



Dispute Resolution

Administrative Procedure 3.B.090

Board Governance Policy Cross Reference: 1, 2, 3, 16, 17

Legal Reference:

- *Canadian Charter of Rights and Freedoms (Canada)*
- *The Education Administration Act (Manitoba)*
- *The Human Rights Code (Manitoba)*
- *The Public Schools Act (Manitoba) The Public Schools Amendment Act (Appropriate Educational Programming), S.M. 2004, c.9, proclaimed on October 28, 2005*
- *The Youth Criminal Justice Act (Canada)*
- *The Human Rights Code (Manitoba)*
- *Towards Inclusion: From Challenges to Possibilities: Planning for Behaviour (Manitoba Education, Training and Youth)*
- *Appropriate Educational Programming in Manitoba: A Formal Dispute Resolution Process (Manitoba Education, Citizenship and Youth)*
- *Working Together: A Guide to Positive Problem Solving for Schools, Families, and Communities (Manitoba Education, Citizenship and Youth)*

Date Adopted: September, 2012

Date Amended: March, 2019

School divisions and parents sometimes disagree about the education of students, and it is necessary that a timely, fair and open dispute resolution process be available at the local school and school division levels.

The SDML has a process that protects the rights of students and parents and addresses differences of opinion about the education of students. It is always important that the partnership between schools and parents is strong and that issues are resolved at the local level whenever possible. The education of students with exceptional learning needs involves an even closer working relationship, as parents are integral members of the individual education planning team.

A. The SDML should:

1. Develop and make accessible to parents local policy on communication and dispute resolution at the school and school division levels.
2. Make all reasonable attempts to resolve disputes informally, including using dispute resolution processes, such as mediation

3. Advise parents of their right to make a formal appeal (within 14 days) of decisions about their children's educational programming and of their right to be accompanied by a supporting person
4. Inform parents of the appeal procedures of the school board
5. Advise parents of their right to request formal dispute resolution through Manitoba Education, Citizenship and Youth when efforts to resolve the issues locally at the school and school division levels have failed.

B. SDML Policy of **dispute resolution** should:

1. Have written procedures for timely, fair and open dispute resolution and appeals at the local school and school division levels
2. Identify alternative dispute resolution processes that are culturally appropriate.
3. Establish written procedures to hear appeals from parents or students (where applicable) about decisions that significantly affect the educational programming and placement of students with IEPs in place.

APPENDIX 1

Users of the policy are directed to procedural documents issued by Manitoba Education:

1. Working Together: a guide to positive problem solving for schools, families, and communities (2004)
https://www.edu.gov.mb.ca/k12/specedu/problem_solving/pdf/complete_document.pdf
2. Working together: a guide to positive problem solving for schools, families, and communities (2005)
https://www.edu.gov.mb.ca/k12/specedu/problem_solving/pdf/DR_Pamphlet.pdf

APPENDIX 2

RIGHTS, RESPONSIBILITIES, DUTIES, AND POWERS AS OUTLINED IN THE PUBLIC SCHOOLS ACT AND THE EDUCATION ADMINISTRATION ACT

Please Note that this information is general and not specific to informal dispute resolution

Rights of Students

- To attend a designated public school in their home division/district
- To receive regular testing and evaluation of academic performance and achievement
- To receive at least once a year and free of charge a transcript or record of academic achievement
- Subject to certain conditions, have access to his or her student file if the student has attained the age of majority
- To be accompanied by a parent or other adult to assist and make representations to the school board before a decision is made to expel

Rights of Parents

- To enroll his or her child in public school
- To be informed regularly of the student's attendance, behavior, and academic achievement
- To have access to their child's student file, subject to conditions
- To receive information about programs that are available
- To be informed of discipline and behavior management policies of school/division, and be consulted before the policies are established or revised
- To form ACSL (Advisory Council for School Leadership) where a petition has been signed by 10 or more parents
- To be a member of an ACSL, local school community, or school community
- To accompany the child and assist him or her to make representations to the school board before a decision is made to expel the child

Responsibilities of Students

- To attend school and classes regularly and punctually
- To comply with discipline and behavior management policies
- To complete assignments and other related work required by teachers or other employees of the school division
- To treat with respect school property and property of others employed at or attending the school
- If property of a school/division is destroyed, damaged, lost, or converted by the intentional or negligent act, the child and his or her parents are jointly and severally liable to the school board for the loss.

Responsibilities of Parents

- To co-operate fully with teachers and other school/division employees to ensure child complies with school/division discipline and behavior management policies
- To take all reasonable measures to ensure the child attends school regularly
- To assume responsibility jointly and severally with the child where school/division property is damaged by the intention or negligent act of that child

Duties of Teachers

- To teach diligently and faithfully according to terms of agreement with school division and according to *The Public Schools Act* and regulations
- To keep a record of attendance
- To provide to the Minister or field representative any required information
- To notify the principal of any pupil attending school who he or she believes has been exposed to or is suffering from a communicable disease
- To seize or cause to be seized and take possession of any offensive/dangerous weapon brought to school by a student and hand over same to the principal
- To provide progress reports as determined by the school board
- To admit to the classroom student teachers enrolled in a teacher education institution approved by the Minister, for the purpose of practice teaching and observing instruction
- To suspend a student for up to two days when that student engages in conduct the teacher considers detrimental to the classroom learning environment, or which contravenes a school code of conduct

Duties of Principals

- To supervise buildings and grounds during school hours, including safety, repairs, cleanliness, et cetera
- To admit (or not admit) visitors to school premises

- To remove persons from school premises who are causing a disturbance or interruption, trespassing, or who are present for a purpose not reasonably associated with the normal functioning of the school
- To provide each student, free of charge, a transcript of his or her record of achievement at least at the end of each school year
- To supervise and discipline each student in the school from the time of the student's arrival at the school until the student's departure for the day, including the noon hour for those students who are eligible to remain at school, and including school field trips
- To provide disciplinary authority over students from the period they enter in, ride on, and alight from a school bus
- To suspend students for up to six weeks for engaging in conduct that the principal considers injurious to the school's welfare or educational purpose, except where, by resolution, the school board has prohibited the principal from suspending a pupil for more than one week without the superintendent's approval
- To prepare the plan for loading and unloading of school buses; to designate loading and unloading zones; to supervise or assign a responsible person to supervise loading and unloading
- To oversee the testing and promotion of students
- To implement optional supplementary curricular and extracurricular activities, subject to approval of the school board and Minister

Duties and Powers of Superintendents

Upon delegation by the school board a superintendent may:

- Employ, within the establishment and budgetary limits set by the school board, necessary staff, except senior officers and employees holding administrative or supervisory positions
- Appoint attendance officers
- Administer the day-to-day affairs of the division
- Supervise teachers, vice-principals, and principals
- Suspend a student from school for up to six weeks for engaging in conduct the superintendent considers injurious to the school's welfare

Duties and Powers of School Boards

- To provide or make provision for education in Grades 1 to S4 inclusive for all resident persons who have the right to attend school
- To provide adequate school accommodation for the resident persons who have the right to attend school
- To regulate the use of public school buildings and property
- To keep school buildings, contents, and premises in proper repair

- To employ teachers and other personnel as may be required, prescribe their duties, and arrange for the payment of their salaries
- To determine the number, kind, grade, and description of schools to be established and maintained
- To determine the times when and the manner in which reports and other information respecting pupils shall be delivered or provided or made available by teachers
- To report to the Minister any teacher employed in a school within their jurisdiction who has been charged with or convicted of an offense under the *Criminal Code of Canada* relating to the physical or sexual abuse of children
- To provide to school advisory councils, local school committees, and school committees any information that is reasonably necessary for their operation
- To provide to the Minister, at the times and in the form and manner determined, such information as is required
- To establish written procedures respecting the collection, storage, retrieval, and use of information respecting pupils
- To provide or make provision for the transportation of all resident pupils to and from school who would have more than 1.6 kilometers to walk in order to reach school, or for any pupils, regardless of distance, who are unable to walk to school because of physical or other handicaps
- To report any offenses committed by a staff person or convictions of a staff person concerning the physical or sexual abuse of children, or where there are implications for the safety, health, and well-being of students

In addition, a school board has the right

- To enter into an agreement with the Minister to establish and conduct special courses that are not part of the public schools program
- To provide, with or without charges, lunches to pupils
- To provide materials, appliances, and equipment for school sports and games and supervise and direct sports and games during school terms or vacation
- To purchase books and other instructional materials to be given to the pupils or to be loaned to them with or without charge
- To provide technical and vocational instruction as may be approved by the Minister for pupils enrolled in or attending the schools
- To establish and administer, with the consent of the Minister, a system of medical and dental inspection of pupils and employees, including arrangements for attending to the health, cleanliness, and physical condition of the pupils and employees
- To establish, operate, maintain, and regulate a system of patrols for the protection of children from traffic accidents
- To suspend or expel any pupil who, upon investigation by the school board, is found to be guilty of conduct injurious to the welfare of the school

- To grant a leave of absence to any employee, and grant the employee a monthly allowance as the school board deems advisable

Powers of Minister of Education, Citizenship and Youth

- To order a public school to be closed in an emergency or where it is deemed in the best interest of the community, and cancel the order where the emergency no longer exists
- To release information relating to pupil achievement and the effectiveness of programs in public or private schools
- To enact regulations as are deemed necessary with respect to:
 - Duties and qualifications of teachers and principals
 - Classification, organization, discipline, and governance of public schools
 - Establishment of school advisory councils, including their formation, composition, and mandate
 - Prescription of the minimum standard of academic and professional education acceptable for the certification of teachers
 - Suspension of pupils including authorization to suspend, the circumstances under which pupils may be suspended, the periods of suspension that may be imposed, and any other matter related to suspensions
 - Prescription of the records to be maintained by a school board
 - Prescription of the standard to be attained by pupils on entering or leaving any grade level in any school
 - Prescription of methods and procedures for the assessment and evaluation of any aspect of pupil achievement and for the assessment of courses of study and programs
 - Information that school boards are required to provide to the Minister, including the times and form and manner in which it is to be provided
 - Information concerning pupil achievement that school boards are required to release to the public, and procedures governing the release of the information
 - Generally all matters having to do with education