Hillside Principal will act in an advisory role to the designated members of the KSPFN Education Committee on procedural matters during the suspension hearing and subsequent deliberations, ensure that a copy of the Hillside Vice-Principal's report is forwarded to the pupil's parent/ guardian prior to the appeal and provided to the KSPFN Education Committee member at the beginning of the appeal, and to ensure that any documents, reports and/or submissions prepared by the pupil's parent/ guardian are provided to the Hillside Vice –Principal at the earliest opportunity and the designated members of the KSPFN Education Committee at the beginning of the Appeal.
2. The parties to the appeal shall include the parent/ guardian of the pupil and the Hillside Vice-Principal. The pupil may also attend the suspension appeal.
3. An advocate may also represent the parent/ guardian.
4. The Hillside Vice-Principal will prepare a report summarizing the incident, the evidence relied upon and the rationale for discipline, including the student's disciplinary and academic history, any progressive discipline

strategies that have been undertaken, and any mitigating or other factors that may be applicable.

5. The members of the KSPFN Education Committee may decide that the suspension was:
 - a. justified and should be upheld; or
 - b. justified but that the number of days imposed was too many, in which case the member of the KSPFN Education Committee may reduce the length of the suspension and amend the record of suspension accordingly;
 - c. justified but that the record of suspension be removed after a period of time if there are no further incidents requiring discipline;
 - d. not justified, in which case the record of suspension will be expunged, and the pupil will be allowed to return to school, if the suspension remains outstanding; or such other order as the member of the KSPFN Education Committee considers appropriate.
 - e. Justified, but that other options such as Community Service may be Considered.

6. When making their decision, the members of the KSPFN Education Committee shall consider the:
 - a. Hillside Vice Principal report and submissions;
 - b. Submissions and any other information provided by the pupil's parent/ guardian and
 - c. Analysis and application of the mitigating and other factors, which may or may not be applicable in the circumstances.

7. The members of the KSPFN Education Committee may give such directions or make such orders at a suspension 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 direction, the member may call for the assistance of a police officer to enforce the direction.

8. The KSPFN Education Committee members will wait for thirty (30) minutes after the time communicated for the commencement of the suspension appeal. IF the pupil's parent/ guardian has not yet attended and notice that they may be late has not been provided, the KSPFN Education Committee member may proceed to hear the appeal or dismiss the appeal in their absence.

9. The Hillside Principal will invite the parties into the meeting room and introduce the parties to the KSPFN Education Committee members.

10. The Hillside Principal will introduce the KSPFN Education members and will indicate that:
 - a. they have been appointed by the KSPFN Education Committee to hear the matter;
 - b. they are not connected to the parties in question;
 - c. they have had no prior involvement with the matter that has come before them;
 - d. the matter will be heard *In Camera* (in private); and
 - e. the decision of the members of the KSPFN Education Committee is final.
11. The Hillside Principal will call the meeting to order.
12. The Hillside Principal will outline the:
 - a. the process to be followed during the suspension appeal;
 - b. matter on appeal before the committee, including the suspension that was imposed and the infraction for which the pupil was suspended.
13. The Hillside Principal will distribute copies of the Vice –Principal’s report and any documents submitted by or to be submitted by the parent/ guardian. The KSPFN Education Committee members may choose to call a brief recess in order to review the submissions.
14. School Administration will be invited to make a presentation.
 - a. The Hillside Vice-Principal will review the Report provided and provide any response to the parent/ guardian presentation.
 - b. The KSPFN Education Committee member may ask questions or clarification.
 - c. Parent/ guardian may ask questions of clarification through the KSPFN Education Committee members.
15. The parent/ guardian will be invited to make an oral presentation.
 - a. The members of the KSPFN Education Committee may ask questions of clarification
 - b. The Hillside Vice-Principal may ask questions of clarification through the KSPFN Education Committee member.
16. The pupil will be invited to make a statement on his or her own behalf to the KSPFN Education members.
 - a. The members of the KSPFN Education Committee may ask questions of clarification.
 - b. The Hillside Vice-Principal may ask questions of clarification through the KSPFN Education Committee members.

17. At the conclusion of both presentations, the parent/guardian and Hillside Vice-Principal will be invited to make summary statements but may not introduce new issues. The KSPFN Education Committee members may choose to call a brief recess prior to hearing the summary statements.
18. The KSPFN Education Committee members may ask final questions of clarification.
19. The Hillside Principal will explain that:
 - a. except for the KSPFN Education Committee members, all persons will be asked to leave the room while a decision is being made.
 - b. The Hillside Principal will be informed of the decision by the KSPFN Education Committee members and will communicate this decision to the parties at the earliest opportunity.
20. The Hillside Principal will contact the parties involved by telephone the next day with the decision of the KSPFN Education Committee members. Written notice shall also be provided to the student's parent/ guardian informing them of the decision of the KSPFN Education Committee member.
21. The decision of the KSPFN Education Committee members shall be final.