

**LEGAL BASIS FOR
SUSPENSIONS AND EXPULSIONS**

Official copies of the Public Schools Act and the Education Administration Act are available from the provincial Queen's Printer – Statutory Publications Office.

(1) **From the Public Schools Act:**

Suspension and expulsion

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 school environment.

(2) **From the Education Administration Act, Appropriate Disciplinary Consequences in Schools Regulation:**

Discipline during school hours

2 *The principal has disciplinary authority over the conduct of each pupil of the school from the time the pupil arrives at school until the pupil departs for the day, except during any period that the pupil is absent from the school at the request of his or her parent or guardian.*

Discipline outside school hours

3 *The principal has disciplinary authority over all pupils of the school*

- (a) *on their way to and from school, in terms of their conduct towards one another;*
- (b) *while they are being conveyed to or from school, in a school district that provides transportation, and*
- (c) *while pupils are engaged in an activity that is prescribed for the purpose of section 47.1.1 of the Act.*

SUSPENSION OF PUPILS

Authority to suspend

7 *A teacher may suspend a pupil from the classroom, and the principal or superintendent may suspend a pupil from the school, if*

- (a) *the pupil has engaged in disruptive behaviour; and*

**LEGAL BASIS FOR
SUSPENSIONS AND EXPULSIONS**

- (b) *a suspension is the consequence for engaging in the disruptive behaviour under the school’s discipline and behaviour management policies and the school’s code of conduct*

Period of suspensions

8 *The person listed in Column 1 of the following table may suspend a pupil for the period listed opposite in Column 2:*

<i>Column 1 Person</i>	<i>Column 2 Period of suspension</i>
<i>Teacher</i>	<i>Not more than two days</i>
<i>Principal</i>	<i>Not more than one week</i>
<i>Superintendent</i>	<i>Not more than six weeks</i>

9 *A teacher who suspends a pupil must promptly document and report the suspension to the principal.*

Record of suspensions

10(1) *The principal must keep a record of each suspension of a pupil.*

Where a suspension exceeds five days

11 *A principal must ensure that educational programming is available to a pupil who has been suspended for more than five days.*

Alternative programming

11.1(1) *A school board that expels a resident pupil must make reasonable efforts to ensure that alternative programming is made available to the pupil, if the pupil is of compulsory school age.*

Notice to parent

12(1) *If a pupil is suspended, the following must promptly inform the pupil’s parent or legal guardian of the suspension and the reasons for the suspension:*

- (a) *the principal of the school, if the pupil is suspended by a teacher or the principal*
- (b) *the superintendent, if the pupil is suspended by the superintendent*

LEGAL BASIS FOR SUSPENSIONS AND EXPULSIONS

Notice to school board

12(2) *Within 24 hours of a pupil being suspended, the principal or superintendent must also 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 disruptive behaviour for which the pupil was suspended.*

Parent may make representations

13(1) *In the case of a pupil who has been suspended for more than five days, the school board must permit the parent or legal guardian of a pupil, and the pupil, to make representations to the school board about the suspension.*

Actions by school board

13(2) *On receiving representations under subsection (1), the school board may confirm or modify the suspension or may reinstate the pupil.*

School board may limit teacher's right to suspend

14 *A school board may limit or place conditions on the teacher's right to suspend under section 7, either with respect to an individual pupil or generally, if the board is of the opinion that the teacher has repeatedly*

- (a) suspended an individual pupil for reasons that are not justified; or*
- (b) suspended pupils for reasons that are not justified*

Effective Date:	June 15, 2004	Review Date: November 10, 2021
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Legal/Cross Reference:	The Public Schools Act, RSM 1987, c. P250; The Education Administration Act, RSM 1987, c.E10, Appropriate Disciplinary Consequences in School Regulation 92/2013	