



## PROVINCIAL LEGISLATION

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## Blind and Deaf Person's Maintenance and Education Act

### Overview

The Blind and Deaf Person's Maintenance and Education Act allows the Government of Manitoba to

- expend moneys for the maintenance and education of blind persons and deaf persons who reside in the province and have the right to attend public school
- subject to the approval of the minister, support blind and/or deaf persons who reside in the province and have the right to attend public school under The Public Schools Act in institutions outside Manitoba



### For Further Information

The Blind and Deaf Person's Maintenance and Education Act is available online at: <http://web2.gov.mb.ca/laws/statutes/ccsm/b060e.php>

The Blind/Visually Impaired Unit of Manitoba Education, Citizenship and Youth provides educational support services for students in Manitoba who are blind or visually impaired. Further information about available services is available online at: [www.edu.gov.mb.ca/k12/blind/index.html](http://www.edu.gov.mb.ca/k12/blind/index.html)

The Deaf and Hard of Hearing Unit of Manitoba Education, Citizenship and Youth provides information on services that are related to children who are deaf and hard of hearing in Manitoba. Further information about available services is available online at: [www.edu.gov.mb.ca/k12/dhh/index.html](http://www.edu.gov.mb.ca/k12/dhh/index.html)

Manitoba Education, Citizenship and Youth  
Blind/Visually Impaired Unit

Phone: 204-945-7840

Toll-Free in Manitoba: 1-800-282-8069 (extension 7838 or 7842)

Manitoba Education, Citizenship and Youth  
Deaf and Hard of Hearing Unit

Phone: 204-945-2051

Toll-Free in Manitoba: 1-800-282-8069 (extension 2051)

Manitoba Education, Citizenship and Youth  
Education Administration Services Branch

Phone: 204-945-6899

Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

## The Child and Family Services Act

### Overview

The Child and Family Services Act (1999) declares eleven fundamental principles guiding the provision of services to children and families. These include, but are not limited to, the following:

- The best interests of children are a fundamental responsibility of society.
- The family is the basic source of care, nurture, and acculturation of children, and parents have the primary responsibility to ensure the well-being of their children.
- Families are entitled to receive preventive and supportive services directed to preserving the family unit.
- Communities have a responsibility to promote the best interests of their children and families, and have the right to participate in services provided to their families and children.

In Manitoba, it is everyone's legal obligation to protect children. This responsibility involves identifying and reporting a child whose life, health, or emotional well-being is being endangered by an act or omission of a person.

The Child and Family Services Act (1999), Section 17(2), states that a child is in need of protection where a child

- (a) is without adequate care, supervision or control;
- (b) is in the care, custody, control or charge of a person
  - (i) who is unable or unwilling to provide adequate care, supervision or control of the child, or
  - (ii) whose conduct endangers or might endanger the life, health or emotional well-being of the child, or
  - (iii) who neglects or refuses to provide or obtain proper medical or other remedial care or treatment necessary for the health or well-being of the child or who refuses to permit such care or treatment to be provided to the child when the care or treatment is recommended by a duly qualified medical practitioner;
- (c) is abused or is in danger of being abused;
- (d) is beyond the control of a person who has the care, custody, control or charge of the child;
- (e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child;
- (f) is subjected to aggression or sexual harassment that endangers the life, health or emotional well-being of the child;

- (g) being under the age of 12 years, is left unattended and without reasonable provision being made for the supervision or safety of the child; or
- (h) is the subject, or is about to become the subject, of an unlawful sale under section 84.

The above regulations indicate that school division staff must report, or cause to be reported, any case of suspected child abuse relating to a child attending the school.

### For Further Information

The Child and Family Services Act is available online at:  
<http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php>

Information about Manitoba's Child and Family Services System is available online at:  
[www.gov.mb.ca/fs](http://www.gov.mb.ca/fs)  
and by phone at 204-945-6659

In Manitoba, services for children and families are provided through a coordinated system of government offices, mandated agencies, and related service providers. Contact information for Child and Family Services offices, First Nations mandated agencies, and private mandated agencies is available online at:  
[www.gov.mb.ca/fs/locations/cfsagencies.html](http://www.gov.mb.ca/fs/locations/cfsagencies.html)

*The Child Protection and Child Abuse Manual: Protocols for School Division Staff (Revised 2003)* provides educators with information about child protection and includes procedures for reporting children in need of protection. It is available online at:  
[www.pacca.mb.ca/pdf/school\\_division\\_protocol.pdf](http://www.pacca.mb.ca/pdf/school_division_protocol.pdf)

The Metis Child and Family Services Authority is an incorporated entity with the responsibility to administer and manage child and family services delivery for Metis, Non-Status, and Inuit people in Manitoba. It is one of four Child and Family Services Authorities that operate within the province who are charged with ensuring that child and family services are available and accessible to their respective populations. Further information is available on the Manitoba Metis Federation Inc. website at:  
[www.mmf.mb.ca/pages/departments/mcfs/authority.php](http://www.mmf.mb.ca/pages/departments/mcfs/authority.php)

### Further Information in This Handbook

#### **Policies and Protocols**

*Child Protection and Child Abuse Manual: Protocols for School Division Staff (Revised 2003)*, page 107

## The Education Administration Act

### Overview

In Manitoba, education is governed principally by The Public Schools Act and The Education Administration Act, as well as by regulations made under these Acts.

Included in The Education Administration Act are the powers of the Minister. These powers include, but are not limited to, the authority to:

- 6(1) issue teachers' certificates
- 6(1) cancel or suspend a certificate issued to a teacher for any cause that he deems sufficient
- 5(1) appoint a Certificate Review Committee to review all cases in which a teacher's certificate has been referred

The act also states:

- 4(2) A person certified as a clinician is deemed to be a teacher for all purposes of the act, The Public Schools Act, The Teachers' Pensions Act, The Teachers' Society Act, but does not have the right or obligation to teach pupils in the classroom.



### For Further Information

The Education Administration Act is available online at:  
<http://web2.gov.mb.ca/laws/statutes/ccsm/e010e.php>

The *Administrative Handbook for Schools* is a reference and resource guide and a practical compendium of information on legislative and regulatory authority, providing basic administrative information for educators.

Key sections of the *Administrative Handbook for Schools* are available online at:  
[www.edu.gov.mb.ca/k12/docs/policy/admin](http://www.edu.gov.mb.ca/k12/docs/policy/admin)

Manitoba Education, Citizenship and Youth  
Education Administration Services Branch  
Phone: 204-945-6899  
Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

## Information Supporting Professional Certification Types (MR 515/88)

- School Clinician Certificates

### Overview

Six types of school clinician certificates exist in Manitoba:

- Occupational Therapist
- Physiotherapist
- Psychologist
- Reading
- Social Worker
- Speech and Hearing

### Citizenship Requirements

You must be a Canadian citizen or a permanent resident as described in the Immigration Act (Canada) or have a valid work visa.

### Provisional Certification

School clinicians certified in Manitoba for the first time are issued provisional certificates, valid for two years.

### Basic Qualifications for Provisional Certification

The following is a list of the basic qualifications required for each certificate. For a more specific list of courses/areas required, please contact the Professional Certification Unit of Manitoba Education, Citizenship and Youth.

#### *Occupational Therapist*

An approved Bachelor of Occupational Therapy degree and the academic qualifications needed to meet the licensing requirements of the Manitoba Association of Occupational Therapists

#### *Physiotherapist*

An approved Bachelor of Physiotherapy degree and the academic qualifications needed to meet the licensing requirements of the Manitoba Association of Physiotherapists

#### *Psychologist*

An approved master's degree in School Psychology or an equivalent area

### *Reading*

An approved Master of Education degree that includes the appropriate work in clinical reading and related areas and two years of successful classroom teaching experience in which reading instruction has been an important responsibility, or the equivalent clinical or remedial reading experience, or both

### *Social Worker*

An approved Bachelor of Social Work degree

### *Speech and Hearing*

The academic qualifications needed to meet the licensing requirements of the Manitoba Speech and Hearing Association

### **Permanent Certification**

In order to be eligible for a permanent School Clinician Certificate (Occupational Therapist, Physiotherapist, Psychologist, Reading, Social Worker, Speech and Hearing), **all** of the following requirements must be met:

- a. two years of clinical experience in a Manitoba school or school-related activity while holding a Provisional School Clinician Certificate
- b. the completion of the course *Legal and Administrative Aspects of Working in Schools* at the University of Manitoba
- c. the recommendation of a supervising clinician and a school superintendent that the certificate be granted



### **For Further Information**

School Clinician Certificate requirements are available online at:  
[www.edu.gov.mb.ca/k12/profcert](http://www.edu.gov.mb.ca/k12/profcert)

Manitoba Education, Citizenship and Youth  
Professional Certification Unit  
Phone: 204-773-2998  
Toll-Free in Manitoba: 1-800-667-2378

## Information Supporting Professional Certification Types (MR 515/88)

- Special Education Coordinator Certificate

### Overview

A Special Education Coordinator Certificate may be given when the candidate

- holds a valid Manitoba Special Education Teacher Certificate
- completes five (5) years of approved experience in **two or more** of the following areas:
  1. regular classroom teaching
  2. resource or special class teaching, or both
  3. approved clinical or special agency work at a professional level, such as psychology, reading, social work, speech and hearing, and school counseling
  4. consultative or supervisory experience such as school administrator or department head

To receive a Special Education Coordinator Certificate, a written request must be submitted to the Professional Certification Unit of Manitoba Education, Citizenship and Youth. Include in the request an official statement from a current and/or former employer(s) that a minimum of five (5) years of experience in at least two of the above areas of responsibility have been completed.

#### NOTE

A Special Education Coordinator Certificate is not mandated in the province and school divisions can choose to identify criteria for employment in this field.



### For Further Information

Special Education Coordinator Certificate requirements are available online at:  
[www.edu.gov.mb.ca/k12/profcert](http://www.edu.gov.mb.ca/k12/profcert)

Manitoba Education, Citizenship and Youth  
Professional Certification Unit  
Phone: 204-773-2998  
Toll-Free in Manitoba: 1-800-667-2378

## Information Supporting Professional Certification Types (MR 515/88)

- Special Education Teacher Certificate

### Overview

- To receive a Special Education Teacher Certificate, a valid Manitoba Teaching Certificate is required along with a minimum of two years of successful teaching experience while holding a valid Manitoba Teaching Certificate.
- A Special Education Teacher Certificate candidate must complete thirty (30) credit hours of university coursework at the 500 level or above as specified in the guidelines.
- A selected number of professional development activities will be accepted for credit towards the Special Education Teacher Certificate. Professional development activities will be assessed on the basis of contact hours. Twenty (20) contact hours is equivalent to one (1) credit hour towards the Special Education Teacher Certificate. Only those professional development activities listed in this document under Section 2(b): Professional Development are eligible for credit. A minimum of thirty (30) credit hours of approved post-baccalaureate coursework in special education is required.
- Coursework completed from various universities must be transferred into a degree program.
- Coursework will only be accepted if completed within ten (10) years.
- A course outline may be required for courses marked \*Special Ed topics only\*.

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#### NOTE

A Special Education Teacher Certificate is not mandated in the province and school divisions can choose to identify criteria for employment in this field.



### For Further Information

The Special Education Teacher Certificate Guidelines are available online at:  
[www.edu.gov.mb.ca/k12/profcert/pdf\\_docs/sped\\_guidelines.pdf](http://www.edu.gov.mb.ca/k12/profcert/pdf_docs/sped_guidelines.pdf)

Manitoba Education, Citizenship and Youth  
Professional Certification Unit  
Phone: 204-773-2998  
Toll-Free in Manitoba: 1-800-667-2378

## The Freedom of Information and Protection of Privacy Act (FIPPA)

### Overview

The Freedom of Information and Protection of Privacy Act (FIPPA) came into force for Manitoba government departments and agencies on May 4, 1998, and for the City of Winnipeg on August 31, 1998. On April 3, 2000, it was extended to all local governments, school divisions, community colleges, universities, regional health authorities, and hospitals. The Minister of Culture, Heritage and Tourism is responsible for central administration and coordination of FIPPA.

Access and Privacy legislation provides Manitobans and others with

- the right to access information held by governments and other public bodies, including information about oneself, subject to certain exceptions
- the right of privacy for one's own personal information held by public bodies

FIPPA defines personal information as "recorded information about an identifiable individual..." Some examples of personal information are an individual's name, information about an individual's family status, race, hereditary characteristics, educational history, financial circumstances, and criminal history.

Personal information also includes any opinions expressed about the individual by someone else.

FIPPA contains third-party notice and intervention provisions to protect the personal information of third parties. For the purposes of a request for access under FIPPA, a "third party" is a person, group, or organization that is not the applicant requesting access or a public body.



### For Further Information

The Freedom of Information and Protection of Privacy Act is available online at: [www.gov.mb.ca/chc/fippa/actandregs/index.html](http://www.gov.mb.ca/chc/fippa/actandregs/index.html)

The Access and Privacy Services of the Government Records Office at the Archives of Manitoba provides an overview of The Freedom of Information and Protection of Privacy Act online at: [www.gov.mb.ca/chc/fippa/index.html](http://www.gov.mb.ca/chc/fippa/index.html)

Access and Privacy Services – Government Records Office  
Archives of Manitoba  
Phone: 204-945-3738  
Toll-Free in Manitoba: 1-800-617-3588

A booklet containing an overview of FIPPA and a summary of basic procedures, written for local public bodies, is available online at:  
[www.gov.mb.ca/chc/fippa/manuals/guide/intro.html](http://www.gov.mb.ca/chc/fippa/manuals/guide/intro.html)

*Manitoba Pupil File Guidelines (Revised November 2004)* is available to assist school boards in carrying out their duties and responsibilities respecting student information. It is available online at:  
[www.edu.gov.mb.ca/k12/docs/policy/mbpupil/mbpupil.pdf](http://www.edu.gov.mb.ca/k12/docs/policy/mbpupil/mbpupil.pdf)

*Guidelines on the Retention and Disposition of School Division/District Records (Revised June 2000)* is available to help school divisions fulfill their responsibilities respecting records management and information access and privacy. It is available online at:  
[www.edu.gov.mb.ca/k12/docs/policy/retention/retention.pdf](http://www.edu.gov.mb.ca/k12/docs/policy/retention/retention.pdf)

Manitoba Education, Citizenship and Youth  
Education Administration Services Branch  
Phone: 204-945-6899  
Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

## The Human Rights Code (Manitoba)

### Overview

The Universal Declaration of Human Rights declares: “All human beings are born free and equal in dignity and rights.” In Manitoba, this ideal has been translated into law by The Human Rights Code, a provincial statute that prohibits discrimination on the basis of the following protected characteristics:

- ancestry
- nationality
- ethnic background
- religion
- age
- sex
- gender-determined characteristics
- sexual orientation
- marital status
- parenthood
- source of income
- political beliefs
- physical or mental disability

Discrimination is differential treatment of an individual based on generalizations about a group to which they belong or are perceived to belong, rather than on their personal merit. Discrimination also includes the failure to reasonably accommodate the special needs of an individual or group whose special needs are based on any of the above characteristics.

The goal of reasonable accommodation is to foster equality of opportunity and treatment. The Human Rights Code recognizes that reasonable accommodation must involve a balancing of the rights of an organization and the rights of the individual. Accommodations that create an undue hardship because of costs or other factors would likely be considered unreasonable.

The Manitoba Human Rights Commission is the agency responsible for carrying out the provisions of The Human Rights Code. The Commission is authorized by The Human Rights Code to accept and investigate complaints of discrimination and to attempt to settle substantiated complaints, to carry out educational activities, and to issue binding advisory opinions.

Human rights legislation has paramount status in Manitoba. This means that where there is a conflict with other provincial legislation, The Human Rights Code prevails.



### For Further Information

The Human Rights Code (Manitoba) is available online at:  
[www.gov.mb.ca/hrc/english/publications/hr-code.html](http://www.gov.mb.ca/hrc/english/publications/hr-code.html)

Manitoba Education, Citizenship and Youth

Education Administration Services Branch

Phone: 204-945-6899

Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

## The Personal Health Information Act (PHIA)

### Overview

The Personal Health Information Act (PHIA) governs local public bodies including school divisions, universities, and colleges, as well as regional health authorities and health and social services district boards.

PHIA provides Manitobans with two primary rights:

- the right to access their own personal health information
- the right to expect that the privacy of that information will be protected

Personal health information is defined as information that can be linked to a specific person and that relates to

- that person's health or health care history, including genetic information
- the provision of health care to that person
- payment for health care provided to that person

A school division, or other local public body, has three main duties when collecting personal health information:

- to notify the individual of the purpose for the collection of personal health information
- to collect only necessary personal health information (that is, the minimum amount required for the stated purpose)
- to collect personal health information from the individual whenever possible



### For Further Information

The Personal Health Information Act (PHIA) is available online at:  
[www.gov.mb.ca/health/phia](http://www.gov.mb.ca/health/phia)

*The Personal Health Information Act (PHIA): A Brief Summary for Public Bodies* is available online from Manitoba Health at:

[www.gov.mb.ca/health/legislation/Summary\\_HC\\_Pub\\_Bodies.pdf](http://www.gov.mb.ca/health/legislation/Summary_HC_Pub_Bodies.pdf)

Legislative Unit – Manitoba Health  
Phone: 204-788-6612

*Manitoba Pupil File Guidelines (Revised November 2004)* is available to assist school boards in carrying out their duties and responsibilities respecting student information. It is available online at:

[www.edu.gov.mb.ca/k12/docs/policy/mbpupil/mbpupil.pdf](http://www.edu.gov.mb.ca/k12/docs/policy/mbpupil/mbpupil.pdf)

*Guidelines on the Retention and Disposition of School Division/District Records (Revised June 2000)* is available to help school divisions fulfill their responsibilities respecting records management and information access and privacy. It is available online at:

[www.edu.gov.mb.ca/k12/docs/policy/retention/retention.pdf](http://www.edu.gov.mb.ca/k12/docs/policy/retention/retention.pdf)

Manitoba Education, Citizenship and Youth

Education Administration Services Branch

Phone: 204-945-6899

Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

## The Public Schools Act (PSA): Overview

### Overview

In Manitoba, education is governed principally by The Public Schools Act and The Education Administration Act, as well as by regulations made under both acts.

Practices governed by The Public Schools Act include but are not limited to the following:

- Duties of School Boards: 41(1)
- Pupil Files, including the storage of information and access to that information: 42(1)-42(6)
- Transportation of Pupils: 43(1)
- Safe Schools: 47.1(1)-47.1(3)
- Powers of School Boards: 48(1)
- Access to Schools and Programs: 58.1-58.5
- Rights and Responsibilities of Parents: 58.6-58.9(3)
- Rights and Responsibilities of Pupils: 58.10
- School Attendance: 258(1), 258(2), 259(1)
- Appropriate Educational Programming: Manitoba Regulation 155/2005



### For Further Information

The Public Schools Act is available online at:  
<http://web2.gov.mb.ca/laws/statutes/ccsm/p250e.php>

The *Administrative Handbook for Schools* is a practical compendium of information on legislative and regulatory authority, and serves as a reference and resource guide, providing basic administrative information for educators.

Key sections of the *Administrative Handbook for Schools* are available online at:  
[www.edu.gov.mb.ca/k12/docs/policy/admin](http://www.edu.gov.mb.ca/k12/docs/policy/admin)

Manitoba Education, Citizenship and Youth  
Education Administration Services Branch  
Phone: 204-945-6899  
Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

## Information Supporting The Public Schools Act

- Funding of Schools

### Overview

The Funding of Schools Program (FSP) is established by the provincial government in The Public Schools Act and in related regulations. The FSP comprises operating and capital support for public school divisions in Manitoba and is administered by the Schools' Finance Branch and the Public Schools Finance Board.

*Funding of Schools* is a document prepared annually by the Schools' Finance Branch in the spring preceding each school year. It is intended to be a brief summary and reference guide regarding funding provided to school divisions. Contents generally include but are not limited to the following:

- Highlights
- Base Support
- Categorical Support (selected contents)
  - Transportation
  - Special Needs (Level II and Level III)
  - English as an Additional Language
  - Aboriginal Academic Achievement
  - Early Childhood Development Initiative
  - Early Literacy Initiative
  - Early Numeracy
  - Middle Years Experiential Learning
- Equalization Support
- Amalgamated School Division Guarantee
- Capital Support
- Other Support/Revenue from the Department of Education, Citizenship and Youth
- Other Revenue
- Special Requirement
- Special Levy

Eligibility for funding and contact information for each grant is included.



## For Further Information

The current *Funding of Schools* document is available online at:  
[www.edu.gov.mb.ca/k12/finance/schfund/funding](http://www.edu.gov.mb.ca/k12/finance/schfund/funding)

Categorical funding information, including the Aboriginal Academic Achievement (AAA), Early Childhood Development Initiative (ECDI), the Early Literacy Initiative (ELI), Special Needs Levels II and III, and the Student Services grants, is available online at:

[www.edu.gov.mb.ca/k12/specedu/categorical.html](http://www.edu.gov.mb.ca/k12/specedu/categorical.html)

The *Special Needs Categorical Funding Booklet*, containing information about the Level II and III funding process, is available online at:

[www.edu.gov.mb.ca/k12/specedu/funding/booklet.html](http://www.edu.gov.mb.ca/k12/specedu/funding/booklet.html)

Manitoba Schools' Finance Branch

Phone: 204-945-0668

[www.edu.gov.mb.ca/k12/finance/index.html](http://www.edu.gov.mb.ca/k12/finance/index.html)

Manitoba Education, Citizenship and Youth

School Support Unit

Phone: 204-945-8867

Toll-Free in Manitoba: 1-800-282-8069 (extension 8867)

# PROVINCIAL LEGISLATION (AMENDMENT)

## The Public Schools Amendment Act (Appropriate Educational Programming) (the former Bill 13)

### Overview

The Public Schools Amendment Act (Appropriate Educational Programming) received Royal Assent on June 10, 2004, and came into force on October 28, 2005. This Amendment ensures that all students in Manitoba are entitled to receive appropriate educational programming that fosters their participation in both the academic and social life of the school. This legislation permits the Minister of Education, Citizenship and Youth to develop regulations regarding appropriate educational programming and dispute resolution.

The text of The Public Schools Amendment Act (Appropriate Educational Programming) is provided on the following page.



### For Further Information

The Public Schools Amendment Act (Appropriate Educational Programming) is available online at:

<http://web2.gov.mb.ca/laws/statutes/2004/c00904e.php>

Background and supplementary information regarding appropriate educational programming is available online from Manitoba Education, Citizenship and Youth at: [www.edu.gov.mb.ca/k12/specedu/aep/index.html](http://www.edu.gov.mb.ca/k12/specedu/aep/index.html)

Manitoba Education, Citizenship and Youth  
Education Administration Services Branch  
Phone: 204-945-6899  
Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

Manitoba Education, Citizenship and Youth  
School Support Unit  
Phone: 204-945-8867  
Toll-Free in Manitoba: 1-800-282-8069 (extension 8867)



### Further Information in This Handbook

#### Regulations

The Public Schools Act: Appropriate Educational Programming (Regulation 155/2005), page 70

#### Standards

*Appropriate Educational Programming in Manitoba: Standards for Student Services* (2006), page 97

## **The Public Schools Amendment Act (Appropriate Educational Programming)**

(Assented to June 10, 2004)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

*C.C.S.M. c. P250 amended*

- 1        *The Public Schools Act is amended by this Act.*
- 2(1)    *Subsection 41(1) is amended by adding the following after clause (a):*
- (a.1)    provide, as may be directed or prescribed by the minister, appropriate educational programming for every
- (i)    pupil enrolled as provided for in section 58.4, and
- (ii)   resident person who has the right to attend school as provided in section 259;
- 2(2)    *The following is added after subsection 41(1):*

### **Regulations — appropriate educational programming**

41(1.1) The minister may make regulations respecting appropriate educational programming to be provided by school boards under clause (1)(a.1), including, but not limited to, establishing

- (a) programming standards respecting resources and other support services to be provided by school boards;
- (b) a dispute resolution process to be followed if there is a disagreement about the appropriateness of the educational programming being provided to a pupil by the school board.

*Coming into force*

- 3        *This Act comes into force on a day fixed by proclamation.*

# PROVINCIAL LEGISLATION (AMENDMENT)

## The Safe Schools Charter (Various Acts Amended) (the former Bill 30)

### Overview

The Safe Schools Charter received Royal Assent on June 10, 2004, and the supporting regulation (MR 77/2005) was approved on May 31, 2005. The Safe Schools Charter amended both The Public Schools Act and The Education Administration Act. The charter includes requirements that each school board

- 41(1)(b.1) ensure that each pupil in Manitoba is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours; and
- 41(1)(b.2) establish policies respecting the appropriate use of electronic mail and the internet

and requires each principal, in consultation with the school's advisory committee, to

- 47.1(1.a) establish a code of conduct for pupils and staff and an emergency response plan for the school; and
- 47.1(1.b) review that code of conduct and emergency response plan at least annually

The text of The Safe Schools Charter is provided on the following pages.



### For Further Information

The Safe Schools Charter is available online at:  
<http://web2.gov.mb.ca/bills/38-2/b030e.php>

A brief overview of The Safe Schools Charter, including a list of related resources, is available in the brochure *Working Together: Safe, Caring Schools, Families and Communities*. This brochure is available on the Manitoba Education, Citizenship and Youth website at:  
[www.edu.gov.mb.ca/k12/safe\\_schools/pdf/safe\\_school.pdf](http://www.edu.gov.mb.ca/k12/safe_schools/pdf/safe_school.pdf)

*A Whole-School Approach to Safety and Belonging: Preventing Violence and Bullying* promotes a positive approach to safety and belonging and uses a seven-step process to address issues related to violence, bullying, intimidation, and harassment by promoting a safe school climate. This document is available on the Manitoba Education, Citizenship and Youth website at:  
[www.edu.gov.mb.ca/k12/docs/support/guidance/whole\\_school\\_approach.html](http://www.edu.gov.mb.ca/k12/docs/support/guidance/whole_school_approach.html)

"NOT In My School!," a brochure developed by the Manitoba government to help you identify the signs of bullying and what you can do to help, is available on the Manitoba Education, Citizenship and Youth website at:  
[www.edu.gov.mb.ca/k12/safe\\_schools/pdf/Not\\_in\\_my\\_school.pdf](http://www.edu.gov.mb.ca/k12/safe_schools/pdf/Not_in_my_school.pdf)

*Safe Schools Manitoba* is a partnership initiative of organizations committed to working together to enhance the safety of Manitoba schools and communities. *Safe Schools Manitoba* aims to create a greater awareness and understanding of the problems that affect the safety of our schools, and advocates a positive, proactive approach to the promotion of safe and caring schools and communities. It is available online at: [www.safeschoolsmanitoba.ca](http://www.safeschoolsmanitoba.ca)

*When Words Are Not Enough: Precursors to Threat: An Early Warning System for School Counsellors* is designed for trained school counsellors. Based on the threat assessment protocols developed by Kevin Cameron (2004), this booklet has been created as an early warning system that may increase early intervention to prevent, delay, or de-escalate impending behaviour that is threatening. The booklet focuses on behavioural indicators that often precede worrisome behaviour and prompt intervention by the Threat Assessment Team. It is available online at: [www.edu.gov.mb.ca/k12/specedu/guidance/words.html](http://www.edu.gov.mb.ca/k12/specedu/guidance/words.html)

Manitoba School Counsellors' Association:  
[www.msca.mb.ca](http://www.msca.mb.ca)

Manitoba Education, Citizenship and Youth  
Education Administration Services Branch  
Phone: 204-945-6899  
Toll-Free in Manitoba: 1-800-282-8069 (extension 6899)

Manitoba Education, Citizenship and Youth  
School Support Unit  
Phone: 204-945-8867  
Toll-Free in Manitoba: 1-800-282-8069 (extension 8867)

## **Bill 30**

### **The Safe Schools Charter (Various Acts Amended)**

Explanatory Note

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

*C.C.S.M. c. P250 amended*

1(1) **The Public Schools Act** is amended by this section.

1(2) *The following is added after clause 41(1)(b):*

(b.1) ensure that each pupil enrolled in a school within the jurisdiction of the school board is provided with a safe and caring school environment that fosters and maintains respectful and responsible behaviours;

(b.2) establish a policy respecting the appropriate use of electronic mail and the Internet at schools;

1(3) *The following is added after section 47:*

#### SAFE SCHOOLS

##### **Codes of conduct and emergency response plans**

47.1(1) The principal of each school must, in consultation with the school's advisory committee prescribed under clause 4(1)(p.1) of The Education Administration Act,

(a) establish a code of conduct for pupils and staff and an emergency response plan for the school; and

(b) review that code of conduct and emergency response plan at least annually.

##### **Content of code of conduct**

47.1(2) A school's code of conduct must include

(a) a statement that pupils and staff must behave in a respectful manner and comply with the code of conduct;

(b) a statement that the following are unacceptable:

(i) bullying, or abusing physically, sexually, or psychologically — orally, in writing or otherwise — any person,

(ii) discriminating on the basis of any characteristic set out in subsection 9(2) of *The Human Rights Code*,

(iii) using, possessing or being under the influence of alcohol or illicit drugs at school;

(c) a statement that the following will not be tolerated on school sites:

(i) gang involvement,

(ii) possessing a weapon, as "weapon" is defined in section 2 of the Criminal Code (Canada);

(d) a statement that pupils and staff must adhere to school policies respecting appropriate use of electronic mail and the Internet, including the prohibition of accessing, uploading, downloading or distributing material that the school has determined to be objectionable;

(e) the disciplinary consequences, in as much detail as is reasonably possible, of violating the code of conduct, and the process for appealing disciplinary decisions; and meet any other requirements prescribed by regulation under The Education Administration Act.

### **Content of emergency response plans**

47.1(3) A school's emergency response plan must include

- (a) the role of the principal, staff, and counselling and crisis intervention personnel in the event of an emergency; and
- (b) procedures for
  - (i) controlling visitor access to the school site,
  - (ii) communicating inside and outside the school building in an emergency,
  - (iii) contacting pupils' parents or guardians in an emergency,
  - (iv) responding to the threat posed by a person having a weapon on the school site,
  - (v) dealing with bomb threats, fires, chemical spills and weather-related emergencies, and
  - (vi) evacuating school buildings and carrying out practice drills;

and meet any other requirements prescribed by regulation under The Education Administration Act.

2 *Clause 58.7(a) is replaced with the following:*

- (a) cooperate fully with the child's teachers and other employees of the school division or school district to ensure the child complies with
  - (i) school and school division or school district student discipline and behaviour management policies, and
  - (ii) the school's code of conduct; and

3 *Clause 58.10(b) is replaced with the following:*

- (b) complying with
  - (i) the student discipline and behaviour management policies of the school and school division or school district, and
  - (ii) the school's code of conduct; and

*C.C.S.M. c. E10 amended*

4 **The Education Administration Act** is amended by adding the following after clause 4(1)(p):

- (p.1) respecting the establishment of a committee at each school to advise the principal in developing policies and practices respecting a code of conduct and emergency response plan for the school, and respecting the composition of those committees;
- (p.2) respecting the conduct of pupils and staff in schools, including requirements to be contained in a school's code of conduct and emergency response plan in addition to those mentioned in section 47.1 of The Public Schools Act;
- (p.3) respecting any other matter related to furthering positive and safe school environments;

*Coming into force*

5 *This Act comes into force on the day it receives royal assent.*

### The Vulnerable Persons Living with a Mental Disability Act

#### Overview

The Vulnerable Persons Living with a Mental Disability Act came into force in Manitoba on October 4, 1996, replacing Part II of The Mental Health Act. It promotes and protects the rights of adults living with a mental disability who need assistance to meet their basic needs. It also reflects the right of all people to make their own decisions and to have help, where necessary, in a manner that respects their independence, privacy, and dignity.

The act states that an individual plan must be developed for every vulnerable person receiving support services. The plan identifies the person's strengths and needs, and sets out the support services that may be provided.

Under the Vulnerable Persons legislation, Manitoba Family Services and Housing (FSH) may provide support services for vulnerable persons, within available program resources. Support services provided by FSH include residential services, counselling, day services, vocational training, and life-skills programs.



#### For Further Information

The Vulnerable Persons Living with a Mental Disability Act is available online at:  
<http://web2.gov.mb.ca/laws/statutes/ccsm/v090e.php>

Manitoba Family Services and Housing Services for Persons with Disabilities Division provides leadership to develop, plan, and monitor policies and initiatives, and provides funding for programs and services that support Manitobans with a disability. Information, including available programs and their eligibility criteria, is available online at:

[www.gov.mb.ca/fs/org/spd/index.html](http://www.gov.mb.ca/fs/org/spd/index.html)  
or by phone at 204-945-5870

*A Family Guide to the Vulnerable Person's Act (2003)*, produced and published by The Association of Community Living – Manitoba, provides families with an overview of the act. It is available online at:  
[www.communityinclusion.ca/site/Community\\_Inclusion\\_21/pdf/VPA\\_Family\\_Guide.pdf](http://www.communityinclusion.ca/site/Community_Inclusion_21/pdf/VPA_Family_Guide.pdf)