**PAAC on SEAC Comments on the**   
**Suspension/Expulsion Program Evaluation Executive Summary**

**2018**

**Excerpt from a PAAC on SEAC response to the authors of the Suspension/Expulsion Program Evaluation conducted by Western University Centre for Educational Leadership.**

PAAC on SEAC would also like to drawn attention to other ways by which students are denied school attendance.

1. Section 265(1)(m) of the *Education Act* gives school principals power to exclude from school - or “refuse to admit“ to school – pupils they believe present safety risks. However, this power is open to abuse, especially if a student is excluded from their school because of a disability-related behaviour when they have not received proper accommodation. This means students may be excluded for indefinite periods of time; mitigating factors need not be considered; and appeal provisions may be unclear. The Ministry needs to track the use of Section 265(1)(m) exclusion and establish limits to its power and use. We recommend review of ARCH Disability Law’s paper - Invented Power: An Analysis of the Exclusion Clause in Ontario’s Education Act at  <http://www.archdisabilitylaw.ca/node/1174?theme=archbw>
2. As well, PAAC member organizations report that school staff regularly ask parents not to send students to school, especially at times when they determine that adequate accommodations are not available. This practice is commonly known as “informal” or “voluntary” exclusion, even though it is detrimental to the achievement and well-being of the student and creates considerable pressure on families, who recognize that students have a right to both access to education and appropriate accommodations at all times.

People for Education documented this common practice in their 2014 annual report on Ontario schools. They found that 49% of elementary school principals and 40% of secondary school principals recommended that their students not attend school for the full day. However, this might also mean that students were asked to stay home all day every day, and/or for extended periods of time. Reasons given were safety, student health and lack of necessary supports. (

The Toronto District School Board Special Education Advisory Committee unanimously passed a motion concerning both of these types of exclusion at its December 7, 2017 and January 15, 2018 meetings. It recommended policy concerning use, fair procedure, appeal, accountability, transparency, emergency funding and interim safeguards.