



Evans, Philp LLP
Barristers and Solicitors

***Safe Schools:
The Role Of The Principal***

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Safe Schools: The Role Of The Principal

Presenter:

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Safe Schools: The Role Of The Principal

The *Act* imposes multiple roles on Principals:

- ***Investigator*** – what conduct occurred?
- ***Assessor*** – what action is appropriate?
- ***Educator*** – assign or make recommendations re appropriate school or program
- ***Communicator*** - inform promptly and provide timely notices and reports
- ***Presenter*** – at expulsion hearing or expulsion appeal

Safe Schools: The Role Of The Principal

SUSPENSIONS: the Principal shall:

s. 306 (1) - consider whether to suspend a pupil if the principal believes the pupil has engaged in certain activities

s. 306 (2) - take into account any mitigating or other factors prescribed by the regulations

s. 306 (5) - assign to the pupil a program for suspended pupils

Safe Schools: The Role Of The Principal

SUSPENSIONS: the Principal shall:

s. 308 (1)(a) - inform teacher; and

s. 308 (1)(b) - make all reasonable efforts to inform pupil's parent or guardian within 24 hrs unless pupil 18yrs old or 16/17 and has w/drawn from parental control

Safe Schools: The Role Of The Principal

SUSPENSIONS: Principal shall:

s. 308 (2) - shall ensure that written notice [containing info as per s. 308 (3)] is given promptly to pupil, parent or guardian (if appropriate) and such other persons as specified by Board policy (i.e. School Sup't, Manager Social Work Services)

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal shall:

s. 311 (1) (a) - inform teacher; and

s. 311 (1) (b) - make all reasonable efforts to inform pupil's parent or guardian within 24 hrs unless pupil 18 yrs old or 16/17 and has w/drawn from parental control

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal shall:

s. 310 (1) - suspend if he/she believes a pupil has engaged in certain conduct

s. 310 (3) – take into account any mitigating or other factors prescribed by the regulations when considering how long the suspension should be

s. 310 (4) – shall assign the pupil to a program for suspended pupils

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal shall:

s. 311 (2) - shall ensure that written notice containing the info specified by s. 311(3)] is given promptly to pupil, parent or guardian (if appropriate) and such other persons as specified by Board policy [i.e., school superintendent, etc.]

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal shall:

s. 311.1 (1) – conduct an investigation to determine whether to recommend expulsion to the Board

s. 311.1 (2) – begin investigation promptly and in accordance with requirements established by Board policy

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal **shall:**

s. 311.1 (3) - **make all reasonable efforts to speak with** pupil, pupil's parent or guardian (where appropriate) and any other person principal has reason to believe may have relevant information

s. 311.1 (4) - **take into account** any mitigating or other factors prescribed by regulations when considering whether to recommend expulsion

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal shall:

s. 301 (5) – if no expulsion recommended, then

- (a) confirm suspension and its duration
- (b) confirm but shorten (even if already served and amend record accordingly; or
- (c) withdraw suspension and expunge the record of it even if already served

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal *shall*:

s. 311.1 (6) – if no expulsion recommended, then *shall ensure that* a written notice containing prescribed information is given promptly to every person to whom required to give notice of suspension under s. 311

Safe Schools: The Role Of The Principal

EXPULSIONS: Principal shall:

s. 311.1 (7) – if expulsion recommended, then prepare a report containing:

1. a summary of findings;
2. recommendations re school expulsion vs. expulsion from all schools of the Board;
3. recommendation as to :
 - i) type of school that might benefit the pupil (if school expulsion only)
 - ii) type of program that might benefit the pupil (if expulsion from all schools of the Board)

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EXPULSIONS: Principal *shall*:

s. 311.1.(8) - *promptly provide* to Board and those identified in s.311

s. 311.1.(9) - *shall ensure* that written notice containing the information indicated in this section is provided to the people identified in s. 311

Safe Schools: The Role Of The Principal

HEARINGS: the Principal is a **party** to:

s. 309 (8) - suspension appeal hearing before Board

s. 311.3 (3) - expulsion hearing before Board

s. 311.7 (4) - hearing of expulsion appeal before *Child and Family Services Review Board*

Safe Schools: The Role Of The Principal

RIGHTS OF PUPIL/ PARENT OR GUARDIAN

- *RIGHT TO BE NOTIFIED*
- *RIGHT TO RESPOND TO REPORT*
- *RIGHT TO ATTEND HEARING AND TO MAKE SUBMISSIONS*

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RIGHTS OF PUPIL/ PARENT OR GUARDIAN

IN OTHER WORDS, the pupil/parent or guardian *have the right to challenge the principal and his/her actions, findings and conclusions, in writing, and as well, at the hearing*

Safe Schools: The Role Of The Principal

Given that the statute contemplates, and arguably facilitates, challenges to the Principal's findings and actions, what should the Principal do to ensure that the process is not one that becomes unduly burdensome, difficult or antagonistic?

Safe Schools: The Role Of The Principal

Remember what the suspension/expulsion process is:

- it is part of a broader initiative to actively promote and support appropriate student behaviours that contribute to and sustain a safe learning and teaching environment in which **every** student can reach his or her full potential

Safe Schools: The Role Of The Principal

Remember what the suspension/expulsion process involves:

Principals and other educators:

(1) exercising, in a common sense manner, their ***professional judgment*** in keeping with the requirements of the *Act*; and

(2) explaining to others how they have done that.

Safe Schools: The Role Of The Principal

Remember what the suspension/expulsion process is not:

- it is not about the Principal proving that he/she is right
- it is not about the Principal defending himself/herself against someone trying to prove that he/she is wrong

Safe Schools: The Role Of The Principal

- Be proactive – ensure there is a system of meaningful progressive discipline in the school – see Reg. 472/07, s. 3 (“other factors”)
- Be deliberate – consider mitigating and other factors and be in a position to prove that you have done so

Safe Schools: The Role Of The Principal

- Be communicative internally– share information promptly, and as per policy, with School Superintendent and Safe Schools Superintendent
- Be communicative externally – share information promptly, and as per policy and *Act* with parents, etc.

Safe Schools: The Role Of The Principal

- Be flexible and open – there generally is more than one way to address the problem– the Safe Schools Superintendent is a useful resource
- Be confident - your professional judgment has value and be prepared to act in accordance with that judgment