



ADMINISTRATIVE PROCEDURE STUDENTS, PARENTS AND COMMUNITY	
Effective:	November 1, 2014
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EXCLUSION OF STUDENTS

1. PURPOSE

It is the goal of Rainbow District School Board, as mandated under the *Education Act* and by the Ministry of Education, that every school create and maintain a safe and caring environment for students in order to maximize their learning potential.

A pupil may exhibit behaviour that may have a negative impact on the physical and/or mental well-being of the pupil, other pupils or staff to the degree that a principal believes that the continued presence of the pupil is detrimental to others. This can include situations where students or staff are injured as a result of the behaviour of the pupil, or where the behaviour of the student is destructive, disruptive, and/or persistent to the extent that others become fearful or are otherwise emotionally impacted by the presence of the pupil.

On occasion, an exceptional pupil may exhibit behaviour that is the result of the pupil's disability or disabilities. On rare occasions, this behaviour may lead to situations where the physical and/or mental well-being of the pupil, others, or staff is negatively impacted to the degree that a principal believes that the continued presence of the exceptional pupil is detrimental to others. Every effort must be made to work with the exceptional pupil, his/her parents and community partners to manage/change the behaviour and to keep the student in school. However, a point may be reached when the principal believes that Board and/or school staff have tried, without consistent success, everything available to them to manage the behaviour, and that the continued presence of the student in the school is detrimental to the physical or mental well-being of others. At this point, the principal may conclude that it is necessary to remove the exceptional pupil from the school in order to review the situation with the goal of "regrouping", which may include finding new strategies or obtaining additional assistance (either internal or external to the Board), with the goal of bringing the exceptional pupil back to school in a way which does not create a detriment to the physical or mental well-being of others. Consideration for return will occur when the principal has received evidence that the return of the student will not create a detriment to the physical or mental well-being of the student or others.

2. DEFINITIONS

The following definitions apply for the purposes of this procedure.

Appellant - is a person who appeals a decision, who will be the parent of the pupil or the pupil if the pupil is an adult.

Exclusion - under this Administrative Procedure, is the removal of a student from a school for specific and limited purposes and is not considered to be discipline. Exclusion is carried out under the authority of the *Education Act*, s. 265(m).

3. CIRCUMSTANCES IN WHICH EXCLUSION CAN OCCUR

Exclusion can occur only after consideration of the following criteria, it being recognized that every case is unique:

- a) The pupil's behaviour cannot be managed on a consistent or reliable basis using the strategies in place and the point has been reached where the principal believes that the continued presence of the pupil in the school would be detrimental to the physical or mental well-being of the pupil and/or others.
- b) The exceptional pupil's behaviour, which is the result of his/her disability/disabilities, cannot be managed on a consistent or reliable basis using the strategies in place with the result that the point has been reached where the principal believes that the continued presence of the pupil in the school would be detrimental to the physical or mental well-being of the pupil and/or others.
- c) Board/school staff agree that all steps reasonably available to the Board have been taken to attempt to manage the pupil's behaviour and that the behaviour is such that it is necessary to consult with the parents, community partners and/or medical/psychological experts in order to determine modified or new strategies to deal with the behaviour in order to permit the student to try to attend school successfully.
- d) The principal has met with the parent(s) to discuss the situation and explain why the principal has decided that exclusion is necessary. A letter of exclusion must be provided to the parent which sets out the rationale for the exclusion and which advises the parent of the right of appeal.

PROCEDURES**4. SCHOOL WORK**

Where a pupil has been excluded under this Administrative Procedure it is critical to remember that the pupil remains a pupil of the school and continues to be entitled to an education. Steps must be taken as quickly as possible for an alternative provision of education. This may include home instruction (in which case no doctor's note is required) which takes place in the home or in another location if the parent wishes or if safety considerations arise. The amount of home instruction to be provided will be based on the student's best interests, safety of staff, what can be reasonably delivered through home instruction and the availability of qualified teachers to provide the home instruction.

5. MEETINGS TO PLAN FOR STUDENT'S RETURN

The principal and superintendent will work with staff to ensure that meetings with the parents and appropriate third parties are held as soon as possible in order to formulate new strategies and ultimately to plan for the return of the pupil to school safely and successfully. Minutes of meetings must be kept and, once a plan has been formulated, a letter outlining the plan must be sent to the parent(s).

6. APPEAL OF A PRINCIPAL'S DECISION TO EXCLUDE A PUPILNotification of Exclusion

Where the principal decides to exclude a pupil, the principal shall notify the superintendent of the school and will provide written notification to the pupil's parent/guardian or the adult pupil.

Parent Appeal

A parent may appeal a principal's decision to exclude his/her pupil by sending a letter to the superintendent, which indicates that the parent wishes to appeal the principal's decision to the Board of Trustees. The superintendent will begin the process by conducting a review of the decision to exclude the student.

Exclusion Appeal Process

The parents of a student or an adult student may appeal an exclusion. An appeal of an exclusion does not stay the exclusion.

A person who intends to appeal an exclusion must give written notice of this intention within ten (10) school days of the commencement of the exclusion. This notice must include information about the reasons for the appeal and will be sent to the superintendent.

Review by the Superintendent

Upon receipt of the notice to appeal the exclusion, the superintendent:

- a) will promptly advise the principal of the appeal;
- b) will promptly advise the parents that a review of the exclusion will take place, and invite the parents to discuss any matter regarding the incident and/or the appeal of the exclusion;
- c) will review the exclusion, including a review of the reason for the exclusion, its duration, and any mitigating or other factors;
- d) may consult with the principal regarding modification or expunging the exclusion;
- e) will communicate with the parents and the principal to discuss the issues;
- f) will share the outcome of the review with the parents and principal.

Exclusion Appeal Process

If the exclusion is upheld on review and the parents choose to continue with the appeal, the superintendent will:

- a) arrange a date for the appeal before the Tribunal of the Board so that the appeal can be conducted within fifteen (15) school days following notice of intent to appeal; and
- b) will provide written notice of the review decision to the parents.

The Information Report for the Tribunal

If the exclusion is upheld on review and the parents choose to continue with the appeal, the superintendent will coordinate the preparation of a written report for the Tribunal of the Board. This report will contain the following components:

- a) a report of the incident(s) and rationale for exclusion prepared by the principal
- b) a copy of the exclusion notice;
- c) a copy of the letter from the parents stating the intent to appeal the exclusion; and
- d) a copy of the exclusion review decision, stating the decision of the supervisory officer regarding the exclusion review.

The superintendent shall inform the parents of the date of the exclusion appeal and provide the parents with a guide to the process for the appeal and a copy of the documentation that will go to the Tribunal. The process for the appeal of exclusion is described in the appendix below.

APPENDIX:**Timing of the Appeal Hearing**

The Tribunal must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of the intention to appeal (unless parties agree to an extension) in accordance with the Board's administrative procedures. The hearing will be no more than two hours in length.

Tribunal

The powers and the duties of the Board under the *Education Act* and *Regulations and the Statutory Powers Procedure Act*, in dealing with the appeal of an exclusion, shall be exercised and performed by three (3) members or fewer of the Tribunal. Quorum for this committee is one (1) member. The chair of the board selects the Tribunal members. The director of education or designate will act in an advisory role to the committee on procedural matters during the appeal hearing and the Tribunal's subsequent deliberations. The superintendent of the school will act as advisor to the principal.

Parties

The parties to the appeal shall be the pupil's parent/guardian and/or designate or the adult pupil and/or designate and the principal. The chair of the Tribunal may require that other interested parties be a party to the appeal. The chair of the Tribunal may grant party status to any other person who makes a request to be a party to the appeal.

Pre-hearing Conference

A pre-hearing conference will be held at least five (5) working days in advance of the hearing or as soon as reasonably possible prior to the hearing. Pre-hearing conferences may be conducted electronically.

Pre-hearing Disclosure

The parties, under the direction of the chair or designate, of the Tribunal shall exchange the following:

- an outline of the party's position, setting out with particularity the party's position on the circumstances which gave rise to the exclusion and the party's position on the exclusion;
- copies of any documents which the party proposes to submit at the hearing;
- where the party proposes to call witnesses, a list of the witnesses whom the party intends to call and a brief outline of what the witnesses will say.

Hearing Procedures

The hearing will be conducted in accordance with this policy, the Board's Administrative Procedures and the Statutory Powers Procedure Act.

In-camera Hearing

Since personal and confidential matters involving the pupil and in some cases, other persons, will be disclosed at the hearing, the interests of the privacy of the pupil and such other persons outweigh the desirability of holding a public hearing and require that

the hearing be conducted in-camera. However, this may be reconsidered by the Tribunal in any particular case and the Tribunal may direct that the hearing be open to the public where the Tribunal determines that the holding of an open public hearing outweighs the concern for privacy of the pupil or other persons.

Disposition

The Tribunal may:

- confirm the principal's decision,
- modify the duration of the exclusion, or
- expunge the record.

The decision of the Tribunal is final. The decision shall be communicated to the appellant in writing.