

---

<b>Date of issue</b>	January 2024
<b>Original date of issue</b>	June 2003
<b>Subject</b>	<b>APPEAL OF EXCLUSION PURSUANT TO SECTION 265(1)(m) OF THE <i>EDUCATION ACT</i> (ONTARIO)</b>
<b>References</b>	<a href="#"><u><i>Education Act (Ontario), section.265(1)(m)</i></u></a>
<b>Contact</b>	School Services

---

## 1. Background

This document provides procedures for appeals of temporary exclusions from school property pursuant to section 265(1)(m) of the *Education Act* (Ontario):

- 1.1 In accordance with s.265(1), it is the duty of a principal of a school, in addition to the principal's duties as a teacher,

(m) 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.

## 2. Principal's decision to exclude

- 2.1 A principal who believes a person's presence in the school may be detrimental to the physical or mental well-being of the students shall consult with the superintendent of education.
- 2.2 Exclusion is not to be a form of discipline.
- 2.3 Where a principal proceeds to exclude a person based on the principal's judgment that the person's presence would be detrimental to the physical or mental well-being of the students, the principal will promptly provide written notice to the person, if aged 18 or over, or otherwise to the parent(s)/guardian(s).
- 2.4 The written notice will be developed in consultation with the superintendent of education and should be signed by both the principal and the superintendent of education.

## 3. Appeal of a principal's decision to exclude

- 3.1 A student or their parent(s)/guardian(s) (the appellant) may appeal an exclusion pursuant to section 265(1)(m) of the *Education Act* (Ontario) by providing notice, in writing, to the principal of the school.
- 3.2 The appellant may only appeal the exclusion while the exclusion remains in force.
- 3.3 Upon receipt of a written notice to appeal, the principal will immediately notify the

---

superintendent of education.

- 3.4 The superintendent of education shall obtain a date and time for the appeal by contacting the Director's Office.

#### **4. Appeal process**

- 4.1 The appeal shall take place in closed session on the date and at the time as established by the Director's Office, in consultation with the Chair of the Board or designate. A meeting to hear the appeal will take place within 15 school days of receiving the notice of intention to appeal.
- 4.2 The date and time shall be communicated to the appellant in writing.
- 4.2.1 Where the appellant has received proper notice of the location, date and time of the appeal, and fails to attend the meeting, the appeal will proceed in their absence.
- 4.3 An appeal pursuant to s.265(1)(m) of the *Education Act* (Ontario) is not a hearing pursuant to the *Statutory Powers Procedure Act* (as amended from time to time).
- 4.4 The appeal shall be heard by the Board of Trustees in an in-person or electronic meeting, as determined by the Director's Office, except where permission has been granted by the Chair of the Board, or designate, for the appeal to be conducted in writing.
- 4.5 The superintendent of education and/or the principal shall provide the Board of Trustees with a written report outlining circumstances regarding the exclusion. A copy of the report shall be provided to the appellant no fewer than seven days prior to the meeting to hear the appeal.
- 4.6 The appellant shall be asked to provide the reason and rationale for their appeal in writing at least three days prior to the date of the meeting to hear the appeal.
- 4.7 The appellant shall have 15 minutes to address the Board of Trustees and provide reasons why the exclusion should be lifted.
- 4.8 The superintendent of education and/or the principal may provide reasons why the exclusion should continue and respond to any issues raised by the appellant, but shall take no longer than 15 minutes.
- 4.9 The appellant shall have a further five minutes to provide a summative statement to the Board of Trustees.
- 4.10 The superintendent of education and/or the principal shall also have a further five minutes to provide a summative statement to the Board of Trustees.
- 4.11 The Board of Trustees may ask questions of clarification of the appellant, the superintendent of education and/or the principal at any time during their respective presentations, or at the end of the presentations.

- 
- 4.12 The Board of Trustees shall confer and shall provide the appellant with a decision in writing within 10 school days, or such other time as the Board of Trustees deems appropriate in the circumstances. The decision of the Board of Trustees is final.
- 4.13 An appeal does not stay the decision to exclude.

**Issued** June 2003

**Revised** January 2014, October 2017, January 2024

***Issued under the authority of the Director of Education***