



Access

Administrative Procedure 3.B.010

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)
 - Standards for Appropriate Educational Programming in Manitoba
 - Guidelines on the Retention and Disposition of School Division/District Records (Manitoba Education) Supporting Inclusive Schools: A Handbook for Student Services (Manitoba Education) Guidelines for Early Childhood Transition to School for Children with Special Needs (Healthy Child et al)
 - Interdepartmental Protocol Agreements for Children/Adolescents with Severe to Profound Emotional/Behavioural Disorders (Manitoba Education et al.)
 - Manitoba Pupil File Guidelines (Manitoba Education)
 - Policy Guidelines for Transportation of Students with Special Needs (Manitoba Education)
-

Date Adopted: September, 2012

Date Amended: November, 2017; November, 2023

Date Reviewed: October 2020

Student Services Planning

All students in the School District of Mystery Lake are entitled to have access to an education under *The Public Schools Act*.

Some students will require accommodation such as adaptations, curricular modifications or individualized programming to enable and improve learning. Placement policies shall comply with the *Canadian Charter of Rights and Freedoms* and *The Human Rights Code*, which state that one cannot discriminate on the basis of physical or mental disability or any other protected characteristic.

The first and foremost consideration in the placement of all students is the right to attend the designated catchment school for their residence in a regular classroom with their peers or in a program designated by the school board if the school does not provide it. This includes the four provincially recognized programs: English, French Immersion, Français and Senior Years Technology Education.

Placement of students in locations other than the catchment school for their residence shall be reviewed when students' needs warrant review.

Access to learning should be maximized in consideration universal design principles in all planning processes. In education, universally designed schools, classrooms, curricula and materials provide all students with access to the resources they need, regardless of their diverse learning needs.

The School District of Mystery Lake shall provide reasonable accommodation for all students based on identified needs. Students requiring such accommodation shall be assessed and reasonably accommodated on an individual basis. *The Human Rights Code* specifies that there must be reasonable accommodation of students' special needs unless they demonstrably cause undue hardship due to cost, risk to safety, impact on others or other factors.

A. Guidelines

The School District of Mystery Lake must:

1. Provide all students with the same minimum number of hours of instruction, and documents in the IEP any reduction or alterations in the school day (Manitoba Regulations {MR} 101/95)
2. Make reasonable efforts to modify structures, remove barriers or arrange appropriate transportation to an accessible educational setting if a placement cannot be made because of physical barriers (*The Human Rights Code*)
3. Provide parents with the transportation policy for students who are attending school outside the catchment area (MR 155/05)
4. Develop a personalized transportation plan (PTP) for students who require transportation due to exceptional needs according to the Policy Guidelines for Transportation of Students with Special Needs and SDML Admin Procedure 7.020 Special Services Transportation. The forms will be completed by the designated case manager for the student in collaboration with the parents.
5. Reasonably consider barrier-free access and universal design principles in planning for all new construction and significant renovation (MR 164/98)
6. Provide parents new to the school division with the accessibility information they request on each school in the division (*The Public Schools Act* [PSA] 58.6, MR 468/88)

7. Transfer pupil record information according to existing *Manitoba Pupil File Guidelines*
 8. Forward pupil files (school records) within one school week of receiving such a request from the receiving school (MR 468/88) *
 9. Implement a transition to school plan in a timely manner according to the interdepartmental transition protocols (MR 155/05, provincial transition protocols)
 10. Develop a personalized transportation plan (PTP) for students who require transportation due to exceptional needs to ensure that school-related activities such as assemblies, sports days and field trips reasonably accommodate the needs of all students (MR 155/05)
 11. Begin educational programming within 14 days after the student seeks to be enrolled, regardless of whether that school has received the student's pupil file (MR 155/05)
 12. 7(2) A school board's obligation to provide educational programming under clause (1)(a) does not limit or restrict it from taking reasonable steps to address any significant risks to safety which a pupil may present to himself or herself, or to others. (Appropriate Education Programming Regulation – 155/2005)
- B. School District of Mystery Lake policy on **access** must:
1. Clearly outline for parents and school staff how placement decisions are made
 2. Include direction to schools with respect to placement if the catchment school for their residence is not able to meet students' individual needs, as determined in consultation with the parents and the school team
 3. State that the placement of students in locations other than the catchment school for their residence shall be reviewed annually or when students' needs and abilities warrant such a review
 4. State that no student shall be unreasonably denied admittance to school due to transfer of information issues
 5. State that students shall not be denied educational programming for more than 14 calendar days, pending the transfer of cumulative files and pupil support file components of the pupil file

6. State that school-related activities such as field trips, assemblies and sports days shall be accessible and planned to manage risk and reasonably accommodate the needs of students*
7. Provide direction for staff and parents on how to reasonably accommodate the needs of all students, including direction on:
 - Access to information
 - Procedures
 - Roles and responsibilities
 - The continuum of programming available in the school division
 - Transportation
 - A process for local dispute resolution

*This policy is not intended to restrict the activities of the classroom but to ensure inclusion of all students in the planning process

APPENDIX 1

Calculation of Last Year of Right to Attend School

Compulsory school age*

258(2) A child who is seven years of age or older on December 31 in a year is deemed to be of compulsory age at the beginning of the fall term of that year.

Right to attend school*

259(1) In accordance with this Act, a person who is six years of age or older on December 31 in a year has the right to attend school from the beginning of the fall term of that year until

- a) The last school day of June in the year in which the person becomes 21 years of age; or
- b) The day the person receives a graduation diploma as defined in the regulations:

Whichever comes first.

*From the Public Schools Act

Right to Attend School

PSA changed 1998

To determine eligibility:

A.

1. Add 21 to year of birth
2. Add the word "June" to the new number
3. The result is the last month of the last year of eligibility to attend school

B. The date a graduation diploma is issued is the last date of eligibility to attend school