



## SUSPENSION

Education Act, Section 24 (1) (2) (3) (4) (5) (6)

POLICY STATEMENT 334

Category: Educational Programs and Related Services

RESPONSIBILITY:	Principal, Director of Education Support Services	EFFECTIVE:	Sep. 1, 2004
REFERENCE:	Education Act, Provincial Policy 703 The Appeal Process (Jan. 2004) Discipline Classroom Management 2002 Policy 351: Attendance Policy 311: Computer Network Access Policy 712: Threat Assessment	REVISED:	Sep. 1, 2004 Oct. 1, 2013

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### **Statement:**

The Superintendency recognizes that suspensions must be administered according to the New Brunswick Education Act, Section 24:

### **Suspension of pupils**

- 24(1) A principal may for cause suspend
  - (a) a pupil from attendance at school
    - (i) for a fixed period of time not exceeding five consecutive school days, or
    - (ii) pending a review of the matter and decision under subsection (2) by the superintendent concerned, or
  - (b) any other school privilege of a pupil
    - (i) for such period of time as is determined by the principal, or
    - (ii) pending a review of the matter and decision under subsection (2) by the superintendent concerned.
- 24(2) The superintendent concerned may for cause suspend any or all school privileges of a pupil for such period of time as is determined by the superintendent.
- 24(3) Where a principal suspends a pupil under paragraph (1)(a), the principal shall immediately report the matter in writing to the superintendent concerned.
- 24(4) In accordance with the regulations, the parent of a pupil or an independent pupil may, where the pupil is suspended from attendance at school under this section for more than five school days in a school year, appeal the most recent suspension from attendance at school.
- 24(5) Where a pupil's school privileges are suspended under this section and not reinstated on an appeal of the suspension under subsection (4), the pupil's school privileges shall not be reinstated, despite the expiry of the period of time of the suspension, unless assurance of the pupil's reform is received from the pupil.

- 24(6) A principal may, for the purposes of this section, designate a vice-principal of the school to act on behalf of the principal.
- 24(7) Where any or all of the school privileges of a pupil are suspended under this section, and the pupil transfers to another school district before the expiry of the period of time of the suspension, the superintendent of the school district to which the pupil has transferred may, on a review of the circumstances, uphold, shorten the period of time of or waive the suspension.
- 1997, c.66, s.3; 2000, c.52, s.16.
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- 334.1 Once a student has been suspended for the sixth day in a school year, the most recent suspension and all future suspensions are subject to appeal by the parents. This does not limit the number of times a student may be suspended but does require that the parent be informed in writing of their right to appeal.
- 334.2 Policy 703 requires all schools to have a Discipline Policy or Code of Conduct which states the possible consequences for both major and minor offences. For major offences such as fighting, possession of drugs etc. the school policy should include guidelines for length of suspension that are agreed upon by all members of the school community. Suspension for minor offences should be based on a progressive model which includes a variety of school based interventions leading up to the suspension
- 334.3 Suspension from school should only be considered after a careful and thorough investigation of the facts by the Administrator involved. The Administrator must remain impartial and allow the student being investigated an opportunity to give their side of the story. If the student poses an immediate threat to his/her self or to the positive atmosphere in the school then the Administrator may request that the parents remove the student from the school while the investigation is completed. Administrators should refer to Policy 172: Threat Assessment for possible further steps to follow. The investigation should be conducted in a timely fashion and if the student is not to be suspended they should be allowed to return to school the following day. (see 334.10)
- 334.4 Parents may decide to remove their child from school for behavioural reasons after being contacted by a school administrator; this may or may not be considered a suspension. If the administrator requests the student be removed from school then that student is considered suspended under this policy.
- 334.5 Decisions regarding students who are being considered for a variation of the common learning environment at school must be made in consultation with the Superintendent. Such a decision is equivalent of a suspension beyond five days and is subject to appeal. Exceptions to this include students who are on reduced schedules as part of their Special Education Plan, Fragile Health or High School Students who attend school only for certain subjects.
- 334.6 Suspensions shall be served out of school unless the school is able to accommodate in-school suspensions. Students who are sent to Temporary School Placement Centers are not suspended from school but the assignment to TSPC and their behavior while there will

form part of the students discipline record. Because TSPC is not a suspension it is not subject to appeal. Consult the TSPC Guidelines for further information.

- 334.7 While there is no limit to the number of times a student may be suspended in a school year, other alternatives to suspension should be considered when a student's attendance due to suspensions becomes excessive.
- 334.8 The procedure for suspension from a school bus is detailed in the Pupil Conveyance Policy.(501) In most circumstances a student who is suspended from the school bus is permitted to attend school during the bus suspension. Students may however receive both a suspension from the school bus and a suspension from school for the same offence if warranted.
- 334.9 Students with exceptionalities may exhibit chronic behaviors for which most students would be suspended. Consequences for these behaviors, considered a result of their disability, should be determined in advance in consultation with the school team and parents. For all other behaviors, considered under their control, students with special needs will follow the school discipline plan.
- 334.10 Students who have been removed from school while a Threat Assessment is being conducted shall remain out of school until notified by the Superintendent.
- 334.11 Requests for suspension beyond five days should be made in writing to the Superintendent. (See attached form) These requests will be submitted on the Anglophone East School District portal.