



BOARD ADMINISTRATIVE PROCEDURE	
ADMINISTRATIVE PROCEDURE <b>Mandated Alternate Educational Settings</b>	ADMINISTRATIVE PROCEDURE NUMBER <b>911 (NEW)</b>
Directional Policy <b>Safe and Accepting Schools - 900</b>	

**TITLE OF ADMINISTRATIVE PROCEDURE:**

Mandated Alternate Educational Settings

**DATE APPROVED: June 12, 2017**

**PROJECTED REVIEW DATE: 2022**

**DIRECTIONAL POLICY ALIGNMENT:** Safe and Accepting Schools #900

**ALIGNMENT WITH MULTI-YEAR STRATEGIC PLAN:**

The Mandated Alternate Educational Settings Administrative Procedures support our Vision for Achieving Excellence in Catholic Education through learning, leadership and service. This Vision calls the Board to these Strategic Priorities:

- Ensure our structures, processes, relationships, and actions reflect our Gospel Values and Catholic Social Teachings;
- Implement the most effective, evidence-based instructional and assessment practices to help all students meet the Catholic School Graduate Expectations;
- Embed technology to support digital literacy, creativity, innovation, collaboration, and the learning needs of all students;
- Develop the intellectual, spiritual, mental, physical, and emotional well-being of students in safe, diverse, respectful, and faith-filled learning environments; and
- Implement fair and transparent processes in recruitment, leadership, talent development, and succession planning to ensure our employees have the necessary knowledge, skills, and attributes to support our Vision.

**ACTION REQUIRED/GUIDELINES:**

The Peterborough, Victoria, Northumberland and Clarington Catholic District School Board believes that effective learning environments must be safe for students, staff, parents, clergy, volunteers and visitors. In some cases the principal may need to prevent students from accessing the school or classes to ensure a safe environment for all, while maintaining appropriate programming and supports for all students.

Section 265(1)(m) of the Education Act R.S.O. 1990 indicates that one of the duties of the Principal is: “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”.

Program and Policy Memorandum 145 stipulates that Section 265 (1) (m) of the Act, frequently referred to as the “exclusion” provision, is not to be used as a disciplinary measure but is a short term measure to ensure the safety of students, staff and parents in the school.

Exclusion under Section 265(1) (m) is subject to appeal to the Board of Trustees.

Reasons for exclusion from school include medical conditions and behavioural concerns.

**Medical Condition:** In the case of exclusion due to a medical condition, the community partners are essential when making this determination. The local Public Health Unit may exclude a student from school and notify the school principal that such an action has already been decided, for example, in the case of communicable diseases.

**Behavioural:** Extreme behavioural concerns sometimes stem from needs that require exclusion of a student until more information is collected (e.g., report from a physician or psychologist) in order to plan an educational program that meets the student's needs. Sometimes there needs to be successful intervention from healthcare professionals before the student can return to school.

Excluding students based on behavioural concerns is not to be confused with the disciplinary provisions found in Part XIII of the Education Act. PPM145 (Progressive Discipline and Promoting Positive Student Behaviour) stresses the need to build on strategies to maintain student behaviours that are conducive to learning and that do not place anyone in the school at risk.

When considering exclusion, there must be conditions outlined in an exclusion letter (**Appendix A**) to parents/guardians/adult students to facilitate the student's return to school or another appropriate placement. The conditions need to be reasonable, realistic and in the best interest of the student. In some cases, the conditions can be modified as more information, for example a report from a medical practitioner, is

received. The school team, in communication with parents, is encouraged to meet frequently to review the status of the conditions. 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.

While the student is excluded from school, the school is still responsible to provide an educational program for that student. Schools will consult with the student (where appropriate), the parents and the Family of Schools Superintendent to explore options for alternative programming which could include out of school instruction or e-learning.

In order to appeal the decision to exclude a student, the parent/guardian or adult student must write to the Superintendent of Learning – Safe Schools, to include the specific reasons for the appeal, including why they believe that the exclusion should not have been imposed.

### **Appeals**

- The adult-student or the student's parent/guardian/adult representative may appeal an exclusion. All exclusion appeals will be received by the Superintendent of Learning – Safe Schools.
- An appeal of an exclusion does not stay the exclusion.
- A person who intends to appeal an exclusion must give written notice of his/her intention to appeal the exclusion within ten (10) school days of the commencement of the exclusion.
- The Board of Trustees (the Board) must hear and/or determine the appeal within fifteen (15) school days of receiving the notice of intention to appeal (unless the parties agree to an extension).
- The parties in an appeal to the Board shall be the principal and the Family of Schools Superintendent (administration), and the adult student or the parent/guardian/adult representative (appellant).
- Exclusion appeals will be heard orally, in camera, by the Board of Trustees. An appellant may bring legal counsel, an advocate, or support person with them to the appeal.
  - The appellant will proceed first by making oral submissions regarding the reason for the appeal and the result desired.
  - The student will be asked to make a statement on his/her own behalf, if he/she chooses to do so.
  - The administration and/or legal counsel will make oral submissions on behalf of the Board, including a response to any issues raised in the appellant's submissions.

- The appellant may make further submissions addressing issues raised in the administration's presentation that were not previously addressed by the appellant.
- The Board may ask any party, or the student, where appropriate, questions of clarification.
- Where any party who has received proper notice of the location, date and time of the appeal fails to attend the appeal or comply with the necessary time lines, the appeal may proceed in the absence of the party and the party is not entitled to any further notice of the proceedings.
- The Board will consider, based on the submissions of both parties, whether the decision to exclude was reasonable in the circumstances, and shall either:
  - Confirm the exclusion and its conditions; or
  - Confirm the exclusion and modify its conditions, as necessary; or
  - Quash the exclusion; or
  - Make an alternate appropriate order.
- The decision of the Board is final. The decision shall be communicated to the appellant in writing.

## **RESPONSIBILITIES:**

### **The Board of Trustees is responsible for:**

- Ensuring the alignment of the Mandated Alternate Educational Settings Administrative Procedure with the Safe and Accepting Schools Directional Policy;
- Ensuring trustees who are in direct conflict of interest, or who have had any personal involvement in the matter prior to the appeal, excuse themselves from the Appeal Committee.

### **The Director of Education is responsible for:**

- Establishing and implementing a multi-year strategic plan which reflects the Safe Schools Directional Policy, under which this administrative procedure falls;
- Overseeing implementation of the Mandated Alternate Educational Settings Administrative Procedures.

### **The Superintendent of Learning – Safe Schools is responsible for:**

- Receiving exclusion appeals;
- Upon receipt of written notice of the intention to appeal the exclusion:

- promptly advising the school principal of the appeal;
- promptly advising the adult student or the parent/guardian that a review of the exclusion will take place, and invite the adult student or parent/guardian to discuss any matter respecting the incident and/or appeal of the exclusion;
- reviewing the exclusion (reason, duration, and any mitigating or other factors), in consultation with the principal and Family of Schools Superintendent;
- requesting a meeting with the adult-student or the parent/guardian and the principal to try to effect a settlement;
- where a settlement is not reached, providing notice of the review decision to the adult student or parent/guardian;
- arranging a date for the appeal before the Board;
- coordinating the preparation of a written report for the Board. This report will contain at least the following components:
  - A report of the rationale for exclusion and the program currently in place for the student, as prepared by the principal;
  - A copy of the original exclusion letter;
  - A copy of the letter requesting the exclusion appeal; and
  - A copy of the correspondence with respect to the decision of the Superintendent of Learning – Safe Schools regarding the exclusion review;
- informing the adult-student or the parent/guardian of the date of the exclusion appeal, providing a copy of this administrative procedure, a copy of the documentation that will go to the Board, and ensuring that the item is placed on the Board agenda.

**Family of Schools Superintendents are responsible for:**

- Assisting principals in the discernment process around the need to exclude;
- Assuring that principals have followed the Mandated Alternate Educational Settings Administrative Procedure;
- Attending appeal hearings with the school principal.

**Principals are responsible for:**

- Considering the school based and community based resources available, prior to determining that an exclusion is necessary. While the decision is ultimately the principal's, the input of information from the school team is vital;
- Consulting with their Family of Schools Superintendent;
- Meeting with the parents/guardians to discuss the process including reasons, conditions of return, the education plan, and review date of the exclusion;
- Writing the exclusion letter and copying it to recipients as outlined in the template letter;
- Providing for instruction. Students who are being excluded may require instruction in an alternate location. Transportation, if necessary, is the parent/guardian's responsibility.
- Regularly monitoring the status of the conditions as set out in the exclusion letter, keeping the lines of communication open with the parents/guardians, providing follow-up documentation to parents/guardians, if necessary;
- When conditions are met, planning to have the student return to the school with an appropriate transition plan as determined in consultation with the members of the school team; the Superintendent is to be involved, especially when there is a transition from elementary to secondary school; and
- Sharing the transition plan with the student, where appropriate, and the parents;
- Maintaining ongoing communication with all parties involved throughout the process.

**Teachers and Support Staff are responsible for:**

- Providing timely and tiered intervention and program to support all PVNC students;
- Ensuring that the school principal is aware of all interventions to support students in need, to allow for the most effective decisions to be made for the student and for the school community.

**Parents/guardians are responsible for:**

- Fulfilling their responsibilities as outlined in the conditions for their child's re-entry to the school;
- Keeping the school's administration apprised of any changes which would affect the student's re-entry plan to the school.

**Students are responsible for:**

- Fulfilling their responsibilities as outlined in the conditions for re-entry to the school.

**PROGRESS INDICATORS:**

- All stakeholders are aware of their rights and responsibilities in the Mandated Alternate Educational Settings Administrative Procedure.
- Use of the right to exclude under the Education Act is appropriate, consistent and transparent across all PVNC schools.

**DEFINITIONS:**

**Adult Pupil** means a pupil of the Board who is 18 years old or older or a pupil who is 16 or 17 and has removed him/herself from the care and control of his/her parent and/or guardian.

**Appellant** means an individual who has been refused admission to a school or classroom in a school pursuant to section 265(1)(m) of the Education Act and who has filed an appeal or that individual's parent/guardian or adult representative where the individual who has been refused admission is a pupil of the Board, but not an adult pupil.

**In camera** means not in public; private.

**RELATED DOCUMENTS:**

APPENDIX A – Template – Exclusion Letter

**REFERENCES:**

Education Act: Section 265(1) (m)

PPM 145 Progressive Discipline and Promoting Positive Student Behaviour

Regulation 472/07: Behaviour, Discipline and Safety of Pupils