

LEGAL BASIS FOR SUSPENSIONS AND EXPULSIONS

This policy outlines the legal basis for suspension and expulsion within Manitoba school divisions, ensuring compliance with applicable laws and regulations. It aims to support consistent disciplinary practices while promoting safe, caring, and inclusive learning environments.

Legal Framework:

The authority to suspend and expel students in Manitoba is governed by several key statutes and directives:

- (1) **The Public Schools Act:** Provides the foundational legal framework for the operation of public schools in Manitoba.
- (2) **The Education Administration Act:** Outlines the administrative responsibilities and powers within the education system.
- (3) **Appropriate Disciplinary Consequences in Schools Regulation (M.R. 92/2013):** Specifies the conditions and procedures for disciplinary actions, including suspension and expulsion.
- (4) **The Human Rights Code of Manitoba:** Ensures that disciplinary decisions uphold student dignity and rights.
- (5) **Canadian Charter of Rights and Freedoms:** Guarantees fundamental rights and freedoms relevant to all disciplinary processes.
- (6) **Standards for Appropriate Educational Programming in Manitoba (MEECL, 2022):** Provides educational program guidelines.
- (7) **Mamàhtawisiwin: The Wonder We Are Born With: An Indigenous Education Policy Framework (MEECL, 2022):** Ensures culturally responsive education practices.

Authority to Suspend:

Suspension authority is distributed among various school personnel:

- (1) **Teachers:** May suspend a student from the classroom for up to two days if the student engages in conduct injurious to the classroom learning environment.
- (2) **Principals or their Designates:** May suspend a student from the school for up to five days if the student's conduct is harmful to the welfare of others or the school community. The principal or their designate has authority over student conduct:
 - (a) While students are travelling to and from school
 - (b) While students are being transported by RETSD transportation

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- (a) While students are participating in any activity prescribed for the purposes of section 47.1.1 of *The Public Schools Act*
- (3) **Superintendents:** May suspend a student from the school for up to 30 days.
- (4) **School Boards:** May suspend or expel a student following an investigation that finds the student guilty of conduct injurious to the school environment.

Authority to Expel:

Expulsion is considered an extreme disciplinary measure and is governed by the following:

- (1) **School Boards:** Have the authority to expel students whose behaviour significantly disrupts the school environment or poses an imminent safety risk to students and staff.

Authority of the School Board:

School boards have specific powers to oversee, modify, and limit suspensions and expulsions under the following conditions:

- (1) The school board may determine the length of any suspension it imposes (Manitoba Education and Training, 2016).
- (2) When a suspension is appealed, the school board may confirm the decision, modify the suspension, or reinstate the student. A scheduled appeal meeting does not delay the commencement of a suspension (*The Education Administration Act, Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013; Manitoba Education and Training, Provincial Code of Conduct, 2017).
- (3) The school board may limit or place conditions on a teacher's authority to suspend if, in the board's opinion, the teacher has repeatedly suspended a student without justified reasons or has applied suspensions unjustifiably (*Safe and Caring Schools: A Policy Directive Enhancing Proactive Supports to Minimize the Use of Suspension*, MEECL, 2023).

Suspension Procedures:

Suspension procedures must be clearly defined and include:

- (1) **Notification to Parent(s)/Legal Guardian(s):** The parent(s)/legal guardian(s) must be promptly informed of the suspension, including the reason(s) and duration (*Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).
- (2) **Written Report:** A detailed report must be provided to the school division within 24 hours of the suspension decision (*Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).

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- (3) **Access to Educational Programming:** Students suspended for more than five days must be provided with appropriate educational programming (*Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).

Re-entry Process:

A structured re-entry process must be established to support students returning from suspension:

- (1) **Re-entry Meeting:** The meeting must involve the student, their parent(s)/legal guardian(s), and relevant school personnel to review the incident, clarify expectations, and develop a plan to support the student's return (*Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).

Restorative Practices:

Restorative approaches must be used to repair relationships and re-establish a sense of safety, belonging, and accountability. (*Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).

Appeal Process:

An appeal process must be available to students and the parent(s)/legal guardian(s):

- (1) **Appeal Procedures:** Clearly outline the steps for appealing disciplinary decisions, ensuring fairness and transparency (*Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).

Documentation:

All suspension and expulsion events must be thoroughly documented:

- (1) **Record Keeping:** Maintain accurate records of the misconduct, disciplinary measures, and actions taken by the school (*The Human Rights Code of Manitoba, Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).

Monitoring and Review:

Regular monitoring and review of suspension and expulsion data are essential:

- (1) **Data Analysis:** Use data to inform policy revisions and improve disciplinary practices (*Appropriate Disciplinary Consequences in Schools Regulation*, M.R. 92/2013).

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Additional Details from the Provincial Code of Conduct:

The *Provincial Code of Conduct* outlines key requirements that schools must follow when addressing student behaviour:

- (1) **Safe and Caring Schools:** Manitoba Education and Early Childhood Learning is committed to creating safe, inclusive, and culturally responsive learning environments. Schools must implement policies that promote safety, belonging, and respect.
- (2) **Behaviour Intervention and Response:** Schools should use a student-centred and strengths-based approach to behaviour intervention and response, focusing on positive behaviour supports and restorative practices.
- (3) **Collaborating with Parent(s)/Legal Guardian(s):** Effective behaviour intervention requires co-operation between schools and parent(s)/legal guardian(s). Regular communication and collaboration are essential.
- (4) **Exclusionary Practices:** Exclusionary practices, such as suspension and expulsion, should be used with caution and only when necessary. Schools must develop policies to minimize the use of these practices and ensure they are not punitive.
- (5) **Managed Move:** In cases where a student needs to be transferred to another school or program, a managed move process should be used to ensure a supportive and collaborative transition.

Effective Date: June 15, 2004

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Board Motion(s): 409/04; 94/18; 146/25

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 M.R. 92/2013; Human Rights Code of Manitoba; Canadian Charter of Rights and Freedoms; Standards for Appropriate Educational Programming in Manitoba, 2022; Mamàhtawisiwim, The Wonder We are Born with: An Indigenous Education Policy Framework; Manitoba Education and Training , 2022; Provincial Code of Conduct, 2025