

3.B. STUDENT DISCIPLINE

Policy Reference: EL-1.1, Safe and Caring Schools: A Policy Directive Enhancing Proactive Supports to Minimize the Use of Suspension
Reviewed by Committee: February 10, 2015, April 30, 2024

Guiding Principles:

Lakeshore School Division believes in taking proactive measures that create positive school cultures and environments that minimize the need for student discipline. The Division also recognizes that adequate, fair and logical consequences for negative behaviours can be appropriate. In making decisions about student discipline a number of factors should be considered including:

- a) Natural justice, the well-being of the student who has the consequence and the safety, well-being, and learning environment of other students.
- b) Ensuring a safe, caring, and inclusive learning environment, policies and procedures must support Manitoba's Philosophy of Inclusion.
- c) Decisions shall appropriately address safety risk to students and staff, plan for a safe and orderly learning environment, and reflect the best interests of the students.
- d) Decisions shall respect the right and access to education for children and youth.
- e) Student success and well-being is a collective responsibility and requires active agency on the part of all who are responsible for children and youth.
- f) Appropriate measures shall be taken to ensure that school discipline is administered in a manner consistent with respecting the child's human dignity.
- g) Disciplinary alternatives are to be informed by research and best practices.
- h) Relationships matter in providing a sense of safety and belonging for all students.
- i) Provide reasonable accommodation for students who have exceptional learning needs that affect their behaviour, and when disciplining the student, take into consideration the student's ability to comply and the amount of support required
- j) incorporate a continuum of supports, including positive and preventive approaches and strategies, as well as consequences corresponding to the nature, severity and frequency of the behaviour or infraction
- k) offer and arrange alternative programming for students under the age of 18 who are expelled

Definitions:

Out-of-School Suspension (OSS): “An instance in which a student is dismissed from school for disciplinary purposes for a finite period of time when their peers are expected to be in attendance” (MEECL, *Standards for AEP*, p. 24).

In-School Suspension (ISS): “An instance in which a student is temporarily removed from their regular classroom(s) for at least half a school day for disciplinary purposes but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision” (MEECL, *Standards for AEP*, p. 25).

Exclusionary Practices: Exclusionary discipline encompasses any type of school disciplinary action that removes or excludes a student from their usual educational setting.

Informal removals/being sent home: When students are sent home due to behavioural disruptions for a “reset” without being suspended. These removals must be documented.

Programming review: Following a significant incidence a school may need time to review and/or create a student specific plan while the student remains out of school.

Expulsion: Removal from all Divisional programs for an indefinite period of time.

General Proactive Measures:**1. Promoting and Ensuring a Positive School Environment**

- a) Staff will promote a positive atmosphere and pride in the school.
- b) Staff will encourage participation in activities that will promote the image of their schools as having a safe environment.
- c) Schools will ensure that entry doors and foyers provide a welcoming atmosphere.
- d) Staff will be active and visible in the school.
- e) Students with a record of inappropriate behaviour who wish to transfer from one school to another may have their information shared.

2. Student Programs

- a) Building positive school climate curricula (e.g. Virtues) shall be offered where appropriate.
- b) Schools, in cooperation with community partners, should promote training in safety awareness and in emergency response skills,

including information about whom to contact in emergencies and/or where to go for help (reference school “Emergency Response Plan”).

3. Supervision of School-Sponsored Activities

- a) Guidelines for Supervision will be developed by individual schools to ensure the safety of staff and students at school-sponsored activities; these guidelines will be consistent with the school’s Code of Student Conduct.
- b) Principals shall have authority to deny entry to school-sponsored activities to students who have a record of inappropriate behaviour.

Intervention Measures:

This plan will include the following:

- a) a response team within each school to respond to violent incidents;
- b) a designated team member to communicate with the Superintendent.
- c) a reporting protocol when violence is involved;
- d) support to staff or students who may have been traumatized by the incident.

Intervention Strategies:

In addition to the proactive measures, schools must establish a range of consequences to deal with behaviours that interfere with a safe and caring learning environment. Outcomes may be as follows:

- a) Informal interview between the student, parent/guardians and school staff
- b) Meetings to develop a behavioural or safety plan. Support staff may be involved at this stage.
- c) Student’s recess/noon hour time may be adjusted or cancelled.
- d) Classroom withdrawal may occur when the learning environment is negatively affected. The student is temporarily removed to a supervised location to complete the assignments.
- e) Privileges may be removed in certain instances.
- f) If property is damaged or destroyed, student and/or parent/guardians may be required to pay for the damages.

Exclusionary Practices:

Exclusionary Practices can cover a wide variety of actions. Examples of exclusionary practices include the following:

- a) withdrawal from the classroom setting for less than half a school day for disciplinary purposes but under the direct supervision of school personnel
- b) detention
- c) removal of privileges
- d) removal from school bus ridership
- e) exclusion time-out
- f) being sent home early
- g) seclusion
- h) in-school suspension
- i) out-of-school suspension
- j) expulsion

In applying exclusionary practices as discipline, educators must take into account that a student is not faced with undue hardship. Educators should also take into consideration whether alternatives are available that would be equally feasible and effective at achieving end goals.

Suspensions:

Authority to Suspend

The principal, superintendent or teacher may suspend a student for conduct injurious to the welfare of the school. For purposes of this Regulation and Procedure, conduct injurious to the welfare of the school may include, but is not limited to, violent activity, threats, persistent opposition to authority, the willful destruction of school property, use of illicit substances, profane or discriminatory language, theft, vandalism, racism and/or harassment.

A decision to suspend should consider:

- a) the information gathered from the student, reporting staff, and others who may have witnessed or been affected
- b) whether a process should be initiated for determining the risk of threat to self or others, and the risk of recurrence
- c) possible motivation or underlying reason(s) that led to the incident (e.g., setting events, antecedent)
- d) previous disciplinary incidents
- e) previously employed interventions and their effectiveness
- f) the student's support network while out of school, if they need to spend an extended period of time at home

- g) alternative approaches not previously employed
- h) whether the suspension will be a breach of probation, if applicable

The decision to suspend may also include the following:

- a) a discussion with the parent(s)
- b) a discussion with the in-school team and/or divisional-level staff

A teacher may suspend a student from their class for a period of two days. While this may not meet the general definition of suspension, for notification purposes this regulation and procedure applies.

The Principal of a school has the authority to suspend a student who persists in conduct injurious to the welfare of the school for a period not to exceed 5 school days.

The Superintendent/CEO, in keeping with the provisions of this Regulation and Procedure, has the authority to suspend a student who persists in conduct injurious to the welfare of a school for a period not to exceed six weeks.

Suspensions must not be used as a response to absenteeism and must not increase in time solely based on number of suspensions the student has had previously.

No suspension shall exceed 6 weeks or 30 school days in total.

Notification of Suspension

Notification of a suspension shall be made verbally (if the parent/guardian does not have a working phone or for accessibility reasons requires another form of communication, the staff member under whose authority the suspension is given will contact the parent/guardian in the way (s)he determines most effective). If the student is an imminent safety risk to themselves or others they should not be dismissed before parents/caregivers have been notified.

Following verbal notice, a letter to both the student and to the parent/caregiver should be sent within 24 hours. This letter shall contain the following information:

- a) the student's name, birthdate, and student MET number
- b) the nature of the suspension (in-school or out-of-school)
- c) the reason(s) for the decision to suspend in relation to the code of conduct and divisional policy

- d) the period of suspension (with beginning and end dates)
- e) information regarding the re-entry process
- f) the date, time, and location of the re-entry meeting
- g) information regarding the opportunity for parents to be provided with accommodations such as an interpreter or having a supporting person accompany them to the re-entry meeting
- h) the name and contact information of the school/division staff who will serve as the parent's initial contact for the purpose of arranging appropriate educational programming and maintaining regular contact with the student
- i) information regarding the parent's right to make an appeal and the appeal procedures of the school board
- j) clarity of any other restrictions

All suspensions shall be copied to the Superintendent/CEO and teachers of the student as necessary. If applicable, this must be entered into the school division SIS within 48 hours.

Re-entry meeting

- If a parent/caregiver is unable or refuses to attend a re-entry meeting, the schools must document the reasons for the refusal and the actions taken by the school to resolve the concerns.
- Staff should be open to providing reasonable accommodation to those with disabilities.
- Completion of schoolwork must not be used as a condition of re-entry.
- Suspension must not be prolonged due to the parent's inability to be present at the re-entry meeting.

Programming

- Schools must offer and arrange alternative programming for students who are suspended for more than five days.
- A student specific plan must be created for a student who has more than 2 out of school suspensions in one school year.
- If a student receives two or more in-school suspensions in a school year consideration should be given to ways to support them including potentially developing a student specific plan.

Appeal Process

An appeal against a suspension must be submitted within 14 days of the suspension and shall follow the general Dispute Resolution Regulation and Procedure. If the appeal is not resolved at the staff level and the parent/guardian, or the student if an adult, decides to request a formal hearing before the Board, the Superintendent/CEO will prepare a report on the case and arrange for its presentation at an in-camera session of the Board. The student, parent/caregiver, and Principal of the school that the student attends shall be informed of the date and time of the in-camera board meeting and shall have the right to attend and address the Board. The appellant may require that the hearing be held in public. The notice will indicate that if the party notified does not attend, the Board may proceed and the party will not be entitled to any further notice of the proceedings. A request by a parent/guardian or a student where (s)he is an adult, to have the case presented by legal counsel shall be granted. The Board will hear the appeal within thirty days of receiving the formal written request.

Documentation

Each event of suspension must be documented and stored in the pupil file and SIS if applicable. Relevant items to document may include:

- a) consultation with the superintendent or designate
- b) maintenance of accurate information
- c) a record of communication between staff and the student and parents
- d) a record of the re-entry meeting
- e) a process to identify students with multiple/recurring suspensions
- f) a consistent manner to document attendance in the divisional information system for students who are suspended

Monitoring and Review

- a) Superintendent must develop categories for the reasons of a student suspension and ensure that each suspension is categorized (M.R. 92/2013)
- b) Superintendent must ensure that, for each category, the total number of students suspended and the duration of suspensions are tabulated (M.R. 92/2013)

- c) Schools must have a designated group to review suspension data. The school's safe school advisory committee, as identified in M.R. 77/2005, or an existing organized school group functioning as the school's safe school advisory committee, may fulfill this purpose.
- d) The Superintendent will review suspension data monthly with the board of trustees.

Voluntary Exclusion of Students

The Principal shall have the authority to negotiate a voluntary exclusion with the parent/guardian if a student is under the age of 18 years or with the student if the student is 18 years or older. Supporting documentation must clarify the agreed upon arrangement.

Re-admission to the school of the voluntary excluded student shall commence immediately following the agreed upon exclusion.

Expulsion

Expulsion is a very serious matter. Since only the Board may expel, when such circumstances do prevail, the Principal may decide following consultation with the Superintendent/CEO to exercise the prerogative of suspending a student until such time as a recommendation for expulsion may be dealt with. The actual recommendation for expulsion shall be made through the Superintendent/CEO to the Board.

The Superintendent/CEO shall ensure that appropriate arrangements are made for the Board to hear the recommendation for expulsion in an in-camera session; shall communicate the date and time to members of the Board and to the parent/guardian and/or student in the event that the student is an adult. Notice of the Hearing for Expulsion shall advise of the right of the student, where he/she is an adult, and otherwise of his/her parent/guardian, to make representations when the recommendation is to be considered, and the right to be represented by legal counsel.

At the Hearing, the Board sits as a decision-making group and, therefore, must be impartial. Parties to the hearing are the student and/or the parent/guardian on the one side and the officials (Principal and Superintendent/CEO) who made the recommendation on the other. Hearings will normally be scheduled in an in-camera session of the Board. However, the Hearing may be held in public in some circumstances at the discretion of either the Board or the

parent/guardian or student when the student is an adult. In any event, the final decision shall be made in public.

The decision of the Board shall be achieved in the normal majority voting process and shall be circulated forthwith among the parties to the action, the principal and teachers involved in the case. Notwithstanding a motion for expulsion the Board may, at its discretion, re-admit a student who has been expelled.

Specific Student Disciplinary Measures:

The following disciplinary responses are intended to apply to all students. In cases of Kindergarten to grade four students, similar actions may apply, or the principal, in consultation with the parent/guardian and the Superintendent/CEO, may select more suitable disciplinary action. Situations may occur in Grades 5 to Grade 12 where the Principal, in consultation with the Superintendent/CEO and parent/guardian, may take different disciplinary action.

1. Bullying, Threats, Harassment, Abuse and Assault
 - a) Where the school administration deems that a student used bullying, threats, racial, physical or other forms of harassment, abuse or assault, the administration will:
 - i) communicate with the student's parent/guardian, if the student is under 18 years of age.
 - ii) discipline the student, which may include a suspension of up to 5 school days.
 - b) In addition to, and depending on the nature and severity of the situation, and in consultation with the Superintendent/CEO, the administration may:
 - i) report the incident to the police.
 - ii) recommend the student participate in a counselling program.
 - iii) consider an alternative learning placement for the student with the approval of the Superintendent/CEO.
 - iv) recommend suspension of up to a maximum of 30 days.
 - v) recommend the student be expelled.
2. Possession and Use of Weapons
 - a) When a student is found to be in possession of a weapon, threatens to use a weapon, or uses a weapon, the administration will:

- i) confiscate the weapon and release it to either the police or parent/guardian, as required by law; or in an appropriate manner as agreed to by the Superintendent/CEO.
 - ii) communicate with the student's parent/guardian.
 - iii) contact the police.
 - iv) contact the Superintendent/CEO.
 - v) suspend the student for up to 5 days.
- b) In addition to the above, and depending on the nature and severity of the situation, and in consultation with the Superintendent/CEO, the Administration may:
- i) recommend the student participates in a counseling program.
 - ii) determine an alternative learning placement for the student with the approval of the Superintendent/CEO of Schools.
 - iii) student may be suspended for a maximum of 30 school days, with the agreement of the Superintendent/CEO, depending on the severity of the situation and the student's previous record of behaviour.
 - iv) recommend that the student be expelled.

3. Trespassers

Visits to school property shall be limited to authorized persons only. Signs at the entrances to each building shall identify that entry is prohibited except for authorized persons. Schools should make students aware of the problems that unauthorized visitors pose.

Schools will not tolerate the presence of intruders defined as persons who cannot justify their presence on school property or in a school building, and will expect staff to take appropriate action including the possible laying of charges under the Petty Trespasses Act against those persons who refuse to cooperate. Suspended students are unauthorized persons.

4. Vandalism and Theft

Acts of vandalism or theft will not be tolerated and offenders will be prosecuted and/or provide restitution. Any person responsible for vandalism or theft may be suspended from school.

5. Smoking/vaping on Lakeshore School Division Properties

The Principal shall counsel the student, advising the student of the regulations and of the assistance available. The Administration may send a letter to the

parents/guardians of the student outlining the regulations and assistance available and administer disciplinary measures accordingly. Any person responsible for smoking/vaping may be suspended from school.

6. Use of Drugs, Alcohol, and Intoxicating Substances

The Lakeshore School Division recognizes that the use of alcohol, cannabis and/or illicit drugs results in negative effects on behaviour, on learning, and on the total development of each individual. The School Division stresses the need for the educational, physical and emotional development of every student. The School Division, through its administrators and teachers, will handle situations involving students' use of illicit drugs, cannabis and/or alcohol with firmness as well as with counselling and appropriate support.

a) Possession or Use of Alcohol, Cannabis or Illicit Drugs:

- i) The use of, being under the influence of, in possession and/or sale of alcohol, cannabis or illicit drugs on school property or at any school-sponsored activity is strictly prohibited.
- ii) When a student is found to be in possession of, or under the influence and/or selling alcohol, cannabis or illicit drugs, the school principal shall impose disciplinary measures.

b) Disciplinary Measures:

- i) In all cases, the educational development of the student(s) who contravene(s) this Regulation and Procedure and the educational role and function of the school for all other students must be taken into consideration when exercising judgment regarding disciplinary action.
- ii) The principal is authorized to invoke disciplinary measures as he/she deems appropriate to each transgression, selecting from, but not limited to, the following actions:
 - contacting and informing the parent(s)/guardian(s).
 - withdrawal of school privileges.
 - suspension from school for up to five days duration.
 - reporting the incident and known details to the Superintendent/CEO and/or the police.
 - recommending to the Superintendent/CEO that the student be expelled from the school.

iii) Repeat offenders shall be suspended and will not be allowed to return to school until conditions satisfactory to the Superintendent/CEO or designate have been met.

7. Racism:

The Board endorses the concept of active and positive multiculturalism and condemns all expressions of racial/ethnic bias, in any form.

The writing of racial/ethnic graffiti will be classified as both vandalism and as a racist incident, and any person found responsible shall be suitably disciplined.

Any student committing an act of racist behaviour, including racist name calling, verbal abuse, or discriminatory language may be suspended from school and/or be recommended for expulsion.