



## STUDENT EXPULSION

### **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)

Adopted September 1, 2009		
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