

<b>Topic:</b>	<b>Exclusion of Students</b>
<b>Effective:</b>	<b>January 2018</b>
<b>Cross-Reference:</b>	<b>Ontario Human Rights Code Education Act: Duties of a Principal s.265(1)(m) PPM 145 (Progressive Discipline and Promoting Positive Student Behaviour) Halton District School Board Policy: Safe Schools Halton District School Board Administrative Procedure: Managing Violent and Aggressive Behaviour of Students with Special Needs</b>
<b>Revision Date:</b>	<b>September 2020</b>
<b>Review Date:</b>	<b>September 2022</b>
<b>Responsibility:</b>	<b>Superintendent of Education – Safe Schools</b>

**INTENDED PURPOSE:**

The Halton District School Board believes all students should feel safe at school and are deserving of a positive school climate that is inclusive, equitable and accepting regardless of any immutable characteristic, including but not limited to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status or disability.

The *Education Act* places authority on the school Principal to uphold safe and positive learning climates in our schools. In rare circumstances this may require the Principal to temporarily exclude a student from attending school.

The Board does not support the use of exclusion of students as a disciplinary measure; however the *Education Act*, in section 265 (1)(m), permits a Principal, to refuse to admit, to the school or to a class, someone whose presence in the school or classroom would, in the Principal's judgment, be detrimental to the physical or mental well-being of others.

The Halton District School Board employs five (5) different types of exclusions:

Type A: Exclusion relating to safety of students as a result of an emergency or an incident (or series of incidents) requiring a "pause" to revisit safety plans, staffing, emergency response planning, needs relating to physical space, and/or staff training

Type B: Exclusion as a result of a police investigation where the student's presence in the school or classroom would, in the Principal's judgment, be detrimental to the physical or mental well-being of self / others.

Type C: Exclusion as a result of a school investigation where the student's presence in the school or classroom would, in the Principal's judgment, be detrimental to the physical or mental well-being of self / others

Type D: Exclusion where a student is new to the school, the OSR has not arrived, and there is reason to believe that the student has a violent or aggressive history which would, in the Principal's judgment and in the absence of a plan being developed and implemented, be detrimental to the physical or mental well-being of self / others

Type E: Exclusion where, for medical reasons and in the absence of a plan or other remedies, the student's presence in the school or classroom would, in the Principal's judgment, be detrimental to the physical or mental well-being of self or other students.

All exclusions are temporary and procedures have been developed to assist principals with managing each circumstance. This Administrative Procedure outlines the expectations and procedures associated with Type A exclusions as identified above.

When a Principal is considering excluding a student for any reason other than a school discipline investigation or a police investigation, the consultation and decision-making process must include the Superintendent responsible for the school and the Superintendent of Safe Schools (or designate). Exclusions for medical reasons require additional consultation with and the approval of the Superintendent responsible for Student Health (or designate).

## **ROLES**

### **1. Principal**

The Halton District School Board supports the Principal's authority in the school to maintain proper order and discipline. Under section 265 (1) (m) of the *Education Act* and in accordance with the Administrative Procedure: *Managing Violent and Aggressive Behaviour of Students with Special Needs* and the Administrative Procedure: *Exclusion of Students*, the Principal has the sole authority to exclude a student.

### **2. Family of Schools Superintendent**

The Family of Schools Superintendent must be consulted and co-sign the letter of exclusion supporting the temporary exclusion. The Family of Schools Superintendent will ensure the Principal's decision to exclude was made in good faith (i.e. only where safety concerns are genuine and that all reasonable interventions and preventative plans had been developed and properly implemented).

### **3. Director of Education**

Halton District School Board authorizes the management of the appeal processes for student exclusion to the Superintendent of Education responsible for Safe Schools. When an exclusion is appealed, an effort to find a mutually agreeable resolution is first managed through the Office of the Director.

### **4. Board of Trustees**

The full Board of Trustees, as set out in the *Education Act*, have the authority to hear and make decisions by majority vote with respect to exclusion appeals.

## **PROCEDURES**

### **Duties and Obligations**

#### **1. Considerations**

The Principal must be able to demonstrate that all reasonable accommodations, including early intervention and preventative behavioural and safety plans, have been developed and implemented to the point of undue hardship.

In all cases other than a school discipline investigation or a police investigation, exclusion from school should be temporary and for the purpose of putting in place a plan to promote the student's inclusion while supporting the safety of others. The priority of an exclusion must be to return the student safely to school as quickly as possible while ensuring the safety of the students and others. The duty of procedural fairness is critical. Steps to re-entry must be fair, equitable, applicable, and appropriate given the situation. The proposed remedies must be reasonable and proportionate in all cases

#### **2. Consultation**

Consultation is key in the exclusion process, both to draw on others' expertise and to protect the Principal and the Board with respect to managing the risk associated with exclusion.

Prior to commencing an exclusion, the Principal must consult with and obtain the support of their Family of Schools Superintendent and arrange for their signature on the Exclusion Letter(s).

In the Halton District School Board, exclusions are facilitated by the Safe Schools department. With the exception of exclusions relating to police and school discipline investigations, Principals must consult with the Superintendent of Safe Schools (or designate) prior to formalizing an exclusion. A Safe Schools personnel will be provided to support the Principal and help facilitate the exclusion process. Safe Schools Personnel report directly to the System Principal for Safe Schools.

Where applicable, the Principal is strongly encouraged to consult with their Manager of Student Services and/or System Principal of Student Services (or designate) should the student have Special Education needs.

Except in emergency situations, the student's parent/guardian must be given advance notice if an exclusion is being considered. An opportunity must be provided for the parent/guardian to provide input into the planning and steps for re-entry. The family will be encouraged to include input from community partners and supports or the school may offer to do so on their behalf.

### **3. Duty to Inform**

The Principal must inform the family of the decision to exclude as soon as possible and confirm the exclusion in writing within the timelines provided below.

The Principal will communicate the re-entry plan to the student's parent/guardian, an adult student, or the student 16 or 17 years old and withdrawn from parental control.

### **4. Developing the Plan and Exclusion Letters**

The Board's approved letter templates must be used in all cases of exclusion. An initial letter advising the parent/guardian of the commencement of an exclusion may be provided with an understanding that a second letter will follow within the timelines noted below with the details of the steps to re-entry fully detailed.

The final exclusion letter must detail:

- the reason(s) for the exclusion
- the steps for re-entry
- the right to appeal to the Board

In the majority of cases, the development of a plan outlining the steps for re-entry should normally take 2-3 days. Outside of exceptional circumstances, a period of ten (10) days is the maximum length of time permitted to develop the re-entry plan. Safe Schools personnel, Student Services personnel and other Board personnel are available to assist principals with the development of re-entry plans.

### **5. Right to Appeal**

A student's parent/guardian, an adult student, or the student 16 or 17 years old and withdrawn from parental control may appeal the Principal's decision to exclude.

The first step in the appeal process is a meeting between the appellant and the Director's Office (or designate) in an effort to resolve the outstanding issues and reach a mutual agreement. If an agreement is not reached to the satisfaction of all parties, the appeal shall proceed to the full Board of Trustees.

The full Board of Trustees will hear exclusion appeals as required by Section 265(1)(m) of the *Education Act* and in accordance with the Exclusion Appeal Process. The appeal process is initiated by receipt of a written notice of appeal directed to the Superintendent of Safe Schools. The Board shall hear and determine the appeal within fifteen (15) school days of receiving the notice of appeal, unless parties agree to a later deadline.

The Board of Trustees will vote to uphold the exclusion or overturn the exclusion and return the student to school. The decision of the Board is final and will be confirmed in writing to the appellant.

## **6. Provision of School work**

In conjunction with the teacher(s), the Principal must arrange to have schoolwork prepared and provided to the student for the duration of the exclusion.

## **7. Records and Documentation**

The Principal will maintain documentation of all communication between and among the school, parents/guardians, service providers, community partners, and other Board personnel.

An exclusion is not a disciplinary action therefore a Safe Schools Incident Reporting (SSIR) form is not warranted. Should the exclusion of a student result from a violent incident, the Principal may complete a Violent Incident Report for inclusion in the student OSR. If applicable, an Employee Incident Report (EIR or EIR-A) may be completed.

Student absences during a period of exclusion are recorded as "G" days ("Exclusion"). If, upon the conclusion of a police or school investigation, the Principal determines a suspension is warranted, the "G" days ("Exclusion") shall be revised to reflect "G" days ("Suspension").

In the Halton District School Board, the days a student is off on exclusion count toward suspension days to be served. For example, if a student is on exclusion for three days while awaiting the outcome of a police investigation and, after given the green light to conduct the school investigation by the police the Principal determines that a five day suspension is warranted, the three days the student was home on exclusion count toward the five days and the student has two further days on suspension before returning to school.

## **8. Ontario Student Record (OSR)**

No copy of the exclusion letter(s) nor any supporting documentation shall be placed in the student's Ontario Student Record (OSR).

## **9. Re-Entry Meeting**

Once the terms for re-entry have been met, the Principal of the school and any additional staff are to conduct a re-entry meeting with the family of the excluded student prior to re-entry.