

AP 8.04

Category: Students

Student Suspension and Expulsion

BACKGROUND & RATIONALE

The CAPE Charter Board encourages student demonstration of self-discipline and appropriate behaviour, and accepts the use of student suspension as a means of addressing repeated negative student behaviours. The CAPE Charter Board accepts the use of expulsion where the continued presence of a student in a school will seriously and adversely affect the learning and the safety of staff and/or students.

DEFINITIONS

1. **Suspension** - the removal of a student from school, from one or more class periods, courses or education programs, or from riding in a school bus for a period of 10 school days or less in accordance with *Section 36* of the *Education Act*.
2. **Expulsion** - removal of a student from school, from one or more courses or education programs, or from riding in a school bus for a period of more than 10 school days in accordance with *Section 37* of the *Education Act*.

PROCEDURE

4. Student suspensions shall conform to the statutory requirements of Section 24 of the *Education Act*.
5. Suspension will only be used when:
 - 5.1 It is deemed that other means of corrective action have failed to achieve orderly and appropriate student behaviour;
 - 5.2 The student's continued presence in the school is deemed to be a danger to persons or property.
6. Suspension procedure must ensure that the rules of natural justice and due process are followed including a right to appeal the decision to the Superintendent, the CAPE Charter Board and to the Minister.
7. Notwithstanding the above, the seriousness of the negative behaviour may warrant immediate suspension or a recommendation to the CAPE Charter Board for expulsion on the first offence.
8. A teacher may suspend a student from one class period.
9. The Principal may suspend a student from:
 - 9.1 one or more class periods;
 - 9.2 one or more courses or school programs;
 - 9.3 school;

**CAPE-Centre for Academic and Personal Excellence
Administrative Procedures Manual**

AP 8.04

Category: Students

10. When a student is suspended by the Principal as indicated above, the Principal must:
 - 10.1 Inform the student's parent of the suspension forthwith;
 - 10.2 Report, in writing, to the student's parent(s) all the circumstances respecting the suspension; and
 - 10.3 If requested, provide an opportunity to meet with the student's parent(s), and the student if the student is 16 years of age or older, to discuss the reasonableness of the suspension.
11. Where a student is not to be reinstated within five school days of the date of the suspension, the Principal shall immediately inform the CAPE Charter Board of the suspension and report in writing all the circumstances of the suspension to the CAPE Charter Board, together with the Principal's recommendations.
12. The Principal may recommend that the CAPE Charter Board expel the student if:
 - 12.1 The student has displayed an attitude of wilful, blatant and repeated refusal to comply with the student code of conduct in section 12 of the *School Act*, or
 - 12.2 The student conduct is injurious to the physical or mental well-being of the others in the school.
13. Upon receiving a report from the Principal pursuant to Section 24 (8), the CAPE Charter Board shall within ten (10) school days from the first day of suspension, reinstate or expel the student.
14. The student and the student's parents or guardians may make representations to the CAPE Charter Board with respect to the recommendation to expel the student.
15. When a suspension is referred to the CAPE Charter Board, the following procedures will be adhered to:
 - 15.1 The CAPE Charter Board shall, within ten (10) school days after the day of the suspension conduct a hearing into the case and render a decision to either reinstate or expel the student from the school.
 - 15.2 The Principal shall present documents and statements outlining the circumstances leading to the suspension and other relevant data, which may assist the CAPE Charter Board to make a judgment. Information will include documented instances of inappropriate student behaviour as well as administrative responses to the behaviour.
16. On considering the Principal's report and recommendations and any representations made by the student and/or the student's parent, the Charter Board may expel the student if:
 - 16.1 The Principal has recommended that the Board expel the student; and
 - 16.2 The student has been offered another education program by the board.

**CAPE-Centre for Academic and Personal Excellence
Administrative Procedures Manual**

AP 8.04

Category: Students

17. The procedures to be followed in conducting the hearing are as follows:
 - 17.1 The Board Chair or a designated member of the CAPE Charter Board will chair the meeting;
 - 17.2 The Principal will present his/her report, documenting the case along with recommendation for disposition;
 - 17.3 The student and parents/guardians will be given an opportunity to respond to the information presented, as well as add information they feel is relevant;
 - 17.4 The CAPE Charter Board may ask questions or request additional information from parents, students or school personnel that they feel if relevant to their deliberations;
 - 17.5 The CAPE Charter Board shall, without administration present, debate the merits of the case and make a decision to reinstate or expel the student;
 - 17.6 The CAPE Charter Board's decision shall be communicated in writing to the student and parents with copies sent to the Principal and the Superintendent.
18. If a student is expelled, the letter to the student and parents will indicate the student/parent's right to request that the decision be reviewed by the Minister.

References:

Education Act

CAPE charter

Guide to Education

CAPE Policy 8.08 & 2.12

Revised: August 2022