

The Frontier School Board of Trustees is committed to a safe learning and working environment for all students and staff. In order to maintain such an environment, expulsions of students are sometimes necessary.

When a student is expelled, it means that he or she is barred from attending any school in Frontier School Division. The expulsion may be permanent, or may be for any period of time greater than six weeks with conditions imposed for re-entry. An expulsion is a very serious course of action in response to student behaviour that is severe, dangerous and poses a risk or threat to other students and/or staff.

Only the Board of Trustees has the legal right to expel a student. This authority is provided by *The Public Schools Act* Section 48(4):

“Subject to the regulations and notwithstanding any other provision of this Act, a school board may suspend or expel from a school any pupil who, upon investigation by the school board, is found to be guilty of conduct injurious to the welfare of the school.”

Regulations regarding expulsions and appeals are attached. Principals are required to review this policy and regulation annually with their staff and school committees in conjunction with the annual review of the school’s Code of Conduct and Emergency Response Plan.

Information: [The Public Schools Act](#) (See Exhibit G.1.C-EX1)
[The Education Administration Act](#) (See Exhibit G.1.C-EX1)
School Code of Conduct
School Emergency Response Plan

Adopted September 1, 2009		
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1. General Guidelines

In accordance with the *The Public Schools Act* and *The Education Administration Act*, the following are general guidelines for the expulsion of students.

- a. A student may be suspended by the Principal.
- b. The Area Superintendent may provide an additional suspension.
- c. With the written support of the Principal and the school committee, the Area Superintendent may recommend to the Chief Superintendent and the Board of Trustees that the student be expelled.
- d. Prior to the Board's decision, the student and parent/guardian may attend a meeting of the Board and make representation to the Board.
- e. The Board of Trustees makes a decision, outlines the conditions, if any, and informs the student and parent/guardian.

2. Expulsion Procedures

- a. An Area Superintendent, with the recommendation by motion of a quorum of the local school committee, may request the Board of Trustees to expel a student from school. The request must be in writing and must be supported by documented evidence, pertinent background information, and identify the length of expulsion being requested.
- b. A copy of the recommendation and supporting documents must be provided to the parents/guardians.
- c. An expulsion request to the Board of Trustees must be forwarded to the Chief Superintendent who will present it to the Board.
- d. The parent/guardian of the student recommended for expulsion may accompany the student and assist him or her to make representation to the Board before a decision is made to expel the student. (*Public Schools Act*, Section 58.6.)
- e. The Board shall approve or deny the request for expulsion.
- f. If a student is to be expelled, the Board will decide on the duration and conditions of the expulsion and will communicate the decision to the student/parent in writing. Such conditions may include psychological assessment, counseling and other appropriate measures.

- g. If the Board of Trustees determines that an expelled student is eligible to return to school, the Board will outline the conditions of the return. One such condition shall be that the school prepare a re-entry plan for the student. The intent of the plan is to increase the student's opportunities for success.
- h. As per *The Education Act*, Section 40.11, the Board of Trustees will direct that educational programming be made available for any expelled student under the age of 16 years. The Board may also direct that educational programming be made available for any expelled student over the age of 16 years.

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The Public Schools Act

4(1) For the purpose of carrying out the provisions of this Act according to their intent, the minister may make such regulations and orders as are ancillary thereto and are not inconsistent therewith; and every regulation or order made under, and in accordance with the authority granted by, this section has the force of law; and without restricting the generality of the foregoing the minister may make regulations ...

(d) respecting the suspension of pupils, including

- (i) authorizing a teacher to suspend a pupil from a classroom,
- (ii) authorizing a Principal, a teacher acting as a Principal and the superintendent of schools to suspend a pupil from school,
- (iii) providing for the circumstances under which pupils may be suspended, the periods of suspension that may be imposed, and for any other matter related to suspensions;

48(4) Subject to the regulations and notwithstanding any other provision of this Act, a school board may suspend or expel from a school any pupil who, upon investigation by the school board, is found to be guilty of conduct injurious to the welfare of the school.

58.6 Subject to the provisions of this Act and the regulations, a person who is resident in Manitoba is entitled to enrol his or her child in a program in any school in Manitoba and to ...

- (g) accompany his or her child and assist him or her to make representations to the school board before a decision is made to expel the child.

259(1) In accordance with this Act, a person who is six years of age or older on December 31 in a year has the right to attend school from the beginning of the fall term of that year until

- (a) the last school day of June in the year in which the person becomes 21 years of age; or
- (b) the day the person receives a graduation diploma as defined in the regulations; whichever comes first.

The Education Administration Act:

Education Administration Miscellaneous Provision Regulation (C.C.S.M. c. E10), Regulation 468/R

Teacher may suspend from classroom

40.3(1) Subject to section 40.4, a teacher in a school may suspend from the classroom, for a period of not more than two days, a pupil who engages in conduct

- (a) that the teacher considers detrimental to the classroom learning environment; and
- (b) if the school has adopted a code of conduct, that contravenes that code. (M.R. 68/97)

40.3(2) A teacher who suspends a pupil must promptly document and report the suspension to the Principal who must keep a record of each suspension. (M.R. 68/97)

40.3(3) *The Principal shall ensure that the parent is promptly informed of a suspension under this section and the reasons for the suspension. (M.R. 68/97)*

School board may limit teachers' right to suspend

40.4 *If at any time the school board is of the opinion that a teacher*

(a) has repeatedly suspended an individual pupil from the classroom for reasons that are not justified; or

(b) has repeatedly exercised his or her right to suspend pupils from the classroom in a manner or for reasons that are not justified;

the board may limit or place conditions on the teacher's right to suspend under section 40.3 either with respect to an individual pupil or generally. (M.R. 68/97)

Principal may suspend from school

40.5(1) *A Principal may suspend from school a pupil who engages in conduct that the Principal considers injurious to the school's welfare or educational purpose. (M.R. 68/97)*

40.5 (2) *A Principal may suspend a pupil for a period of not more than six weeks, except that in a school division or district that has a superintendent, the school board may, by resolution, prohibit a Principal from suspending a pupil for more than one week without the superintendent's approval. (M.R. 68/97)*

Superintendent may suspend from school

40.6 *When a school division or district has a superintendent, the superintendent may, when authorized by a resolution of the school board, suspend for a period of not more than six weeks a pupil who engages in conduct that the superintendent considers injurious to the school's welfare. (M.R. 68/97)*

Notice to parent

40.7 *A Principal or a superintendent who suspends a pupil from school shall promptly inform the pupil's parent of the suspension and the reasons for the suspension. (M.R. 68/97)*

Review of suspensions by school board

40.8(1) *Within 24 hours of a pupil being suspended from school, the Principal of the school or the superintendent who suspended the pupil must give the school board or its designate a written report setting out the pupil's name, the period of suspension, and a description of the conduct for which the pupil was suspended. (M.R. 68/97)*

40.8(2) *If a report under subsection (1) concerns the suspension of a pupil for more than five days, the school board shall permit the parent of the suspended pupil and the suspended pupil to make representations to the school board about the suspension and the school board may confirm or modify the suspension or may reinstate the pupil. (M.R. 68/97)*

Statistics re suspensions

40.9 *Every Principal must*

(a) develop categories of the reasons for which a pupil may be suspended; and

(b) ensure that

(i) each suspension is accordingly categorized, and

(ii) for each category, the total number of pupils suspended and the duration of suspensions are tabulated. (M.R. 156/2005)

Where suspension exceeds five days

40.10 A Principal must ensure that educational programming is available to a pupil who has been suspended for more than five days. (M.R. 156/2005)

Alternative programming

40.11 Despite being expelled, a school board must ensure that educational programming is made available to a person under the age of 16 who is otherwise entitled to attend a school in the division or district, as provided under section 259 of The Public Schools Act. (M.R. 156/2005)

Special needs of pupil to be taken into account

40.12 Every teacher, Principal, superintendent and school board must ensure a pupil's special needs, if any, are taken into account when deciding whether to suspend, expel or otherwise discipline a pupil. (M.R. 156/2005)

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