

Yukon Education

Policy Subject: Dispute Resolution Policy

Date Passed: DRAFT FOR DISCUSSION PURPOSES

Policy No. 1008

Legislation: Education Act

Cross Reference:

- Education Appeal Tribunal Procedures and Operations Policy 1009
- Special Programs Services: A Handbook of Procedures and Guidelines

Principles

- 1.** The Department of Education supports resolving disputes in a collaborative manner that is respectful of differences and in the best interests of preserving an open and effective relationship between First Nation governments and their staff, families, students, staff, administrators and department representatives.
- 2.** The Department of Education recognizes that parties will periodically disagree on matters, and encourages school communities to treat these differences as healthy. School communities are expected to establish linkages that will provide for effective dialogue between the school administration and staff, school councils, parents/guardian, and students in order to resolve differences in a respectful manner.
- 3.** The Department of Education encourages school communities and Administrators to consider in-school suspension options prior to out of school suspensions in order to ensure students are provided with their right to education.

Definitions

Collaborative dispute resolution means that the process must be open, fair and timely. It must include procedural fairness which is the right to be heard and the right to an unbiased decision. All relevant information must be shared with all parties and anyone involved in the appeal. Each step must also be completed in a timely manner so that parties have time to prepare, but the process must not be delayed unnecessarily.

An ***Individualized Education Plan*** is a document which outlines the educational program for a student as determined by a school based team, containing a description of the student's present level of functioning; long term or annual goals; short term goals or specific behavioural objectives; special resources required; suggested instructional materials, methods and strategies; IEP review dates; persons responsible for the implementation of the IEP, including parents; and parents' written, informed consent for implementation.

In-school suspensions, (as an alternative to full suspensions whereby the students are prohibited from entering the school grounds) involve arrangements whereby students continue to enjoy their right to received an education but where other in-school privileges that are defined, are removed for a defined period of time.

A ***School based team*** is an on-going team of school based personnel which has a formal role to play as a problem-solving unit in assisting classroom teachers to develop and implement instructional and/or management strategies and to coordinate support resources for students with special needs within the school.

Applications:

This policy applies to school based disputes and not other program administered by the Department of Education within the Advanced Education Branch.

This policy does not remove the rights of parents or students over the age of 16 from appealing any decision made by a person employed in the school to the Superintendent, or a school board or school council, per Section 156 (1) of the

Education Act.

General Standards and Procedures

1. It is expected that Yukon school administrators will make every reasonable effort to practice collaborative dispute resolution at the school level.
2. The Department of Education recognizes that there will be times when one or both of the parties express a need to bring in another party to assist in the resolution, such as an advocate or champion, and that the school needs to provide for this person's involvement in such a way as to support the party in dispute.
3. Where ever possible, when parents do not agree with a decision related to their child, the first step is for parents/legal guardians and the teacher to meet in an attempt to resolve the concern together.
4. In the event that the issue is not resolved between the parents and teacher, the next step is for the parents/legal guardians to talk to the school Administrator.
5. The Administrator shall, in the case of recurrent behavioural patterns, consider convening a team of professionals including First Nation representatives, risk assessment experts or other representatives with the skills deemed necessary by the Administrator, to assist in resolving the matter.
6. If the issue is not resolved at this level, the area Superintendent shall, in consultation with School Council, arrange for a meeting involving the Administrator, the Superintendent, School Council representatives and the parents/legal guardian and their chosen advocates, in order to resolve the issue.
7. If the issue is not resolved at this level, any of the involved parties may notify, in writing, the Assistant Deputy Minister who shall make a decision on the matter.
8. While school procedures may guide disciplinary matters within each school environment in a different way, Administrators are expected to

attempt to resolve all disputes in a way that is collaborative and respectful of the defined role of School Council, as included in the Education Act.

9. This policy will be implemented in conjunction with section 113 (1) (d) of the Education Act, that states that School Councils have a role in establishing school procedures to resolve disputes between schools, parents and teachers, and in hearing appeals regarding school suspensions. It is expected, therefore, that:
 - i. The Administrator and staff shall resolve disputes in accordance with those procedures established by School Councils.
 - ii. Any involvement of School Council will reflect the role Council's have under Section 41 of the Education Act, as an appeal body for student suspension, and will ensure that role is not compromised by involving School Council in resolving the dispute.

Disputes involving students with exceptionalities

10. In cases where a child has been declared "exceptional" as defined in Special Programs Services Handbook, the Administrator shall reconvene the Individualized Education Plan team to review the matter prior to issuing a suspension.

Disputes involving Student Suspensions

11. In accordance with Section 41 of the Education Act, an Administrator may suspend a student for a period not exceeding 10 school days for any breach by the student of the duties specified in section 38.
 - i. An administrator may recommend to a School Board, Council, or if there is no Council, a Superintendent that a student be suspended for a period greater than 10 school days.
 - ii. When an administrator suspends a student or makes a

recommendation for suspension for a period exceeding 10 days, the principal shall report in writing to the parents of the students and to the School Board, the Council, or if there is no Council, the superintendent the reason or reasons for the suspensions.

- iii. The parent of a suspended student and the suspended student may make representation to the School Board or Council or if there is no Council, the superintendent with recommendation for a suspension for a period exceeding 10 school days.
- iv. The School Board, council or superintendent may reinstate the student; uphold the suspension or place the student on a suspension that exceeds 10 school days and that ends at the end of the semester or school years, whichever occurs first.

12. Any matter not resolved to the satisfaction of a party may appeal the matter in accordance with Part 8 Appeals, of the Education Act.