Niagara Catholic District School Board

STUDENT EXCLUSION FROM SCHOOL OR CLASS

ADMINISTRATIVE OPERATIONAL PROCEDURES

300 – Schools/Students **No. 302.6.11**

Adopted Date: May 27, 2021 Latest Reviewed/Revised Date: September 8, 2026

The Education Act imposes specific obligations for student health and safety on school principals, including the duty to exclude from the classroom or school any person whose presence, in the principal's judgement, would be detrimental to the physical or mental well-being of themselves or other students. A school principal is responsible for exercising their judgement in a reasonable manner, and based solely on considerations of student safety and well-being.

The purpose of an exclusion is to maintain a safe and orderly learning and working environment when a student's continued presence in the school would pose significant challenges to the safety or well-being of others, or when accommodation has reached the point of undue hardship. An exclusion is a non-punitive administrative measure that should only be used after a series of supports have been implemented including accommodations, modifications, alternative programming, or alternative learning environments. A psychological or risk assessment should also be considered, and exclusion should only be applied when significant safety concerns remain at the school.

Before deciding to exclude a student, the principal must review whether:

- all available school, Board, and community supports have been considered,
- revisions to the student's Individual Education Plan (IEP), Behaviour Intervention Plan, and/or Safety Plan could support continued attendance, and
- exclusion is the only reasonable option to protect the well-being of the student and others.

An exclusion from school should apply only for as long as is necessary to reasonably provide for the physical and mental well-being of the student and others while attending school.

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, ensure that:

1. the relevant factors have been appropriately considered and weighed;
2. there is a learning support plan outlining the means by which the Board will provide the excluded student with access to educational services during exclusion, and how will this be monitored and updated as needed; and
3. re-entry plan requirements have been identified, and specifically what parent/guardian and school actions will be necessary to facilitate the excluded student's safe and successful re-entry.

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 Chief Executive Officer and Family of Schools' Superintendent.

The written notice of the exclusion must include the following:

1. Identification of the behaviours that are putting students at risk.
2. A date to meet and discuss the development of a learning support plan.
3. Monitoring of the student's progress during exclusion.
4. The steps necessary for re-entry to the school or class.
5. The right to appeal the exclusion to the Board of Trustees.
6. The name and contact information of the Chief Executive Officer, 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 educational services 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

When the conditions outlined in the principal's letter of exclusion have been met, and the principal is satisfied that the student's return will not pose a safety risk, the principal must invite the parent/guardian or adult student to a re-entry meeting. This invitation must be provided both verbally and in writing.

If the parent/guardian or adult student is unable to attend at the scheduled time, the principal must make reasonable efforts to reschedule the meeting at a mutually convenient time. The re-entry meeting must take place before the student returns to class or school.

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 Chief Executive Officer.
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 CHIEF EXECUTIVE OFFICER

Upon receipt of written notice of the intention to appeal the exclusion, the Chief Executive Officer or Designate will complete the following actions:

- advise the school principal and Family of Schools' Superintendent of the receipt of the notice of 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
- 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 at the facilitation meeting, the Chief Executive Officer or Designate shall arrange for the Board of Trustees to hear the appeal, as soon as is reasonably possible at a mutually convenient time for the appellant and the principal.

The Chief Executive Officer or Designate will:

1. Arrange a date for the appeal before the Board of Trustees.
2. Coordinate the preparation of a written report to be provided to the parties (the Appellant and the Principal) and the Board of Trustees no less than three (3) days prior to the hearing, containing:
   i. the rationale for exclusion;
   ii. the learning support plan in place for the student, as prepared by the principal;
   iii. the original exclusion letter issued by the principal;
   iv. the notice of appeal of the exclusion;
   v. a summary of the student's academic progress during the period of exclusion;
   vi. confirmation that a facilitation meeting took place at which resolution was discussed;
   vii. documentation submitted by the Appellant, provided any such documentation is submitted no less than two (2) days prior to the hearing date.
   viii. 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 above noted report.

APPEAL HEARING BEFORE THE BOARD OF TRUSTEES

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

1. The Board of Trustees will hear the appeal. The Chair of the Board or designate will chair the appeal hearing.

2. The principal, the Family of Schools' Superintendent, and the Superintendent of Education responsible for Special Education, (if required) will be in attendance.

3. The student's parent/guardian, or adult student, if they appealed the decision of the exclusion may be in attendance.

4. The Appellant may be accompanied by a representative, provided that the Appellant gives at least three (3) days' notice to the Board, and includes the name and contact information of their representative.

5. Legal counsel for the Board may be present at the appeal to act as an advisor to the Board of Trustees on procedural matters.

6. It is customary where the Appellant has legal counsel for the Board to also have their legal counsel present to advise the principal.

7. The Board of Trustees shall allow both the principal and the Appellant with the opportunity to make oral submissions, and shall consider any documentary evidence submitted by either party with the allowable timeline.

8. The Board of Trustees may ask either party questions of clarification.

9. Upon hearing from the parties, and considering any documentary evidence submitted, the Board of Trustees shall consider whether the exclusion should be upheld or overturned.

10. 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.

11. The decision of the Board of Trustees shall be communicated to the parent/guardian or adult student orally and in writing within twenty-four (24) hours of the conclusion of the appeal hearing.

12. The decision of the Board of Trustees is final, and shall be implemented within two (2) days of the hearing.

Adopted Date:	**May 27, 2021**
Revision History:	**September 17, 2021** **February 25, 2026** ***September 8, 2026 *(Administrative Update)***