

GUIDELINE 4: DISCRETION AND CONSIDERATION

Policies must include procedures in determining whether suspension is an appropriate disciplinary consequence.

Disciplinary responses should be viewed as an opportunity to problem-solve. Before a course of action is taken, all circumstances that may lead to suspension as a disciplinary consequence require an assessment of the situation, context, and mitigating factors.

According to the *Standards for Appropriate Educational Programming in Manitoba* (MEECL, 2022), the Provincial Code of Conduct “sets out a range of appropriate disciplinary responses for all schools to follow consistently. The Appropriate Disciplinary Consequences in Schools Regulation 92/2013 under The Education Administration Act confirms and restates the authority of principals, schools, and school divisions and requires principals of Manitoba schools to ensure that appropriate interventions and disciplinary consequences are included in their school codes of conduct” (p. 18).

- School divisions must provide reasonable accommodation when disciplining a student and must take into consideration the student’s state of development, ability to comply, and the amount of support required (MEECL, *Standards for AEP*, 2022).
- School division policy on student discipline must incorporate a continuum of supports, including positive and preventative approaches and strategies, as well as consequences corresponding to the nature, severity, and frequency of the behaviour or infraction (MEECL, *Standards for AEP*, 2022).

This means that, for some students, the approach to student discipline will need to consider the student’s special learning needs and abilities including whether

- the student is able to access the information
- the student understands the policy or rules
- the disciplinary actions used for the majority of students are appropriate for the student

As affirmed in the *Provincial Code of Conduct: Appropriate Interventions and Disciplinary Consequences* (Manitoba Education and Training, 2017), interventions and consequences may be applied appropriate to the context and that, in every situation, when selecting appropriate consequences, staff should be sensitive to any student who has been the target of unacceptable conduct, as well as to the student who engaged in the misconduct. These factors encourage those with the authority to suspend to avoid disciplining students who did not act deliberately.

Additional factors may direct the course of action. The decision to suspend should consider the following:

- the information gathered from the student, reporting staff, and others who may have witnessed or been affected
- whether a process should be initiated for determining the risk of threat to self or others, and the risk of recurrence
- possible motivation or underlying reason(s) that led to the incident (e.g., setting events, antecedent)
- previous disciplinary incidents
- previously employed interventions and their effectiveness
- the student's background and support network
- alternative approaches not previously employed
- whether the suspension will be a breach of probation, if applicable

The decision to suspend may also include the following:

- a discussion with the parent(s)
- a discussion with the in-school team and/or divisional-level staff

X Policies must prohibit the use of suspension as a response to absenteeism. Suspensions are inappropriate and counterproductive responses to absenteeism, and must be eliminated from practice (MEECL, *Safe and Caring Schools: A Policy Directive and Action Plan to Enhance Student Presence and Engagement*, 2023).

X Suspension duration must not incrementally increase based on the number of suspensions a student has previously received.