

SCHOOL COUNCIL DISPUTE RESOLUTION PROCEDURE POLICY

DM Approval:

Valerie Royle

Effective Date: April 1, 2013

GENERAL INFORMATION

Dispute Resolution Procedures Required Under the *Education Act*

Resolution of 'School-Based Disputes'

The *Education Act* requires each School Council to (in consultation with the superintendent, school administration, and teachers of the school) establish a procedure for resolving disputes within the school community.

The *Education Act* further provides that if a decision made by a person employed in a school significantly affects the education, health, or safety of a student, the parent of the student or the student (if the student is 16 years of age or older) may appeal the decision in accordance with that dispute resolution procedure.

Appeals to the Education Appeal Tribunal

The *Education Act* specifically provides that disputes involving the following decisions must be appealed to the Education Appeal Tribunal rather than through the dispute resolution procedure established by the School Council:

- special needs appeals under s. 17 of the Act;
- the decision of the superintendent in a dispute involving student records under s. 20 of the Act;
- the decision of a School Council regarding the suspension of a student under s. 41 of the Act; and
- the rejection by the Minister of a proposal for a locally developed course of study under s. 43 of the Act.

PURPOSE

The purpose of this policy is to provide guidelines for School Councils to use when they develop dispute resolution procedures for their schools, in order to promote consistency across Yukon schools.

This policy is also intended to provide direction to Yukon Education staff about dealing with and resolving school-based disputes within the School Community.

DEFINITIONS

'Collaborative Dispute Resolution' is a process that is timely, open, and fair. Procedural fairness is essential and means the right to have all relevant information shared, the right to be heard, and the right to an unbiased decision. The process must be completed in a timely manner that ensures that the parties involved have time to prepare.

'Parent' means the biological parents, the adoptive parents by custom or otherwise, the persons legally entitled to custody, or the persons who usually have the care and control of the child.

'School Community' means everyone in a community that has contact with a school, including students, families, Yukon Education staff, School Councils, First Nations and other partners in education.

POLICY STATEMENT

A. Principles

Yukon Education recognizes that as part of any relationship people periodically disagree on issues, and encourages everyone in the School Community to treat these disagreements as healthy opportunities for dialogue and positive outcomes.

Yukon Education supports Collaborative Dispute Resolution that is respectful of differences and that promotes open and effective relationships within the School Community.

Yukon Education supports and encourages open and regular communication between parents and their child's teacher as part of their shared responsibility for the child's education and learning.

It is expected that all members of the School Community will make every reasonable effort to communicate openly and respectfully with each other to resolve disagreements in an effective and timely manner and in the best interests of students at all times.

B. Procedures

It is expected that school administrators and staff will resolve school-based disputes in accordance with the dispute resolution procedure established collaboratively with the School Council.

Yukon Education recommends that the dispute resolution procedure established by a School Council should include the following steps (see flow chart attached as Appendix 'A'):

1. When the dispute involves a teacher or other staff member, the parent/student should bring the matter to the attention of the teacher or other staff member to attempt to resolve the matter together.
2. If the matter cannot be resolved with the teacher or other staff member or the parent/student has a significant concern about bringing the matter directly to the teacher or other staff member, the parent/student should bring the matter to the attention of the school administrator to attempt to resolve it.
3. If the matter cannot be resolved with the school administrator, the parent/student has two options:
 - a. the matter may be raised with the superintendent to attempt to resolve it; or
 - b. the matter may be raised and discussed with the Chair of the School Council who will follow up with the school administrator to attempt to resolve it (if the matter still cannot be resolved, the parent/student may then raise the matter with the superintendent).
4. If the matter has been raised with the superintendent, the superintendent shall, in consultation with the Chair of School Council, arrange for a meeting involving the school administrator, the superintendent, representatives of the School Council, and the parent/student (who may choose to include someone to advocate on their behalf) to attempt to resolve the matter.
5. For any matter that remains unresolved after it has been raised with the superintendent, the parent/student may notify the Assistant Deputy Minister, Public Schools in writing, who will then make a final decision on the matter.

Issues arising from bussing (e.g. incidents occurring on a school bus) should be directed in the first instance to the school administrator.

There will be times when one or more persons express a need to bring a third party to the dispute resolution process, and such requests will be accommodated where possible.

ROLES AND RESPONSIBILITIES

In consultation with the superintendent, school administration, and teachers of a school, the School Council is responsible for establishing a procedure for resolving disputes between the school, parents, and teachers.

School administrators are responsible for promoting satisfactory relationships with parents and the community served by the school.

Students and parents of students attending school are entitled to appeal decisions that significantly affect their education, health, or safety.

The involvement of the School Council in resolving a dispute involving the suspension of a student must respect the School Council's role under the *Education Act* to review the suspension when requested to do so by the parent/student. School Council members are responsible for ensuring that the School Council's ability to impartially review the suspension is not compromised any member otherwise becoming involved in the matter.

All members of the School Community are responsible for practicing Collaborative Dispute Resolution at the school level.

APPLICATION

This policy applies to all staff of Yukon Education, School Councils, and all other members of the School Community.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

EFFECTIVE DATE

This policy is effective April 1, 2013.

LEGISLATIVE AND POLICY REFERENCES

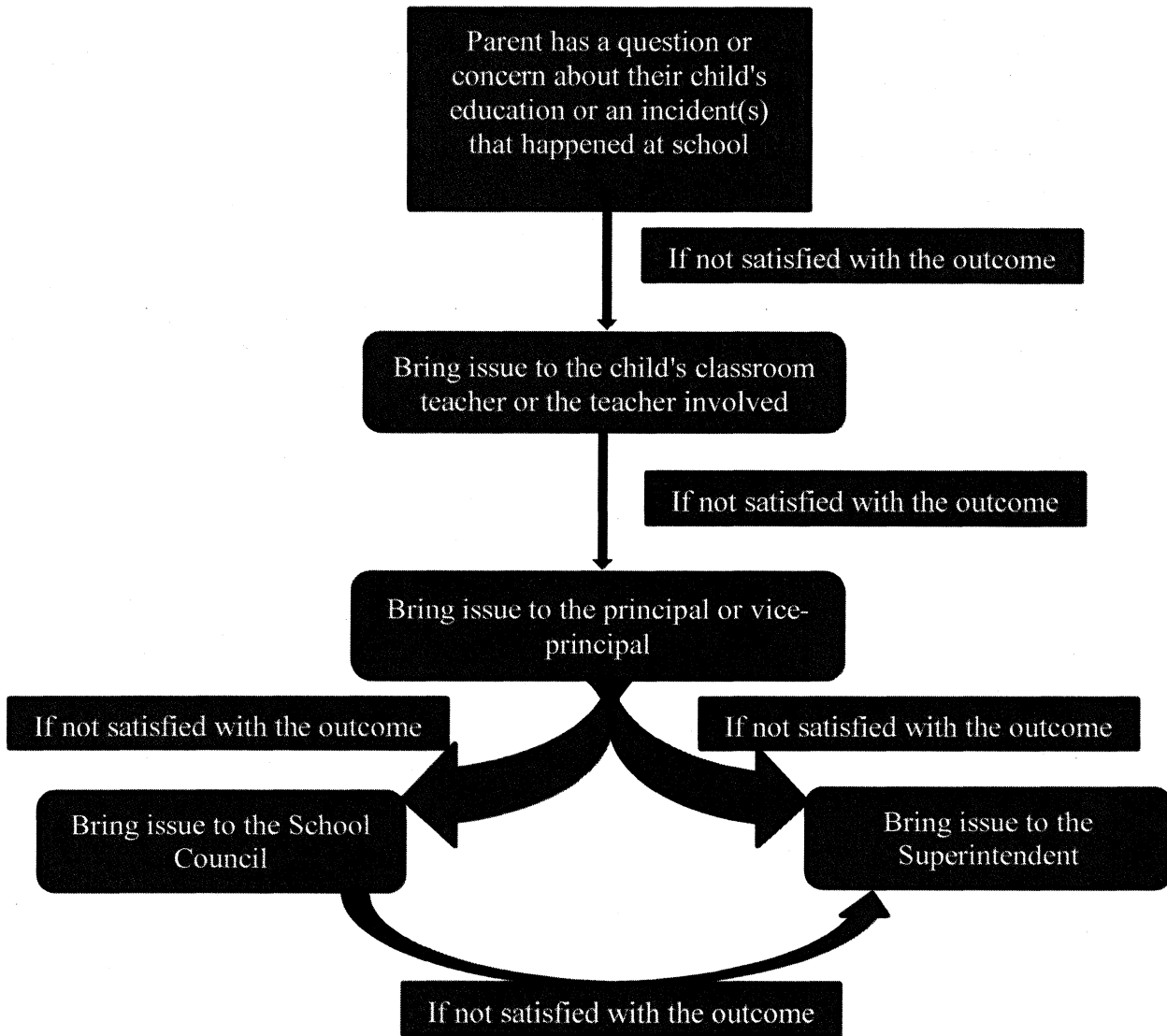
Education Act s. 17; s. 20; ss. 34 (f); s. 41; s. 43; ss. 113 (1) (d); s. 156; ss. 186 (1) (n).

Yukon Education Policy 'Education Appeal Tribunal Procedures and Operations'.
Yukon Education Policy 'Safe and Caring Schools'

HISTORY

School Council Dispute Resolution Process Policy, effective April 1, 2013.

APPENDIX 'A'



Note: Issues arising from bussing (e.g. incidents occurring on a school bus) should be directed in the first instance to the school administrator.