



EXCLUSION APPEAL PROCESS

The student's parent(s)/guardian(s), the student who is eighteen (18) years old or older, or the student who is sixteen (16) or seventeen (17) years old and has withdrawn from parental control (hereafter referred to as the "appellant"), may appeal an exclusion (Appendix G).

Filing an Appeal

All exclusion appeals must be submitted in writing to the **Director of Education (or designate)** within **ten (10) school days** of the commencement of the exclusion.

The Notice of Appeal must state the grounds and supporting facts relied upon.

Filing an appeal does not stay the exclusion.

Preliminary Steps

Upon receipt of a Notice of Appeal, the Director (or designate) will:

1. Acknowledge receipt in writing to the appellant within two (2) school days.
2. Notify the principal, area Superintendent of Education, and Superintendent responsible for Special Education.
3. Provide copies of the Notice of Appeal to the principal and relevant Superintendents.
4. Direct the area Superintendent of Education responsible for the school to convene a **facilitation meeting** between the appellant and the principal with the goal of resolution prior to a formal proceeding.

Scheduling and Timelines

If a resolution is not achieved, a proceeding will be scheduled within fifteen (15) school days of receipt of the Notice of Appeal.

The timeline may be extended only with mutual agreement between the Director (or designate) and the appellant.

Exclusion Appeal Committee

The Director (or designate) shall establish an **Exclusion Appeal Committee** consisting of:

- The Director (or designate), as Chair;
- One system principal;
- One Superintendent of Education not responsible for the student's school.

Documentation

Prior to the hearing, the Director (or designate) shall provide the committee and the appellant with all documentation, including:

- Rationale for exclusion prepared by the principal;
- Copy of the Exclusion Letter (Appendix B);
- Copy of the Notice of Appeal;
- Report of facilitation meeting outcomes;

- Any other relevant documents (e.g., behaviour or safety plans, IEP, medical or therapeutic reports if consented to).

Appellants will receive all documents **at least five (5) school days** before the hearing.

Appellants will notify the board if their will be accompanied by legal counsel, or an advocate at time of requesting the appeal.

Proceeding Steps

- Proceedings will be conducted **in camera** to protect privacy.
- The appellant may be accompanied by **legal counsel, an advocate, a support person, or an interpreter**. Costs of representation are the appellant's responsibility.
- Both parties may present their case, oral and written submissions, for up to 20 minutes. Expert or professional reports may be submitted in writing, but formal cross-examination of or presenters will not occur. Supporting documentation must be submitted at least 5 school days before the proceeding. The parties shall not be entitled to present witnesses before the committee.
- The principal and/or area Superintendent of Education will proceed first.
- The committee may ask clarifying questions.
- The appellant will present their case for the appeal. There will be one designated speaker for the appellant.
- The committee may ask clarifying questions.
- The committee may, during the meeting, make such orders or give such directions as is considered necessary for the maintenance of order during the meeting.
- Should any person fail to comply with any such order or direction, the committee may call for the assistance of a police officer to enforce any such order or direction, as it deems necessary.
- Where any party having received proper notice of the proceeding, including the location, the date, and the time of the proceeding, fails to attend or to comply with the necessary timelines set out in procedure, the appeal may proceed in the party's absence. The party is not entitled to any further notice of the proceedings.

Decision

- The committee will determine whether the exclusion was reasonable in the circumstances, taking into account the Education Act, the Ontario Human Rights Code, equity considerations, and student safety.
- The committee will consider, based on the representations of both parties, whether the exclusion is reasonable in the circumstances, and shall either:
 - confirm the exclusion; or
 - overturn the exclusion.
- Written decision will be provided within three (3) school days of the hearing, by registered mail and/or electronic delivery with receipt confirmation.
- The decision of the committee is final.

Return to School

If the exclusion is overturned, the Director (or designate) will determine the date of return and whether a Re-entry Plan (Appendix D) and meeting are required.