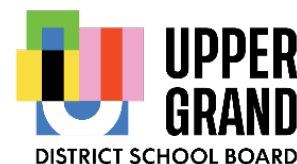


# Safe Schools - Exclusion Procedures Manual 503-C



<b>Category:</b>	Students
<b>Administered by:</b>	Safe and Inclusive Schools Superintendent
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## 1. General

The Upper Grand District School recognizes the rights of students to attend school.<sup>1</sup> However, in rare circumstances, a student may pose such a significant risk to the physical and/or mental well-being of themselves or other students that, as a last resort, the student must be excluded from attending as the only means possible to ensure student safety.

The authority to exclude a student is outlined at Section 265(1)(m) of the *Education Act*, which states that it is the duty of a school principal:

*“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 pupils”<sup>2</sup>*

Policy/Program Memorandum (PPM) 145 *“Progressive Discipline and Promoting Positive Student Behaviour”* directs that exclusion of a student is not to be used as a disciplinary measure.<sup>3</sup> The Upper Grand District School Board therefore limits the use of an exclusion to circumstances where a principal deems it necessary to ensure the safety of students, and an exclusion will only remain in effect for as long as needed to reasonably provide for the physical and mental well-being of students.

A principal considering an exclusion should understand students have the right, under the *Education Act* and the *Human Rights Code* of Ontario, to attend school without discrimination, and that there is a duty to accommodate students with disabilities up to the point of undue hardship. The *Human Rights Code* of Ontario has primacy over all other provincial legislation, regulations, and ministry and

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<sup>1</sup> S.32

<sup>2</sup> S.265(1)(m)

<sup>3</sup> p. 5

board policies and procedures, as well as the boards' [Equity and Inclusive Education Policy](#) and [PPM 119](#).<sup>4</sup>

This procedures manual outlines the process for considering and implementing an exclusion of a student from the classroom and/or school.

## 2. Definitions

### **Appellant**

The appellant is the person who appeals a decision. For an exclusion, the appellant will be the parent/guardian of the student or the adult student.

### **Adult student**

An adult student is 18 years or older, or is 16 or 17 years old and has removed themselves from parental control.

### **Student-Centred Instructional Tool**

A Student-Centred Instructional Tool (SCIT) may be developed for students who require support to be successful in school. A school team will work through the SCIT by gathering data through observations, interviews, review of student work and formal assessments to help refine the school team's understanding of where the student is experiencing successes and challenges. The tool is developed, monitored and reviewed as necessary to ensure a student's success, and can be used for identifying and assessing alternatives to exclusion.

### **Learning Supports During an Exclusion**

A student who has been excluded continues to be a student of the board and as such has a right to receive ongoing educational services. Immediately upon exclusion, and in consultation with the student's teacher and parent/guardian, the principal will ensure that learning supports are put in place and identify how the student will be supported in their learning during their absence from school. Delivery of educational services may include distance learning, home study materials, home instruction, or instruction in a community setting, as the principal deems appropriate.

### **Re-Entry Plan Following Exclusion**

A principal who has excluded a student will develop a Re-Entry Plan outlining how a student is able to return to school safely and as soon as possible (see [503-C-3](#)). Re-Entry Plan meeting(s) should be held with parents, teachers, board

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<sup>4</sup> Equity and Inclusive Education

support staff and any additional third parties providing support to the student, to gather input and communicate the contents of the plan. A copy of the Re-Entry Plan will be provided to the student's parent/guardian prior to their return to school.

### 3. Exclusion Consideration

#### 3.1 Responding to Unsafe Student Behaviour

The sole reason a principal would consider an exclusion is where, in their best judgment, the student in question and the other students in attendance cannot be kept safe by any other means.

By contrast, a continuum of interventions, supports, and consequences may be applied to address inappropriate student behaviours as outlined in the safe schools procedures manuals for progressive discipline (503-B) and suspension and expulsion (503-D).

##### 3.1.1 Exclusion is **not**:

- part of the progressive discipline continuum
- a form of modified day pursuant to an Individual Education Plan (IEP)
- an instructional strategy
- a *de facto* change in placement, without an Identification, Placement, and Review Committee (IPRC) statement of decision
- temporary removal of a student from the classroom in order to provide a safe environment in which to de-escalate
- early dismissal with parent/guardian consent
- temporary school absence with parent consent

#### 3.2 Factors Impacting a Decision to Exclude

3.2.1 Exclusion should be considered as a last resort, and only employed after accommodations, modifications, alternative programming and/or alternative learning environment(s) have been put in place and a student continues to pose a safety risk to themselves or other students in their current class or school environment. Examples of when the risk to safety may warrant an exclusion include:

- the student's behaviour or pattern of behaviour compromises the safety of other students and/or self
- the behaviour cannot be controlled by the student
- the behaviour cannot be managed by staff
- the behaviour is escalating in severity
- the behaviour is most likely to continue to manifest in the school environment without significant intervention

Usually, although not always, the behaviour is a manifestation of one or more disabilities, where the disability-related needs are complex and may or may not have been diagnosed, and an effective treatment plan may not be in place.

3.2.2 Before a principal considers an exclusion, they must be confident that all available resources have been accessed which would allow the student to continue attending school full time.

3.2.2.1 A principal must ensure there has been a review of, and if necessary amendments to, a student's identification and/or placement, IEP, Behaviour/Mental Health Plan, Safety Plan, and SCIT, as applicable. Such a review should include consultation with specialized school, board and community support staff.

3.2.3 Throughout the process of exploring how to fully support a student's attendance, it is the expectation that there will be on-going communication with the parent(s)/guardian(s).

3.2.4 In some circumstances, it may be necessary to obtain additional or updated assessments before a re-entry can be considered.

### 3.3 **Implementing a Decision to Exclude**

3.3.1 The decision to exclude must be made in consultation with the school superintendent.

3.3.2 The decision to exclude a student must be verbally communicated to the parent/guardian at the earliest possible opportunity.

3.3.3 Verbal notice must be immediately followed by a letter of exclusion ([503-C-1](#)), to be sent to the parent/guardian not more

than one (1) school day following the first day the student is excluded from attending school.

- 3.3.4 While an exclusion is ongoing, a principal must monitor, and as necessary update, the learning supports and Re-Entry Plan requirements, keeping the parent/guardian apprised. A student has the right to return to school as soon as the risk to the safety of the student and other students has been sufficiently mitigated. (A Re-Entry Checklist ([503-C-2](#)) is available to administrators on SharePoint to guide and support their exclusion procedures.)

## 4. Exclusion Report

- 4.1 A principal must complete an Exclusion Report in the format provided in [503-C-4](#) (available to administrators on SharePoint).
- 4.1.1 The report will outline the act and/or behaviours on which the decision to exclude was based, the student's learning supports for the exclusion period, the Re-Entry Plan, and, if applicable, a copy the latest Identification, Placement, and Review Committee (IPRC) decision, Individual Education Plan (IEP), Student-Centred Instructional Tool (SCIT), Safety Plan, Behaviour/Mental Health Plan, and other documents outlining supports, including those in the community, for the student.

## 5. Exclusion Appeal Process

### 5.1 Step 1 – Notice of Appeal

A person who is entitled to appeal an exclusion (a parent/guardian or an adult student) must give written notice of their intent to appeal to the Superintendent of Education for the school.

### 5.2 Step 2 – Review of Exclusion with Parent/Guardian

The superintendent will confirm receipt of the appeal notice and contact the parent/guardian or adult student to discuss the exclusion.

### 5.3 Step 3 – Appeal to the Board

- 5.3.1 Where an appeal hearing is to be scheduled, the superintendent will arrange for the appeal to be heard by the Board of Trustees within six (6) school days, unless the parent/guardian or adult

student agrees to a later date.

5.3.2 The parent/guardian or adult student shall be provided with a Notice of Exclusion Appeal Hearing identifying the date, time, and place of the hearing, and a copy of the Exclusion Report.

5.3.3 The Notice of Exclusion Appeal Hearing will inform the parent/guardian or adult student of their right to:

5.3.3.1 provide written materials to be considered at the hearing, by no later than two (2) school days before the hearing date; and

5.3.3.2 attend the hearing with an advocate or legal representative if desired, provided that two (2) school days' notice is provided to the Superintendent of Education.

5.3.4 An exclusion may not be appealed if the student has resumed attendance or is within five (5) school days of returning to full-time or modified attendance.

5.3.5 An appeal of an exclusion does not stay the exclusion.

#### 5.4 **Step 4 – Hearing Procedure**

5.4.1 An exclusion appeal is heard by the Board of Trustees, and presided over by the Board Chair.

5.4.2 The Board may either uphold the principal's decision or overturn the exclusion, basing their decision solely on the facts presented and/or the determination that the student's presence in the school or classroom is detrimental to the physical or mental well-being of themselves or other students.

5.4.3 Parties to the appeal are:

5.4.3.1 the principal of the school who excluded the student; and

5.4.3.2 the adult student or student's parent/guardian (Appellant)

5.4.4 The Appellant will speak first, and explain why they believe the decision was wrongly made, and should be overturned.

- 5.4.5 The principal will speak next, and referencing the Exclusion Report summarize the reasons why the student was and continues to be excluded.
- 5.4.6 The Appellant will be offered the opportunity to respond to any issues raised by the principal not previously addressed.
- 5.4.7 Trustees may ask any party, or the student, where appropriate, questions of clarification.
- 5.4.8 The parties will be invited to summarize their submissions.
- 5.4.9 The Board will deliberate In Camera (i.e., closed session), and then communicate their decision orally. A written decision will be issued to the parent/guardian or adult student within 24 hours of the close of the hearing.
- 5.4.10 All materials relied on at the hearing will be collected and destroyed. One copy will be retained on file at the board, in addition to the letter of decision.
- 5.4.11 If the exclusion is overturned, the student shall be permitted to return to school within two (2) school days of the decision.

Student Name: \_\_\_\_\_ D.O.B. (m/d/yr): \_\_\_\_\_

School: \_\_\_\_\_ Teacher: \_\_\_\_\_

Principal: \_\_\_\_\_ Date (m/d/yr): \_\_\_\_\_

**Details of the re-entry plan following an exclusion:**

**Documents to support re-entry:**

- Student-Centred Instructional Tool (SCIT)
- Safety Plan
- Behaviour/Mental Health Plan
- Individual Education Plan (IEP)
- Other

**Staff who will support/monitor re-entry:**

Staff Member	Role

**Principal Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_