**REFUSAL TO ADMIT STUDENTS (Section 265(1)(m) of the Education Act)**

**1.0 Rationale**

This procedure supports the TDSB’s implementation of section 265(1)(m) of the Education Act.

**2.0 Objective**

To establish an operational procedure that outlines when a school principal may refuse to admit a student to the school, when the principal deems that the student’s presence is detrimental to the physical or mental well-being of other pupils in the school.

**3.0 Definitions**

[definitions to be inserted if required]

**4.0 Responsibility**

Executive Superintendent, Engagement and Well-Being

**5.0 Application and Scope**

This procedure applies to all principals of the TDSB when determining to refuse to admit a student to the school and issuing a student a refusal to admit.

**6.0 Procedures**

**6.1 Principal’s Duty for Student Well-Being**

The physical and mental well-being of all pupils is paramount to their education. The TDSB takes pupil physical and mental well-being seriously.

The duties of a school principal in regards to ensuring student physical and mental well-are outlined under section 265 of the Education Act.

Specifically, section 265(1)(m) states:

*“It is the duty of a principal of a school, in addition to the principal’s duties as a teacher, 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”*

**6.2 Students’ Right to Attend School**

Notwithstanding a principal’s duties under section 265(1)(m) of the Education Act, it is important to remember that students who live in the TDSB’s area of jurisdiction have the right to attend one of the TDSB’s schools without payment of a fee.

The right of a student to attend a TDSB school is outlined in section 32 of the Education Act.

Therefore, the issuance of a refusal to admit should only be used as a last resort and when all other interventions and strategies have been exhausted.

**6.3 Refusal to Admit Consultation and Determination**

For a refusal to admit to be issued, consultation with the learning network Superintendent of Education (SOE) and appropriate central staff (as detailed below) must occur.

Further, the principal and superintendent must consider a meeting or conference call with all appropriate staff to ensure that consultation has occurred as a group and includes a variety of viewpoints.

Parent/guardian/caregiver consultation is important and will be considered whenever possible.

A principal may issue a refusal to admit in the following circumstances:

* A police investigation where the school principal has been told that the principal cannot investigate and the principal believes that the presence of the student will be detrimental to the physical or mental well-being of pupils (Consultation with Caring and Safe Schools and SOE is required.)
* When a Management of Risk of Injury meeting (PR. 699) has been held for a student with special education needs and the use of 265(1)(m) has been recommended as a means to ensure a student’s continued presence at the school is not detrimental to the physical or mental well-being of pupils (Consultation with the Learning Centre Special Education Centrally Assigned Principal and SOE is required.)
  + Please note, that with respect to students with special education needs, the TDSB is required to accommodate a student in the provision of educational services.
* As a means to ensure a student’s continued presence at the school is not detrimental to the physical or mental well-being of pupils when dealing with intrusive sexualized behaviour (PR 608) (Consultation with Chief of Social Work, SOE and Caring and Safe Schools is required.)
* Where a student’s behaviour is in the judgement of the school principal detrimental to the physical or mental well-being of pupils and all other interventions and strategies have been exhausted. (Consultation with the SOE and appropriate central staff is required.)

***Analysis of Student Discipline***

A principal’s determination of when to issue a refusal to admit must include an analysis of whether school discipline is an appropriate course of action. Refusal to admit is not an alternative to school discipline. If a history of discipline exists and the behaviour of the student has not been corrected, it may be appropriate to issue a refusal to admit while interventions are put in place to minimize the risk of harm to the physical or mental well-being of pupils. In all instances consultation with Caring and Safe Schools staff must occur and will always include consultation with the SOE.

***Modified School Day***

A modified school day is not a refusal to admit. The TDSB may reduce the length of the instructional program on each school day to less than five hours a day for an exceptional pupil in a special education program. Principals are asked to consult with their Learning Network Superintendent of Education and PR 699.

**6.4 Issuing a Refusal to Admit**

Once consultation has occurred and the principal has determined it is appropriate to refuse to admit a student, a letter outlining the principal’s decision as well as requirements for the student’s return must be sent.

Principals should refer to the following template letters where they have determined that the student’s continued presence in the school is detrimental to the physical and mental wellbeing of other pupils:

* Appendix A – where a principal cannot investigate due to an on-going police investigation
* Appendix B – following and further to a Management of Risk of Injury meeting (PR. 699)
* Appendix C – intrusive sexualized behaviour has occurred
* Appendix D – appropriate interventions and strategies have been exhausted

If a refusal to admit is issued an alternative program through Caring and Safe Schools will be offered.

Refusal to admit template letters will be accessed through the Caring and Safe Schools database.

**6.5 Refusal to Admit Review**

It is important to remember that the use of a refusal to admit is not an indefinite measure, but put in place while a school principal works with the family, school staff and the appropriate central staff to find a viable solution for the student’s return to appropriate educational programming.

All refusals to admit in the TDSB must be reviewed by the school principal, superintendent of education, appropriate central staff and the family every 5 school days until the factors that necessitated the refusal to admit have been minimized or eliminated.

Upon the student’s return to appropriate educational programming, the school principal will send a letter to reflect the refusal to admit no longer being in effect. Principals should refer to Appendix E for a template letter.

**7.0 Evaluation**

This operational procedure will be reviewed as required, but a minimum every four (4) years after the effective date.

**8.0 Appendices**

Appendix A – template refusal to admit letter where a principal cannot investigate due to an on-going police investigation

Appendix B – template refusal to admit letter following and further to a Management of Risk of Injury meeting (PR. 699)

Appendix C – template refusal to admit letter where intrusive sexualized behaviour has occurred

Appendix D – template refusal to admit letter where appropriate interventions and strategies have been exhausted

Appendix E – template letter where refusal to admit is no longer in effect

**9.0 Reference Documents**

Policies

* Caring and Safe Schools (P051)

Procedures

* Board Code of Conduct (PR585)
* Sexual Misconduct by Students (PR608)
* Police/School Board Protocol (PR698)
* Students with Special Education Needs: Management of Risk of Injury Behaviours (PR699)
* Progressive Discipline and Promoting Positive Student Behaviour (PR702)

Other:

* Education Act, R.S.O. 1990, Chapter E.2. (as amended)
* Regulation 298 Operation of Schools - General