



Statement to the House of Assembly

By

Minister of Education

The Hon. Dame Jennifer Smith, DBE, JP, DHumL, MP

Regarding

School Suspensions and Expulsion

Friday 13 May 2011

Mr. Speaker, I rise this morning in an effort to clarify for everyone the rights of parents and students with regard to *suspension* and *expulsion*.

I make this statement in the wake of a meeting held between the Permanent Secretary, the Commissioner of Education and school principals on 21 April at which time the **Rules** as they relate to suspension and expulsion were clarified.

Here's what the Education Rules 2006 say about **Suspension**: [26 (1)] "*Subject to section 67 of the Education Act 1996, the principal, if he considers it necessary, may suspend a child for a period not exceeding five school days, and shall notify the Commissioner of Education and the relevant School Board of the suspension in writing with reasons.*"

[(2)] "*An appeal against a decision taken [under paragraph (1)] shall lie to the Commissioner of Education and the relevant School Board who shall make a decision as considered appropriate under the circumstances.*"

With regard to **Expulsion**, here's what the Rules say: [27 (1)] "*No child shall be expelled except by the Minister.*" And [(2)] "*The parent of the child expelled may, subject to sections 58 and 59 of the Education Act 1996, appeal the decision of the Minister to the Appeals Committee.*"

Mr. Speaker, the Rules [23 (1)] give Principals the power to "...impose immediate registerable penalties of suspension, corporal punishment or recommendation for expulsion for acts of violence or acts related to the possession, distribution or use of any controlled drug, alcohol, tobacco, knife or weapon on school premises or while in uniform on the way to or from school."

It also states [Rule 23 (2)] that *“for **all** other infractions, there shall be a series of progressive penalties imposed prior to the registerable penalties being imposed.”* In addition, the Rules provide that *“every child shall have a right to be heard before any penalty is imposed for an infraction, and at his request, may have a right, if the principal considers the infraction a major one, to be accompanied by another person during the hearing.”*

And, Principals have authority *“to suspend a child for a period **not** exceeding five school days”* [Rule 26 (1)].

Mr. Speaker, in recent months I have been reviewing the suspension statistics as produced by the Department of Education staff based on information provided by Principals. I have noted that far too often students are being suspended for such incidents as “disrupting class”, “profane language”, “disrespect” and “bad behaviour”. Unfortunately, in these cases, there is absolutely no evidence of a series of progressive discipline leading up to the suspension.

Mr. Speaker, progressive discipline means that we have exhausted all other forms of intervention...detention, meeting with parents, in-school suspension or other interventions short of the suspension. The intent of this provision is to ensure that the student remains in school so that learning is not interrupted.

Of course there are situations that arise where it is necessary for a student to be removed from the regular school setting, but the Rules make clear the circumstances in which suspension can occur.

Principals have been advised that we expect to see evidence of progressive discipline for those offences **not** outlined in the act as meriting immediate suspension. In addition, principals must also provide evidence of progressive discipline in the correspondence to parents when a suspension is imposed.

Mr. Speaker, prior to the previously mentioned principal’s meeting in April, there existed something called an **extended suspension**. This internal policy provided for the principal to seek a hearing with a Department of Education representative, the parent and the child in order for the principal to present a case that could see the five day suspension extended by an additional two to three days.

This is clearly unlawful and as a result, this process has been discontinued.

The Education Rules set out the rights and conditions upon which children may be suspended. Our principals have been advised of these rights and conditions and it is our expectation that they will adhere to them.

Rule 27 (1) notes that “no child shall be expelled except by the Minister.”

Rule 27 (2) provides for the parent of an expelled child to appeal to the Appeals Committee.

Mr. Speaker, parents need to be aware that if a school is refusing to allow their child to attend, without my permission, this translates to an expulsion. There is nothing in law that gives any principal or school board, the authority to refuse to allow a student to attend the school in which they are enrolled.

Having said that, let me be clear, I do not condone bad behaviour. Our principals and teachers have an extremely difficult job, but in setting an example of obeying authority and following rules and regulations, they too must adhere to the law.

Principals and school boards are expected to put their case for expulsion to the Minister. If the Minister supports their case, then there is a responsibility on the Minister, as long as the child is of school age, to ensure that he/she receives an education. I have a responsibility to ensure that any student not in school for legitimate reasons still receives an education.

Locking students out with no hope of their engaging in our education system will not solve indiscipline or any other problems in schools.

Mr. Speaker, sometimes students are punished or suspended for not attending school. According to the Rules, [(2)] Principals must notify *“the Commissioner of Education if there is reason to believe that any child of compulsory school age is willfully failing to attend school.”* But, the Act states [44 (1)] that *“If any child of compulsory school age who is enrolled as a pupil at a recognised school fails to attend regularly at the school, **the parent** of the child commits an offence against this Act.”*

Earlier, I mentioned the term Corporal Punishment – to clarify for the information of all those listening – Corporal punishment is still allowed under the Education Act. However, it must be administered by a Principal, or Deputy Principal, in the presence of another staff member as a witness. And if the principal authorizes another teacher to administer the punishment, then the principal or the deputy principal must witness the punishment.

The Act also provides (4) that *“a child shall not receive corporal punishment except at the hands of a member of the same sex unless, in exceptional circumstances, the Commissioner of Education authorizes a female to administer corporal punishment to a male.”*

Finally **Mr. Speaker**, Bermuda’s adoption of World Anti-Doping Authority (WADA) agreement will have an impact on our student athletes. **Clause 67** of the Education Act deals specifically with **Drug testing** and gives us the authority to test students.

This section also defines — “drug” as any substance, the periodic or continuous use or administration of which results, or may result, in a person developing a

psychological or physical, or both a psychological and physical, reliance on the substance; or it alters or may alter a person's mood, perception, consciousness or behaviour.

Mr. Speaker, the Department of Education has a responsibility to support our principals and teachers to effectively do their jobs. We must assist them with interventions where and when children have behavioural issues that are outside the scope of schools to handle.

All of us, the Department of Education, principals, teachers, students and parents have a responsibility to ensure that we create the type of environment that encourages our students to put forward their best effort. We also have to make our schools a place where students want to be.

Thank you.