**Changes to Suspensions and Expulsions** <http://edu.gov.on.ca/eng/safeschools/suspexp.html>

**Junior Kindergarten to Grade 3 Students**

Following the July 2020 announcement of [Ontario's Action Plan to Address Systemic Racism in Schools](https://news.ontario.ca/opo/en/2020/07/ontario-taking-bold-action-to-address-racism-and-inequity-in-schools-1.html?_ga=2.193588200.474709753.1605020393-1658886042.1593701502), the ministry has created new regulations that change how student behaviour is addressed in junior kindergarten to Grade 3.

The new [regulations](https://www.ontario.ca/laws/regulation/200440) remove the discretion of the principal to suspend students in junior kindergarten to Grade 3 for activities listed in [subsection 306(1)](https://www.ontario.ca/laws/statute/90e02#BK568) of the *Education Act*, beginning in the 2020-2021 school year. These behaviours should be addressed with the appropriate positive behaviour supports in the school setting. Activities listed in [subsection 310(1)](https://www.ontario.ca/laws/statute/90e02#BK573) will still be subject to mandatory suspensions, pending the results of an investigation.

**Activities leading to possible suspension**

**306**(1) Subject to a regulation made under clause 316 (1.1) (a), a principal shall consider whether to suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Uttering a threat to inflict serious bodily harm on another person.

2. Possessing alcohol, illegal drugs or, unless the pupil is a medical cannabis user, cannabis.

3. Being under the influence of alcohol or, unless the pupil is a medical cannabis user, cannabis.

4. Swearing at a teacher or at another person in a position of authority.

5. Committing an act of vandalism that causes extensive damage to school property at the pupil’s school or to property located on the premises of the pupil’s school.

6. Bullying.

7. Any other activity that is an activity for which a principal may suspend a pupil under a policy of the board.  2007, c. 14, s. 4; 2017, c. 26, Sched. 1, s. 30 (3, 4); 2020, c. 18, Sched. 5, s. 8.

**Activities leading to suspension**

**310**(1) Subject to a regulation made under clause 316 (1.1) (a), a principal shall suspend a pupil if he or she believes that the pupil has engaged in any of the following activities while at school, at a school-related activity or in other circumstances where engaging in the activity will have an impact on the school climate:

1. Possessing a weapon, including possessing a firearm.

2. Using a weapon to cause or to threaten bodily harm to another person.

3. Committing physical assault on another person that causes bodily harm requiring treatment by a medical practitioner.

4. Committing sexual assault.

5. Trafficking in weapons or in illegal drugs.

6. Committing robbery.

7. Giving alcohol or cannabis to a minor.

7.1 Bullying, if, i. the pupil has previously been suspended for engaging in bullying, and

ii. the pupil’s continuing presence in the school creates an unacceptable risk to the safety of another person.  
  
7.2 Any activity listed in subsection 306 (1) that is motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity, gender expression, or any other similar factor.

8. Any other activity that, under a policy of a board, is an activity for which a principal must suspend a pupil and, therefore in accordance with this Part, conduct an investigation to determine whether to recommend to the board that the pupil be expelled.  2007, c. 14, s. 4; 2012, c. 5, s. 14; 2017, c. 26, Sched. 1, s. 30 (5); 2020, c. 18, Sched. 5, s. 9.

**Suspensions and Expulsions During Emergency School Closure**

On April 14, 2020, the government passed an amendment to the *Education Act*. This change will help ensure consistency, equity and fairness in how suspended students are treated if the review of their case for potential expulsion has been impacted by the school closure.

The amendment recognizes the special circumstances of boards, parents and students during the current state of emergency and provides the flexibility needed to carry out necessary suspension procedures once school closures end. This applies to situations where students were suspended before schools were ordered closed, but no decision has been made yet regarding their expulsion.

During the school closure, a Director of Education, upon the recommendation of a principal, may allow principals and boards to carry out investigations and expulsion hearings for these students, even if more than 20 school days have passed since the start of the suspension. Boards will now have up to 20 school days, from the date schools re-open, to complete required activities to determine whether an expulsion is warranted – this includes investigations and hearings.

This would have no effect on the length of a suspension. This means that:

* the 20-day maximum allowable suspension period would still apply
* students would not have their suspension terms extended.