



Niagara Catholic District School Board

## **STUDENT EXCLUSION FROM SCHOOL OR CLASS**

### ADMINISTRATIVE OPERATIONAL PROCEDURES

300 – Schools/Students

Policy No. 302.6.11

Adopted Date: May 27, 2021

Latest Reviewed/Revised Date:

The Principal is responsible for safeguarding the physical and mental well-being of all students and staff. In accordance with the *Education Act* it is the duty of the Principal when considering an exclusion to exercise this discretion in a fair and equitable manner while considering all relevant factors which include but shall not be limited to:

1. accommodations short of undue hardship;
2. safety of individuals;
3. proportionality;
4. seriousness of the matter or incident;
5. reason for the exclusion;
6. physical or mental well-being of individuals;
7. plan for inclusion;
8. steps for re-entry; and
9. needs and circumstances of individuals.

After weighing all factors, the Principal shall consult with the Family of Schools' Superintendent prior to exercising their discretion to impose an exclusion from school or the class. The Family of Schools' Superintendent will, in consultation with the Principal, consider the needs and circumstances of the individual and all relevant factors set out above.

### **NOTICE OF EXCLUSION**

A Principal who imposes an exclusion shall ensure that written notice of the exclusion is promptly provided to the following persons:

1. The student, if the student is an adult student.
2. The student's parent/guardian unless,
  - i. the student is at least 18 years of age, or
  - ii. the student is 16 or 17 years of age and has withdrawn from parental control.
3. The Director of Education and Family of Schools' Superintendent.

The written notice of the exclusion must include the following:

1. The reason(s) for the exclusion.
2. The terms for re-entry to the school or class.
3. The name and contact information of the Director of Education, to whom the written notice of appeal to the Board must be submitted.

### **PROVISIONS OF SCHOOL WORK**

In conjunction with the classroom teacher(s), the Principal must arrange for school work to be provided to the student for the duration of the exclusion. The Principal, in consultation with the Family of Schools' Superintendent may recommend home instruction to support student learning.

## ATTENDANCE RECORD

During the exclusion period, the student's absence shall be recorded with a "G" on the Daily Attendance Record. A student excluded under clause 265(1)(m) of the Education Act is not demitted from the enrolment register as the Board is actively working to reintegrate the student back to the education system.

## RE-ENTRY

Once the terms for re-entry, as stipulated in the Principal's letter of exclusion, have been met, the Principal shall, verbally and in writing invite the parent/guardian of the student or adult student to a re-entry meeting. If the parent/guardian of the student or adult student cannot attend the meeting, reasonable efforts to accommodate must be made to reschedule the meeting at a mutually convenient time. This meeting must occur in advance of the student returning to school/class.

## APPEAL OF EXCLUSION

The following persons may appeal to the Board a Principal's decision for an exclusion:

1. The student's parent/guardian, unless
  - i. the student is at least 18 years of age, or
  - ii. the student is 16 or 17 years of age and has withdrawn from parental control.
2. The student, if
  - i. the student is at least 18 years of age, or
  - ii. the student is 16 or 17 years of age and has withdrawn from parental control.

### Written Notice of Appeal

1. A person who is entitled to appeal an exclusion must give written notice of the intention to appeal to the Director of Education within 10 school days of the commencement of the exclusion.
2. The notice shall include the grounds and facts in support of the appeal.
3. A request for an appeal shall not stay the exclusion.

## NOTICE OF APPEAL TO THE DIRECTOR OF EDUCATION

Upon receipt of written notice of the intention to appeal the exclusion, the Director of Education or Designate will complete the following actions:

- advise the school Principal and Family of Schools' Superintendent of the receipt of the notice to appeal;
- provide a copy of the notice of appeal to the Principal and Family of Schools' Superintendent;
- acknowledge receipt of the notice of appeal and advise the student's parent/guardian or adult student that a review of the exclusion will take place and will discuss any matter respecting the incident and/or appeal of the exclusion; and
- arrange a facilitation meeting between the student's parent/guardian or adult student, the Principal and the Family of Schools' Superintendent of Education.

## EXCLUSION HEARING COMMITTEE OF THE BOARD

In the absence of a resolution, the Director of Education or Designate shall commence the appeal process to review the exclusion as soon as reasonably possible, but no longer than 30 school days from the date of receiving the appeal.

The parties may extend the above timeline by mutual agreement.

The Director of Education or Designate will:

1. Arrange a date for the appeal before the Board Exclusion Hearing Committee.
2. Coordinate the preparation of a written report for the Exclusion Hearing Committee containing:
  - i. a report of the rationale for exclusion and the program currently in place for the student, if any, as prepared by the Principal;
  - ii. a copy of the original exclusion letter issued by the Principal;
  - iii. a copy of the notice of appeal of the exclusion;
  - iv. a copy of the report from the Director of Education or Designate regarding the facilitation meeting.
3. Inform the student's parent/guardian or adult student of the date, time and location of the hearing for the appeal of the exclusion and provide a copy of the documentation that will go to the Exclusion Hearing Committee.
4. Ensure that the item is placed on the agenda of the Board Exclusion Hearing Committee.

## APPEAL BEFORE THE EXCLUSION HEARING COMMITTEE OF THE BOARD

The Exclusion Hearing will be held in accordance with the *Education Act* and Board Policy:

1. The Exclusion Hearing Committee will consist of three appointed Trustees of the Board, and one of the appointed Trustees will be elected as Chair of the committee.
2. The Director of Education or Designate, will act as secretary to facilitate the hearing.
3. The Principal, the Family of Schools' Superintendent, and the Superintendent of Education responsible for Special Education, (if required) will be in attendance.
4. The student's parent/guardian, or adult student, if they appealed the decision of the exclusion will be in attendance.
5. A person who appealed the decision of the exclusion, if, the decision was appealed by someone other than the student, or their parent/guardian, approved by Board Policy to make an appeal.
6. Legal counsel for the Board may be present at the appeal to act as an advisor on procedural matters.
7. Other parties to advocate and provide additional information in support of the student, as approved by the Director of Education or Designate may be in attendance.
8. The Exclusion Hearing Committee may make such orders or give such directions at an appeal, as it considers necessary for the maintenance of order at the appeal.
9. Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
10. When making their determination the Exclusion Hearing Committee shall consider:
  - i. the Principal's report and submissions;
  - ii. the submissions and any other information provided by the parents/guardians or adult student;
  - iii. the submission and any other information provided by other parties; and,
  - iv. the analysis and application of the mitigating and other factors, which may or may not be applicable in the circumstances.
11. The Exclusion Hearing Committee will consider, based on the written and/or oral submissions of both parties, whether the exclusion is reasonable in the circumstances, and shall either:
  - i. confirm the exclusion; or
  - ii. quash the exclusion and its duration; or
  - iii. make such other appropriate order.
12. The decision of the Committee shall be communicated to the parent/guardian or adult student in writing within seven (7) school days after of the Exclusion Hearing.
13. The decision of the Exclusion Hearing Committee is final.

**Adopted Date:**

**May 27, 2021**

**Revision History:**