



## Administrative Procedure 1022

### *Dispute Resolution*

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**Board Governance Policy Cross Reference:** [1](#), [4](#), [6](#), [12](#), [14](#)

**Administrative Procedures Cross Reference:**

[Appropriate Educational Programming and Inclusion](#)

[Code of Conduct](#)

[Communications](#)

[Respectful Workplace](#)

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

[Appropriate Educational Programming in Manitoba: A Formal Dispute Resolution Process \(Manitoba Education\)](#)

[Manitoba Education - Working Together: A Parent's Guide to Formal Dispute Resolution](#)

[Manitoba Regulation, 155/2005, sections 9-21 \(Appropriate Educational Programming\)](#)

[The Public Schools Amendment Act: Appropriate Educational Programming](#)

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**Date Adopted:** December 2017

**Amended:**

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The Brandon School Division recognizes that concerns, complaints and disputes may arise regarding Division personnel, programs, activities and/or operations. The Division has therefore established a formal protocol for resolving such concerns and complaints in a positive, honest and respectful manner.

#### **Protocol for Concerns and Complaints**

The Division believes in the importance of the partnership between schools and parents and that issues are resolved at the local level whenever possible. The Division also believes that all individuals are entitled to make a complaint, have it considered, and receive a response.

Concerns initiated by parents/guardians, students, community members, and division staff shall be addressed in a timely manner through a process that shall begin as close to the origin as possible.

The concern and complaint procedures apply to academic, administrative, and support services provided by the division. Complaints involving discrimination and/or harassment shall be addressed as outlined in the *Respectful Workplace Administrative Procedure* and appeals of student discipline decisions are addressed in the *Code of Conduct Administrative Procedure*.

Should a concern or complaint be brought directly to the Board as a whole, or to an individual Board member, the complainant will be advised of the proper channeling for their concern or complaint as follows:

- Teacher
- School Leader
- Assistant Superintendent
- Superintendent/CEO
- Board of Trustees

The Board of Trustees will only address an appeal after all other appropriate channels have been accessed. A written response of the Board of Trustees decision will be provided to all parties involved in the appeal.

Any complaint about school personnel shall always be referred back through proper administrative channels before it is presented to the Board for consideration and action. All concerns or complaints shall be handled in confidence. The outcome of a complaint may lead to disciplinary proceedings being taken and the outcome of all complaints shall be monitored. No reprisal of any kind shall be taken against any person because of their participation in the process.

### **Dispute Resolution Process**

The Brandon School Division has developed a process that protects the rights of students and parents/guardians and addresses differences of opinion about the education of students. Parents/guardians are the primary advocates for their children and are valued members of the support team, providing meaningful participation in the planning and development of appropriate educational programming for their children.

Parents/guardians are invited and encouraged to be involved at every step of the planning process. If at some point a parent/guardian is in disagreement with the school regarding:

- the appropriateness of the program being provided for their student; or
- the placement into the environment where that programming is delivered;

the concern will initially be directed to the staff member or members responsible for the placement or programming decision in question. This will typically be the classroom teacher, resource teacher and/or School Leader. The parties will attempt

to resolve the concern leading to the dispute through an informal process of discussions. The parent/guardian will be informed of their right to be accompanied by a support person during these discussions. This initial meeting will occur within 5 days of receiving the complaint.

The teacher(s) and/or School Leader will review the student's plan with the parent/guardian and offer an explanation as to the objective of the plan, use of materials, the aims, criteria and methods used in the plan. The review of the concern shall include but not be limited to examining the following:

- the school student support file;
- the current individualized education plan (IEP);
- previous individualized education plans (IEP);
- the current behaviour intervention plan (BIP), if applicable;
- previous behaviour intervention plans (BIP), if applicable;
- current and previous health plans, if applicable;
- all current and prior assessment data;
- current and previous student/IEP/BIP evaluations; and
- minutes of all team meetings.

Should the informal dispute resolution process leave the concern unresolved, the School Leader must inform the complainant(s) of the right to initiate the formal dispute resolution process.

### **Formal Dispute Resolution Process**

The School Leader will advise parents/guardians of their right to make a formal appeal of decisions about their children's educational programming and of their right to be accompanied by a supporting person or agency.

- The person(s) requesting the formal review must put their complaint in writing and address the complaint to the Superintendent's department;
- The Superintendent/CEO or designate will inform the School Leader of the complaint;
- The Superintendent/CEO or designate will, within 10 days, constitute a review of the complaint and communicate with the parent regarding their decision. A written report will be provided to the parent/guardian with a copy of the report forwarded to the school.
- If the parent/guardian does not accept the decision of the Superintendent/CEO or designate, they may appeal the decision to the School Board.

The Superintendent/CEO or designate will advise the parent/guardian that they have 14 days to make a formal written appeal to the School Board and that they may be accompanied by a supporting person or agency of their choice when presenting a formal appeal to the School Board during an In Camera meeting of the School Board.

The School Board will gather all information deemed necessary to make a decision regarding the dispute. The School Board will make a final decision and advise all parties in writing. The school division will advise the parent/student of their right to request a review of the School Board's decision by a review committee through Manitoba Education as outlined in [Appropriate Educational Programming in Manitoba: A Formal Dispute Resolution Process \(Manitoba Education\)](#).