



Administrative Procedure: Student Exclusion

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1.0. Exclusion Procedures

- 1.1. This document provides procedures relating to “denials of access” or “exclusions” pursuant to section 265(l)(m) of the *Education Act* , which states:
 - 1.1.1. s. 265(l) It is the duty of a principal of a school, in addition to the principal’s duties as a teacher,
 - 1.1.2. (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 pupils.
- 1.2. The Principal will meet with the Superintendent of Schools and other appropriate Superintendent to review the circumstances and possible exclusion of a pupil.
- 1.3. Where possible, the Principal and Superintendent of Schools will speak with or meet with the parent(s) and/or guardian(s) prior to excluding the pupil.

- 1.4. The parent and/or guardian or adult pupil will be advised in writing of the exclusion, including a reference to section 265(1)(m) of the *Education Act* . The parent and/or guardian or adult pupil will also be advised of the right to appeal the exclusion upon giving notice to the Respondent for Safe Schools, and will be provided contact information for the Superintendent for Safe Schools.
- 1.5. Schoolwork will be provided for the pupil during the period of exclusion.
- 1.6. The exclusion letter will identify steps to be taken to facilitate the pupil's safe and successful return to school.
- 1.7. The school will schedule subsequent meeting(s) as appropriate with the parent and/or guardian and pupil or adult pupil to review progress and to develop a re-entry plan for the pupil when it is safe for the pupil to return to school.

2.0. Exclusion Appeal Guideline

The following provides procedures for appeals of "denials of access" or exclusions from school property or classes, pursuant to section 265(1)(m) of the *Education Act* , as set out in Board Policy P-ES 326.

- 2.1. The exclusion appeal shall be held in accordance with the *Education Act* ., the Board's Administrative Procedure AP-ES 314 (Student Discipline), Policy P-ES 326, and this Exclusion Administrative Procedure.
- 2.2. Appeals of exclusions will be heard orally, in camera, by the Board of Trustees. The Chair of the Board of Trustees, or designate, shall act as Chair of the appeal meeting. Appeals will be scheduled by the Superintendent.
- 2.3. The appeal will be made orally, except where permission has been granted by the Secretary of the Board for an appeal in writing only, upon request being made in writing by the Appellant to the Secretary of the Board.
- 2.4. An exclusion may be appealed by an adult pupil or the pupil's parent and/or guardian (the "Appellant") by notice to the Superintendent who shall seek direction through the Secretary of the Board, or designate, to facilitate scheduling of the exclusion appeal meeting.
- 2.5. Parties to an exclusion appeal are the pupil's parent(s) and/or guardian(s), the Principal and the Superintendent of the School. The pupil may also attend the Exclusion Appeal.
- 2.6. The Superintendent Responsible for Safe Schools may request a meeting with the parent and/or guardian and the principal to attempt to narrow the issues and if possible resolve the matter.

- 2.7. A lawyer or agent may represent the Appellant. Prior notice of a lawyer's or an agent's attendance at the Appeal must be provided to the Superintendent. If such prior notice is not provided at least 3 school days before the appeal, it may be necessary to reschedule the Appeal.
- 2.8. The Board of Trustees and/or the Principal may exercise the right to legal counsel.
- 2.9. 2.9 Should the Principal exercise the right to legal counsel, prior notice will be provided to the Appellant.
- 2.10. The Principal shall prepare a documentation package for the Board of Trustees which will be provided to the Appellant and the Superintendent Responsible for Safe Schools at least five school days before the date of the appeal.
- 2.11. If the Appellant has any documents to present to the Board of Trustees, including any written report or submissions, they shall be provided to the Principal and Secretary of the Board at least three school days before the hearing.
- 2.12. In circumstances as determined by the Board of Trustees, or on consent of both parties, the Board of Trustees shall have the right to adjourn the appeal to another date determined by the Secretary of the Board.
- 2.13. The Board of Trustees, after hearing the appeal, will either:
 - 2.13.1. Uphold the exclusion/denial of access; or,
 - 2.13.2. overturn the exclusion/denial of access.
- 2.14. The Board of Trustees 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, the Chair may call for the assistance of a police officer to enforce the direction.
- 2.15. The Board of Trustees will wait for thirty (30) minutes after the time communicated for the commencement of the Exclusion Appeal. If the Appellant(s) and/or their representative have not yet attended and notice that they may be late has not been provided, the Board of Trustees may proceed in the absence of the party, and the party is not entitled to any further notice of the proceedings.
- 2.16. The Superintendent will invite the parties into the Exclusion Appeal meeting room and will introduce the parties to the Board of Trustees.

- 2.17.** The Superintendent will distribute copies of the documents submitted by or to be submitted by the Parties to the Board of Trustees. The Board of Trustees may choose to have a brief recess in order to read the reports and documents.
- 2.18.** The Chair will call the Exclusion Appeal to order and will explain:
 - 2.18.1.** The process to be followed during an Exclusion Appeal;
 - 2.18.2.** the matter under appeal before the Board of Trustees.
- 2.19.** The Appellant will have 15 minutes to orally provide reasons to the Board of Trustees as to why the exclusion should be lifted.
- 2.20.** The Principal will have 15 minutes to orally provide reasons why the exclusion should continue and respond to any issues raised by the Appellant.
- 2.21.** The Appellant will have a further 5 minutes to orally respond to any new issues raised by the Principal that were not previously addressed by the Appellant.
- 2.22.** The Board of Trustees may ask the parties questions of clarification.
- 2.23.** At the conclusion of both presentations, the Appellant and the Principal will be invited to make summary statements but may not introduce new issues.
- 2.24.** All parties will be asked to leave the room while the Trustees deliberate and make their decision and the parties will be informed of the decision by the Board of Trustees.
- 2.25.** The decision of the Board of Trustees is final. The decision shall be communicated to the parties in writing within 10 school days, or such other time as the Board of Trustees deems appropriate in the circumstances.

Appendix A

Sample Expulsion Letter

*** NOTE – each possible exclusion situation is case specific – all other appropriate options and consultations should take place as appropriate before this step.**

Date: _____

Parent/Guardian Name: _____

Address: _____

Dear (Parent/Guardian);

I am writing to you regarding your child, _____.

As you know, _____'s behaviour has been escalating and has been unpredictable.[JT1] Further to our earlier conversation, I am writing this letter to confirm that _____ is excluded from attending _____ and its premises, effective _____, in accordance with section:

265(1)(m) of the *Education Act*, which states as follows:

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 pupils.[JT2] [JT3]

Despite numerous supports in place to assist at _____ behaviour continues to create an unacceptable risk to the safety of himself/herself and others. [JT4]

Describe student's behaviour/conduct that is impacting the well-being of the pupils.

Describe possible steps to facilitate the student's safe and successful re-entry to school.

A meeting will be arranged to discuss recommendations and next steps to facilitate the student's safe and successful return to school. In the meantime, arrangements will be made to support _____ to continue to receive an ongoing education.

This exclusion is subject to appeal and you can contact _____, Superintendent of Education, at _____ for further information about the appeal process.

You may contact me or Superintendent _____ at any time with any questions that you may have regarding the terms of this exclusion and/or the provision of ongoing educational services for your son/daughter pending his/her return to school.

Sincerely,

Principal

Superintendent of Education

cc. _____

[JT1]Language such as this, or other appropriate introductory language.

[JT2]Depending on the circumstances, you may also wish to "No Trespass" as follows:

In addition, pursuant to the Trespass to Property Act, you are advised not to attend on [insert school name] and failure to comply may result in you being charged under the Trespass to Property Act

[JT3] If you are excluding from more than one property consider additional language: "In addition, you are excluded from [insert single school] and other board premises pursuant to Regulation 474/00 of the Education Act, as amended (Access to School Premises). "

[JT4]Language that is appropriate in the circumstances....