



CENTRE FOR GOVERNANCE EXCELLENCE

## Professional Development Program for School Board Trustees

Core Modules

# 11

## Legal Aspects of School Board Governance

### **PART A: QUASI-JUDICIAL DECISION MAKING**

## **UNDERSTANDING EXCLUSION APPEALS**

As set out in the Education Act, a principal has a duty to exclude from a classroom or school any student, parent or stranger who is detrimental to the physical or mental well-being of students.

The excluded person or, where the person is a minor, his or her parent/guardian may appeal the decision to the Board of Trustees. Exclusion Appeals are heard by the Board - not a Discipline Committee.

**Please note that Exclusion must not be used as a form of discipline for students.**

### **The Exclusion Appeal Process**

- The appeal must be made to the whole board, in-camera, as it deals with the personal information of the excluded individual.
- The appeal is not a formal hearing and is usually not conducted according to the *Statutory Power Procedures Act*.
- As always, Trustees have a duty to apply the Four Elements of Procedural Fairness to the appeal of exclusion (Right to know; Right to be heard; Right to a decision free of bias and conflict of interest; Right to a decision free from discrimination).
- The Principal will present the reason for exclusion.
- The individual being excluded (or their parent/guardian) explains why they should not be excluded.
- Trustees may ask questions to both parties and then deliberation occurs without the parties present.
- Trustees make their decision whether to uphold or quash the exclusion.
- The decision is then confirmed in writing.

**For more detailed information on this topic, please consult your board legal counsel or the appropriate Board Superintendent**