



ADMINISTRATIVE GUIDELINE

Safe Schools: EXCLUSION OF STUDENTS

Effective Date: April 23, 2019

Responsibility: Superintendent of Safe Schools

1. PURPOSE

It is the goal of Near North District School Board, as mandated under the *Education Act* and by the Ministry of Education, that every school create and maintain a safe and caring environment for students in order to maximize their learning potential.

A pupil may exhibit behaviour that may have a negative impact on the physical and/or mental well-being of the pupil, other pupils or staff to the degree that a principal believes that the continued presence of the pupil is detrimental to others. This can include situations where students or staff are injured because of the behaviour of the pupil, or where the behaviour of the student is destructive, disruptive, and/or persistent to the extent that others become fearful or are otherwise emotionally impacted by the presence of the pupil.

On occasion, an exceptional pupil may exhibit behaviour that is the result of the pupil's disability or disabilities. On rare occasions, this behaviour may lead to situations where the physical and/or mental well-being of the pupil, others, or staff is negatively impacted to the degree that a principal believes that the continued presence of the exceptional pupil is detrimental to others. Every effort must be made to work with the exceptional pupil, his/her parents and community partners to manage/change the behaviour and to keep the student in school. However, a point may be reached when the principal believes that Board and/or school staff have tried, without consistent success, everything available to them to manage the behaviour, and that the continued presence of the student in the school is detrimental to the physical or mental well-being of others. At this point, the principal may conclude that it is necessary to remove the exceptional pupil from the school in order to review the situation with the goal of "regrouping", which may include finding new strategies or obtaining additional assistance (either internal or external to the Board), with the goal of bringing the exceptional pupil back to school in a way which does not create a detriment to the physical or mental well-being of others. Consideration for return will occur when the principal has received evidence that the return of the student will not create a detriment to the physical or mental well-being of the student or others.

2. DEFINITIONS

The following definitions apply for the purposes of this procedure.

Appellant - is a person who appeals a decision, who will be the parent of the pupil or the pupil if the pupil is an adult.

Exclusion - under this Administrative Procedure, is the removal of a student from a school for specific and limited purposes and is not considered to be discipline. Exclusion is carried out under the authority of the *Education Act*, s. 265(m).

3. CIRCUMSTANCES IN WHICH EXCLUSION CAN OCCUR

Exclusion can occur only after consideration of the following criteria, it being recognized that every case is unique:

- a) The pupil's behaviour cannot be managed on a consistent or reliable basis using the strategies in place and the point has been reached where the principal believes that the continued presence of the pupil in the school would be detrimental to the physical or mental well-being of the pupil and/or others.
- b) The exceptional pupil's behaviour, which is the result of his/her disability/disabilities, cannot be managed on a consistent or reliable basis using the strategies in place with the result that the point has been reached where the principal believes that the continued presence of the pupil in the school would be detrimental to the physical or mental well-being of the pupil and/or others.
- c) Board/school staff agree that all steps reasonably available to the Board have been taken to attempt to manage the pupil's behaviour and that the behaviour is such that it is necessary to consult with the parents, community partners and/or medical/psychological experts in order to determine modified or new strategies to deal with the behaviour in order to permit the student to try to attend school successfully.
- d) The principal has met with the parent(s) to discuss the situation and explain why the principal has decided that exclusion is necessary. A letter of exclusion must be provided to the parent which sets out the rationale for the exclusion and which advises the parent of the right of appeal.
(Appendix 1)

4. SCHOOL WORK

Where a pupil has been excluded under this Administrative Procedure it is critical to remember that the pupil remains a pupil of the school and continues to be entitled to an education. Steps must be taken as quickly as possible for an alternative provision of education. This may include home instruction (in which case no doctor's note is required). Home Instruction could take place at a location determined by the parties involved, dependent on safety considerations and can occur either in person or electronically. The amount of home instruction to be provided will be based on the student's best interests, safety of staff, what can be reasonably delivered through home instruction and the availability of qualified teachers to provide the home instruction. Reporting requirements for students on an exclusion will occur as usual.

5. MEETINGS TO PLAN FOR STUDENT'S RETURN

The principal and superintendent will work with staff to ensure that meetings with the parents and appropriate third parties are held as soon as possible in order to formulate new strategies and ultimately to plan for the return of the pupil to school safely and successfully. Minutes of meetings must be kept and, once a plan has been formulated, a letter outlining the plan must be sent to the parent(s).

6. APPEAL OF A PRINCIPAL'S DECISION TO EXCLUDE A PUPIL

Notice of Exclusion

Where the principal decides to exclude a pupil, the principal shall notify the superintendent of the school, then the Superintendent of Safe Schools. The principal will provide written notification to the pupil's parent/guardian, the adult pupil (or a pupil who is 16 or 17 and has withdrawn from parental control). (Appendix 1)

Exclusion Appeal Process

Step 1: Notice of Appeal

A person who is entitled to appeal an exclusion (a parent, an adult pupil, or a 16 or 17-year-old pupil who has withdrawn from parental control) must give written notice of his or her intention to appeal to the Superintendent of Safe Schools within 10 school days of the commencement of the exclusion. An appeal of an exclusion does not stay the exclusion.

The Superintendent of Safe Schools will confirm receipt of this notice. The notice must identify:

1. The reason for appealing the exclusion;
2. The remedy sought; and
3. The names and relationships of all persons to be present at the appeal.

The Superintendent of Safe Schools may extend the deadline for giving written notice of his or her intention to appeal if the person requests an extension to accommodate his or her disability. A person who has given notice of intention to appeal may contact the Superintendent of Safe Schools to discuss any matter respecting the appeal of the exclusion.

Step 2: Meeting with the Principal

The person who is entitled to appeal may meet with the principal of the school to discuss the exclusion. If an agreement is not reached through meeting with the principal, then the next step in the appeal process shall be followed.

Step 3: Superintendent Review

The Superintendent of Education responsible for the school will review the exclusion. If an agreement is not reached through the Superintendent's Review, the person who is entitled to appeal, and the Superintendent of Education responsible for the school will notify the Superintendent of Safe Schools. The appeal will then be heard by the Discipline Committee of the Board.

Step 4: Appeal to the Board

The Superintendent of Safe Schools will facilitate and arrange for the Discipline Committee of the Board to hear the appeal and contact the person who is entitled to appeal. An information package shall be provided to the appellant and will be outlined in the Notice of Exclusion Appeal.

The Discipline Committee of the Board shall hear and determine the appeal within 15 school days of receiving the notice of appeal, unless the parties agree on a later deadline. The Discipline Committee will be made up of a minimum of three trustees who will hear appeals, *in camera*, as required by the *Education Act* s. 309 (12).

Parties to the appeal are:

- Principal of the school who excluded the pupil;
- Superintendent of Education responsible for the school in which the pupil is registered;
- Pupil, if 18 years old (or if 16 or 17 years old and has withdrawn from parental control);
- Pupil's parent(s)/guardian, if the parent(s)/guardian appealed the exclusion.

Hearing Procedures

1. The appellant and/ or the person with daily care will proceed first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the desired outcome;
2. The Superintendent of Education responsible for the school the pupil attends and/or the principal will make oral submissions on behalf of the administration, including a response to any issues raised in the appellant's submissions. The superintendent/principal may rely on the report prepared for the Discipline Committee;
3. The appellant may make further submissions addressing any issues raised in the administration's presentation that were not previously addressed by the appellant;
4. The Discipline Committee may ask any party, or the students, where appropriate, questions of clarification;
5. Adult pupil's or a pupil's parent/guardian(s) may be represented by legal counsel or attend with an advocate/agent or the support of a community member;
6. Legal counsel for the Board may be present at the appeal if the appellant is represented by legal counsel or an agent;
7. A pupil who is not a party to the appeal has the right to be present at the appeal and to make a statement on his or her own behalf.

The Discipline Committee shall take into account:

- Submissions and views of all parties;
- Mitigating and other factors.

The Discipline Committee may, in its decision:

- Uphold the principal's decision;
- Modify the duration of the exclusion; or
- Expunge the record.

The decision of the Discipline Committee is final and will be communicated to all parties in writing by the Superintendent of Safe Schools.



Letter Template for an Exclusion

Date:

[Adult Pupil or Parent's/Guardian's Name]

[Pupil's address]

Dear [Adult Pupil's Name or Parent's/Guardian's Name]

[Note: For adult pupils (pupils aged 18 years or older, or pupils who are 16 or 17 years of age and who have withdrawn from parental control) the letter is addressed to the pupil only.]

Re: (include name, DOB, OEN)

This letter will confirm that [you OR your son/daughter are/is] excluded from school as per section 265(1) (m) of the *Education Act*:

It is the duty of a principal of a school, in addition to the principal's duties as a teacher, subject to an appeal to the Board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment to be detrimental to the physical or mental well-being of the pupils.

During the exclusion, safety supports will be expeditiously planned and put into place. **(Outline the plan here)**. Your child's school program will be available as arranged by the principal. Once the necessary plans are complete and put into place your **(son/daughter)** will be welcomed back to school.

You have a right to appeal this exclusion. You must provide written notice of your intention to appeal to the Superintendent of Safe Schools **(Contact Information)**, within 10 days of the commencement of exclusion, i.e., **(insert date)**. The Superintendent Responsible for Safe Schools may extend the deadline for giving written notice of his or her intention to appeal if the person requests an extension to accommodate his or her disability. For more information see Administrative Guideline, Safe Schools: Exclusion of Students on the board website.

Please do not hesitate to contact me here at the school if you have questions regarding this matter.

Sincerely,

Principal

CC Superintendent of Safe Schools
Superintendent of Schools and Program
Attendance Counselor