PROCEDURE SO-032

EXCLUSION OF STUDENTS	
Superintendent Responsible: Superintendent of Education, Safe and Accepting Schools	**Initial Effective Date:** 2020/01/27
Last Updated: 2026/05/11	**Next Review Date:** 2030/05/11

Purpose:
To outline the circumstances under which a student exclusion is appropriate, as well as the procedures and process which must be put in place upon the decision to exclude a student. Section 265 of the *Education Act* – Duties of the Principal – states: "It is the duty of the Principal of a school, in addition to the Principal's duties as a teacher, subject to an appeal to the board, 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 the pupils." Exclusion is used as a temporary measure towards achieving safety and security in school environments. It is not disciplinary in nature. A student's academic needs will continue to be accommodated by use of alternative means during an exclusion. Conditions for re-entry to school will be clearly established, including input from the school, parent(s)/caregiver(s), and community.

Guiding Principles:

1.0 **Consultation**

1.1 Prior to the consideration of exclusion, the Principal– in consultation with the school team, Specialized Services employee(s), Safe and Accepting Schools Team and/or other program employee(s) – will have considered all information and engaged in problem solving in order to mitigate the identified safety risks. As part of this process, the following must be considered:

1.1.1 The Principal must have a genuine belief that a student's presence in the school would be detrimental to the physical and/or mental well-being of the students and/or employee(s).

1.1.2 All reasonable accommodations must have been attempted before excluding a student. Examples include, but are not limited to, a review of the behavioural/safety plan, consideration of use of protective equipment, consideration of alternative settings within the school, consideration of further assessments, strategies listed in section 1.1.3 of this document, and inclusion of community agencies in case conferences and problem solving.

1.1.3 The Principal and school team, in consultation with the Family of Schools Superintendent of Education, as well as the Superintendents of Education responsible for Specialized Services and Safe and Accepting Schools, will use a tiered approach to decision making and consider the following:

1.1.3.1 Would suspension/expulsion meet the safety needs?
1.1.3.2 Has a modified day or week schedule been considered?
1.1.3.3 Would a different space in the school meet the safety needs?
1.1.3.4 Would a different school in Grand Erie meet the safety needs?
1.1.3.5 Would an off-site location in Grand Erie meet the safety needs?

1.1.3.6 Would Home Instruction be an appropriate option to meet the safety needs?

1.1.3.7 Would exclusion under this Policy be an appropriate option to meet the safety needs?

1.2 Duty to Inform

The Principal must make a family aware of the possibility of exclusion as early as that option presents itself; in the interest of cooperation, exclusion must never be a surprise. When the decision to exclude a student has been made, the family must be informed formally with an exclusion letter from the Principal; whenever possible, the family should be notified beforehand over the phone that this decision has been made.

The exclusion letter must contain, but is not limited to:

- the reason(s) for the exclusion
- the conditions for re-entry to a school setting
- the process for appealing the decision to exclude
- the supports that are available to the excluded student
- a suggested timeline for a follow-up meeting to reassess the exclusion

A copy of the exclusion letter is retained in the student's Ontario Student Record (OSR) until retirement of the student. The Principal is to communicate the exclusion to the student's teachers as soon as possible. Where the student continues in an education program through Grand Erie (e.g., Safe and Accepting Schools), attendance will be recorded by the school from which the student was excluded. Regular progress reports will be communicated to the family.

1.3 Provision of Supports

Supports will be provided to the excluded student for the duration of the exclusion and will reflect individual student needs. Examples of supports that may be provided include: specific schoolwork from the excluded student's classes; academic support by the Safe and Accepting Schools itinerant teacher; counselling supports by the Social Worker (SW) and/or Child and Youth Worker (CYW); referrals to community supports; and case conferences to ensure collaboration of supports.

1.4 Re-entry Meeting

Once the conditions for re-entry to a school setting have been satisfied, and the safety risk has been reasonably mitigated, the Principal of the school will conduct a re-entry meeting with the family and any Grand Erie employee who have been involved in the provision of supports during the exclusion, such as Specialized Services and Safe and Accepting Schools. Community agency representatives will be included when appropriate.

1.5 Right to Appeal

When a student's parent(s)/caregiver(s), an adult student, or a student 16 or 17 years old and withdrawn from parental control, disagrees with the decision of the Principal to exclude, they may appeal the decision. Three elected members for the Board of Trustees – defined as the Student Discipline Committee – will hear exclusion appeals. The appeal process is outlined in section 3.0 of this document.

2.0 **Roles**

2.1 Principal

Grand Erie supports the Principal's authority to maintain proper order, discipline and safety in the school. The Principal has the sole authority to exclude a student.

2.2 Family of Schools Superintendent of Education

The Principal must consult with the Family of Schools Superintendent of Education when considering excluding a student. The Superintendent of Education will ensure that the Principal's decision to exclude was made in good faith, that is, only where safety concerns are genuine and that all reasonable interventions and preventative plans were developed and properly implemented and found to be insufficient to maintain adequate employee and student safety.

2.3 Superintendent of Education Responsible for Student Discipline

The Superintendent of Education for Student Discipline will consult with the Principal and the Family of Schools Superintendent of Education to ensure that the decision to exclude complies with all board policies and procedures related to student behaviour, equity and inclusion, health and safety and human rights. The Superintendent of Education responsible for Student Discipline will attend an exclusion appeal as a resource to the board.

2.4 Safe and Accepting Schools Team

The Grand Erie Safe and Accepting Schools Team will provide appropriate academic and counselling supports to excluded students, with consent. The team will also assist families in accessing community supports.

2.5 Chief Executive Officer (CEO)

Grand Erie authorizes the CEO to receive all exclusion appeals. The Director may delegate duties related to an exclusion, as appropriate.

2.6 Classroom Teachers

The classroom teachers of the excluded student will coordinate the provision of instructional materials with the Safe and Accepting Schools teacher.

2.7 Excluded Students

An excluded student, where possible, will participate positively with Safe and Accepting Schools employee for the duration of their exclusion. Specifically, the student will work toward compliance with the stated goals of the exclusion.

2.8 Parent(s)/caregiver(s) (of minors)

The parent(s)/caregiver(s) of excluded students will collaborate with Safe Schools employee(s) in ensuring their children have a positive, meaningful learning experience while on exclusion.

3.0 **Exclusion Appeals:**

3.1 General Information

3.1.1 An adult student or the parent(s)/caregiver(s) of a minor student, or a student who has withdrawn from parental control may appeal an exclusion. (Henceforth in this document, the party appealing an exclusion will be referred to as "the Appellant".)

3.1.2 The Appellant must submit written notice of the intention to appeal to the CEO (or designate) within 10 days of the commencement of the exclusion, at 349 Erie Avenue, Brantford, ON N3T 5V3.

3.1.3 An exclusion appeal does not stay the exclusion.

3.1.4 The Appellant may argue that rights pursuant to the *Ontario Human Rights Code* have been infringed.

3.1.5 A separate right to apply to the Human Rights Tribunal of Ontario exists where an Appellant believes their rights pursuant to the Ontario Human Rights Code have been infringed.

3.1.6 The Student Discipline Committee will hear the appeal as soon as possible.

3.2 Preparing for the Appeal

3.2.1 Where the exclusion is upheld upon review, and the Appellant chooses to continue with the appeal, the CEO (or designate) will:

3.2.1.1 Direct to the Principal and Family of Schools Superintendent to prepare a written report for the Student Discipline Committee, which will contain at least the following components:
- i) A report of the rationale for exclusion of the student
- ii) A report of the programming currently in place for the student
- iii) A copy of the original exclusion letter
- iv) A copy of the letter requesting an exclusion appeal

3.2.1.2 Inform the Appellant of the date of the exclusion appeal, provide a guide to the process for the appeal (Appendix B), and inform the Appellant of the responsibility to provide to the CEO (or designate) at least three (3) days prior to the Appeal the materials that the Appellant will present to the Student Discipline Committee.

3.2.1.3 Inform the Student Discipline Committee of the appeal date.

3.2.1.4 Submit to the Appellant at least five (5) days prior to the appeal the materials to be presented by Grand Erie at the appeal.

3.2.1.5 Make available to Student Discipline Committee – two hours prior to the appeal – an exclusion package, which will include, at minimum, submissions by both parties to the exclusion.

3.2.2 The parties in an exclusion appeal to the Student Discipline Committee shall be:

3.2.2.1 The Principal

3.2.2.2 The Appellant

*** The Appellant may be represented by legal counsel at the appeal and/or be accompanied by an advocate or support person. Notice of the intent to bring legal counsel must be shared by the Appellant with the CEO (or designate) at least five (5) days prior to the appeal; in such case, Grand Erie will arrange for individual counsel for both the Principal and the Student Discipline Committee. Failure to provide adequate notice with respect to legal counsel will result in adjournment of the appeal. Notice of the intent to bring an advocate or support person must also be shared by the Appellant with the CEO (or designate) at least five (5) days prior to the appeal. Failure to provide adequate notice with respect to an advocate or support person could result in adjournment of the appeal.

3.3 Procedures at the Appeal

3.3.1 Exclusion appeals will be heard orally, in-camera, by the Student Discipline Committee.

3.3.1.1 The Appellant (or designate) will present first by making oral submissions and/or providing written submissions regarding the reason for the appeal and the result desired.

3.3.1.2 The Principal will present after the Appellant, making oral and/or written submissions, including a response to any issues raised in the Appellant's submissions. The Principal may rely on the report prepared for the Student Discipline Committee.

3.3.1.3 The Appellant may make further submissions addressing issues raised in the Principal's presentation that were not previously addressed by the Appellant.

3.3.1.4 The Student Discipline Committee may ask questions of clarification of either party or resource person to the appeal.

3.3.2 After all submissions have been made, the parties to the appeal will be dismissed, and the Student Discipline Committee will deliberate the appeal under the direction of the committee Chairperson. At the conclusion of deliberations, a vote will be taken to determine the result of the appeal. The options for consideration by the Student Discipline Committee are: (1) uphold the exclusion, (2) reject the exclusion, or (3) re-

convene the appeal. In the event of the latter, the Student Discipline Committee will direct Senior Administration to consider alternative options to exclusion.

3.3.3 If, during deliberations, the Student Discipline Committee requires additional information from either party to the appeal, it may be necessary to re-convene the appeal at a later date to receive that information.

3.3.4 A written decision will be sent to the parties to the appeal by the CEO (or designate).

Reference(s):

- Exclusion of Students Policy (SO-32)
- Progressive Discipline and Promoting Positive Student Behaviour Procedure (SO–011)
- Student Expulsions Policy (SO-07)
- Student Expulsions Procedure (SO-007)
- Student Suspension Policy (SO-06)
- Student Suspension Procedure (SO-006)
- *Education Act, R.S.O. 1990, C. E.2*
- *Ontario Human Rights Code*
- *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*

APPENDIX A – Notice of Exclusion

Insert School Letterhead

Date

Name of recipient (parent/caregiver or adult student)
Address of recipient

Dear Recipient:

Re: Name of student (d.o.b.)

Pursuant to s.265(1)(m) of the *Education Act*, it is my duty to inform you that name of student is excluded from attending name of school, or any other school of the Grand Erie until further notice. This decision is based upon (give a concise explanation…"the events of such and such a date", "our conversation of such and such a date", etc), whereupon it was determined that (student's name)'s presence at school poses an unacceptable safety risk to students and/or employees.

An exclusion from school is not intended to be disciplinary; rather, it is a temporary strategy to support educational programming and mitigate safety risks. While excluded from school, name of student will be eligible for academic and counselling supports from the Grand Erie Safe Schools Team.

Re-entry to school is the ultimate goal of an exclusion, and will be considered when the following conditions have been met:

Indicate the appropriate conditions, specific to your situation:

1. A significant reduction in (student's name) baseline behaviour
2. No evidence that (Student Name) is engaging in concerning behaviour
3. Evidence that (Student Name) understands the concerns related to the previous behaviour
4. That (student name) participates in any assessment recommended by a medical professional, and follows all treatment recommendations
5. That (student name) is involved in counselling and there are indications that (student name) is responding positively to this intervention
6. Indications that (Student Name) is participating positively with the Grand Erie Safe and Accepting Schools Team
7. An updated risk assessment indicates a reduced, acceptable level of risk for (Student name)
8. Others specific to your situation.

I would welcome a monitoring meeting with you around choose a date around a month after the start of the exclusion. Please contact me (your phone number) to make that arrangement. At the monitoring meeting, members of the Safe and Accepting Schools Team and I will provide feedback on the progress of supports put in place, and we would welcome your thoughts and suggestions. We will also plan for future meetings at that time.

You have the right to appeal this exclusion. The process is outlined in Appendix B of Exclusion of Students Procedure (SO-032).

If you have any questions at any point concerning the exclusion, please do not hesitate to contact me or the Superintendent of Education responsible for Safe and Accepting Schools (519-756-6301, ext. 281149).

Sincerely,

Your name
Principal, Your school

cc: Family of Schools Superintendent of Education
Superintendent of Education responsible for Safe and Accepting Schools
Superintendent of Specialized Services
Grand Erie Safe and Accepting Schools Team
Ontario Student Record

Filed in OSR
Retention: E+10 years (E= retirement from school)

APPENDIX B – Guide to the Appeal Process

1.0 An adult student or the parent(s)/caregiver(s) of a minor student or a student withdrawn from parental control may appeal an exclusion.

2.0 The person making the appeal is called "the Appellant".

3.0 The parties to an appeal are the Appellant and the school Principal.

4.0 The Appellant must submit written notice of the intent to appeal to the CEO within 10 days of the start of the exclusion.

5.0 An appeal does not stay the exclusion.

6.0 An appeal will be held as soon as possible the commencement of the exclusion.

7.0 The CEO (or designate) will provide – at least five (5) days prior to the appeal – all written materials that will be presented by the Principal at the appeal. The Appellant will provide – at least three (3) days prior to the appeal – all written materials that will be presented by the Appellant at the appeal.

8.0 The Appellant may be accompanied at the appeal by legal counsel and/or a support person or advocate. If the Appellant intends to bring legal counsel, that information must be shared with the CEO (or designate) at least five (5) days prior to the appeal; failure to do so will result in the appeal being adjourned. If the Appellant intends to bring a support person or advocate, that information must also be shared with the CEO (or designate) at least five (5) days prior to the appeal; failure to do so could result in the appeal being adjourned.

8.0 The appropriate Family of Schools Superintendent of Education, as well as the Superintendents of Education responsible for Specialized Services and Safe Schools will attend the appeal as resource persons.

9.0 The Appellant makes their submission to the Student Discipline Committee first. Submissions may be oral and/or written. An advocate or legal counsel may make submissions on behalf of an Appellant.

10.0 The Principal makes their submission to the Student Discipline Committee after the Appellant, including responses to the information presented by the Appellant. The Appellant may respond to new issues raised during the Principal's submission.

11.0 The Student Discipline Committee may ask questions of the parties to the appeal or to resource persons.

12.0 The Student Discipline Committee will deliberate *in-camera* and make a decision by majority vote.

13.0 Written notice of the decision will be sent to the parties to the appeal by the CEO (or designate).

APPENDIX C – Re-entry of an Excluded Student

Date: _____

Student: _____

Date of Birth: _____

School: _____

Grade: _____

Exceptionality: _____

Parent/Caregiver: _____

Attendees:

_____

_____

BACKGROUND:

On _____, _____ was excluded from _____. Review of the exclusion will form the basis for consideration of re-entry to a school. (Exclusion attached)

STATUS UPDATES ON GOALS FOR RE-ENTRY:

Goal	Status Update
1.	1.
2.	2.
3.	3.
4.	4.

RECOMMENDATIONS OF SAFE SCHOOLS TEAM (must include decision re re-entry, school placement, any specific program or safety considerations, and parental and/or community supports):

ACHKNOLEDGEMENT OF PLAN (which includes consent to counselling):

Student: _____

Parent/Caregiver: _____

Principal: _____

Superintendent – Safe Schools: _____

Filed in OSR
Retention: E+10 years (E= retirement from school)

APPENDIX D – Notice of Student Re-entry

Insert School Letterhead

Dear Name of Parent(s)/Caregiver(s) or Adult Student

Pursuant to the re-entry meeting of give the date, please be advised that Student's name will be eligible for give status – regular/modified attendance at name of school, beginning on give the date.
We look forward to participating in a positive educational experience for name of Student.

Should you have any questions, please contact me at give a phone number, or name of FOS Superintendent of Education and give a phone number, or Superintendent of Safe and Accepting Schools at give a phone number.

Principal's Name
Name of School

Filed in OSR
Retention: E+10 years (E= retirement from school)