



HURON-PERTH CATHOLIC

District School Board

Modified School Day

Adopted:	May 25, 2020	Policy #:	P 2.2.4.
Revised:		Policy Category:	2.2. School Program

POLICY STATEMENT:

The Huron-Perth Catholic District School Board believes that all students have an inherent right to a caring, effective and inclusive education in a Christ-centred environment. When the principal determines that the presence of the student in the school may be a safety concern for themselves or others in the school, the principal may implement a modified school day on a temporary basis to allow for the development of appropriate programming and support for the student. The modified school day is a reduction in the length of the school day up to and including a full withdrawal from school. The Huron-Perth Catholic District School Board has developed an administrative procedure to provide a framework to plan and deliver a modified school day for students in elementary and secondary school.

PROCEDURE:

1.0 Rationale

A Modified Day may be considered for a student who is unable to successfully manage the demands of a full instructional day despite universal support, differentiated instruction, a Positive Behaviour Support Plan, or a Safety Plan to support their learning. If the student has not responded to interventions, the principal may consider a modified day based on the following:

- 1.1 A medical issue that has been documented by a medical practitioner.
- 1.2 Behaviour that impacts the safety of self or others in the school.

2.0 Procedure for a Modified Day

2.1 Temporary Reduced Day

After consulting with the school superintendent, the principal may begin the process to determine a modified school day.

- 2.1.1 The principal shall convene a meeting of the School-Based Team (SBT) to determine if a temporary modified day is required.
- 2.1.2 The SBT shall consider parent/guardian input, verify the student's status at the school, review the OSR, review attendance records, review academic achievement, evaluate current school supports/ services, review student safety plans and any other information the principal deems appropriate in the circumstance.

- 2.1.3 Upon determination by the SBT that a modified day is necessary, the SBT shall complete a Modified Day Plan (Appendix A).
- 2.1.4 The plan shall include reference to in-school as well as home supports, community agency involvement and academic programming. The plan shall be reviewed on a regular basis (within 24 school days) and shall include a plan to return the student to full-time attendance. The plan and SBT meeting notes shall be filed in the student's OSR.

2.2 **Temporary Full Exclusion from School on an Emergency Basis (3 days or less)**

After consulting with the school superintendent, the principal may temporarily exclude a pupil from school if the principal deems the student's presence in the school is an immediate danger to themselves or others in the school.

- 2.2.1 The principal shall notify the parent of the exclusion in writing (Appendix B). This notice shall include the reason(s) for the exclusion, the terms for re-entry, the date of a re-entry meeting and the right to appeal the decision to the Board.
- 2.2.2 The principal shall endeavour to provide educational programming for the student while the student is excluded from school.
- 2.2.3 In the instance that the principal is considering an exclusion longer than 3 days, the principal shall immediately convene a meeting of the SBT (refer to section 2.3).

2.3 **Temporary Full Exclusion from School on an Emergency Basis (4 days or more)**

After consulting with the school superintendent, the principal may begin the process to temporarily exclude a pupil from school for a period of longer than 4 days but not longer than 20 days.

- 2.3.1 The principal shall convene a meeting of the SBT to determine if temporary full exclusion from school on an emergency basis is required. The SBT shall consider parent/guardian input, verify the student's status at the school, review the OSR, review attendance records, review academic achievement, evaluate current school supports/services, review student safety plans and any other information the principal deems appropriate in the circumstance.
- 2.3.2 Upon determination by the SBT that full exclusion is necessary, the SBT shall complete a Modified Day Plan (Appendix A).
- 2.3.3 The plan shall include reference to in-school as well as home supports, community agency involvement and academic programming. The plan shall be reviewed on a regular basis (within 14 school days) and shall include a plan to return the student to full-time attendance. The plan and SBT meeting notes shall be filed in the student's OSR.

3.0 **Recording Student Attendance**

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- 3.1.1 Make a notation of the Modified Day Plan schedule in the student attendance record. The modified timetable day is an instructional day;

- 3.1.2 Use the "Non-Instructional Day "Reduced" (N Day) code for the period that the student has been approved under the modified day plan to not be in attendance as the result of the timetable modification;
- 3.1.3 If the student is absent for the period of the day for which they are expected to attend, mark them as absent. Regular attendance follow-up is required;
- 3.1.4 If the student has a reduced day for medical reasons with supporting medical documentation on file, use the attendance code entry of "G" – pupil is absent for medical reasons and has provided supporting medical documentation for the period in the timetable that the student is not expected to attend.
- 3.1.5 A copy of the Modified Day Plan must be retained with attendance records for audit purposes.
- 3.1.6 If you have additional questions, or require direction on the recording of attendance, please contact a Superintendent of Education.

4.0 Appeal of a Modified Day Decision

The student's parent/guardian, the student who is 18 years of age or older, or the student who is 16 or 17 years old and has withdrawn from parental control (the "Appellant"), may appeal a decision requiring a modified school day.

1. The Appellant must give written notice to the Director of Education of his/her intention to appeal within ten (10) school days of the commencement of the exclusion (the "notice of appeal"). The notice of appeal shall include the grounds and facts upon which the Appellant relies in support of the appeal.
2. A notice of appeal from an exclusion does not create a stay of the exclusion.
3. Upon receipt of a notice of appeal, the Director of Education or Designate will:
 - a. promptly advise the Principal and the School's Superintendent of the receipt of a notice of appeal;
 - b. provide a copy of the notice of appeal to the Principal and the School's Superintendent;
 - c. acknowledge receipt of the Appellant's notice of appeal and invite the Appellant to contact the Director of Education or Designate to discuss any matter respecting the incident and/or appeal of the exclusion; and
 - d. convene a facilitation meeting between the Appellant, the Principal and the School's Superintendent with a view of resolving the appeal.
4. In the absence of a resolution, the Director of Education or Designate shall commence the Exclusion Appeal process to review the exclusion as soon as reasonably possible, but no longer than thirty (30) school days from the date of receiving the Appeal. The Parties may extend the above timeline by mutual agreement.
5. The process is as follows: The Director of Education or Designate will:
 - a. Coordinate the preparation of a written report for the Exclusion Appeal Committee (hereafter referred to as the "Committee"). This report shall set out the following:
 - i. a rationale for the exclusion and the program currently in place for the student, if any, as prepared by the Principal;

- ii. a copy of the original exclusion letter issued by the Principal;
 - iii. a copy of the notice of appeal of the exclusion;
 - iv. a copy of the Director of Education or Designate's report regarding the facilitation meeting; and
 - v. any other relevant document.
 - b. Coordinate the Exclusion Appeal hearing by ensuring the participation of a minimum of three (3) Trustees to hear and decide the matter (the "Exclusion Appeal Committee").
 - c. Coordinate the Committee's agenda for the Exclusion Appeal hearing.
 - d. Inform the Appellant of the Exclusion Appeal hearing and provide a guide to the procedure for the appeal and a copy of the documentation to the Appellant.
 - e. Establish a hearing date within the timeline set out in Article 6.
6. The parties shall be:
- a. the Principal and the School's Superintendent or their Designate and, where needed, the Superintendent of Special Education and Student Services; and
 - b. the Appellant.
7. The Appellant shall provide written submissions and any additional supporting documents to the Director of Education at least forty-eight (48) hours prior to the Exclusion Appeal hearing date. Documents not received within the mandatory timeline shall not be considered by the Exclusion Appeal Committee.
8. Exclusion Appeal Committee hearing:
- a. Appeals will be heard orally, *in camera*, by the Committee.
 - b. The Appellant may be represented by legal counsel, an advocate, or support person during the meeting. The cost of retaining a representative will be at the Appellant's own expense.
 - c. The Principal and/or School's Superintendent may also be represented by legal counsel.
 - d. The Committee may be represented by legal counsel and/or also assisted by a member of the Board's administration acting as a resource person, at its discretion.
 - e. The parties shall not be entitled to present witnesses before the Committee and there shall be no cross-examination.
 - f. The Principal and/or the School's Superintendent will proceed first by making oral representations in support of the decision to issue the exclusion.
 - g. The Appellant or representative will then make representations either orally and/or in writing regarding the reason for the appeal and the desired outcome.
 - h. The Principal and/or the School's Superintendent may respond to new issues presented by the Appellant.
 - i. The Committee may, at its discretion, ask questions of clarification of either party.
 - j. 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. The Committee controls its own process.
 - k. 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.
 - l. Where any party having received proper notice of the hearing, including the location, the date, and the time of the appeal, and fails to attend or to comply with the necessary timelines set out in this Policy, the appeal may proceed in the

party's absence. The party is not entitled to any further notice of the proceedings. The Committee will consider, based on the representations of both parties, whether the exclusion is reasonable in the circumstances, and shall either:

- i. confirm the exclusion; or
 - ii. quash the exclusion
- m. The Committee shall render a decision in writing within seven (7) school days after the close of the Exclusion Appeal hearing.
- n. The Committee's decision is final.

DEFINITIONS:

Modified Day - Is a reduction in the length of the school day up to and including a full exclusion from school.

Temporary Reduced Day - A reduction in the regular (300 minute) instructional day determined at a School-Based Team meeting.

Modified Day Plan - A plan for students who require a gradual transition to support full-time attendance. The goal is to return the student to a regular day as soon as possible.

Temporary Full Exclusion from School on an Emergency Basis - A full exclusion from school. A temporary full exclusion from school.

Exceptional Pupil - A pupil who is identified within the scope of the IPRC process.

School-Based Team (SBT) - the principal (Chair), parent/guardian, SERT, classroom teacher, Special Education Coordinator, school superintendent, appropriate representatives from community-based agencies/service and anyone the principal deems necessary.

OSR - Ontario Student Record

REFERENCES:

- Education Act s. 265 (1) (m) – student exclusions for safety
- Education Act Reg. 298 (3) (1) – reduced length of instructional program for exceptional pupils

RESOURCES, APPENDICES AND FORMS:

- N/A

DEFINITIONS:

- N/A