Greater Essex County District School Board

Policy: Exclusion

Reference No: P-AD-57

The Greater Essex County District School Board believes that all students can learn in safe and supportive environments. Extreme student behavioural concerns or safety issues having a detrimental impact on the physical or mental well-being of the students to arise from time to time and require an exclusion until more information is collected and appropriate programs and supports are in place in the school for the students.

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Preamble

The Greater Essex County District School Board believes that all students can achieve high standards given sufficient time and support. To that end, we provide a range of programs and services for our students in both the elementary and secondary settings. Most of our students are successful in the regular school setting and others require more support and creative programming.

What is Exclusion?

There are rare times when a student needs to be excluded from school for a period of time. An exclusion is also sometimes also referred to as a "refusal to admit". There are two types: behavioural and medical.

Behavioural

The purpose of the exclusion is to have time to appropriately plan the educational program and supports for the student. An exclusion is only appropriate as a last resort, when all other accommodations have not been successful, to address the behavioural or mental health needs of the student. They should be as limited in time as possible. Sometimes, the student's extreme behaviour could indeed be one which we would have the authority to expel or conduct a Threat Risk Assessment.

Extreme behavioural concerns or safety issues having a detrimental impact on the physical or mental well-being of the students do arise from time to time and require us to exclude a student until more information is collected and appropriate programs and supports are in place in the school for the student. Authorization is granted to principals under the Educations Act. The information sought may include a report from a psychiatrist or psychologist in order to plan an educational program that meets the student's needs.

Excluding students based on mental health and/or behaviour conditions should not be confused with the Safe Schools legislation. Exclusion is not a disciplinary tool. In the Ministry's Progressive Discipline and Promoting Positive Student Behaviour (PPM 145), it stresses the need to build on strategies to maintain student behaviours that are conducive to learning. All discipline needs to be corrective yet supportive. The goal is to help students succeed at school.

Principal's Power to Exclude

The Education Act provides principals with a mechanism for excluding students from attending school. This power is different from the provisions outlined in the Suspension and Expulsion of Pupils (O, Reg. 472/07), or Access to School Premises (O, Reg. 474/00).

The decision to exclude a student is made in accordance with The Education Act*, sec 265 (1)265. (1) is the duty of a principal of a school, in addition to the principal's duty as a teacher, (m) subject to an appeal to the board, to refuse to admit to the school or classroom a person who presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils.*

Who can be Excluded?

When determining if the student is to be excluded, the principal must carefully and thoughtfully review the student's history and current situation in consultation with the School Superintendent and the school-based team. There are no hard and fast rules regarding exclusion; each case must be considered individually, and the decision must be related to the physical or mental well-being of students in the school. An accommodation lens needs to be taken into consideration when determining if an exclusion should take place, for example, has the student's Individual Education Plan (IEP) been updated, are services in line with IEP, has board personnel needed to be invited etc.

Making the Decision to Exclude

The legislation grants the principal the power to exclude. This decision to exclude is a last resort and needs to be made in consultation with the School Superintendent. Usually, the final decision is determined when the safety of the student or safety of others is extremely compromised. However, it is not to be seen as a mechanism to "remove" the student from school. The administrator, school-based team and the parents/guardians must take all steps to keep student in school and planning appropriate academic programs prior to an exclusion being considered. While the student is excluded, ongoing effort must be undertaken to facilitate the student's return to school as quickly as possible.

Steps to Facilitate Re-Entry

When considering exclusion, steps to facilitate return must be identified in the exclusion letter. The steps must be reasonable, realistic and in the best interest of the student and must be directly related to the provision of educational services. In some cases, the steps can be modified as more information, for example a report from a doctor, is received. The principal is required to maintain communication with the parent/guardian throughout the exclusion period. In some cases, the exclusion may overlap the end of one school year and the beginning of another school year, or may begin prior to entering school based on reports, community case conferences, or other documentation.

Ongoing Contact

Principals are required to document their ongoing contact with the parent/guardian regarding the status of the student and the steps that have been taken on a regular basis in order to facilitate the student's return to school as quickly as possible.

Educational Program

The school is responsible for providing an educational program for the student during the exclusion. Sometimes we can partner with our community agencies to devise a creative education program. In most cases, we provide instruction to the student through either homework packages or our temporary instruction program to a maximum of three hours per week. Additionally, alternative learning, for example E-Learning, Independent Learning Centre courses may be another option for our students and in some cases is more appropriate than temporary instruction. Transportation is the responsibility of the parents/guardians.

Parent/Guardian Support

In order to fulfill the steps identified in the exclusion letter, the co-operation and partnership of the parent/guardian is preferred as we plan to implement alternative strategies and educational supports. The process of exclusion is transparent, and parents/guardians need to be part of the team. The principal is key to making this relationship strong and positive.

While the parent/guardian has the option to appeal, as noted in the Education Act, the purpose of the exclusion is to have time to appropriately plan the educational program and supports for the student. Clear and concise communication is needed to ensure that the school-based team, including the parent/guardian, is moving toward the same goal.

Exclusion Appeal Process

1. The adult student or parent/guardian contacts the School Superintendent to review the appeal. If unresolved, a notice of intent to appeal will be submitted to the established trustee committee called the Student Discipline and Appeals Committee and referred to as the “Committee”.

2. The file is transferred to the Superintendent of Safe Schools who will arrange to convene the Committee, meet and provide information to the person making the appeal, and meet with the principal.

3. The committee will convene within 15 school days of the receipt of the notice of the intent to appeal unless parties agree to a later deadline. This meeting shall be scheduled for no longer than 75 minutes.

4. The person(s) making the appeal is welcome to include one advocate, or supplementary advocates may be included at the discretion of the committee. Others will be asked to wait in the lobby until the conclusion of the process.

5. The appeal is held In Camera (in private).

6. The principal will prepare an outline of the circumstances that gave rise to the exclusion and any copies of documentation. The documentation will be provided to the parent/guardian or adult student three school days before the appeal proceeds.

7. The parent/guardian may also provide documentation to be considered by the committee. Documentation must be provided to the principal three school days prior to the appeal meeting.

8. The meeting will consist of the principal, School Superintendent (if necessary), Committee, and the family. The Superintendent of Safe Schools will be in attendance a well as a recording secretary.

9. The Committee will deliberate to determine if the exclusion:
    a) Will stand as recorded.
    b) Will be rescinded from the record.

10. The Committee 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(s) 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.

11. The Committee will wait thirty (30) minutes after the time communicated for the commencement of the Exclusion Appeal. If the family and/or their representatives have not yet attended and notice that they may be late has not been provided, the Committee may proceed in the absence of the party, and the party is not entitled to any further notice of the proceedings.

12. The Superintendent of Safe Schools will invite the parties in the Exclusion Appeal Meeting Room and will introduce the parties to the Committee.

13. The Superintendent of Safe Schools will introduce the Committee and will confirm:
    - That they are authorized under section 265(1)(m) of the Education Act to address the matter;
    - That they have had no prior involvement with the matter that has come before them;
    - That this matter will be hear In Camera (in private); and
    - That the decision of the Committee is final.

14. The Superintendent of Safe Schools will call the Exclusion Appeal to order.

15. The Superintendent of Safe Schools will outline;
    - The process to be followed during an Exclusion Appeal;
    - The matter under appeal before the Committee.

16. The Superintendent of Safe Schools will distribute copies of the documents submitted by or to be submitted by the Parties to the Committee. The Committee may choose to have a brief recess to read the reports and documents.

17. The family will have 15 minutes to orally provide reasons to the Committee as to why the exclusion should be lifted.

18. The Principal (or designate) will have 15 minutes to orally provide reasons why the exclusion should continue and respond to any issues raised by the family.

19. The family will have a further 5 minutes to orally respond to any new issues raised by the Principal that were not previously addressed by the family.

20. The Committee may ask the parties questions of clarification.

21. At the conclusion of both presentations, the family and the Principal will be invited to make summary statements but may not introduce new issues.

22. 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 Committee's decision by the Superintendent of Safe Schools.

23. The decision will be communicated by letter to the person(s) making the appeal within seven days signed by Chairperson of the Committee.

24. The decision of the Committee is final.

Medical Condition Exclusions:

A student could also be exclusion due to a medical condition as dictated by the Medical Officer of Health. In the case of exclusion due to a medical condition, our community partners are essential when making this determination. The Medical Officer of Health (MOH) may exclude a student from school and notify the school principal that such an action has already been decided, for example, communicable diseases. In other cases, the MOH may suspend students under the authorization of the Immunization of School Pupils Act. As school board officials we take our direction from the MOH and we are not responsible for any of the paperwork, the medical planning or the approval. However, we may distribute letters from the school, especially around the lack of proof of immunization.

Exclusion Appeal Process – (Medical Officer of Health)

1. Parents/guardians would have to contact the Medical Officer of Health for medical exclusions.