

DIVISION: PROGRAMS

POLICY # [PROG - 325]

POLICY NAME: REFUSAL OF SCHOOL ADMISSION

POLICY STATEMENT

The Newfoundland and Labrador English School Board is committed to providing a safe and caring learning environment for all students. This includes the implementation of a consistent process for the refusal of school admission where the District CEO/Director of Education is of the opinion that the presence of a student in the school is detrimental to the physical or mental well-being of a student(s) or staff. This must be balanced with a fair and just process to address the rights of all students to an education. A student refused school admission will be provided alternate delivery of the educational program.

BACKGROUND

This policy addresses the process for refusal of school admission to NLESD schools in accordance with Section 35.1 of the *Schools Act, 1997*, SNL 1997, c S-12.2.

SCOPE

This policy applies to all students in NLESD schools.

DEFINITIONS

Alternate delivery of educational program

Alternate delivery of educational program may include, but is not limited to:

- the provision of instruction including home tutoring/schooling, distance education, school transfer (where appropriate);
- ongoing evaluation;
- provision of necessary materials.

The alternate educational program will be developed to facilitate the student's return to school with minimal disruption.

APPROVED: *November 3, 2018*

AMENDED: _____

POLICY DIRECTIVES

1. The District may refuse school admission of a student where the CEO/Director of Education is of the opinion that the presence of the student in the school is detrimental to the physical or mental well-being of students or staff.
 - 1.1 In exercising this authority (s.35.1, *Schools Act, 1997*), the CEO/Director of Education will;
 - a. Provide in writing to the student, and the student's family, notice of the refusal; the reasons for refusal, and the appeal process as outlined in the District's Student Appeals Policy;
 - b. Direct the Principal and work with the school to provide alternate delivery of the educational program for the student; and
 - c. Review the decision for refusal of admission to school within 15 days, and at least every 15 days following.
 - 1.2 The CEO/Director of Education's decision will be informed by the following criteria:
 - a. There is a report of a serious incident, which occurred on or off school property, from a student or family of the student to the school/District involving another student of the school;
 - b. The incident is of a nature that the presence of the student allegedly involved in the incident is deemed by the CEO/Director of Education to be detrimental to the physical or mental well-being of other students or staff; and, this cannot be addressed through safeguards in the school;
 - c. Law enforcement confirms for the CEO/Director of Education or designate they are investigating the complaint that has been brought to the attention of the school/District and the student named in the complaint has been contacted or that charges have been laid in the matter; and
 - d. The CEO/Director of Education, in consultation with the school administrator, determines that an alternate education program can be put in place for the student who is being considered refusal to school.

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2. Under the direction of the CEO/Director of Education, a regional representative along with the school administrator will meet with the accused student and family to advise of the refusal of school admission to a student utilizing the following process:
 - a. Inform the student and family of the refusal for admission to school as a safety measure due to the CEO/Director of Education finding that his/her presence is detrimental to the physical or mental well-being of another individual;
 - b. Inform the student and family that educational programming will be provided by alternate means;
 - c. Advise the student and family of their right to appeal the decision as outlined in the District's Student Appeals Policy; and
 - d. Keep the CEO/Director of Education apprised within a 15-day period initially, and at least every 15 days following, of developments in cases where students are being provided educational programming by alternate means; and
 - e. Convene a school team to provide and monitor the programming by alternate means and develop a transition plan for the student's return to school, including a safety plan if required.

3. Any collection, sharing and disclosure of personal information must be done in compliance with ATIPP provisions and the *Youth Criminal Justice Act, SC 2002, c. 1*.

APPROVED: **November 3, 2018**

AMENDED: _____