

# ADMINISTRATIVE PROCEDURES

**SUBJECT:** Exclusion of a Student

## PURPOSE

The Lambton Kent District School Board will actively support all members of the school community in creating safe, inclusive, respectful, and accepting learning, teaching, and work environments in which each member can reach their full potential.

## RATIONALE

The Lambton Kent District School Board does not support the use of “denial of access” or “exclusion” of students pursuant to section 265(1)(m) of the *Education Act* as a means of discipline. However, the Board recognizes that to maintain the physical and/or mental well-being of students in a class or in the school, the temporary exclusion of a student may be necessary.

## GUIDELINES

### 1.0 General Guidelines

- 1.1 The Principal must ensure that appropriate alternatives to exclusion have been explored and consult the school Superintendent of Education when considering excluding a student from school.
- 1.2 The Principal must inform the adult student or the student’s parent/guardian of their decision to exclude orally as soon as possible and confirm the exclusion in writing.
- 1.3 The exclusion letter must detail:
  - the reason(s) for the exclusion, including the behaviour putting the student’s and/or students’ safety at risk;
  - reference to section 265(1)(m) of the Education Act;
  - steps to be taken to facilitate the student’s safe and successful return to school;
  - the right to appeal to the Board of Trustees (“the Board”) and contact information for the Superintendent of Education to whom the notice of intent to appeal is to be delivered;
  - reference to the provision of education during the period of the exclusion.

The letter of exclusion may be filed in the Ontario Student Record for the period of the exclusion.

- 1.4 Principals are to communicate the exclusion to the student’s teacher(s) as soon as possible.
  - 1.5 Principals and student’s teacher(s) must take steps to facilitate the ongoing education of the student.
- ### 2.0 Re-Entry Meeting
- 2.1 Prior to the student’s return to school, the Principal and appropriate school staff

will schedule a re-entry meeting(s) to review progress and the student support plan for the student when it is safe for the student to return to school or alternative school placement. Entry/re-entry may be graduated toward full time.

### 3.0 Right to Appeal an Exclusion and Initial Steps

- 3.1 The adult student (or the student if 16 or 17 years of age having withdrawn from parental control) or the student's parent/guardian may appeal the exclusion by delivering written notice of intention to appeal the exclusion to the Family of Schools Superintendent.
- 3.2 The Family of Schools Superintendent:
  - Will advise the Principal of the appeal;
  - Will request a meeting with the adult student or the student's parent / guardian and the Principal to narrow the issues and try to reach resolution and/or arrange a date for the appeal before the Board;
- 3.3 Where there is no resolution, the Family of Schools Superintendent of Education will:
  - Co-ordinate the preparation of a written report for the Board. The report will contain but may not be limited to the following components:
    - A report of the rationale for the exclusion and the ongoing educational programming currently in place for the student prepared by the Principal;
    - A copy of the original exclusion letter;
    - A copy of the letter requesting the Exclusion Appeal;
- 3.4 The Superintendent of Safe Schools shall:
  - Inform the adult student or the student's parent / guardian of the date of the Exclusion Appeal meeting and invite them to provide relevant documents at least two (2) school days before the appeal if they wish;
  - Provide the appellant a copy of the Administration's documentation at least four (4) school days before the appeal;
  - Provide the appellant's documentation to the Principal;
  - Provide documents provided by the parties to the Board at the beginning of the Appeal;
  - Act in an advisory role to the Board on procedural matters during the exclusion.

### 4.0 Exclusion Appeal Procedure

- 4.1 The Board shall hear and determine the appeal within twenty (20) school days of receiving notice of the appeal, unless the parties agree in writing to a later deadline, and shall not refuse to deal with the appeal on the grounds that there is a deficiency in the notice of the appeal. An appeal of an exclusion does not stay the exclusion.
- 4.2 The parties to the appeal shall include the parent/guardian of a minor student, or the student if 16 or 17 years of age having withdrawn from parental control, or the student if 18 years of age or older, and the Principal and/or designate. The student may also attend the Exclusion Appeal.
- 4.3 An advocate or legal representative may represent the appellant. Prior notice of an advocate's attendance at the appeal must be provided to the Family of Schools Superintendent or designate. If prior notice is not provided, the Exclusion Appeal may be re-scheduled. The Board and / or the Principal may exercise the right to legal counsel.
- 4.4 The Board may give such directions or make such orders at an Exclusion Appeal as it considers necessary for the maintenance of order at the appeal. Should any person disobey or fail to comply with any such order and direction, a Trustee may call for the assistance of a police officer to enforce the direction.

4.5 When making their determination the Board shall consider the documentation and submissions of the parties.

4.6 The Board may decide that the exclusion was:

- justified and should be upheld; or
- not justified, in which case the record of exclusion will be expunged.

## 5.0 Appeal Meeting Proceedings

5.1 The appeal will be conducted in camera, with the option to appear via a secure virtual format, and in accordance with the Education Act, Board policy, regulations, and administrative procedures.

5.2 The Board will wait for thirty (30) minutes after the time communicated for the commencement of the Exclusion Appeal. If the appellant or their representative has not yet attended and notice that they may be late has not been provided, the committee may treat the appeal as abandoned as there is no appellant present to pursue the appeal.

5.3 The Superintendent of Safe Schools and/or designate will invite the parties into the meeting room and introduce the parties to the Board.

5.4 The Superintendent of Safe Schools and/or designate will introduce the Board and will indicate that:

- the Board will be hearing the Exclusion Appeal;
- they have had no prior involvement with the matter;
- this matter will be heard In Camera (in private) and/or with the option to appear via a secure virtual format;
- the decision of the Board is final.

5.5 The Chair will call the meeting to order and Chair the proceeding.

5.6 The Superintendent of Safe Schools will identify the matter on appeal before the committee and identify the parties present.

5.7 The Chair will outline the:

- process to be followed during the Exclusion Appeal

5.8 The Superintendent of Safe Schools and/or designate will distribute copies of the Principal's report and any documents submitted by the appellant to the Board. The Board may choose to call a brief recess in order to review the submissions.

5.9 The Administration will be invited to make a presentation (maximum 20 minutes).

- Administration will present the Report provided to the Board and the Appellant and provide any response to the Appellant's presentation.
- Trustees may ask questions of clarification through the Chair.
- The Appellant may ask questions of clarification through the Chair

5.10 The Appellant will be invited to make an oral presentation (maximum 20 minutes).

- Trustees may ask questions of clarification through the Chair

- The Administration may ask questions of clarification through the Chair
- 5.11 The Administration will have the opportunity to provide a response to the Appellant's presentation.
- 5.12 The student will be invited to make a statement on their own behalf to the committee (optional).
- 5.13 At the conclusion of both presentations, the Administration and Appellant will be invited to make summary statements but may not introduce new issues.
- 5.14 The Chair will explain that:
- Except for the Board and their legal counsel, all persons will be asked to leave the room while the Trustees deliberate and make their decision;
  - The Superintendent of Safe Schools and/or designate will be informed of the decision by the Board and will communicate this decision to the parties at the earliest opportunity.
- 5.15 The Superintendent of Safe Schools and/or designate will contact the parties involved within two (2) school days with the decision of the Board. Written notice shall also be provided to the adult student or the student's parent/guardian informing them of the decision of the Board.
- 5.16 The decision of the Board is final.

## **DEFINITIONS**

### Exclusion:

- This document provides procedures relating to a "denial of access" or "exclusion" pursuant to section 265(1)(m) of the Education Act, which states:
  - s. 265(1) It is the duty of a Principal of a school, in addition to the Principal's duties as a teacher,
  - (m) 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 be detrimental to the physical or mental well-being of the students.
  - Exclusions are also addressed in the Ministry of Education's Policy/Program Memorandum 145, Progressive Discipline and Promoting Positive Student Behaviour.
- An exclusion is not to be part of a disciplinary response to behaviour. For greater certainty, the imposition of any form of discipline, including detention, removal from class, restriction from activities, suspension, or expulsion shall not be considered an exclusion for the purposes of this Administrative Procedure.
- A student who has been excused from attending a specific class, event, or series of events, is not excluded.
- A student who is attending school pursuant to a modified day scheduled pursuant to the student's Individual Education Plan is not excluded.

Implementation Date: January 11, 2024

Reference: Education Act, Section 265(1)(m)