



Halifax Regional
School Board

Every Student Can Learn.
Every School Will Improve.

Handbook for School Discipline Committees





February 2009

Dear School Discipline Committee Member:

On behalf of the Halifax Regional School Board, thank you for agreeing to serve as a member of the School Discipline Committee. The work of your committee is mandated by the Education Act in order to ensure that student suspensions are reviewed fairly and responsibly when a review is requested by a student or parent. Through your committee involvement, you are making an important contribution to the school you serve and to the wellbeing of all students.

This *Handbook for School Discipline Committees* is meant to help you in your role as a committee member. It describes the committee's responsibilities, and includes step-by-step procedures for reviewing student suspensions.

I wish you well as you continue to support students in the Halifax Regional School Board in your role as a School Discipline Committee member.

Regards,

Denise Bell
Director, School Administration

A Handbook for School Discipline Committees

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CHAPTER 1. ABOUT THIS HANDBOOK

Purpose and Audience

This handbook describes how to organize and operate a School Discipline Committee for the purpose of reviewing student suspensions. The handbook aims to equip the School Discipline Committee with clear guidelines and the framework to apply those guidelines fairly and consistently.

The handbook is posted on the board website at <http://www.hrsb.ns.ca/content/id/1022.html>. * Printed copies are also available from the School Administration Supervisor, through the school principal.

* **Tip:** To access the School Advisory Council page from the board's home page, go to <http://www.hrsb.ns.ca>, then select Departments, then School Administration, then School Advisory Councils.

Related Policies and Guidelines

Figure 1 shows the policies and other sources of information that guide the work of all School Discipline Committees in the Halifax Regional School Board (HRSB).

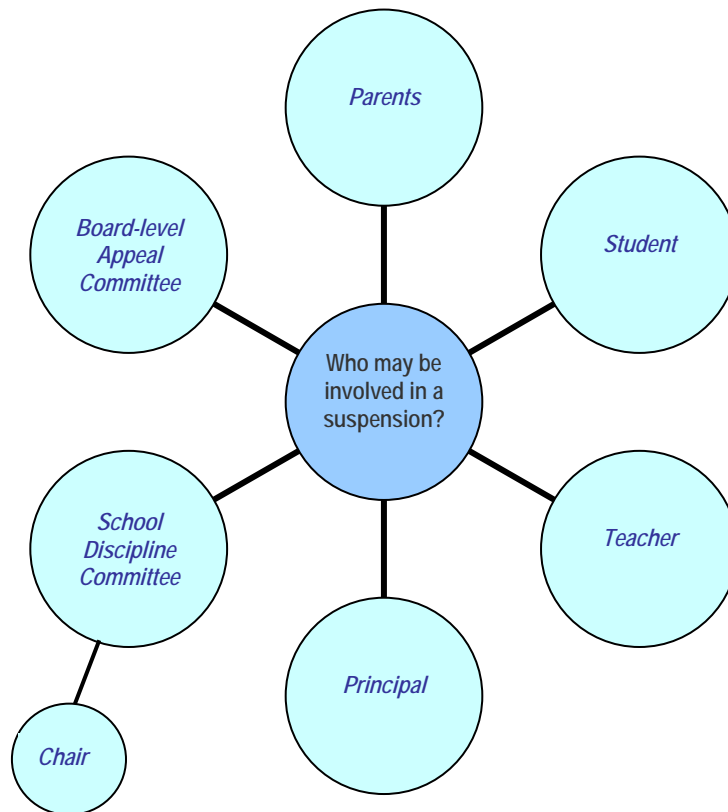
Figure 1. Useful Resources for School Discipline Committees

Source	Document
School	<ul style="list-style-type: none">● <i>School Code of Conduct</i>
Board	<ul style="list-style-type: none">● <i>Regional Code of Conduct</i> (HRSB Policy B.013), April 2006● <i>School Advisory Councils</i> (HRSB Policy B.025, including section 3.0, "Code of Ethics"), June 2001● <i>Parents' Rights and Responsibilities</i> brochure
Provincial Government	<ul style="list-style-type: none">● <i>Education Act</i>, 1995-96 (sections 121-127)● <i>Provincial School Code of Conduct</i>, 2001● <i>School Code of Conduct Guidelines</i>, 2005● <i>Positive Effective Behaviour Supports</i> (PEBS)
Federal Government	<ul style="list-style-type: none">● <i>Youth Criminal Justice Act</i>, specifically the section on disclosure of information

Responsibilities and Rights

Figure 2 shows the people or groups that may be involved in the suspension process. Their responsibilities and rights are described after the figure.

Figure 2. Possible Participants in the Suspension Process



Parents

Throughout this handbook, the term *parent* refers to both parents and legal guardians.

Parents have the right to be informed about all disciplinary action involving their child, and to be notified in writing if their child is suspended from school. If the suspension is for five days or less, parents have the option to ask the School Discipline Committee to review the suspension. This request must be made in writing within three days of the original suspension notice. If the principal recommends a suspension of more than five days, that recommendation will automatically be considered by the School Discipline Committee. Parents also have the right in that case to make a written submission to the committee.

Note: If the parents have trouble reading or writing in English, the principal should offer to provide an advocate to help them.

Parents are encouraged to serve on the School Advisory Council and, as SAC members, to serve on the School Discipline Committee. However, parents may not participate as committee members in any review involving their own child, or in any case where they may have a conflict of interest.

Student

A student who is suspended for five days or less must serve the suspension, but has the option to ask the School Discipline Committee to review the suspension. The request, whether it comes from the student or parent, must be made in writing within three days of the original suspension notice.

If the principal recommends a suspension of more than five days, the recommendation is automatically considered by the School Discipline Committee and the student or parent has the right to make a written submission to the committee.

Teacher

Teachers are required by law to maintain a safe and orderly learning environment (*Education Act*, 26(1k)). If a student persistently disrupts the learning environment, the teacher must report the student to the principal. The teacher has no authority to suspend the student; only the principal or designate may suspend a student.

Because teachers are employees of the Halifax Regional School Board, they may not serve on the School Discipline Committee in any school within the board.

Principal

The school principal is responsible for creating and maintaining a safe and orderly learning environment (*Education Act*, section 38, (2)). This includes the option to suspend a student from school for five days or less (sections 121-127, shown in Figure 3). In the case of a suspension, the principal or designate must immediately notify the following people in writing: the student; the student's parents; and the School Administration Supervisor.

The principal does not have the authority to suspend a student for more than five days, but may recommend a longer suspension, in writing, to the School Discipline Committee. In that case, the School Discipline Committee must consider the recommendation and confirm or reject it within seven days. The School Discipline Committee should meet before the five-day suspension is completed to make a decision on the recommendation to extend the suspension.

The principal is a member of the School Advisory Council, but is not a member of the School Discipline Committee. Principals should encourage all eligible parents and community members to serve on the SAC and the School Discipline Committee, in order to ensure that the SAC includes a wide range of perspectives and reflects the diversity of the community.

Figure 3A. Education Act (1998), Sections 121-127

STUDENT CONDUCT

Requiring student to leave class

121 Where a student in a class is persistently disobedient or defiant or acts in a manner likely to affect injuriously the proper conduct of the class or the welfare or education of other students in the class, the teacher of the class may require the student to leave the class and shall refer the student to the principal. 1995-96, c. 1, s. 121 .

Suspension

122 Where a student enrolled in a public school is persistently disobedient or defiant or conducts himself or herself in a manner likely to affect injuriously the proper conduct of the school or the welfare or education of other students enrolled in the school, the principal, or the person in charge of the school, may suspend the student for a period of not more than five school days. 1995-96, c. 1, s. 122 .

Review of suspension

123 (1) When a student is suspended pursuant to Section 122 the principal or other person in charge of the school shall immediately notify, in writing, the student, the student's teachers, the school board and the student's parents of the reasons for the suspension.

(2) The student or the student's parents may request a review of the suspension pursuant to Section 122 by the school board within three school days of receiving the notice pursuant to subsection (1).

(3) The school board shall

(a) confirm the suspension under Section 122; or

(b) order that the suspension be revoked and that the suspension be removed from the record of the student. 1995-96, c. 1, s. 123.

Extended suspension

124 (1) Where a student is suspended pursuant to Section 122 and the principal is of the view that the student should be suspended for a period greater than five school days, the principal may, in writing, make a recommendation with reasons to the school board that the student be suspended for a period greater than five school days.

(2) When a recommendation is made pursuant to subsection (1), the school board shall immediately notify, in writing, the student and the student's parents of the principal's recommendation and reasons.

(3) Within seven days of having received the recommendation of the principal under subsection (1), the school board shall

(a) dismiss the principal's recommendation; or

(b) extend the suspension of the student for a period of greater than five school days.

(4) Where the suspension of a student begins within two months of the end of the school academic year, the period of time for which a school board may extend the suspension under subsection (3) may include a portion of the next academic year.

(5) The school board shall notify the student, the parents of the student, the student's teachers, the principal or person in charge of the school of its decision under subsection (3) within three days of the meeting at which the decision was made.

(6) Where the school board decides under subsection (3) to extend the suspension of the student, the school board shall include in its notice under subsection (5)

(a) the period for which the student is to be further suspended;

(b) the reasons for the decision to further suspend the student; and

(c) the right of the student and of the student's parents to appeal the decision.

(7) When a student or the parent of a student has been notified of the suspension of the student pursuant to (5), the student or the parent may, within seven days of receiving such notice, appeal the suspension to the school board.

continued...

Figure 3B. Education Act (1998), Sections 121-127 (continued)

- (8) The school board shall, upon receipt of a notice of appeal pursuant to subsection (7)
- (a) immediately notify the parent of the student and the student of the time and place of the hearing of the appeal and the right of the student or parent, or both, to appear in person with or without counsel;
 - (b) within ten days of receipt of the notice of appeal, hold a hearing and confirm, revoke or vary the decision of the school board.
- (9) Within three clear days of the hearing, the school board shall notify the student, the student's parent, the student's counsel, the student's teachers and the principal or person in charge of the school of its decision, which decision shall be final and binding. 1995-96, c. 1, s. 124.

Manner of exercising certain powers and duties

125 (1) The powers and duties of the school board set out in subsections 123(3) and 124(3) may be performed

- (a) if so directed by the school board, by one or more committees consisting of the superintendent and two members of the school board, one of whom shall act as chair of the committee;
 - (b) if so directed by the school board, by the school advisory council of the school or a committee of the school advisory council;
 - (c) with the approval of the Minister, by one or more committees of persons designated by office or named by the school board.
- (2) The power and duties of the school board set out in subsection 124(8) may be performed, if so directed by the school board, by one or more committees consisting of the superintendent and two members of the school board, one of whom shall act as chair of the committee. 1995-96, c. 1, s. 125.

Alternative educational arrangements

126 Where a student is suspended for more than five school days, the school board, in consultation with the student's parent, shall make every reasonable effort to provide alternative arrangements for the education of the student, in accordance with the regulations. 1995-96, c. 1, s. 126.

Suspension of school bus rights

- 127 (1) The principal of a public school, or such other supervisory person as may be designated by the school board, may suspend a student's right to use the school bus if, in that person's judgement, the student has refused to comply with reasonable rules or regulations of the school board or directions given by the bus driver or if, in that person's judgement, the behaviour of the student while on the bus endangers the safety of others using the bus.
- (2) A person who suspends a student's right pursuant to subsection (1) to use the school bus shall report this action immediately to the school board and inform the student's parent by the speediest method convenient of that person's action.
- (3) Where the student's right to use the school bus has been suspended for a period of more than two days, the student and the student's parent shall be notified in writing of the reason for the suspension and, where the suspension is for a period of more than five school days, of the right of appeal pursuant to subsection (4).
- (4) Where a student is suspended for a period of more than five school days, the parent of the student or the student, if the student is of the age of majority, may, within seven days of receiving notice of the suspension pursuant to subsection (3), appeal the decision to suspend.
- (5) Where a notice of appeal has been received by the school board pursuant to subsection (4), the balance of the suspension shall be stayed until the school board confirms, revokes or varies the suspension.
- (6) The school board shall, upon receipt of a notice of appeal
- (a) immediately by registered mail notify the parent of the student, or the student, where the student is of the age of majority, of the time and place of the hearing of the appeal; and
 - (b) within ten days of receipt of the notice of appeal, hold a hearing respecting the suspension and within three school days following that hearing confirm, revoke or vary the decision to suspend.
- (7) No parent or other person in charge of any student, having been sent by the school board by registered mail a notice of suspension of the student's right to use the school bus, shall cause, encourage or permit the student to use the bus during the period of time during which the suspension is in effect. 1995-96, c. 1, s. 127.

School Discipline Committee

The School Discipline Committee is a subcommittee of the School Advisory Council. It exists to review student suspensions to ensure that they are fair and consistent with the policies of the board. For details about committee membership and duties, see chapter 2 of this handbook.

If a suspension is for five days or less, the committee will only review the case if the student or parent asks for the review in writing. In that case, the purpose of the review is to determine whether the suspension should be confirmed or revoked and, consequently, whether the suspension form will be removed from the Student Confidential Record, as described in chapter 3 of this handbook. All suspensions of more than five days must be considered by the School Discipline Committee, as described in chapter 4 of this handbook.

Chair of the School Discipline Committee

The chair of the School Discipline Committee is responsible for leading the committee meetings and for informing the student, parents, and principal of the committee's decision, in writing. For more information about communicating the decisions of the committee, see chapters 3 and 4 of this handbook. For information about electing the committee chair, see chapter 2.

Board-Level Appeal Committee

The Halifax Regional School Board has established a board-level Appeal Committee to consider suspension appeals that are not resolved at the school level. The committee consists of the superintendent (or designate) and representatives of the elected school board. One of the elected board representatives acts as chair. The appeal process is described in the *Education Act*, section 124, and in the *Regional Code of Conduct* (HRSB policy B.013), section 4.0. The authority of the Appeal Committee is described in the *Education Act*, section 125. For more information about board-level appeals, see chapter 5 of this handbook.

Definitions

Positive Effective Behaviour Supports (PEBS)

PEBS is a general approach to preventing problem behaviour and creating a positive school climate. It involves teaching and reinforcing mutually respectful behaviour, and responding to inappropriate behaviour.

Severely Disruptive Behaviour (from Regional Code of Conduct, 7.2.3)

Severely disruptive behaviour is defined in the *Regional Code of Conduct* (section 7.2.3) as behaviour that is frequent or serious enough to significantly disrupt the learning climate of the school, endanger the well-being of others, or damage school property.

School Day

In the legislation and policies regarding suspensions, deadlines are often counted as a number of “days”. The *Education Act* is not specific about whether these are calendar days, business days, or school days. To give the student the most beneficial interpretation, the days mentioned in the documentation should be considered as days when the school is in operation and students are expected to attend. When considering deadlines, the day following the suspension should be considered the first day.

Suspension

In this handbook, suspension means that the student’s right to attend school is suspended. The information in this handbook does not apply to in-school suspensions.

CHAPTER 2. THE SCHOOL DISCIPLINE COMMITTEE

Responsibilities

The School Discipline Committee has two specific responsibilities:

- to review student suspensions of five days or less, if the student or parent requests a review, in order to determine whether the suspension should be confirmed or revoked and, consequently, whether the suspension form should remain in the Student Confidential Record
- to consider the principal's recommendation for a student suspension of more than five days, and confirm or reject the recommendation.

The work of the committee is essentially a paper process. The focus is on the written evidence about the student's behaviour. The committee:

- does not interview witnesses
- does not ask for clarification or additional information from other sources
- does not judge or discipline school staff
- does not recommend interventions or remediation for the student (For example, it is not appropriate for the committee to suggest that the principal revoke the suspension if the student agrees to receive counseling.)
- does not alter the length or other details of a suspension, or attach terms and conditions to the student's return to school.

Key Messages

- The School Discipline Committee consists of parents and community members who are currently serving on the School Advisory Council. Ideally all eligible parents and community members of the SAC will participate.
- Students and school staff may not serve on the School Discipline Committee.
- The Code of Ethics requires all School Advisory Council members (and therefore all School Discipline Committee members) to respect the rights of students and board employees, respect confidentiality, identify areas of conflict, avoid personal agendas, and act in the best interest of the school and the students (HRSB School Advisory Councils Policy, B.025, section 3.0).

Membership

The School Discipline Committee consists of parents and community members who are currently serving on the School Advisory Council and who are not employees of the Halifax Regional School Board. In order to provide a pool for the committee, all eligible members of the SAC are encouraged to participate on the School Discipline Committee. Students and elected members of the school board *may not* serve on the committee.

Membership in the School Advisory Council is a matter of public record, since the names of all SAC members are recorded in the SAC minutes. There may be special cases where eligible SAC members do not participate in the School Discipline Committee, but these cases should be kept to a minimum. There may also be cases where a member is removed from the committee for violating the Code of Ethics (see "Ethics," later in this chapter).

(See HRSB Policy B.025, section 5.7; HRSB Policy B013, section 5.6.2; and the *Education Act*, section 125 (1)(b).)

Chair

At its first meeting (usually in September), members of the School Discipline Committee will elect a chair who will agree to serve for the current school year. It is not recommended that the SAC chair also serve as the chair of the School Discipline Committee.

Conflict of Interest

If a member of the School Discipline Committee has a conflict of interest in a particular case, or has information about the suspension that would not normally be revealed in the review process, that member should declare the conflict and excuse him/herself from the proceedings for that meeting.

Ethics

The Code of Ethics (HRSB policy B.025 (3.0)) requires all members of the School Advisory Council—and therefore all members of the School Discipline Committee—to respect the rights of students and board employees, respect confidentiality, identify areas of conflict, avoid personal agendas, and act in the best interest of the school and the students. If a member of the School Discipline Committee persistently disregards this code, the committee may ask the SAC to remove that member from the discipline committee.

Meetings

Generally, the School Discipline Committee will only meet on an “as needed” basis. To review a suspension of five days or less, the meeting would typically occur at the end of the regular monthly meeting of the School Advisory Council. To consider a suspension of more than five days, the timing is more urgent, and so the chair may have to call a meeting of the discipline committee on short notice.

The committee meetings should take place in a formal setting, usually in a meeting or conference room located at the school. The principal should ensure that the school setting is comfortable, and should provide any housekeeping materials that the committee needs. It is important that the tone of the meeting be civil, professional and fair, and so it is not appropriate to meet in an informal setting, such as a restaurant or a member’s home.

Quorum

A quorum is not specifically defined in the legislation or policy related to School Discipline Committees. However, the committee should make every effort to ensure that as many members as possible are present. Because of the timelines and other restrictions of the process, there may be times when all members cannot be present. At any given meeting, it is up to the School Discipline Committee members who are present to decide if they have enough representation for that particular meeting.

Confidentiality

The deliberations and decisions of the School Discipline Committee are strictly confidential. Only the final decision should be reported, and this should be reported only to the student, the parents of the student whose suspension is under discussion, the principal, and the School Administration Supervisor.

Discussion and Decisions

When reviewing a suspension, committee members should:

- keep an open mind
- carefully consider the documentation that is provided
- allow time for all voices to be heard
- listen to each other
- allow for mutual influence
- make every effort to reach a group consensus.

Whether the decision is reached by consensus or a vote, all committee members should agree to:

- support the decision of the group
- keep the deliberations confidential
- do nothing to undermine or “second-guess” the decision once it is finalized.

Documentation

The principal should ensure that the documentation provided to the committee is complete, accurate, and focused on the facts and processes of the case in question. The documentation should be in plain language and should meet all requirements for fairness and due process. The guiding principle is full disclosure to all parties. **All parties—including parents and students—should receive a copy of all documentation supplied to the committee.** This means that parents will receive a copy of all related documentation supplied by the school to the committee, and the school will receive a copy of all related documentation supplied by the parent to the committee.

To ensure strict confidentiality, the committee does not keep minutes of its meetings and does not record or report the discussions leading up to a decision or the position of individual committee members. However, it does document its decisions using the forms outlined in chapters 3 and 4 of this handbook. (For information about storing and destroying the documentation related to a suspension review, see “Record Keeping,” in the topic below.)

All students, including suspended students, are entitled to the benefits and protections included in the disclosure of information section of the *Youth Criminal Justice Act*. School Discipline

Committee members do not have access to information related to the student in question from the justice system.

In addition to the documentation related to a particular suspension, at the beginning of the school year the principal should provide current copies of the following to each member of the committee:

- *Handbook for School Discipline Committees* (this handbook)
- *Education Act*
- *Provincial School Code of Conduct*
- *Regional Code of Conduct* (HRSB Policy B.013)
- *School Code of Conduct*.

Record Keeping

The School Discipline Committee does not keep any records about the student suspension or review process. During a review process, the principal keeps all documentation in a secure place in the principal’s office. Figure 4 shows what happens to the documentation after the review of a suspension of five days or less, or the consideration of a suspension greater than five days.

Figure 4. Record Keeping for Student Suspensions

	For a suspension of five days or less	For a suspension greater than five days
If the School Discipline Committee confirms the suspension, the principal will...	<ul style="list-style-type: none"> • Keep Form 1 in the Student Confidential Record. (See Sample Forms at the end of this handbook.) • Keep other related documentation in a secure place in the principal’s office <i>only for the current school year</i>. • At the end of the school year, destroy all documentation related to the suspension review, except for Form 1 in the Student Confidential Record. 	<ul style="list-style-type: none"> • Keep Form 1 and Form 5 in the Student Confidential Record. (See Sample Forms at the end of this handbook.) • Keep other related documentation in a secure place in the principal’s office <i>only for the current school year</i>. • At the end of the school year, destroy all documentation related to the suspension, except for Form 1 and Form 5 in the Student Confidential Record.
If the School Discipline Committee revokes the suspension, the principal will...	<ul style="list-style-type: none"> • Remove Form 1 from the Student Confidential Record and destroy all other related documentation. 	<ul style="list-style-type: none"> • Keep Form 1 in the Student Confidential Record but destroy Form 5 and all other related documentation.

Note: At the time this handbook was published, the school board was developing a centralized electronic system for tracking student suspensions and appeals. When that system is in place, schools will no longer file any suspension records in the Student Confidential Record. Principals will continue to keep all documentation related to suspension reviews in a secure place in the principal’s office for the current school year. At the end of the school year, all copies will be destroyed, as described above.

CHAPTER 3. SUSPENSIONS OF FIVE DAYS OR LESS

Context


A principal may suspend a student for five days or less (*Education Act*, section 122) if the student is persistently disruptive at school and other interventions have not resolved the problem. **The student must serve this suspension.** To assign the suspension, the principal or designate:

1. Contacts the parent by phone to inform them of the decision.
2. Completes a Notice of Suspension for Five Days or Less (Form 1) and gives it to the student. If the principal is unable to deliver the suspension form by hand to the student or parent, then the suspension notice is mailed to the parents or arrangements are made for the parents to pick up the document at the school.


During the suspension, the principal remains responsible for the student's education.

The School Discipline Committee only reviews the suspension if asked to do so by the student or parents. The purpose of the review is to determine whether the suspension should be confirmed or revoked and, consequently, whether the suspension form should remain in the Student Confidential Record. The review is essentially a paper process. The committee may not interview witnesses or request additional documents. All parties (including the student, parent, and principal) receive a copy of all the documentation reviewed by the School Discipline Committee.


Procedure

 This symbol indicates where written documentation is required. All documents must be stored securely in the principal's office during the review. After the review, only Form 1 is moved to the Student Confidential Record, and only if the School Discipline Committee confirms the suspension. For more information about keeping and destroying records, see "Record Keeping" at the end of chapter 2.

Student or Parent

-
- If the student or parent disagrees with the suspension, and wishes to have it removed from the Student Confidential Record:
1. Requests a review, in writing, through the school principal, **within three school days** of receiving the original suspension notice (see Form 1) (*Education Act*, section 123). The request should include reasons for requesting the review. 
- Note:** If the parents have trouble reading or writing in English, the principal should offer to provide an advocate to help them.

Principal

- After reviewing the request and the reasons:
2. Informs the chair of the School Discipline Committee that the request has been received.
 3. Provides a copy of the following to the committee: 
 - the request for review submitted by the student or parent
 - the Notice of Suspension for Five Days or Less (Form 1)
 - a written response to the request for review, if the principal chooses to do so.
-



Committee Chair
or Designate

- If the principal gave a written response to the committee:
4. Provides the student or parent with a copy of the written response.
 5. Convenes a meeting to consider the written request for a review. This meeting should occur as soon as possible.
-

School
Discipline
Committee


6. Reviews the request and the principal's written response. The committee may consider the following:
 - Is the suspension aligned with the *School Code of Conduct*, the *Regional Code of Conduct*, and other school board policies and provincial legislation?
 - Is the suspension appropriate for the individual student, given his or her age, social development, special needs, level of cognitive functioning, previous record of suspension (provided with Form 1), and the frequency and severity of the inappropriate behaviour (HRSB Policy B013 (7.1.2))?
 - Have the documents provided any new and compelling information that was not available at the time the suspension was issued?
 7. Decides to confirm the suspension or to revoke it and remove Form 1 from the Student Confidential Record. There are no other options.
-

Committee Chair
or Designate

8. Completes the Student Suspension Review Decision for Five Days or Less (Form 2). 
 9. Communicates the review decision (usually by mail) to the student or parent who asked for the review.
 10. Sends copies of Form 2 to the principal, student, and School Administration Supervisor. 
-

Principal

If the committee upheld the suspension:

- 11a. Files a copy of Form 1 in the Student Confidential Record, and destroys all other documentation by the end of the school year. 

OR

If the committee revoked the suspension:

- 11b. Destroys all documentation by the end of the school year, including Form 1.
-


CHAPTER 4. SUSPENSIONS BEYOND FIVE DAYS

Context



The principal cannot suspend a student for more than five days. However, he or she can recommend a longer suspension to the School Discipline Committee (*Education Act*, section 124) before the end of the initial suspension of the student.

The principal should have at least one conversation with the student and the parents when issuing the initial suspension (for five days or less), or during the events leading up to the suspension. The principal should inform the parents again if there is a recommendation for a longer suspension.

Procedure

 This symbol indicates where written documentation is required. All documents must be stored securely in the principal's office while the committee is considering the principal's recommendation to extend the suspension. If the School Discipline Committee confirms the longer suspension, Form 5 is moved to the Student Confidential Record. For more information about keeping and destroying records, see "Record Keeping" at the end of chapter 2.


Principal

1. Suspends the student for five days. During the suspension, the principal remains responsible for the student's education. (See chapter 3.) 
2. As early as possible before the end of the five-day suspension, notifies the School Discipline Committee of his or her recommendation to suspend the student for a longer specified period, using the Recommendation for Student Suspension Beyond Five Days (Form 3). 



Note: In the rare case that the School Discipline Committee cannot meet within five days, the principal must notify the School Administration Supervisor for guidance.

When the committee chair receives the recommendation for the longer suspension:

Committee Chair or Designate


3. Immediately notifies the student, the student's parents, and the School Administration Supervisor, using the Notice of Principal's Recommendation (Form 4). The chair includes on Form 4 the reasons for the recommendation. 

Note: Ensure that the student and parents are clearly aware that they are allowed to make a written submission to the School Discipline Committee, and that this submission is their only opportunity to present their case to the committee. If the parents have trouble reading or writing in English, offer to provide an advocate to help them.

Student or Parent	4. May submit reasons, in writing, why the longer suspension should be dismissed. The reasons must be made available to the School Discipline Committee members in time for their meeting. 
Committee Chair or Designate	5. Convenes a meeting within seven days of receiving the principal's recommendation, in order to make a timely decision. The timeline is critical because the student has the right to return to school after serving the five days of the suspension.
School Discipline Committee	<p>6. Considers the principal's recommendation by carefully examining the documentation provided by the principal and the student or parents (if they have made a submission). The committee may consider the following questions:</p> <ul style="list-style-type: none"> • Is the suspension aligned with the <i>Regional Code of Conduct</i>, the <i>School Code of Conduct</i>, and other school board policies and provincial legislation? • Is the suspension appropriate for the individual student, given his or her age, social development, special needs, level of cognitive functioning, previous record of suspension (provided with Form 1), and the frequency and severity of the inappropriate behaviour (HRSB Policy B013 (7.1.2))? • Has new and compelling information come to light that was not available at the time the suspension was issued? <p>7. Decides to either confirm or dismiss the principal's recommendation. There are no other options.</p> <p>Note: If the committee upholds a recommendation for a suspension that will begin in the last two months of the school year, and the number of days remaining in the school year is less than the length of the suspension, the committee decides whether to have any of the remaining suspension carried over to the next school year (<i>Education Act</i>, section 123(4)).</p>
Committee Chair or Designate	<p>At the conclusion of the meeting:</p> <p>8. Collects all copies of the documentation that were distributed to the committee members. Note: The chair instructs committee members that they must not share any information from the documentation or the meeting with others outside the committee. All information is strictly confidential.</p> <p>9. Completes the Decision Regarding Suspension Beyond Five Days (Form 5). </p>


If the committee confirmed the principal's recommendation, the form should include:

- the length of the suspension (this must be the length specified by the principal—the committee cannot change the length)
- the right of the student or the student's parents to appeal the committee's decision.

10. Delivers the Decision Regarding Suspension Beyond Five Days (Form 5) to the principal, along with all copies of the documentation that the committee reviewed. 
-

Principal

As soon as possible after the meeting:

11. Contacts the student's parents by phone to inform them of the decision. This conversation should include the committee's decision, an explanation of the process, and—if the committee upheld the principal's recommendation—a description of their right to appeal.
12. Ensures that a copy of Form 5 and Form 6 is delivered to the student, parents, and School Administration Supervisor. 

If the committee upheld the recommendation for a longer suspension:

- 13a. Files Form 1 and Form 5 in the Student Confidential Record, and destroy all other documentation before the end of the school year. 

OR

If the committee dismissed the recommendation for a longer suspension:

- 13b. Files only Form 1 in the Student Confidential Record, and destroys all other documentation by the end of the school year, including Form 5. 
-

Student

If the committee upheld the recommendation:

- 14a. Serves the original five-day suspension and the longer suspension recommended by the principal.

OR

If the committee dismissed the recommendation:

- 14b. Returns to school after serving the five-day suspension.
-

The student or parents may appeal the decision using the procedure described in chapter 5.

CHAPTER 5. BOARD-LEVEL APPEALS

Context


The Halifax Regional School Board has established a board-level Appeal Committee consisting of the superintendent (or designate) and representatives of the elected school board, one of whom acts as chair. The suspension appeals are described in section 124 of the *Education Act*. The authority of the committee is described in section 125 (2).

The School Discipline Committee members are not directly involved in the appeal process, and do not appear before or submit additional documentation to the Appeal Committee. However, in order to make the best possible decisions regarding suspension, discipline committee members should understand the entire disciplinary process. The appeal hearing process outlined below is described in the *Education Act* in section 124 (7, 8, and 9) and in the *Regional Code of Conduct* (HRSB policy B.013), section 4.0.

Procedure

An appeal hearing occurs only if the student or parents appeal the decision of the School Discipline Committee to uphold the principal's recommendation for a suspension beyond five days (see chapter 4).

 This symbol indicates steps where written documentation is required.

	If a student or the student's parents wish to appeal the committee's decision to confirm the principal's recommendation for a suspension beyond five days:
Student or Parent	1. Submits a written request for the appeal to the Office of the Superintendent within seven school days of receiving the committee's decision, using the procedure described in Form 6. 
Appeal Committee	2. Schedules an appeal hearing to be held no later than 10 school days after the committee receives the request. The hearing should be scheduled for a time and place that reasonably allows all parties to attend.
Office of the Superintendent	3. Notifies the parents and the principal of the time and place of the hearing, and reminds the student and parents of their right to appear with or without an advocate.
	Within 10 days of receiving the appeal request:
Appeal Committee	4. Holds the appeal hearing at the appointed time and place. The principal, student, and parent or their advocates have the right to attend this hearing.

5. Decides to confirm, revoke, or vary the decision of the School Discipline Committee.

Note: Only the Appeal Committee can vary a decision. That option is not available to the School Discipline Committee.

Office of the
Superintendent

Within three days after the appeal hearing:

6. Contacts the parents and the principal by phone to report the decision of the appeal hearing.
-

Chair of the
Appeal
Committee

After the superintendent's office has contacted the parties by telephone:

7. Sends a written notice of the decision of the appeal hearing to the student, parents, and principal. 
-

Principal

If the appeal committee **confirmed** the longer suspension:

- 8a. Keeps Form 1 and Form 5 in the Student Confidential Record, and destroys all other documentation by the end of the school year. 

OR

If the appeal committee **revoked** the longer suspension:

- 8b. Keeps only Form 1 in the Student Confidential Record and destroys all other documentation by the end of the school year. 

OR

If the appeal committee **varied** the longer suspension:

- 8c. Keeps Form 1 in the Student Confidential Record, along with the written notice of the decision of the appeal hearing, and destroys all other documentation by the end of the school year. 
-

CHAPTER 6. FREQUENTLY ASKED QUESTIONS

- 1. Can the School Discipline Committee initiate a suspension review that has not been requested by the suspended student or his/her parents/guardians?**

No, the review process must be initiated either by the student or by the parents/guardians of the student.

- 2. Does a student awaiting a suspension review serve the suspension regardless of the result of the review?**

Yes, but if the School Discipline Committee revokes the suspension, it is removed from the Student Confidential Record and may not be considered in the review of any future suspensions for that student.

- 3. Do the processes described in this documentation apply to “in-school” suspensions, where students remain in school under constant supervision but may not be allowed to attend some or all of their classes?**

No, the processes described in the document are intended to apply when suspending the student’s right to attend school, not individual classes. In-school suspensions do not trigger the student/parent rights described above and included in the Education Act.

- 4. Does a given behavior always indicate exactly the same consequence: i.e., does behavior “A” always result in consequence “B”?**

No, while all parties must be aware of the importance of fairness and the perception of fairness, when considering consequences for student behavior, the principal or designate may consider the student’s record of behavior, the extent to which they take responsibility for their behavior, and other mitigating factors. Consequences should be appropriate for each individual student and influenced by considerations such as the student’s age, social development, special needs, and level of cognitive functioning. Consequences should reflect the frequency and severity of the inappropriate behavior. (HRSB Policy B.013 (7.1.2). All consequences must be consistent with both the provincial and regional Codes of Conduct.

- 5. Are some consequences forbidden?**

Yes, the school must not allow corporal punishment, collective or full-group punishment, academic work as punishment, or assessment penalties (e.g., reducing a student’s mark). All consequences must be fair and reasonable and must preserve the dignity of the individual. Students must not be belittled or humiliated in any way.

6. Are there any exceptions to the requirement that students and parents request the review in writing?

Yes, when the parent/student cannot communicate in a language that can be understood by the committee or the parent is in other special circumstances that exclude the possibility of written communication.

7. Can the principal appeal the decisions of the School Discipline Committee?

No, the policy does not allow for an appeal initiated by the principal.

8. Do individual School Discipline Committee members incur any personal liability for the decisions (or the actions that result from these decisions) of the committee?

No, as long as they conduct their business in good faith and act within the mandate given to the committee, School Discipline Committee members do not incur any personal liability. The school board assumes a vicarious liability for decisions taken by the committee.

9. If the School Discipline Committee receives a letter from a legal representative of the student or parent, should the committee respond?

No. When the School Discipline Committee is contacted by a lawyer, the chair contacts the principal, who will contact the School Administration Supervisor to determine the next steps.

10. How long does a suspension stay on the student's record, and who has access to the file?

The record of suspension is filed in a confidential file, which is not part of the student's regular cumulative record. Information in the confidential file is not provided to universities, colleges or other third parties. Access to the file can only be obtained by completing a Freedom of Information and Protection of Privacy (FOIPOP) application, for consideration by the board's FOIPOP administrator. Suspension notices are kept in the confidential file for six years or during the student's enrolment in the public school system, whichever is the least.

SAMPLE FORMS

Forms 1 to 5, listed in the table below, are from the *Regional Code of Conduct* (Revised Nov 26, 2006). **Please note:** The samples on the following pages include revisions that may not yet be reflected in the *Regional Code of Conduct*.

	<i>Completed by</i>	<i>Addressed to</i>	<i>Copy to</i>
Form 1: Notice of Suspension for Five Days or Less	Principal	Parent, unless the student is an independent student	<ul style="list-style-type: none"> ○ Student ○ School Administration Supervisor ○ Student Confidential Record
Form 2: Student Suspension Review Decision for Five Days or Less	Chair of the School Discipline Committee	Parent, unless the student is an independent student	<ul style="list-style-type: none"> ○ Student ○ Principal ○ School Administration Supervisor
Form 3: Recommendation for Student Suspension Beyond Five Days	Principal	Chair of the School Discipline Committee	<ul style="list-style-type: none"> ○ Student ○ School Administration Supervisor <p>The chair of the School Discipline Committee sends a copy to the parent, along with Form 4.</p>
Form 4: Notice of Principal's Recommendation for Student Suspension Beyond Five Days	Chair of the School Discipline Committee	Parent, unless the student is an independent student	<p>Accompanies the principal's Recommendation for Student Suspension Beyond Five Days.</p> <p>Copy to:</p> <ul style="list-style-type: none"> ○ Student ○ Principal ○ School Administration Supervisor <p>The chair of the School Discipline Committee sends a copy to the parent, along with Form 3.</p>
Form 5: Decision Regarding Student Suspension Beyond Five Days	Chair of the School Discipline Committee	Parent, unless the student is an independent student	<ul style="list-style-type: none"> ○ Student ○ School Administration Supervisor ○ Student Confidential Record
Form 6: Notice of Appeal Procedures for Suspensions Beyond Five Days (Sent to the parent or student as an attachment to Form 5. It includes a blank request for a hearing with the Halifax Regional School Board.)			



NOTICE OF SUSPENSION For Five Days or Less

Name of School: _____ Date: _____
 Student's Name: _____ Gender: M F
 Provincial Student #: _____ Grade: _____
 Date of Birth: MM _____ DD _____ YY _____ Age: _____
 Parent/Guardian: _____ Telephone: _____
 Address: _____ Postal Code: _____

Dear Parent/Guardian:

In accordance with Section 122 of the *Education Act*, the Halifax Regional School Board *Regional Code of Conduct Policy* (B.013), and local school policy, _____ is suspended from school for _____ day(s), which will include the following date(s): _____. The student may return on _____.

The reason for the suspension is:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bullying | <input type="checkbox"/> Racial Discrimination | <input type="checkbox"/> Use or Possession of Weapons |
| <input type="checkbox"/> Disrespect or Insubordination | <input type="checkbox"/> Racial Misconduct | <input type="checkbox"/> Vandalism |
| <input type="checkbox"/> Disruption to School Operations | <input type="checkbox"/> Sexual Harassment | <input type="checkbox"/> Verbal Abuse |
| <input type="checkbox"/> Illegal Activity | <input type="checkbox"/> Sexual Misconduct | |
| <input type="checkbox"/> Physical Violence | <input type="checkbox"/> Tobacco Use | |

Description of Incident: _____

Dates of Previous Suspensions (current school year): _____

- Prior to the student's re-entry to school, the principal or designate requests a meeting with the parent/guardian.
 No meeting is required at this time.

In accordance with the Halifax Regional School Board's *Regional Code of Conduct Policy*, a parent/guardian may request a **review of the suspension**, in writing, through the principal, to the School Discipline Committee. Requests for a review are to be made to the School Discipline Committee within three (3) school days of receipt of the suspension notice. The review will be performed within a reasonable time by the Committee. The student who is suspended must serve the suspension. The School Discipline Committee will review the request and either confirm or revoke the suspension. If the suspension is revoked, it will be removed from the student's record.

Signature of Principal or Designate

School contact number

Copy to: Student, School Administration Supervisor, Student Confidential Record



STUDENT SUSPENSION REVIEW DECISION FOR FIVE DAYS OR LESS

Name of School: _____ Date: _____
Student's Name: _____ Grade: _____
Parent/Guardian: _____
Address: _____
Postal Code: _____ Telephone: _____

Dear Parent/Guardian:

On _____ a suspension for _____ day(s) was issued by the school under Section 122 of the *Education Act*. Further to your request and according to Section 123(3) of the *Education Act*, the School Discipline Committee has reviewed this suspension.

- It is the School Discipline Committee's decision that this suspension is confirmed.
- It is the School Discipline Committee's decision that this suspension is revoked. The suspension will be removed from the student's record.

The reasons for the decision:

The decision of the School Discipline Committee for the review of suspensions of five days or less is final.

Yours truly,

Signature of Chair of School Discipline Committee

Copy to: Student, Principal, School Administration Supervisor



RECOMMENDATION FOR STUDENT SUSPENSION BEYOND FIVE DAYS

Name of School: _____ Date: _____
Student's Name: _____ Grade: _____
Parent/Guardian: _____
Address: _____
Postal Code: _____ Telephone: _____

To: Chair of the Discipline Committee
From: School Principal

In accordance with Section 124(1) of the *Education Act*, I am recommending to the School Discipline Committee that the above-named student be suspended from school for the following dates:
_____.

These are the detailed reasons for this recommendation:

In accordance with the Halifax Regional School Board's *Regional Code of Conduct Policy*:

1. Please notify the parent(s)/guardian(s) of this recommendation, using the Notice of Principal's Recommendation for Suspension Beyond Five Days (Form 4).
2. Please convene the School Discipline Committee to meet within the next seven school days to consider this recommendation and make a decision.
3. Please inform the parent(s)/guardian(s) that they may submit pertinent information to the School Discipline Committee through the school's main office.
4. Please inform the parent(s)/guardian(s) of the date that the School Discipline Committee will meet so that they can send any pertinent information in advance, if they choose to do so.
5. Please forward the School Discipline Committee's decision using the Decision Regarding Student Suspension Beyond Five Days (Form 5).

Yours truly,

Signature of Principal

Copy to: Student, School Administration Supervisor



NOTICE OF PRINCIPAL'S RECOMMENDATION FOR STUDENT SUSPENSION BEYOND FIVE DAYS

Name of School: _____ Date: _____
Student's Name: _____ Grade: _____
Parent/Guardian: _____
Address: _____
Postal Code: _____ Telephone: _____

Dear Parent/Guardian:

Please find enclosed a copy of the principal's Recommendation for Student Suspension Beyond Five Days. The School Discipline Committee will review this recommendation within seven school days.

Under Subsection 124(3) of the *Education Act*, you will be notified of the School Discipline Committee's decision within three school days of the meeting. The School Discipline Committee will either:

- (a) confirm the principal's recommendation, or
- (b) dismiss the principal's recommendation.

In accordance with the Halifax Regional School Board's *Regional Code of Conduct Policy*, you may submit, in writing, any pertinent information you would like the School Discipline Committee to consider. For your convenience, you can leave this at the school's main office, addressed to me, anytime during school hours, on or before _____ (date).

Yours truly,

Signature of Chair of School Discipline Committee

Copy to: Student, Principal, School Administration Supervisor



DECISION REGARDING STUDENT SUSPENSION BEYOND FIVE DAYS

Name of School: _____ Date: _____
Student's Name: _____ Grade: _____
Parent/Guardian: _____
Address: _____
Postal Code: _____ Telephone: _____

Dear Parent/Guardian:

On _____, the School Discipline Committee met to review the Recommendation for Student Suspension Beyond Five Days. The decision of the committee is to:

confirm the principal's Recommendation for Student Suspension Beyond Five Days, as requested, from _____ to _____.

dismiss the principal's Recommendation for Student Suspension Beyond Five Days.

The reasons for the decision:

Under the *Education Act*, "the student or his/her parent/guardian has the right of appeal to the School Board (through the Office of the Superintendent) pursuant to Section 124, Sub-Section 5, 6, 7, of the Act. This appeal must be in writing within seven (7) days of receiving the notice". For your reference, I have enclosed the Notice of Appeal Procedures for Suspensions Beyond Five Days.

Yours truly,

Signature of Chair of School Discipline Committee

Enclosed: Notice of Appeal Procedures for Suspensions Beyond Five Days (Form 6)
Copy to: Student, School Administration Supervisor, Student Confidential Record



NOTICE OF APPEAL PROCEDURES FOR SUSPENSIONS BEYOND FIVE DAYS

Under Article 124 Subsection (3) of the *Education Act*, you may appeal a suspension beyond five days to the school board, through the Office of the Superintendent. This appeal must be in writing within seven (7) school days of receiving the decision to extend the suspension. The Appeal Committee will meet within ten (10) days of the notice of the appeal to confirm, revoke, or vary the decision of the School Discipline Committee.

Grounds for Appeal:

- (a) *where the student or parent takes issue with the reasonableness of the length of suspension imposed by the School Discipline Committee upon the recommendation of the principal; or*
- (b) *where the student or parent has relevant information concerning the facts giving rise to the suspension of which neither the principal nor the School Discipline Committee were aware, which may indicate the suspension is unreasonable or unwarranted;*
- (c) *where procedural defects in the suspension process are alleged.*

The procedure for appealing a suspension beyond five days is detailed in the Halifax Regional School Board's *Regional Code of Conduct Policy* (copied below).

4.0 APPEAL HEARING – FOR SUSPENSIONS BEYOND FIVE (5) DAYS

- 4.1 The parent/guardian/student may appeal the Suspension Beyond Five Days to the Board.
- 4.2 A written appeal must be received by the Secretary to the Board within seven (7) school days of the parent/guardian's receipt of the School Discipline Committee's recommendation (Form 5).
- 4.3 The appeal hearing must be held within ten (10) school days of the School Board's receipt of the appeal request.
- 4.4 The Appeal Committee will consist of the Superintendent or designate and two (2) members of the School Board, one of whom shall act as chair.
- 4.5 The Office of the Superintendent will immediately notify the parent/guardian/student of the time, place and right to appear with or without an advocate(s).
- 4.6 The Appeal Committee may confirm, revoke or vary the decision of the Discipline Committee.

5.0 APPEAL HEARING PROCESS OVERVIEW

- 5.1 The Chair will call the meeting to order and review process.
- 5.2 The principal/designate will summarize facts and reasons leading to suspension.
- 5.3 The parent/guardian/student or designated advocate have the opportunity to speak on the student's behalf.
- 5.4 Board staff and/or the principal/designate may respond.
- 5.5 The parent/guardian/student/advocate may respond in turn.
- 5.6 The Appeal Committee may then ask parties for clarification.
- 5.7 The Appeal Committee will deliberate in camera.
- 5.8 The decision of the Appeal Committee shall be final and binding.

6.0 NOTIFICATION OF APPEAL COMMITTEE DECISION

- 6.1 The Office of the Superintendent will notify the parent/guardian/student and principal by phone within three (3) school days of the Committee's final decision. Verbal notification will be followed by notice in writing.

To: The Superintendent
Halifax Regional School Board

Section 124 Subsection (7) of the Nova Scotia *Education Act* states:

“When a student or the parent of a student has been notified of the suspension of the student pursuant to (5), the student or the parent may, within seven (7) days of receiving such notice, appeal the suspension to the school board.”

In accordance with the above section of the *Education Act*, I am requesting a hearing with the Halifax Regional School Board’s Appeal Committee. This hearing is in reference to:

Student’s Name: _____

Student’s School: _____

Parent/Guardian’s Name: _____

Parent/Guardian’s Address: _____

Postal Code: _____

Contact Numbers: *home* _____

work _____

cell _____

E-mail: _____

Parent/Guardian’s Signature

Date

Please deliver by hand to:

The Office of the Superintendent
Halifax Regional School Board
90 Alderney Drive
Dartmouth, NS B2Y 4S8

Questions regarding this request may be directed to the Administrative Assistant to the Board
(902) 464-2000 Ext. 2321

Contact Information:

Halifax Regional School Board
90 Alderney Drive, Dartmouth, N.S. B2Y 4S8
Tel: 902.464.2000
Website: www.hrsb.ns.ca

